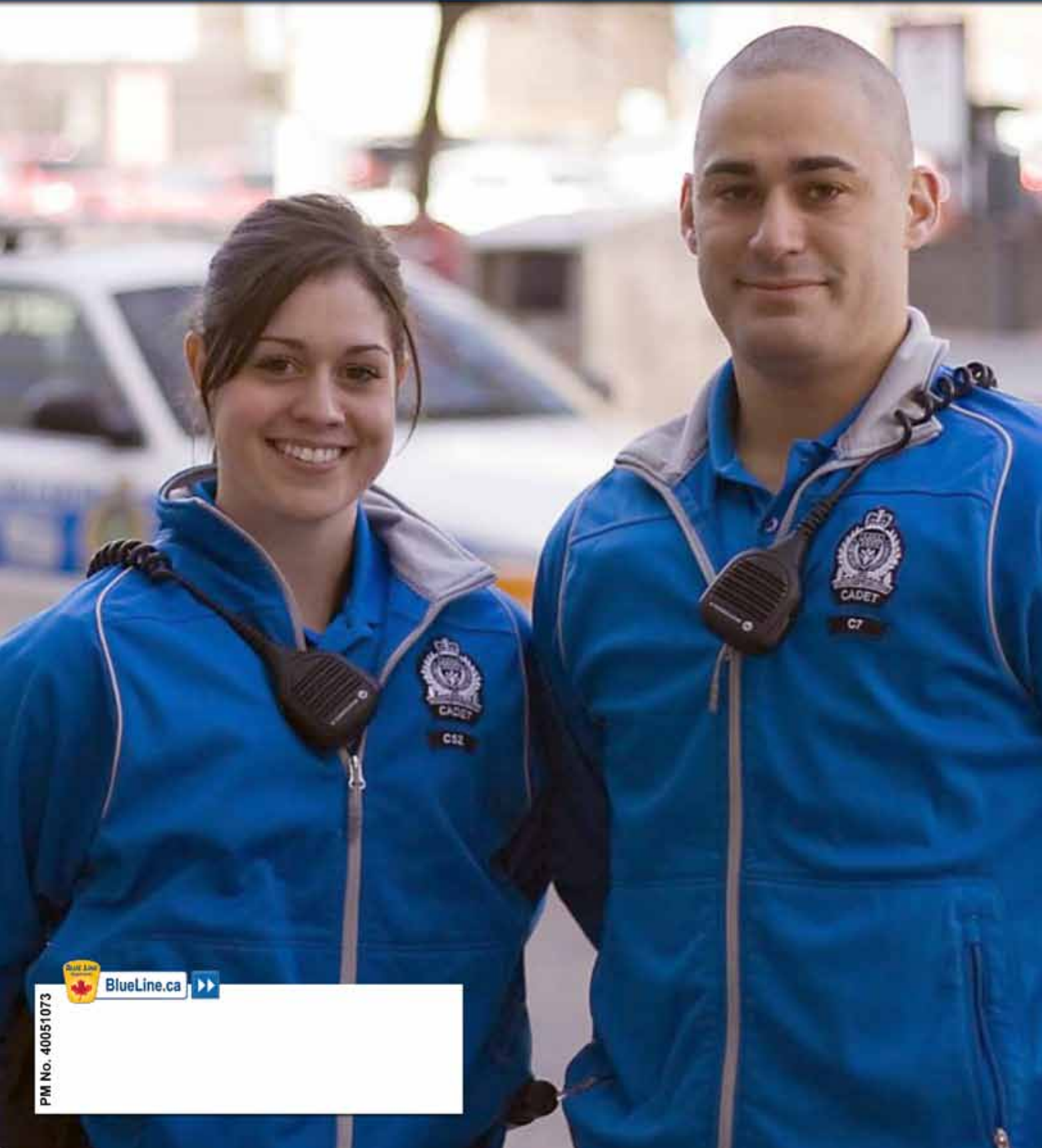


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TOUGHBOOK

SOLUTIONS FOR LAW ENFORCEMENT

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COVER: Cadet Dani Knockaert and former Cadet (now Constable) Cory Enns show their colours as members of the Winnipeg Police Auxiliary Cadet program. Read more on page 6. Photo: James Ham



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A story of toothpaste and cops

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SUBSCRIPTIONS
\$30 per year; \$50 for 2yrs; US & Foreign: \$100

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PRINTED IN CANADA



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ISSN# 08478538

Blue Line Magazine was established in 1988 as an independent publication to inform, entertain, connect and educate those involved in the law enforcement profession. With no direct control from an enforcement agency, its opinions do not necessarily reflect those of any government or law enforcement agency.

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I was troubled recently by a senior police officer's report that his agency's service is cheaper but just as effective as any surrounding police force. He noted that it deploys 30 per cent fewer officers per 100,000 population and, turning a vice into a virtue, added that pay increases were eight per cent less than surrounding agencies and gross pay was six per cent less.

Other comments included issues which really indicate his officers are required to work harder, cheaper and in less safe circumstances than their neighbouring counterparts yet somehow this showed they should be the agency of choice. Sadly his superiors thought this was fine and boasted about it nationwide.

Another series of news stories told about how this agency is having trouble hiring and retaining officers. One can almost hear the sucking sound as they rush out the door to services that offer better pay, more backup and safer working conditions. One has to wonder if anyone at the top is using even a modicum of common sense by connecting the dots.

To most people a police officer is a police officer. When they need a cop, they need one right now – and as long as the person who responds has the word “police” on their shoulder, they are reassured.

Police work in the past 20 years or so has suffered from an identity crisis of sorts. There is a tendency in some quarters toward promoting the brand over the occupation, which begs the question whether those sold on the brand pity neighbouring communities for having a “lower quality of policing.”

This would be analogous to toothpaste. Experts say no brand is more effective than another and preference is based solely on packaging and promotion. In other words, “You get what you pay for” is not always true.

One of the few places where police branding seems to be an issue is with upper management of police agencies and local politicians. Their vested interests are in budgets and branding is secondary to the needs of their short term vision which usually, for the latter, extends only to the next election.

There's little to be gained by emphasizing brands in police work. Toothpaste branding determines which company gets the money. The content of the tube is much the same and ultimately makes little difference to the consumer. In much the same way policing has turned into toothpaste. Long ago the content of the uniform became consistent and, for the most part, even management followed the same path with little deviation.

The tendency toward branding becomes noticeable in media stories. “Local OPP make an arrest...” or “Winnipeg police issued a war-



rant for...” Would both of these stories serve the community, and police work in general, if worded differently? For instance “Local police arrested...” or “police in Winnipeg issued a warrant for...”. Removing the brand and emphasizing the profession takes nothing away from the story.

A good number of readers will no doubt disagree but may have difficulty explaining why. As an interesting aside I have noticed one police agency tends to avoid using its name when a story is negative. When one of its officers does something wrong, for example, it tends to state “A local police officer has been charged with...”. It has no problem sharing the wealth with the profession when the news is bad rather than good.

One-upmanship is certainly not a new thing and every police officer likes to feel they are just a little better than the officer next door. Upper management quietly encourages this feeling of superiority because this is how they promote their agency.

“Hey, we're adequate” is unlikely to replace statements such as “We will continue to maintain our leadership role at the local and national levels” and “As leaders in policing, we...”. This is generally followed with statistics showing that horse thefts have dropped dramatically in the age 12-24 demographic (when compared with 1912).

It is not really a matter of faulting any one individual or group but simply identifying the symptoms and overcoming the weakness.

Promoting the profession over the brand helps all of us.



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The longest job interview



by *Dave Brown*

The Winnipeg Police Service (WPS) Auxiliary Cadets have a high turnover rate – and that, says Sgt. Michelle Wagner, officer in charge of the program, is exactly how she likes it. “Our ultimate goal is to help cadets move on to another career.”

After only two years in operation, the program hasn’t just met that informal goal, with many cadets moving on to police careers, it has become such an integral part of the community that people have begun looking for their bright blue uniforms and distinctive white and blue vehicles.

“If you listen to the traffic reports on morning radio in Winnipeg,” Wagner notes, “you will now routinely hear reports such as ‘traffic accident at such-and-such and cadets are on the scene directing traffic.’”

The public response has been overwhelmingly positive and the city is looking at expanding the program because of its tremendous success. It is through programs such as this that “building relationships” becomes far more than just the slogan on the side of police vehicles.

Winnipeg police had cadets back in the 1970s but their role was strictly administrative. Today’s cadets have a high degree of independence and a visual involvement in the community. Unlike other Canadian auxiliary programs, cadets work on their own, in teams of two, to fulfill a very specific mandate and do not require a regular member to be with them at all times.

Cadets are a separate and distinct classification within the WPS and have limited peace officer status as special constables within the city. They enforce certain

bylaws, conduct neighbourhood patrols, guard crime scenes, direct traffic, assist in ground searches, guard non-violent mental health patients and refer citizens to assisting agencies.

Cadets drive distinctly marked vehicles outfitted with the same emergency equipment as a regular patrol car but are not allowed to activate emergency equipment while moving.

They receive nine weeks of training at the Winnipeg Police Academy and seven weeks of field training. Starting salary is \$13.05 per hour, increasing to \$15.23 per hour after two years of service.

An initiative of former chief Keith McCaskill, the cadet program is a staffing arrangement negotiated with the Winnipeg Police Association. They do not replace either WPS staff or police officers on the street. Instead, they enhance the ability of police to respond to tasks more appropriate to their training.

The cadets in action mean regular members spend less time directing traffic or guarding mental health patients while they wait to be seen by a doctor and more time on investigative and responsive core police work.

Cadets are trained in and can carry handcuffs, batons and OC spray but are not equipped with conducted energy weapons or firearms.

The program was launched in 2010, with 29 cadets graduating the initial training program. (Two cadets were hired as police officers before they even graduated.) Further training graduated another 26 cadets, bringing the complement to 50 (with a few more leaving for police services across Canada.)

There are currently 73 cadets working both full-time and part-time shifts on Winnipeg streets.

Aside from the unique mentoring opportunities presented by this program, Supervising Officer Cst. Brett Lockhart describes the operational goals as:

- To enhance public safety and be a visual presence on the streets;
- To create operational efficiencies; and,
- To build relationships with the community.

Lockhart reports that the cadet program has been so successful the WPS is looking at expanding their roles.

“Although always supervised by officers, cadets operate independently without tying up a member,” he says. “They are very motivated and do a great job,” adding “after all... for them, it is the longest job interview they are ever going to have!”

Dave Brown is *Blue Line Magazine's* Firearms Editor and staff writer. He has taught the Canadian Firearms Safety Course to NLEA students since its inception.



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GREAT EXPECTATIONS

A street cop's view of a good boss

by Scott Messier

The key to successful leadership today is influence, not authority – Ken Blanchard

Have you ever told your supervisor what you expect from them? Why not? Having open discussions with the person responsible for assessing your performance is a critical communication component. Here is what police officers should expect from their supervisors.

Stop doing your former job

In most police organizations, people chosen as team leaders are in an “acting” position – a temporary solution that can benefit supervisors because they gain experience in a supervisory role. The team benefits because someone is in charge. If the person’s performance is lacklustre, personnel can normally be quickly shuffled. If performance is in line with the role’s expectations, they may be officially promoted.

What happens when the “acting” team leader role morphs into a permanent role or the “short term” relief assignment lasts a year or more? The team leader must stop doing their old job and focus on the new one – supervisor. They must stop wanting to be a part of every call for service or to be assigned the lead investigator role.

The team leader role is important and colleagues need you to be focused. Your time is already split multiple ways so delegate work. I have seen team leaders take on multiple overtime shifts as call takers – their old job. When they return to their substantive role on

their regular team, they work on their files, leaving members without the supervision they deserve. The teams’ caseload remains to be reviewed for longer periods of time. If follow up is needed, it may be too late. Team performance suffers when the leader is focused on investigations.

Complete performance assessments

Employee assessments are not meant to be a checklist. There is no prize or award for completing all report assessments in one shift. Take the time to do them honestly and completely. The rewards far outweigh the time required to complete them. Putting off a mid-year assessment by a few weeks reflects badly on you, showing you either don’t care about your employees, have time management issues or are not right for the job. Year-end assessments become part of our service file, painting a picture of abilities, work ethic and comportment. It should not state that we are hard working, punctual and enjoy our job but rather be a fair and accurate representation of work performance.

Feedback and coaching for performance improvement

Coaching conversations should be done habitually. Schedule a session well in advance and provide the questions you will ask. This ensures both of us will be prepared for a fruitful encounter. Take this time to discuss individual learning plans and review them. If there is no plan, help to create one. It is important to look at where we are now and

where we want to go. Not everyone is career-focused but never forget work performance can always be improved.

Supervisors are part of the process and their input and encouragement are integral to our success. Considering organizational needs while linking learning to competencies and operations augments management acceptance. It is crucial to talk about what works and what does not. A critical difference between good and great bosses is that great ones are willing to accept constructive criticism. Ask members what you can do to be a better supervisor and listen to their concerns. We both share this responsibility.

Teach me how to do your job better than you

Succession planning – developing people rather than merely naming them as replacements – is better than replacement planning. Consider this: when you are away from your substantive role (vacation, duty, etc) and someone else is temporarily in charge, does the place fall apart or is it business as usual? If your absence sparks instant panic, it is time to develop people for your role. Be willing to appropriately delegate, provide training and some leeway.

We never forget the people who make a positive difference in our workplace.

Scott Messier is a RCMP constable in New Brunswick. Contact him at scott.messier@rcmp-grc.gc.ca for more information.



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DOCTORS & COPS



*From whimsy
to reality in
zero seconds flat*

by Michael Kirsch

Sometimes, I feel like I belong in law enforcement. There was a time in my life that I seriously considered a career where I would haul in the bad guys and make society a better place. Of course, every young American male fantasized that he would one day drive the Aston Martin, get the girl, defuse the bomb and sip on a martini that was shaken, not stirred. I was no different.

I was ten-years old when my pal Lewis and I were secret agents with the requisite weapons, invisible ink and secret codes. At the risk of disclosing that I have a tincture of obsessive compulsiveness, I still retain

the files of our secret organization. While Lewis has expressed concern that these files, in the wrong hands, could threaten international order, I have reassured him that the enemies of mankind will be unable to conquer our layers of sophisticated encryption. At risk of being accused of hyperbole, Israeli and American intelligence agencies studied our secret files as a template for the Stuxnet worm.

I have had many patients who are law enforcement professionals. I respect them and the work they do. I have had patients who served in the FBI, the Secret Service and all levels of local law enforcement. I feel a kinship with these folks.

Like a community gastroenterologist,

much of what they do is routine. We both endure endless paperwork that often seems to serve no useful function. We both are exposed to extremes of the human condition. We both get scared. We both serve a public that is sometimes skeptical of our biases and motivations. We both may need to make urgent decisions relying upon our training, experience and instincts. We both deeply understand that sometimes the right decision leads to a dark result.

Two people were killed by police recently after a harrowing high-speed chase. It was a tragic finale that left many painful and raw questions. Thirteen officers fired 137 rounds that killed two citizens who were ultimately found to be unarmed.



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Understandably, there was community outrage and the matter continues to be investigated. As expected, the initial facts were murky and in dispute. Anger and haste are poor catalysts to develop the truth.

I have no opinion at this time whether police should have held their fire and pursued a non-lethal strategy of capturing these two individuals, who were fleeing from them at high velocity. A dispassionate investigation will determine this.

While it is absolutely necessary to investigate this tragic episode, as a doctor, I am very sensitive about being judged after the fact by investigators who have endless manpower, resources, audio and video evidence and months of time to evaluate the propriety of a split second decision.

A catastrophic outcome is not evidence of negligence, despite the ease of reaching this conclusion, particularly by those who have been injured and their families. In addition, a fair judgment on what transpired must consider the context of one who had to make an immediate decision to act. If an investigation requires a four month inquiry involving dozens of professionals to conclude that an officer erred, could the officer be expected to reach the same conclusion in two seconds in the field?

When football or hockey referees review a call or goal, they sometimes reverse it. Of course, the review offers instant replay in slow motion at various angles, none of which were available to the official who first made the call. Get the point?

None of us envies a cop who faces a situation where they must fire their weapon. Sure, there is training, but as every professional knows, one can't train for every contingency. This is not a board exam; this is real life with lethal consequences and no time to ponder the alternatives. Was the suspect reaching for a weapon or an innocuous item?

I can't imagine the life-long trauma one would endure after killing another person, even if it was a necessary act. I suspect it would be worse if an officer didn't pull the trigger when he/she should have and missed the opportunity to save innocent lives.

I was raised to respect law enforcement and I do. While their job is tougher than mine, I can personally relate to their

profession. We both serve and protect the public. We both make decisions based on what we know at the time, which is often less than we want or need to know. We agonize when something awful happens and wonder if we contributed to the outcome.

There's something else that binds our professions. We both are often judged retrospectively by those who weren't there when we were blinded by white heat and couldn't see then what later seems to be in such clear focus.

We learn from our errors and misadventures. I believe that the negligent must be accountable for their actions and resultant consequences. The process to determine this, however, must operate at the highest level of fairness and integrity. Too often, this standard is not achieved or even sought.

Now my thoughts wander back to Miss Money Penny, 'Q,' boat chases and ejector seats – to a time when I contemplated a profession that I know now is better left to others.

This article is from **Dr. Michael Kirsch's** blog MD Whistleblower (<http://www.mdwhistleblower.blogspot.ca/>). A full time practicing physician and writer. Kirsch says he writes "about the joys and challenges of medical practice, including controversies in the doctor-patient relationship, medical ethics and measuring medical quality. When I'm not writing, I'm performing colonoscopies."

Defuser of human bombs

A Toronto Police negotiator used his uncommon skill and understanding to end many hostage takings without bloodshed.

by Janice Tyrwhitt
(Re-written from Reader's Digest June 1986)

One Sunday evening in April 1983, Ron Kennedy (not his real name) stood on the landing between the second and third floors of a Toronto town house, holding a knife to his stomach. Below him were five policemen, summoned by his wife to evict him. Kennedy shouted down, "I'm not leaving!" A policeman moved forward, gun in hand.

"If you come up those stairs," Kennedy warned, "I'll stab-myself."

Kennedy, driven to desperation, meant what he said, but he didn't want to die. He really wanted to rejoin his wife. They had been separated for eight months and she had their three children. He had slipped into depression, drinking and debt.

"Will you talk to another officer on the phone?," a police officer asked, Kennedy heard a calm, cheerful voice with an English north-country accent: "I'm Roy Lawson. I'm here to help you. Can we talk?"

Kennedy agreed and Lawson went inside, a tall man with an open, big-boned face, unarmed, in civilian clothes. He climbed to the second floor and began asking Kennedy about his troubles.

On Friday, Kennedy said, his wife had asked him to move in with the children while she went away for the weekend. He had been up for 48 hours, spending his nights cleaning. When his wife came back on Sunday he told her, "There's no way I'm leaving." She stormed out and called police. They found him with his six-year-old daughter and assumed he was holding the child hostage. As Lawson arrived, Kennedy sent the girl down.

While they talked, Lawson gradually moved up until he was sitting on the step below Kennedy. On the darkened ground floor was a six-man tactical team, armed with guns and tear gas. Lawson could see that Kennedy, white and trembling, was pressing the knife deeply under his rib cage. Lawson asked, "Ron, if I can get your wife to come in and talk, will you put down the knife?"

Kennedy dropped the knife and his wife came to the foot of the stairs. Their brief talk offered hope. After she left, Lawson suggested,



"Tell me what's bothering you."

Sensing real sympathy, Kennedy felt his fear and anger draining away. This guy's listening, he cares how I feel. For two hours, they sat talking to each other on the stairs. "You need help and I can get it," Lawson promised. Kennedy knew that neighbours had gathered in the street and he wanted to leave with dignity. "No handcuffs, no police car," Lawson assured him and Kennedy went willingly to hospital.

"Roy saved my life," he says today. "Without him, I would have stabbed myself, or lunged at an officer. He calmed me down and helped me start believing in myself." He and his wife did not reconcile, but he has since remarried and now lives happily with his new wife and baby and his eldest daughter.

Captives as collateral

As co-ordinator of the (then) Metropolitan Toronto Police Force's 45-member hostage negotiation team, Staff Sgt. Lawson had saved scores of hostages, hostage takers and armed and suicidal people effectively holding themselves hostage. His specialty – defusing human bombs before they kill themselves or others.

"The only acceptable casualty rate is zero," Lawson said. Over a ten-year period he managed 50 hostage taking incidents without death or injury to anyone – hostages, their captors, police or bystanders. From 1981 to 1986, when he took over as co-ordinator, the entire force had a clean slate: no casualties in more than 700 hostage takings.

"Our record compares favourably with any police force in the world," said Staff Insp. William Donaldson, head of the Emergency Task Force (ETF) from 1979 to 1983. "Lawson gets the best out of his men. All of our negotiators have taken courses from Roy."

Toronto Crown Attorney Peter Shoniker, an authority on antiterrorist techniques, said "What makes Roy exceptional is not only his special quality in crisis intervention, but also his judgment of what makes others good negotiators."

Congenial and soft-spoken, happy at home and work, the 47-year old Lawson exuded optimism. He and his Danish wife, Lis, an elementary school teacher, raised two daughters. Lawson ran at least 15 kilometres a day; this, he believed, gave him serenity while keeping his 6-foot-1 inch frame at a fit 175 pounds. He enjoyed police

work, hostage negotiation most of all. "To negotiate in good faith," he said, "you must really care about your fellow man."

Born in Derbyshire, England, in November 1938, Lawson was raised in Lancashire, where his widowed mother worked as a weaver. She died when he was 11, but thanks to his 18-year-old brother, who supported him through school and taught him sound values, he developed a generous spirit and a formidable capacity for hard work.

At 18 he immigrated to Canada and in January 1959 joined Toronto police as a cadet. As a probationary sergeant in 1976, he volunteered to join the new hostage-negotiation team headed by Staff Supt. David Cowan, its first commander. When organizing the team he had asked psychiatrists, "How do you relate to people who feel the only solution to their problems is to kill themselves or someone else?" Their guidelines helped him choose 35 initial candidates. One was Roy Lawson.

"From that first day," Cowan said, "Roy shone. His character, confidence and credentials told me he was the kind we were looking for – a man ready to give that little bit more for his fellow man."

Based in a patrol division, Lawson was on call 24 hours a day for hostage situations. He was promoted to staff sergeant in 1979 and in 1980 moved full-time to the ETF. There his duties ranged from the subtleties of hostage negotiation to heavily armed raids on murderers and motorcycle gangs. From 1980 to 1984, Lawson lectured police forces across Ontario on hostage negotiation and disaster planning. From 1985 to 1986 he became a consultant to governments, prisons, banks and other private corporations, staging simulated hostage takings and teaching survival techniques.

"In any situation," said Lawson, "those most in danger are hysterical people who shove the hostage taker over the edge, and the superconfident ones who defy him. He wants to bargain for something. His captives are his collateral. They should do what he says, but help him understand that they're people too."

Lawson's cases were almost all family crises: A man takes his wife or child hostage, or barricades himself in, alone and armed. "These people are under stress and unstable," Lawson said. "Every case is a cry for help."

One self-hostage was a 30-year old man who phoned and asked police to look in a mailbox. They found a letter describing his marriage breakdown, psychological problems and an interview with a psychiatrist who fell asleep while listening to him. Enclosed was a diagram of the homemade bomb with which he planned to blow himself up.

With a gun team and three bomb experts, Lawson surrounded the house where the man had barricaded himself. It had no telephone. Calling out to the man, Lawson made him promise that he would let him deliver one. He asked him to lower a rope through a window. Though he was covered by snipers, Lawson felt the hair rise on the back of his neck as he approached, unarmed and fastened a portable field telephone to the rope.

Hauled up into the house, the phone let him begin the delicate transfer of control that makes the hostage taker dependent on the negotiator.

The man's moods shifted like windswept clouds. Lawson listened sympathetically as he poured out his troubles, interjecting only reassurances like, "We're here to help you," and "I know you're not going to hurt anyone." He used delay as his crucial strategy. Never threatening or belittling, he slowly subdued the man's self-destructive fantasies.

The man asked for his estranged wife. Against his better judgment, Lawson had her brought to the scene. It was a costly mistake. He jotted down suggestions for her and she read them to her husband. Instantly suspicious, the man said, "He's telling you what to say!" The credibility Lawson had spent three hours building was almost destroyed.

The man then asked to speak to a church

social worker. She restored his trust by answering questions with "You'll have to ask Roy about that."

When he agreed to talk to Lawson again, he protested, "You'll grab me and take me to jail." Lawson promised not punishment but help and brought a doctor, who offered to admit the man to hospital.

Lawson had been negotiating for eight hours and 300 neighbours and reporters had gathered outside. When at last the man emerged, the crowd broke into applause.

"I've lost him"

In any hostage situation, Lawson considered that only the hostage taker and his hostages are in danger. Before he would go in for a face-to-face

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encounter, he talked over the telephone until he had persuaded the person inside to say, "I promise not to hurt you" – a promise none ever broke. When the surrender comes, Lawson made sure the gun team was prepared and relied on their protection: "They're thinking rationally. I'm still all wrapped up in the situation."

Later, he was flooded with relief, then fatigue, and after debriefing he unwound by talking with his wife.

Because he had never quite been able to take his own good fortune for granted, Lawson had a special feeling for those who try and fail. He was deeply stirred by a 34-year-old manager of an auto-parts store who had been working 14 hours a day to keep an unprofitable business running.

One Friday his boss told him he was closing down. Jobless, he went home to find that while he had been working overtime, his wife had found a boyfriend; now she had left with their two children.

He took Valium, started drinking beer and phoned his brother to say he was going to kill himself. His brother called police. After agreeing to go to hospital, he came out of his bedroom with a loaded shotgun and ordered the police out.

Lawson, summoned with an ETF weapons team, talked to him by phone and found him deeply despondent. His world had fallen apart, Lawson thought, worrying that he had already lost him. He suggested that losing a thankless job might prove a blessing.

The man's main concern was his children and Lawson sent an officer to check

that they were safe.

After talking five hours the man agreed to surrender. He would leave his shotgun and two .22 rifles in the living room if Lawson would meet him at the door. Though the negotiator normally stays out of sight, Lawson agreed because they had shared so much. The man came out, put his ammunition into Lawson's hands, threw his arms around him and cried on his shoulder.

Eight months later he telephoned Lawson. "You probably won't remember me," he began, "but you saved my life and I want to thank you." His wife and children had come back and he had found a better job. "That night I had the guts and the state of mind to kill myself," he told Lawson. "If you hadn't been there, I would have. Because of you, I didn't."

Lawson eventually left the ETF when he was promoted to inspector but continued to play a part in hostage negotiation training.

Jack Pinkofsky, a criminal lawyer with a reputation for scrapping with police witnesses, saw Lawson as a fellow defender. "What's great about Lawson is that he understands the stresses that cause people to break down," Pinkofsky said. "One can only hope that his value is so well recognized that every police force will be equipped, not only with high-powered weaponry, but with high-powered intellects like his."

LAWSON, Roy Ashurst died suddenly in Ajax Ontario on Monday, April 9, 2007 in his 69th year.

NEWS CLIPS

OTTAWA – The number of former offenders applying to have their criminal records sealed has plummeted since the Conservative government brought in tough new rules and quadrupled the application fee. Figures obtained by The Canadian Press show that total applications are down more than 40 per cent. And fewer than 3,700 record suspensions were granted between March and December 2012, compared with more than 24,000 in the last full year before Ottawa began overhauling the pardons system. The changes all stem from the 2010 revelation that serial predator Graham James, a former junior hockey coach, was quietly granted a routine pardon in 2007.

WINDSOR, ON. – A provincial arbitrator has awarded officers and civilians with the Windsor Police Service a pay raise of nearly 12 per cent over four years. The January ruling followed arbitration hearings with the police services board and the Windsor Police Association. The award is retroactive to January 2011 and will push the annual salary of a first-class constable to more than \$90,000 by January 2014, which is in line with what officers make in London, Toronto and on the provincial police force. The pay hikes will add \$1.8 million annually to the police budget. The arbitrator also ruled on post-retirement benefits, deciding that existing members of the force will be grandfathered and changes will affect only officers hired after 2015.

OTTAWA – The Supreme Court of Canada says the Crown can seize a vehicle belonging to a repeat drunk driver, overturning a lower court ruling. The justices have ruled 7-0 that the judge in the Quebec case was wrong to deny a forfeiture order after the accused pleaded guilty to two impaired driving charges. The trial judge denied the Crown's motion to seize the accused's truck saying that it would be a disproportionate penalty. Manning was sentenced to 12 months on one charge and five months on the other. The top court said the judge failed to give appropriate weight to the accused's criminal record, which included five convictions for alcohol-related driving offences. The ruling comes as the Quebec government is looking to crack down on drunk driving by making seizures of vehicles routine.

TORONTO – Canada's federal court has ruled that employers must try to accommodate the family obligations of their staff. The ruling concerns the case of Fiona Johnston, who worked rotating shifts with the Canada Border Services Agency at Toronto's Pearson International Airport before having her first child. Johnston argued the agency refused to accommodate her request for more stable hours, which would have allowed her to arrange for child care. Her case went before the Canadian Human Rights Tribunal, which found the agency had discriminated against Johnston on grounds of family status. The federal court ruling by justice Leonard Mandamin upheld the tribunal's findings. Mandamin says requests for child-care accommodations stem from legitimate needs and are not simply the result of lifestyle choices.

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Crisis Intervention for First Responders

April 23rd 9:00 – 4:00

Instructor:

Tom Hart – Retired from Durham Regional Police Service, he is now President of Canadian Critical Incident Inc.

Investigative Strategies

April 23rd 9:00 – 4:00

Instructor:

Dave Perry – Retired Toronto homicide detective and CEO of Investigative Solutions Network

Coping with Secondary Traumatic Stress

April 24th 9:00 – 4:00

Instructor:

Stephanie M. Conn, Registered Clinical Counsellor, Conn Counselling & Consulting, and Blue Line Magazine columnist: *Holding the Line*

Economic Crimes:

Detection & Investigation (Project Mouse and Project Kite)

April 24th, 9:00 – 4:00

Instructors:

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Police Constable Timothy Trotter,
Toronto Police Service – 14 Division

Detective Constable Michael Kelly,
Toronto Police Service – Financial Crimes Unit

BLANCHARD CASE:

Larry Levasseur CFI, CPP
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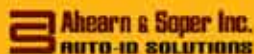
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Promoting public safety and police accountability

by Tom Hart

Canadian Critical Incident Inc. (CCII) has trained and qualified crisis negotiators and incident commanders for the last 17 years. Instructors deliver current, comprehensive courses and recognize the need to maintain continuous training in this demanding and challenging area of police work.

CCII has the unique privilege of an advisory board comprised of Dr. Peter Collins, forensic psychiatrist with the OPP Criminal Behaviour Analysis Unit, Dr. Mini Mamak, senior psychologist, St. Joseph's Healthcare (Hamilton) forensic service and former Ontario deputy regional coroner Dr. Jim Cairns, a forensic medicine expert who has conducted numerous inquests.

The board also includes current police negotiators, incident commanders, trainers and leaders in incident command who guide and assist in course development and training standards.

CCII has recently developed a dynamic and informative eight hour workshop, *Crisis intervention techniques for first responders*. It was created to help in dealing with challenging, demanding and potentially violent interactions with persons suffering from a mental illness or who are in a state of crisis.

Ontario deputy coroner Dr. Bert Lauwer's inquest, SIU investigations and the Mental Health Commission of Canada's March 2012



study have all emphasized the need for first responder training in this area.

Developing the ability to recognize and understand common mental illnesses, increase situational awareness, expand defusing techniques and enhance active listening skills and tactical communications will significantly strengthen the ability to resolve a crisis situation with minimal use of force.

This workshop will help reduce officer injury and promote public safety and police accountability when dealing with people in

a state of crisis. This can be achieved by the following learning objectives, which include a blend of crisis negotiations and intervention techniques:

- Basic terminology and understanding common mental illnesses;
- Promoting officer safety and situational awareness;
- Defusing and de-escalating communication techniques;
- Active listening skills;
- Creating dialogue techniques;
- Basic crisis negotiation techniques to communicate with a suspect/subject threatening to harm themselves or others;
- Basic crisis intervention techniques and emergency psychological care to assist a person in a crisis situation.

This workshop would be a great asset for front line officers, communicators, emergency responders and care workers, usually the first point of contact for a person in a state of agitated crisis. The workshop will include audio and video training aids and a blend of academic studies and terminology delivered by an instructor with 20 years of crisis negotiation experience.

Former detective **Tom Hart** retired from the Durham Regional Police Service in April 2012 and immediately became president of CCII. A qualified crisis negotiator for more than 20 years, he is currently an executive with the Durham Regional Critical Incident Stress Support Team. Visit www.blueline.ca/expo to register for his course or contact him at tom@canadiancriticalincident.com for more information.



Canadian Critical Incident Inc.

Crisis Intervention Techniques for the First Responders

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CCII will be presenting a training session in Crisis Intervention for First Responders in conjunction with Blue Line Expo Training

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Verifying the story

by Kevin Byrnes

It's very important to interview all victims, witnesses, suspects and accused involved in a case to determine what really happened and thereby decide what charges, if any, you will lay. A big part of this process is ensuring you are getting a full and truthful account of events.

To be a successful interviewer, it's important to be able to detect when there is deception, sensitivity and missing information. To advance your investigation, it is essential that you receive accurate and complete information in your interviews.

A domestic violence investigation began with a woman coming to the station to report offences perpetrated by her son-in-law. I started by establishing a relationship of rapport and trust with her, getting to know a little about her, connecting and making her feel comfortable communicating with me. While doing this, I watched the way she spoke and made mental notes of her body language.

The witness said her son-in-law had beat her daughter and their kids and although he had not injured the children, he had broken his wife's hand. She also reported that he had a marijuana grow room in the basement which her daughter had nothing to do with. As we got into the subject matter of her report about her son-in-law, I continued making observations and noted the story made sense and flowed well. I did not note any increased tension or stress during the substantive part of the interview. Based on the story and my observations, I assessed that she was being truthful and proceeded to the next stage of my investigation.

After conducting the required background investigation, I obtained a search warrant, seized the marijuana and arrested the suspect. I verified more of the information the witness provided at each stage of the investigation, becoming even more confident in the truthfulness of her story. As a result, I was reasonably confident I would also charge the suspect with the assault offences but it was still important for me to speak with him, get his side of the story and make my own observations of his behaviour.

After ensuring the suspect had been cautioned and told of his right to counsel, I established a rapport with him. He was very relaxed and comfortable with me, speaking openly and leaning back in his chair with open body language. He remained relaxed when speaking about the marijuana cultivation because he knew he was already caught for that.

His demeanour changed when I began asking him about the offences related to his wife and children. His responses became evasive and his bodily language closed up; he sat up, crossed his arms and legs and turned his face away from me. The only time he denied assaulting his wife he leaned to the side and picked lint off

the carpet. These observations made me more confident in my conclusion and inspired me to press until I obtained admissions.

As mentioned above, the first step is to establish rapport and create an atmosphere where truth is of the utmost importance. Connecting with a subject on a personal level and gaining their trust makes them more likely to be honest and forthright. It's also easier for them to remember details of what they are expected to tell you. A calm relaxed person is in a much better position to access their memory because it is more available to them when they are not stressed. The 'fight or flight' response during stress causes changes in the body, including a limiting of blood flow to the thinking part of the brain.

Another benefit to the rapport building stage is that it gives you a chance to observe the subject when they are at ease and talking about information which is not case related, allowing you to establish a baseline for the person's behaviour you can use later.

There is no one sign a person displays or behaviour you can observe that is a proof positive they are withholding information or lying. The formula is to establish a baseline for the their behaviour and watch for changes.

The changes in both language and non-verbal signs appear as a result of stress, in most cases because the person is being deceptive or withholding information.

The observations will continue throughout the interview and you will watch for clusters of changes. Do not jump in after one such change and call the person out.

In my interview with the son-in-law, his evasive language was accompanied by several non-verbal body language indicators. Other signs may include personal grooming, picking lint, scratching, changing arm or leg position, changes in eye contact, licking lips or hard swallowing, cracking knuckles and nervous cough or laugh. Watch for changes from the norm.

The most important principle is to be attentive when people are speaking with you and watch for some of these signs. As you learn them and become more comfortable with the process, it will become second nature.

Det. Kevin Byrnes is an author and facilitator, and has conducted interviews for many police agencies, the FBI and Interpol. Byrnes is instructing a training course, *Truth Focused Interviewing*, at the Blue Line EXPO on April 23rd and 24th.

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ALLIANCE pipeline



A taste of the real world

Academy sets high standards for success

by Dave Brown

Not everyone who wants to become a police officer can become one. This is a basic fact of life. There are far more applicants than available positions and the job will always be an elusive dream for many.

Post-secondary educational institutions have sprung up across the country to teach many of the skills police and law enforcement officers require. They serve two other purposes: providing a leg up for good applicants in what is a very competitive recruiting environment and helping students determine if they are actually cut out for the job. As private vocational schools, their success depends on attracting enough students to make a profit – but not every school is alike.

Some law enforcement programs have minimal entry standards, accepting just about anyone who can come up with the tuition. Their graduates have little hope of ever becoming police officers. The reputation of a few programs is so poor that some advise prospective students to save their money and apply to a police service on their own when they feel able to meet the requirements.

Other schools may be run more like other post-secondary institutions. Students come to class when they want and are scored only on the work they turn in.

Hiring police officers is a very competitive process and recruiters know the good and the bad schools. They know which ones require students to work hard and the ones where students are just warm bodies in a classroom.

Good schools have high admission and attendance standards and require students to wear clean and pressed uniforms. If class begins at 8 AM, the classroom door is closed at 8 sharp. They don't just hire instructors who have done the job, they hire instructors who can teach the subject and are considered experts by their peers. They have no problem failing students who don't do the work or miss classes and require a high level of physical fitness.

Most importantly, their walls are lined with smiling photos of graduates, in a variety of law enforcement uniforms, who have gone on to achieve their dreams.

One of the oldest and most successful of these top post-secondary educational institutions is the Northwest Law Enforcement Academy (NLEA) in Winnipeg.

Founded in 1999 by several partners, including registrar and managing director Stan Payne and president Herb Stephen, it was designed to provide much-needed post-secondary education specific to police-related skills.

With 36 years as a Winnipeg police officer, former police chief Stephen admits it wasn't always easy for agencies to find good recruits.

"We would see 1,500 to 2,000 people apply for the job and we would still have trouble filling a recruit class of 24," he recalls. "We began to realize that the minimum standards of 18-years-old and a high-school education were just not enough to give police agencies the professional, career-oriented individuals that they wanted."

Payne agrees. "At the time, there were no police-related post-secondary schools inside the province," he notes. "We put together a program that got extensive input from the Winnipeg Police Service and the RCMP and was reviewed by the Winnipeg Police Service Training Division. It was approved by the Manitoba Department of Education and we have now proudly graduated 36 classes since we opened."

Embarking on a career in law enforcement is like getting on a ladder, explains admissions



director Ron Morier.

“Getting hired and being successful on the job takes maturity, life skills and working experience. No one is going to climb to the top right out of high school. Sure, not every student is going to achieve their dream job right away. Many will find alternate stepping stones along the way, but we are proud of the graduation and success rate of our students.”

Morier notes that students are encouraged to maintain contact with the academy long after they graduate. More than 340 of the school’s 500+ students graduated, with 41 per cent reporting they’re working for police agencies and a further 22 per cent involved in law enforcement related jobs.

Getting admitted into the NLEA is not easy. Potential students must provide a clean criminal record and background check and be screened by an interview panel.

“Just because you can walk through the

door doesn’t mean you are going to be accepted,” says Payne. “Even after acceptance, we expect students to show up for every class and we expect them to develop and maintain a high level of physical fitness while they are here. We expect 90 per cent of our graduates to pass fitness tests right out of the Academy.” Students are encouraged to volunteer their time in a wide variety of programs and community events, not because it looks good on a resumé but as a means to serve their communities for a lifetime.

Good post-secondary law enforcement schools should not be judged solely on their pass rates but also by their failure rates. There is something wrong if every student passes. Every post-secondary educational institution has students who are just filling space and spending their parent’s money. On day one, NLEA gives students a thick binder full of rules, regulations and standards of conduct and

they are expected to follow them.

While there is always room for compassion, there is no tolerance for missing classes. A student not in their seat ready to learn doesn’t get the material they may need one day to properly do their jobs or back up fellow officers. If a student misses more than ten per cent of any one course, they fail and are not allowed to graduate until they redo it.

Students are not just required to show up for class and maintain good marks, they must maintain discipline, order and respect. (One will never see a NLEA student drinking in a bar with an academy jacket on or flashing a student ID if stopped by police.)

Failure to meet standards results in disciplinary action meted out on a sliding scale, beginning with verbal and written warnings and ending in suspension and ultimately expulsion. Regardless of tuition fees, errant students have been asked to leave.

Those who make it get a chance to attend a graduation ceremony with all the pomp and circumstance it deserves. High standards in discipline, integrity, behaviour and fitness raise the bar high but history has shown that the best will rise to the occasion.

“We expect a lot of our students,” says Stephen. “Our certificate means something.”

Dave Brown is *Blue Line Magazine's* Firearms Editor and staff writer. He has taught the Canadian Firearms Safety Course to NLEA students since its inception.



by Stephanie Conn

Secondary traumatic stress

We have all heard of post-traumatic stress disorder (PTSD) but, chances are, many have not heard of its lesser-known cousin, secondary traumatic stress (STS). Police officers are more likely to suffer from it throughout their careers than PTSD.¹ Here is what you need to know.

STS refers to a set of psychological symptoms that mimic PTSD but, unlike the singular critical incident that tends to accompany PTSD, STS occurs when a police officer is continuously exposed to the suffering and traumatization of others. The impact of this ongoing exposure to suffering is insidious. The officer cannot point to a single event as the culprit. Initially, this makes it difficult to file claims with the Worker's Compensation Board but, fortunately, it has recently recognized the cumulative effects of ongoing exposure to trauma (STS) on police officers.

The effects are psychological, physiological, behavioural and spiritual. Psychological symptoms include depression, anxiety, distressing emotions, intrusive imagery, numbing or avoidance and dissociation. It also affects your perception of situations and may result in chronic suspicion of others, a heightened sense of vulnerability, feelings of powerlessness and a lack of control.

Physiological symptoms can include headaches, gastrointestinal distress, heart palpitations, hypertension, heart disease, kidney diseases, hyperglycemia, hypoglycemia, fatigue and premature aging.

Behavioural symptoms include addictive or compulsive behaviours such as substance abuse, physiological arousal, relationship difficulties, absenteeism, excessive force and sleep disturbances.

Police work also changes the "soul" of officers as they repeatedly face human suffering, deception and violence. Officers report changes



in their spiritual beliefs after entering the policing profession.² If this does not grab your attention, maybe the following statistics will.

In a large-scale study of cumulative career traumatic stress, an alternative name for STS, police officers reported high levels of disturbance from their exposure to trauma on the job:¹

- 96% of participants reported that their opinions of others had changed;
- 92% reported they no longer trusted others;
- 82% believed the world was an unsafe place;
- 88% experienced prejudices they did not hold prior to being on the job;
- 74% of participants reported experiencing recurring memories of an incident;
- 62% experienced recurring thoughts or images;
- 54% avoided reminders of an incident;
- 47% experienced flashbacks of an incident;
- 11% experienced suicidal ideation as a result of the occupation.

Research indicates that if a police officer suffers from STS, their partner is also at risk³ because they are exposed to the trauma when the officer retells the events of the day. Even if details are

left out, the partner may fill them in and create a disturbing mental image to accompany the story.

Insulate yourself

Taking care of yourself is vital to guarding against STS. There are many ways to do this – exercise, participating in hobbies outside of work, maintaining supportive relationships and talking with co-workers and a professional.

Officers have reported that it was helpful to periodically unload their troubles on a person not involved in their personal life, such as a mental health professional. It is a good place to let it all out without fear of judgment or traumatizing the listener.

If you find yourself struggling with feeling that you are facing unfixable suffering, you may also wish to change your view of how you define success in your work. You will never eliminate crime. You must look for the smaller victories – the small changes that you can make in the lives of others.

It is also important to recognize and accept your limitations as a human. You by yourself cannot fix problems that took months, years or decades to develop.

It also helps to bear in mind that you are only exposed to a small slice of the population. Think about it. Nobody calls the police to come observe that little Johnny is doing well in school. You are only called upon when something bad happens. This is why it is so critical for you to maintain relationships outside of policing and participate in non-police activities – it exposes you to the rest of the population and helps keep a balanced view of humanity.

I have presented some pretty scary symptoms and staggering statistics regarding the effects of STS. I hope what you take away from this is that you have the power to take a proactive approach to counter these effects. If you are already experiencing them, I hope you find comfort in knowing you are not alone and that help is available.

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Stephanie Conn is a registered clinical counsellor and former communications dispatcher and police officer. To find out more visit www.conncounsellingandconsulting.com or email her at stephanie@blueline.ca.

Montréal prison marks 100th anniversary

by Nancy Colagiaco

The Montréal Detention Center, commonly known as Bordeaux, recently marked its 100th year of operation. Located in the city's north end, the prison is the oldest and largest in Québec.

The Bordeaux opened in 1912 and its \$2.5 million construction cost caused quite a scandal. Each cell was equipped with a private toilet and electricity, a luxury the average citizen could not afford at the time. A modern comparison would be the estimated \$594 million cost for the new Toronto South Detention Centre.

Although the structure has undergone some changes over its life, the architecture still resembles its original plan – a widespread six part spread, with a central zone topped by a dome. Each wing is devoted to its own distinct purpose.

The unique design was heavily influenced by the Pennsylvania prison system, which encouraged separate confinement as a form of rehabilitation.

There were more prisoners executed at Bordeaux (82, including three women) than at any other prison in Canada. The balcony where the hangings were carried out is still very much visible in the courtyard. Its wooden floor looks very much like a trap door giving way underneath when execution time came.

It is estimated that 90 prisoners successfully escaped the jail, including Lucien Rivard, who linked garden hoses used to freeze an outdoor skating rink to climb the walls.

Bordeaux was home to some of Canada's most famous criminals, including Richard Blass, Mom Boucher and Nick Rizzuto, and had its share of riots.

Interesting facts

- Two guards, Diane Lavigne and Pierre Rondeau, were assassinated in 1997 on their way home after a shift at the prison.
- Maurice "Mom" Boucher was convicted of ordering two hits and sentenced to life in prison. The crown prosecutor at the time is now famed Superior Court Judge France Charbonneau, chair of the inquiry into the Québec construction industry.
- The Bordeaux is a minimum security provincial establishment which holds some 1,400 prisoners – detainees awaiting trial and inmates sentenced to less than two year terms.

To commemorate its 100 years of existence, the prison recently held an open house and allowed visitors inside the walls. Although residents were relocated to other cells and well hidden during the day, the aura and history of the place could still be felt. Imposing iron gates, barred windows and metal everywhere left visitors overwhelmed.

Father John (Père Jean) served as the Christian chaplain at Bordeaux for 38 years, from 1969 to 2007, and still has some very fond memories of the place. He met and got to know most of the population and received thousands of



letters, poems and written prayers from inmates revealing their innermost fears and experiences; for many he was the only person willing to listen.

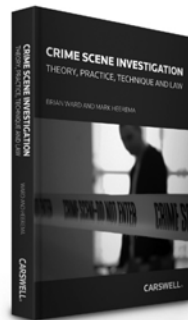
Father John kept all the correspondence and recently put them all together in his book *Prisoners Confessions*. The idea was to give a voice to the souls who have remained silent for so long. True to his calling, he doesn't judge nor condone any criminal behaviour. Despite his

retirement, he still visits prisons when he can, an environment all too familiar to him.

Nancy Colagiaco is *Blue Line Magazine's* Québec correspondent. Anyone with stories of interest on Québec policing may contact her at: nancy@blueline.ca.

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BROTHERS TAKE CHARGE

by Danette Dooley

Chances are there are brothers serving at the same rank, in the same province, in different police agencies but in Newfoundland and Labrador a similar situation goes one step further.

Supt. Paul Dowden is the RCMP's district policing officer for western Newfoundland. His brother, Supt. Brian Dowden, is officer in charge of the Royal Newfoundland Constabulary's Corner Brook/Labrador West Divisions.

Both top cops for the western part of The Rock are stationed in Corner Brook – in fact, they can look out their window and see each other's office.

Heading their respective agencies in the same area of the province can only add to the seamless policing that both forces strive to provide.

When it comes to police service delivery, Paul says his focus is on tailoring Newfoundland and Labrador's RCMP to meet the needs of the province. How he policed in other areas of the country may not work in his home province, he says.

Serious and organized crime is a national priority for the RCMP. Once crime groups entrench themselves into a particular area, Paul says, the fabric of society begins to deteriorate, as is evident through cases involving the Bacchus Outlawed Motorcycle Gang (OMG) that recently unfolded in New Brunswick and Nova Scotia.

The same thing is happening in PEI. A story in *The Guardian* newspaper in August 2012 noted that the Bacchus have quietly moved into that province as it expands across Atlantic Canada. The gang is the second largest in Canada behind the Hells Angels.

Like many provinces, Paul says, Newfoundland and Labrador has an emerging threat of organized crime, especially OMGs.

He says the Bacchus has a club out in several rural areas of the province. It's not unusual to see people driving in the province wearing motorcycle vests with the Bacchus logo.

"I think it's fairly reasonable to say that the Bacchus is an organized crime group in Atlantic Canada," he says.

Keeping a close eye on this OMG and any other organized crime groups that may set up shop in Newfoundland and Labrador is important, Paul says, and is in addition to regular policing duties that focus on issues such as relationship violence and drinking and driving offences.

"We address what is happening in each community and we focus on those issues," Paul says.

The Dowden brothers were born and raised in St. John's, Newfoundland. Paul



Photo courtesy of the Western Star newspaper.

joined the RCMP in 1986 and policed in Nova Scotia before taking a command in Flower's Cove, Newfoundland. He was commissioned as staffing officer for "F" Division in Regina, promoted to Ottawa in 2008 and made a superintendent in 2009. He has experience working at the divisional, regional and national levels.

When asked about his most memorable posts, Paul says he loved rural policing. It's an opportunity to wear many hats, he says: policeman, volunteer firefighter, cub leader, treasurer of a local service clubs... the list goes on. Being involved in so many groups is an opportunity to build capacity in the community, he notes.

During his time in Flower's Cove, Paul was instrumental in establishing six family resource centres in the area. The centres were an outcome of the Integrated Services committee, which worked in partnership with numerous provincial government departments including justice, education, health and community services. The family resource centres are still going strong today.

"We come in and embrace these communities and try to leave them a little bit better than before we got there," he says.

While Paul took on the job as top federal cop for Western Newfoundland over a year ago, Brian has only spent a few months in his new role with the RNC. He joined the force in 1983 and served as a patrol officer in St. John's before being transferred to Labrador.

He worked as a dispatcher and in numerous other units before being promoted to sergeant in 2002 and inspector in 2006. He became second in command of the patrol

services division in 2011, where he served until being promoted to superintendent for Corner Brook and Labrador West. Brian also worked as a police explosives technician for 18 years and as the employee assistance coordinator for four years. These roles were secondary in addition to his regular duties.

His role as head of two of the three major areas that the RNC polices is all about building on what his predecessors have already established, he says. The RNC and RCMP have always had a good working relationship, he notes, often responding to the same calls for assistance and working together on joint force operations.

However, with the brothers - who are just a year and two days apart in age -- now at the helm, that relationship can only get better. It's an even greater opportunity to ensure there is seamless policing, Brian says.

It's no different than how policing is carried out in other areas of the country where regional and municipal forces work side by side, he says.

"Geographically there is a line but we are all here standing shoulder to shoulder. We do the same job and we enforce the same legislation, but we wear a different uniform. Paul and I have been collaborating for over 50 years on everything else in our lives and now we get to do it professionally."

Danette Dooley is *Blue Line's* East Coast correspondent. She can be reached at dooley@blueline.ca

LUKA'S EMPTY EYES

by Diana Trepkov

The newspaper called my cell phone a little over an hour before its deadline. They wanted a forensic art disguise drawing of a man on the run from police for the morning edition – drawn as a female.

The drawing was important, I was told, as it could lead to the capture of Luka Rocco Magnotta, Canada's most wanted fugitive at the time. Magnotta has the kind of face that allows him to pull off many different looks. Like a chameleon, he can fit into any style or environment he chooses.

I had one hour to draw Magnotta and wasn't sure that was enough time to do a thorough job. I like to have at least four hours to complete a drawing properly. I raced home and said a quick prayer, as I often do when faced with such a situation. "Please God, help me get this drawing right and master his eyes."

The eyes are the mirror of the soul and tell all about a person. "Diana you are very good with eyes," a retired NYPD detective once told me. "You can read people and look deep within their souls by staring into their eyes." One case I worked on was solved after nine years because the stepfather recognized his missing son's eyes, which he called "haunting."



I completed the postmortem reconstruction from an autopsy photograph given to me by the medical examiner's office. The DNA proved a positive match.

I studied Magnotta's photographs, staring into his eyes and seeing the coldness, emptiness and lack of emotion. They showed conceit, deceitfulness and sneakiness. The world already knew the horrible things he had done to another human and baby animals, as he posted the videos on the Internet.

Under pressure and a little nervous, I began as always with the eyes. Once I had drawn them properly, I drew his nose turned up, then his full, soft textured lips. His jaw is very pronounced so I made sure to do his jaw line and bone structure in the same manner.

It's crucial to get the facial proportions correct on forensic art drawings. The only thing that made Magnotta look different was the makeup and hairstyle.

Magnotta's hair was the fastest I have ever drawn. I just scratched and scribbled long dark hair, with full bangs framing his eyes and then long and wispy layers. Since he was on the run I reasoned he would likely be wearing a wig.

The long dark hair made him look much younger. Dark hair takes years off a person's age and light hair adds to it. It also made his features stand out, especially his eyes.

My drawing made the front page of the June 1, 2012 edition of a Toronto newspaper and went all over Europe and the Internet. I knew that as long as people were familiar with Magnotta's facial features, they would soon spot him.

Magnotta was seen and arrested in a Berlin Internet cafe, looking at articles and photographs of himself, on June 4.

Diana Trepkov is an IAi certified forensic artist. Contact her at dianatrepkov@rogers.com, visit www.forensics-bydiana.com or call 647 522-9660 for more information. You can also speak to her at the *Blue Line EXPO* on April 23 and 24.

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Measuring up to a new standard

Holy mackerel, there has been a whole lot of talk about mental health, mental illness and wellness and all that stuff recently. We seem to have gone from “we don’t want to talk about it” to “EVERYONE is mentally ill” in a flash. I suspect the truth lies somewhere in between – as it always does. I presume one day we will actually figure out what to think and do about mental illness. We might even reach the point where we (gasp) deal with it the same way as other illnesses.

We are not there yet. Nevertheless, the topic of wellness in the workplace, particularly as it applies to police organizations, is getting a lot of air time lately. It is generally accompanied by people shifting uncomfortably in their seats, looking confused and saying “I do not have a clue where to start.”

The purpose of this column is to tell you where to start. (This should not be confused with being told where to get off, which is an entirely different subject.)

The place to start is... www.csa.ca. Yup, that is the some CSA which provides guides for constructing houses, tells you if your light bulbs pass muster and if you are emitting too many green house gases.

CSA, along with its Quebec counterpart, the Bureau de normalisation du Québec (BNQ), recently released a voluntary national standard for psychological health and safety in the workplace, cleverly entitled *Psychological health and safety in the workplace – Prevention, promotion and guidance to staged implementation*. It’s Standard CSA-Z1103-13, in case you were wondering, and was developed in conjunction with the Mental Health Commission of Canada – so the developers likely



knew what they were talking about.

It’s basically a management tool – and like most management tools, its structure is fairly predictable. If you want to do something about workplace mental health you need to look at what you have and what your gaps are. Then you measure stuff, talk to people and get buy in, have a leader and a champion, communication, be nice to people, measure change over time and reassess. Sounds a lot like Management 101 to me.

However I think there are a few key points worth stressing in the police context. Most police agencies are up to speed on offering some sort of response to critical incidents and an employee assistance program but are not quite so proficient at the “let’s prevent it rather than fix it” end of things. Don’t feel too bad about this – most NON police organizations are pretty well in the same boat. If businesses were good at this sort of thing we would not be inventing new CSA standards.

Indeed, preventing mental health problems is where the action is. The CSA Standard identifies 13 workplace factors which research has shown to be related to psychological health:

- Organizational culture;
- Psychological and social support;
- Clear leadership expectations;
- Civility and respect;
- Psychological demands;

- Opportunities for growth and development;
- Recognition and reward;
- Involvement and influence;
- Workload management;
- Engagement;
- Balance;
- Psychological protection;
- Physical safety.

It is pretty easy to separate this list into essentially three categories: (1) the areas where you already do well, (2) the things you really can’t control and (3) the places where some sock-pulling-up might be in order. Again, there seems to be significant overlap between what I would consider “basic good management” and “predictors of mental health problem.” If you are a manager, you just might want to give that some thought.

Not a manager? You’re not off the hook. Many of these items also have to do with how you interact with colleagues, deal with work-life balance issues and personally look after your own mental health. It would also help if non-managers did not roll their eyes when management brings up these kinds of topics. The most effective workplace mental health strategies involved equal participation from management and worker bees –including the union, if there is one.

The other area where most organizations can use a little help is answering the “why bother?” question. Aside from it being the right thing to do and all that, there is a good business case to be made for instituting workplace mental health programs. It’s estimated that mental health problems cost Canadians more than \$50 billion a year and employers bear a lot of this cost.

Mental health related problems account for at least 30 per cent of disability claims and people off work because of them are generally off longer than people with other kinds of illnesses and injuries. Many organizations have demonstrated that the cost of workplace wellness programs is easily offset by gains in productivity, reduced insurance and replacement costs and all that stuff. The business case for improving workplace mental health also includes significant improvements in:

- Risk mitigation;
- Cost effectiveness;
- Recruitment and retention; and
- Organizational excellence and sustainability.

Sounds good to me.

You might want to have a look at the CSA Standard and see how your organization stacks up and where the gaps are. Then... well... DO something. Not only does the standard tell you where to start, it also provides a whole lot of helpful info about how to start and some helpful tools. Have a look.

Dr. Dorothy Cotton is Blue Line’s psychology columnist, she can be reached at deepblue@blueline.ca.

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AN ARMY OF ONE



The single officer response to the active shooter

by *Michael Soden*

There's been renewed interest in active shooter training since the Sandy Hook school massacre, which is no surprise to those who teach it. Administrators, government officials and citizens only seem to gain interest in this topic after an event.

It is clear that something needs to be done, as the frequency and deadliness of these events is increasing. As police officers we are tasked with mitigating them in all stages; from pre-planning to execution. The number of incidents stopped in the pre-planning or action phases is dismal compared to the number carried out. This raises many questions and, unfortunately, few answers.

Many agencies train, though probably not as much as they or their officers would like. Active shooter training and mock exercises are expensive and major events. Tactics vary but are relatively similar – usually three or four person entry teams using a T, Y, V or some other letter formation. Some agencies advocate multiple entry teams, others do not – then along came Ron Borsch with his “single man” active shooter response.

Although initially skeptical, the more I researched, trained and read about the success of his philosophies, the more they made sense.

I know of 10 incidents that single officers

have successfully ended but none that were stopped by multi officer entry teams. Law enforcement response times vary widely by region. The most critical factor in preventing the continued loss of life is time; on average once the killing begins a life is taken every seven seconds. Even with the most favorable conditions – the first officer right around the corner when the incident begins and back up 49 seconds away – that delay could result in seven lives lost.

The single officer entry is very sound and logical and has demonstrated great success, so why is it not the preferred method? There are risks – mainly the fear of an officer on officer shooting. If an event occurs and officers enter as they arrive, you have multiple officers and entry points. Even with good communications, again in favorable conditions, there will be some major issues in locating personal and coordinating the threat elimination. The fact of the matter is a mass killing scene is going to be hectic and unfortunately things may not go in our favor but the primary mission is to eliminate the threat.

The reality is that it is highly unlikely that enough officers will arrive simultaneously so they can form a multiple entry team. As an active shooter instructor, I think every agency should train its officers in single person entry and tactics while continuing to train team operations for search and rescue and containment purposes. It

is logical and has demonstrated its effectiveness.

Entering into the unknown with active killing going on is not a normal choice and probably defies all logic but we have chosen this role as protectors. Our agencies have given us the basic skillset and tools to perform this job, we get annual in service training and (perhaps) some additional active shooter training. Everything after that is your personal obligation to yourself, your peers, family and the community you serve.

A sense of entitlement about what your agency should provide may get you killed. There is numerous training available at little or no cost; take advantage of it. You can buy your own equipment and train with other officers who share your mindset for success. The most important thing is to develop the mindset of what you will do when faced with an active shooting situation. You don't want your first thought to be “damn, I should have trained for this.”

You must develop your mindset and sharpen your skills. The odds may not appear to be in your favor but superior training and mindset will defeat superior firepower – an army of one!

Prince Georges County Police **Cpl. Michael Soden** is an adjunct instructor with Maryland Police and Correctional Training Commissions. He can be reached at mrsoden@co.pg.md.us



Scientific content analysis vs. reality monitoring

Welcome to the inaugural Science Beat, a column which investigates the hottest scientific findings that matter to law enforcement officers. The goal is to provide readers with a review of current research on policing issues and advance scientific literacy. Although developments from psychological research will be the focus, key findings from other scientific disciplines will also be highlighted.

Deception detection has dominated the pages of forensic psychology journals recently and much is being written about how well deception detection tools work. Galit Nahari(naharig@mail.biu.ac.il), Aldert Vrij and Ronald Fisher estimated recently that Scientific Content Analysis (SCAN) is the most common method used by police worldwide to detect lies.

The SCAN technique was developed by former Israeli polygraphist Avinoam Sapir as a way to measure the truthfulness of verbatim statements. Examinees are required to write a detailed description of all their activities during the period when the crime occurred. The handwritten statement is then examined for the presence of criteria meant to help decide if it is truthful (e.g., direct denial of the allegation in the statement) or deceptive (e.g., deviation



from telling a story in chronological order). Although SCAN has been around for a long time, only a handful of studies have tested how well it works.

In a recent study published in *Law and Human Behaviour* (a journal that publishes high-quality research on forensic psychology issues) Nahari and colleagues tested how well SCAN could detect verbal lies of 61 undergraduate students. It was also compared to an alternative method known as Reality Monitoring (RM),

which is based on the idea that real memories of experienced events are externally derived and based on actual experiences (e.g., where the event took place, what the person heard, emotions). Fake memories, however, are internally derived and based on self-generated thought or imagination (e.g., no spatial details provided in the account). In essence, the RM technique assumes that a statement is truthful if there is evidence of real experiences and false if there is evidence of imagined experiences (or a lack of real experiences).

In their study, students were assigned randomly to do one of three things: (a) lie about a criminal activity but tell the truth about non-criminal activities, (b) lie about both criminal and non-criminal activities and (c) tell the truth about all activities. The two “lie” groups (a and b above) were asked to follow an elaborate set of instructions about how they should commit a mock theft and engage in non-criminal activities (e.g., converse with a friend for 30 minutes). Those in the truthful condition were asked to carry out a variety of non-criminal activities for the same period of time. All participants were then motivated to be as convincing as possible that they were telling the truth, asked to write down as much detail as possible about what they were doing during the 30 minutes and asked not to change anything they wrote.

Six trained coders then checked the student’s statements for the presence of 13 SCAN criteria and eight RM criteria without talking to each other. The coders were also not told about the purpose of the study to prevent any potential biases from creeping into the findings. Approximately half of the criteria had 80 per cent agreement or greater between coders.

Their results showed that the single SCAN score (from summing the 13 SCAN criteria) was unable to identify the students who were lying. None of the criteria (even those that had very high levels of agreement between coders) was helpful in identifying truthful or deceptive statements. Deception detection accuracy hovered around chance levels (50 per cent) or

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just above chance (60 per cent).

Interestingly, Nahari and colleagues found that there were more RM criteria present in the truthful statements than the deceitful ones. The RM technique was approximately 71 per cent accurate in classifying statements as truthful or deceptive (i.e., those that lied about all activities).

Because the coders disagreed about whether some criteria was present in a statement, the amount of trust we can put into the results is limited. Since about half of the SCAN criteria are highly subjective, two different people could provide two different answers about deception when looking at the same statement.

Given that there have only been a handful of studies on this topic and the reliability of the data in the study reviewed wasn't overly high, it's especially important that other scientists repeat the study to see if they can get higher agreement levels for the data and determine if the reported results can be found again (i.e., replication). It might be the case (if we had highly reliable data) that RM is a viable alternative for detecting lies. What we do know, however, is that there is currently no compelling empirical data to support SCAN as a useful way of detecting deception.

Brent Snook, B.A., M.Sc., Ph.D., is an associate professor in the Psychology branch of Memorial University in St. Johns Newfoundland. Contact him at bsnook@mun.ca or 709 864-3101 for more information. r 709 864-3101 for more information.

Violent offender legislation introduced

Prime Minister Stephen Harper announced legislation last month that places new restrictions on violent offenders deemed not criminally responsible for their actions, invoking a horrific case in British Columbia that saw a mentally ill father murder his three children.

Harper suggested current laws fail to protect the public and victims from violent, mentally ill offenders.

"When atrocious events do occur, and the state fails to act, fails to do all it can do to defend innocent citizens, it violates the inherent trust upon which its existence is justified," Harper said. "We've heard from Canadians loud and clear: Something here is very wrong."

The proposed legislation would allow courts to designate people who are found not criminally responsible for violent crimes as "high risk." Such offenders could be held longer without a formal review, would be ineligible to leave their forensic facility by themselves and would find it far more difficult to leave even with an escort.

Harper unveiled the changes at a news conference in the Vancouver area, not far from where Allan Schoenborn, who was deemed not criminally responsible for the deaths of his three children in 2008 in Merritt, B.C., was scheduled



to attend court. The hearing was to determine whether Schoenborn, who is confined to a psychiatric hospital, should be given any access to the outside world.

Harper said the case exposed "glaring gaps" in the system. "Currently, there is no obligation under law or regulation to warn the families of their victims that these violent

people are returning to the community," he said. "Here is the biggest problem: Canadians have been shocked to learn that certain violent individuals who, while still in detention, have received unescorted day passes despite still being a significant threat to public safety."

Offenders deemed to be a high risk under the new law could not be released until a court agrees. They would never receive unescorted passes to leave their facility and could only receive escorted passes in "narrow circumstances," the government said.

Currently, a review board - chaired by a judge and including mental health professionals - assesses such cases on an annual basis. Under the new law, high-risk offenders could be held for up to three years before their status is reviewed.

(Blue Line News Week - Canadian Press)



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Portable data security

It seems there's a news story every few months about confidential personal and financial data being lost or stolen from a government agency or large company.

In these days of mostly electronic data, losses or thefts occur most often when data is stored on some type of portable device – a laptop, external hard drive or the ultimate portable and easy-to-lose storage device, the USB flash drive.

There is no escaping the use of portable data technologies these days because they are cheap, readily available and provide incredible versatility and efficiency.

What is not escapable is the need to use the appropriate security procedures, processes and technologies, based on the assumption that every portable data device is likely to be lost or stolen at some point.

The USB flash drive is the most vulnerable because of its small size, while the portable hard drive offers additional challenges because of its typically larger capacities.

Lost or stolen smartphones, tablets and



laptop computers create additional risks because they also contain the software that makes the data on them readily accessible and usable.

It is unreasonable to avoid portable data devices just because of the risks.

The first line of defence is to adopt stringent device and data handling procedures and processes to prevent theft and loss of devices that contain confidential data. This may reduce the risks but cannot eliminate them entirely.

Passwords

The second line of defence is to password-protect access to the device – but unless stringent rules make passwords difficult to guess or crack (prohibiting such incredibly popular passwords as “password,” “123456” and “ABC123”), they tend to be of little value to a determined thief after the data rather than the device.

Unfortunately many portable devices such as the Apple iPhone, the darling of the Bring Your Own Device (BYOD) trend in business, only makes provisions for using four numbers as the device password. More secure than no password at all, it is quite weak at only 10,000 possible combinations.

A proper “strong” password should be at least 12 characters long and include both upper and lower case letters, several numbers and a few special characters such as #, & or \$.

Some laptops, such as Lenovo ThinkPads, include a biometric fingerprint scanner near the keyboard to control access to the machine. This generally makes it more secure than a password, assuming that the system is implemented and used.

Two factor authentication (2FA), which uses a smartcard or USB type security device in combination with a user password, further ups the ante.

Despite such measures, the Achilles heel of password-protecting devices is that stored data is generally still completely accessible.



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Although starting the laptop or operating system may require a password, data is easy to access by simply removing the hard drive and connecting it to another computer, completely bypassing the password process.

To overcome this, all hard-drive data should be rendered inaccessible with some type of encryption technology.

Encryption

Encryption is a process of encoding information into an unreadable format that cannot be accessed or read by anyone without the decryption key or password. It uses various levels of mathematical algorithms to encode and decode data.

Encryption can be used at the file level – such as for documents, spreadsheets and database sets – or at the system level, where all the data on the device is encrypted.

Microsoft Office applications such as Word and Excel have built-in password and encryption tools that make it fast and easy to secure individual files.

There are two primary types of encryption technologies: private-key (the key to access data is the same at both the encryption and decryption points) and public-key (the two keys are different).

A very common type of public-key encryption software is Pretty Good Privacy (PGP), often used to e-mail files. It can also encrypt file directories and hard-drive partitions.

Data encryption at the drive level is available from some laptop and hard drive manufacturers. It generally is not implemented by default, meaning the user or device owner needs to set it up. Windows 7 Ultimate and Enterprise editions and the Professional and Enterprise editions of Windows 8 include BitLocker software, which allows hard drives to be fully encrypted.

There are several types of encryption technologies: the basic Data Encryption Standard (DES), the more secure Advanced Encryption Standard (AES) and the most secure XTS cipher, approved by the U.S. National Security Agency (NSA). Each offers different levels of security. Most start with 128-bit encryption, move up to 256-bit and may end at 2048-bit encryption.

The technologies work quite effectively at the storage level, making all data completely inaccessible without the correct decryption key.

USB flash drives

Recognising the high level of vulnerability of data stored on USB flash drives, many major manufacturers have begun including various levels of hardware encryption, making them able to meet or exceed most of the toughest security requirements in the world.

The Kingston Data Traveler 6000 is manufactured with a water and heat resistant, titanium-coated, stainless steel body. It offers AES 256-bit encryption with the

newer XTS cipher, making it very secure. It also prevents brute-force cracking attacks by implementing a 10-try password limit, after which it automatically destroys all data. The 8GB version has a street price of around \$120.

The Kangaru Defender 2000 features a physically robust metal-alloy body, AES 256-bit encryption and meets FIPS 140-2 Level 2 validation (additional validations are in the works). Interestingly it includes anti-malware capability. An 8GB version retails for a more reasonable \$90.

The Imation S250 starts with a waterproof stainless steel body which is extremely temperature resistant. It earns the coveted (US) Federal Information Processing Standard (FIPS) 140-2, level 3 validation, making it suitable for federal government requirements. It uses both 256-bit AES, 2048-bit RSA and 256-bit SHA encryption technologies, making it virtually impenetrable.

The Enterprise version also offer the ability to deploy, manage and track the devices using Imation's Enterprise management service. A 2GB S250 lists for \$109 while the 32GB version lists for \$599.

Imation also makes encrypted portable hard drives with or without biometric access control. Their H100 lists at \$249 for 320GB and \$499 for 1TB, while the H200 (with biometric technology) starts at \$299 for the 320GB version and \$549 for the 1TB version.

The Apricorn Aegis Secure Key (\$82 for 8GB), the Corsair Padlock (\$43 for 8GB) and iStore datAshur (\$85 for 8GB) USB flash drives all use 256-bit AES encryption but include a physical keypad on the device housing to unlock the contents.

SanDisk makes the very affordable plastic bodied Cruiser Glide USB flash drive, which ships with 128-bit AES encryption software designed to protect folders on the device. It is more affordable than many of the other drives, retailing at only \$22 for the 16GB version.

Security essential

Portable data security is more important than ever. With hardware prices now so low, more devices are being used and then subsequently lost or stolen, resulting in often embarrassing and sometime dangerous leaks of confidential data.

While some of the better-quality high-security devices are expensive, even relatively cheap USB flash drives offer substantial protection against casual thieves, who may only be interested in the hardware and professional thieves, likely concerned mainly with the data.

Tom Rataj is *Blue Line's* Technology columnist and can be reached at technews@blueline.ca.

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Thanks for the article in the January issue of *Blue Line Magazine* (Fallen officers can save our lives). I am an RCMP officer and like the way Tom Wetzel's friend is honouring our fallen brothers and sisters. I appreciated the scripture you included from Isaiah and how fitting it is.

I find that we have become so concerned with political correctness that we often miss what God would want to show us through His Word because we are scared to say anything. We often overlook the lessons that can be learned from our fallen brothers and sisters and I thank you for sharing this with the police world.

Michael Drenth
Barrington, NS

...

I just received your latest copy of *Blue Line Magazine*. Your magazine has always been the voice of reason in an otherwise barren field of Police literature in Canada - Very interesting and always much appreciated. More recently I was impressed with your comment entitled "Reading the Riot Act. (December 2012) and will be reprinting it in our publication.

Paul Rogan
Canadian Access
Whitehorse, YK

...

From the first copies I found laying around, to many years of subscribing, I have read and saved a complete set of *Blue Line Magazines*.

I have enjoyed them all, and appreciate Morley's "Traffic" background. I enjoyed meeting Mary at the Edmonton trade show years ago, which resulted her locating a complete set of back copies which I bought.

I retired almost ten years ago from the Edmonton Police Service but wanted to keep in touch with the Police community. However, now that I have "retired" again, I have to make some decisions, and one of them has been to not renew my subscription for another year.

I know I shall miss receiving the magazine, but wanted to tell you that I thoroughly enjoyed reading it and feel the magazine (and your Trade Show) is important to the Canadian Police community.

Thank you all, and keep up the good work.

Ian McDonell
Fort Saskatchewan, AB

...

Good commentary, Morley, concerning the topic of Traffic Safety! (Publisher's Commentary: Police are responsible for traffic safety - January 2013)

I retired in February 2010 but your commentary reminded me of being told to go out and do some enforcement to stop all these pedestrians from getting hit by cars. I was doing my job when I stopped a pedestrian to cite him for failing to cross at an intersection.

The gentleman said; "You're doing a fine job officer, however, there is no law - common or statute - that compels me to give you my information so that you can give me a ticket... but I accept your caution..." Then this lawyer walked into his downtown office.

I realized how the law has to be changed. Otherwise, officers have no enforcement tools to apply, without abusing the letter of the law by "bending" the interpretation of other laws. To date, no changes have been made but the demands on the officer on the street continue. Again Morley - great article!! Thank you and keep up the good work.

Joseph Sokolowski
Toronto, ON

...

I am writing firstly to say what a great article, touching and thought provoking, which appeared in the February 2013 issue of the *Blue Line Magazine* (Rising above the tragedy by John Muldoon). However how the editor did not catch the advertising that was allowed to run along with your article is beyond me. An advert for an AR look alike and a sniper rifle to boot appears on the same page as this article. Perhaps the editor should be made aware of how inappropriate this is.

Andrew Hughes
Calgary, Alberta

Publisher's Note:

This was certainly a real "Oops" moment. We certainly apologize for the inappropriateness of the placement of those ads. We did not notice it until it came off the press. I can only suppose if we were a consumer magazine rather than a trade publication it would be a far bigger faux pas.

In this respect we can take solice from the fact the ads are not attempting to promote themselves to the general public but rather toward the people who can utilize the products to really make a difference in such tragedies. Regardless of this it could have been placed better and we have taken note of this for the future.

...

I am currently a patrol officer with Charlottetown Police Services in Prince Edward Island. I have been Policing for four years now. I was inspired to read the article on "A small sticker defends against apathy" (February 2013 issue, Page 14). In my opinion you did a fantastic job in conveying the message of "Check your Six". As a constable who also assists instructing on my days off at the Atlantic Police Academy complacency is an important message all throughout your career but especially significant to be conveyed early in learning.

I was wondering how I can get in contact with Ron Borsch or who I might contact to have a couple of these shipped to me.

Cst. Kristi MacKay
Charlottetown, PE

Publisher's Note:

Ron Borsch has let it be known that the stickers may be reproduced at will. In a post at Spartancops.com he said;

"In the article, I forgot to note: Permission is granted to reproduce the two character 'Check Six' symbol. This reminder symbol for 'Check Your Six' can be enlarged or printed on stickers to be placed somewhere, (inside of your locker, on your ticket book, Etc.), as a memory key and constant reminder that police officers have been and are being targeted by assassins in their cars, at police stations, in coffee shops, off duty and at home." - Ron Borsch, SEALE Academy, Bedford Ohio



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Officer's experience relevant in determining reasonable grounds

There was no need for a five member panel of the BC Court of Appeal to review whether an officer's personal experience can support the objective grounds for an arrest; the law is already clear.

In *R. v. Wilson, 2012 BCCA 517* a police officer, whose patrol duties involved drug investigations and speaking frequently with addicts, was told by a barber of increased drug activity near his shop in Vancouver's Downtown Eastside. Two unnamed drug addicts also told him drugs were being sold near a slushie machine in a convenience store near the barbershop.

At about 9:15 pm, the officer and his partner looked through the store window and

saw Wilson standing by the machine holding open a black, flat, leather pouch. They saw a woman hold out cash to Wilson, who put his hand in the pouch. An older, dishevelled man, who appeared like a drug addict, stood to Wilson's left.

Believing he was observing a drug transaction, the officer entered, announced police and arrested Wilson for possessing narcotics for the purpose of trafficking (PPT). A search incidental to arrest turned up 10 flaps of heroin and five rocks of crack cocaine in the pouch. Wilson also had a drug scale and \$74.75 in cash. He was charged with PPT heroin and cocaine.

In BC Provincial Court Wilson sought to have the evidence excluded, submitting police lacked reasonable grounds to arrest and search him, therefore violating his ss. 8 and 9 Charter rights.

The trial judge found the arrest lawful under s. 495 of the Criminal Code (CC) and the

search incidental to that arrest. The arresting officer subjectively had grounds to believe he had seen a drug transaction taking place and the totality of the circumstances objectively established reasonable grounds.

Police received tips, saw a woman holding out money to Wilson and then saw him reach into a black leather pouch. The people were not near the cash register and a person with the appearance of a drug addict was standing nearby. The officer had also previously seen drug sellers in the Downtown Eastside carry drugs in leather pouches. The judge stated:

The fact that the information they had prior to making their observations about a specific convenience store and a specific place in that convenience store, that being the slushie machine, is relevant. The fact that the officers have seen on previous occasions drug sellers or drug possessors carrying their drugs in leather pouches, like change purses, the officer said that he had seen that on at least 20 previous occasions. The fact that he saw a person facing (the accused) and reaching out with her hand with money in it and him reaching into his pouch; those are relevant factors.

The fact that they were all distanced by some 18 feet from where the cash register and so on was is also consistent with them not being in there for the purpose of buying something from the store. Then the second male... was standing right there and exhibiting symptoms and an appearance familiar to the officer of a drug-addicted person in that area. All, in my view, taken in totality, provide an objective basis, a reasonable basis for the officer's belief that he was witnessing a drug transaction.

Thus, a reasonable person standing in the shoes of the officer would have concluded reasonable grounds existed. Wilson was convicted.

Wilson challenged the ruling to the BC Court of Appeal, arguing the judge erred in relying on the arresting officer's personal experience in determining if the necessary objective grounds for arrest existed and whether they were objectively reasonable.

Personal experience

Under s. 495(1) CC a peace officer is authorized to arrest a person without a warrant if they believe, on reasonable grounds, that he/she has committed or is about to commit an indictable offence. Wilson submitted that an officer's experience should only be relevant in establishing

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whether there were subjective grounds for an arrest, not whether such grounds were objectively justified.

Wilson further suggested that when experience is considered as part of the objective component, it increases the opportunities for racial-profiling and renders the warrantless arrest power unconstitutional. In his view, the “reasonable person” test for the objective component should be a “reasonable police officer” placed in the factual circumstances of the arresting officer, void of considering an officer’s personal experience. The court rejected these arguments.

The Supreme Court of Canada and other appellate courts have repeatedly held that there is a two-part test for considering whether an officer has reasonable grounds to justify a warrantless arrest. First, they must subjectively have reasonable grounds for the arrest. Second, those grounds must also be justifiable from an objective point of view.

The objective component requires a consideration of whether a reasonable person standing in the shoes of the police officer would also conclude that there were reasonable grounds for the arrest. An arresting officer’s personal experience has consistently been held to be a relevant consideration as to whether their subjective belief to arrest is objectively justified.

“In my view... the (Supreme Court of Canada) articulated the reasonable person test as ‘a reasonable person standing in the shoes of the police officer’ and ‘a reasonable person placed in the position of the officer,’” said Justice MacKenzie.

“The use of the definite, rather than the indefinite article, signals the arresting officer’s personal experience and training are relevant to whether there were objective grounds to arrest under s. 495 of the Criminal Code.”

Objective grounds

The appropriate standard for reasonable grounds is one of “reasonable probability” or “reasonable belief,” rather than proof beyond a reasonable doubt or a prima facie case. Wilson submitted that, even considering the officer’s experience, there were not sufficient objective grounds to arrest him but this argument was also dismissed.

The tips received by the officer and his observations at the convenience store supported a finding that there were objectively reasonable grounds for the arrest. The information described drug transactions there. Although the tips were from unproven sources, their lack of reliability was offset by the specificity of the information and the conformity of the officer’s observations.

The trial judge correctly found the officer had the subjective grounds to arrest, which were objectively reasonable. The arrest and the incidental search were lawful and the drugs admissible.

Wilson’s request for a five judge panel to hear his appeal was denied and his appeal dismissed.



Tactical Officer Association formed

by Philip Devine

The Canadian Tactical Officers Association (CTOA) is a non-profit, fraternal organization directed by the needs of the membership. Our goal is to develop a professional network – committed to promoting and coordinating the sharing of information and best practice guidelines amongst law enforcement, corrections, military and security providers – to meet those needs.

We also provide access to subject matter experts on the CTOA advisory board. They can provide consultation, expert testimony or facilitate specific and effective practical training, based upon the most recent, realistic and relevant skills in crisis and risk management.

The CTOA was developed because of the need for task specific training and, equally important, the timely access to information and subject matter experts in the field. We’ve all found ourselves tasked with providing answers or operational solutions for a situation that we have not experienced.

This is often frustrated by the lack of knowledge and ability, or simply not knowing where to

turn for assistance. In most cases a solution is found, but not without hours or days of searching to find someone who’s “been there and done that” or attending expensive training that sort of address your needs. This can result in wasted resources (time and money), a duplication of efforts or, worst case scenario, pressing on blindly, which may result in corporate liability or criminal prosecution.

In answer to the current trends of fiscal constraints, limited resources and growing public scrutiny, the response has been extremely positive and the timing favorable to launching CTOA. We are excited about the opportunity of being able to provide the mechanism for those in need to plug into a “live network,” a central clearing house of sorts, that will give its membership access to the combined knowledge and expertise of those that have gone before us.

“There’s no one of us smarter than all of us.”

Philip Devine (Det #2949 ret’d) served 32 years with the Toronto Police Service, including 25 years in Special Operations Command working at the ETF and Intelligence Division – Security Operations. Devine currently serves on the CTOA board of directors.

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Law applies to travellers entering and leaving Canada

The law respecting routine screening procedures, such as questioning and searching baggage, applies to travellers entering or leaving Canada.

In *R. v. Nagle, 2012 BCCA 373* the accused checked her luggage at the Vancouver International Airport, passed through security and waited in the international departures lounge to board a flight for Japan. At 12:13 PM a roving CBSA officer asked her to step out of line and place her purse on a shelf. He had positioned himself behind an airline employee checking passengers' boarding passes and identification and had seen Nagle present her documents.

The officer wanted to determine whether she had complied with the Proceeds of Crime (money laundering) and Terrorist Financing Act (PCMLTFA), which requires those departing Canada to report if they have \$10,000 or more of currency. The woman said she had only \$1,200 with her and that's all the officer found in her purse.

While searching, the officer asked various questions about her ticketing, routing, occupation and travel plans. Her answers made him



suspect she may be trafficking in drugs. At 12:18 p.m. he told her that she was detained and advised her of the right to silence and her *s. 10(b)* Charter right to retain and instruct counsel, including the availability of duty counsel. Nagle confirmed that she understood but did not wish to speak to a lawyer. She was removed from the flight, her luggage taken off

the airplane and she was escorted to the secondary examination area.

An x-ray of her suitcases revealed just over one kilogram of concealed methamphetamine. A \$500 Western Union receipt with the last name of a person reputedly involved in criminal gang activities was also found in her purse. Nagle was arrested, again advised of her right to counsel, spoke to duty counsel and searched under *s. 98* of the Customs Act (CA). Nothing more was found. She was subsequently charged with possessing methamphetamine for the purpose of trafficking and exportation from Canada under the Controlled Drugs and Substances Act.

In BC Provincial Court the trial judge determined that Nagle's Charter rights had been violated. He found she had been psychologically detained when under the direction and control of the CBSA officer at the time he asked her to step aside and put her purse on the shelf. At that point she should have been advised of her rights under *s. 10(a) and (b)*. She wasn't advised of these rights until after giving incriminating answers that led to the officer forming reasonable suspicion.

The judge also concluded her detention was arbitrary and found the search of Nagle's purse unreasonable, calling it a "trolling expedition." Since the luggage search resulted from the information obtained in violation of her Charter rights, it was also unreasonable. The evidence under *s. 24(2)* was excluded and Nagle acquitted.

The Crown appealed, arguing before BC's highest court that Nagle wasn't detained under the Charter when asked to step aside and place her purse on the shelf. In its view, Nagle was detained for constitutional purposes only when she was formally advised of such and steps were taken to remove her luggage from the airplane. Prior to that point, the Crown submitted that Nagle was subjected to permissible routine border screening processes which do not engage *ss. 9 or 10* of the Charter.

Further, the Crown contended that *s. 8* wasn't engaged when her purse was searched because she did not have a reasonable expectation of privacy as an international traveller at a border crossing. In any event, the examination was authorized by the PCMLTFA and there were reasonable grounds to support a luggage search under *s. 99(1)(e) and (f)* of the CA.

Border context

Justices Chiasson and Bennett, writing the appeal court opinion, first found that the law respecting detention and search of travelers applicable to those "entering" Canada also applied to those "leaving." They concluded that "the liberty interest and expectation of privacy

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If you are a **civilian member** of a police/justice agency, you will be eligible to receive credit for 20 out of the 30 courses required for the Police Foundations Leadership diploma if you meet the following criteria:

- minimum of three years' experience
- have worked to gain community experience

The remaining seven courses for both uniformed and civilian members are scheduled in a flexible study format. That is, over three months in an accelerated hybrid delivery format combining intensive weekends in class (i.e., two or three Saturday/Sunday sessions) followed by two or three weeks of online education. Civilians will be required to complete three additional courses that are offered in May each year.

For more information, contact Police Leadership Liaison: Stephen.Duggan@humber.ca or at 416.675.6622 ext. 3771

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of travellers is reduced at border crossings regardless whether they are arriving, in-transit or departing.”

Thus, routine screening procedures, such as questioning and searching baggage, equally apply to enforcing the law with respect to passengers leaving Canada without engaging constitutional rights, as they do to those arriving in or in transit through Canada. The application of this general principle, however, will be determined on a case-by-case basis since circumstances will vary.

Detention?

When Nagle was initially stopped and questioned she had not been detained in the constitutional sense. This was merely part of routine screening procedures by border officials. “(The officer’s) questions and investigation had not yet gone beyond routine screening procedures in a way that would engage (the accused’s) constitutional rights,” the court said. Since she wasn’t detained there was no obligation for the officer to inform her of her right to counsel.

Purse search

The officer’s initial questioning and examination of the purse was to determine whether Nagle was required to file a report under the PCMLTFA. The search was routine and, in the context of crossing a border, again part of the routine screening procedure. An international traveller has a significantly reduced expectation of privacy and no constitutional right to be free from the search of bags, purses, luggage or a pat down when they decide to cross a border. Furthermore, the officer was also authorized to examine the contents of the purse under s. 16(2) of the PCMLTFA. The search of Nagle’s purse wasn’t a s. 8 breach.

In our view, prior to formally detaining and advising her of her rights, (the officer) did not violate (the accused’s) Charter rights by questioning her and looking through her purse. With the information at hand it was reasonable for him to detain her and for her luggage to be searched. The evidence to support that detention and the search and the evidence found as a result of the search was admissible (para. 79).

It added:

Border crossings are not Charter-free zones. Border officials must be alive to the rights of travellers under Canadian law. While border officials have a right to make routine inquiries as part of the screening process, once border officials have “assumed control over the movement of (a traveller) by a demand that had significant legal consequences,” the person is detained and must be apprised of his or her rights and afforded an opportunity to contact counsel. At that point, constitutional rights are fully engaged (reference omitted, para. 81).

Since there were no Charter breaches, there was no need to conduct an admissibility analysis under s. 24(2). The Crown’s appeal was allowed, Nagle’s acquittal set aside and a new trial ordered.

Visit www.blueline.ca/resources/caselaw for complete cases. You can email **Mike Novakowski** at caselaw@blueline.ca

Canada’s Missing

The RCMP has launched a new national website featuring details of hundreds of cases of missing persons and unidentified remains in an effort to generate new leads. The force acknowledged that the files posted online represent only a “sampling” of all the cases out there. All information on the site, www.canadasmising.ca, is submitted by police, medical examiners or chief coroners, officials said. New cases may be added at the request of primary investigators. The site currently contains information on 427 missing adults, 113 missing children and 157 unidentified remains. Some files are very detailed, offering a range of information about a person’s physical characteristics, clothes they were wearing, and last known whereabouts. Some files are accompanied by photographs or — in the case of unidentified remains — artists’ renderings.

(Postmedia)



The poster features the Halton Regional Police Service logo on the left, which includes a crest with a crown and the words 'HALTON REGIONAL POLICE'. To the right of the logo, the text reads 'Halton Regional Police Service' and 'Join Our Team' in large, bold letters. Below this, a list of benefits is presented: 'Work/Life Balance', 'Exciting opportunities', 'Teamwork', 'Diverse', 'Community-focused', 'Variety', and 'Rewarding'. Two police officers, a woman on the left and a man on the right, are shown in uniform, smiling. At the bottom of the poster, the website address 'www.haltonpolice.ca' is displayed in a large, white font against a blue background.

WITH RIGHTS COME RESPONSIBILITIES

by Robert Lunney

Towards the conclusion of my memoir, *Parting Shots – My Passion for Policing*, I attempted to sum up some beliefs about sustaining a civil society, a goal related to community policing. The concept that rights are earned through responsibilities is fundamental to maintaining a peaceful and well-ordered society. The following excerpt is taken from pages 306-307.

A democratic society has decisions to make in maintaining the balance between freedom and order, an evolving process of adjustment and revision. Rights are one part of that equation, but rights are earned through responsibilities.

The Canadian Charter of Rights and Freedoms establishes constitutional rights in our society, but the principle of responsibility is more difficult to pin down. While people are increasingly aware of their rights and eager to demand them, there is no countervailing array of values to inform individuals of their responsibilities to society.

Perhaps we need a *Charter of Responsibilities* as a core value to remind people that the inalienable rights and inherent dignity of everyone requires that they accept certain responsibilities.

Both the rule of law and human rights depend on the readiness of everyone to act justly.

Every citizen has the duty to refrain from any behaviour that would infringe on the full exercise of rights by others. It should be a responsibility of all to respect every other individual and to accept the authority of the law. In acknowledging the law everyone should assist the police and authorities in the lawful execution of their duties; everyone should recognize and respect the rights associated with other people's property as well as community property.

It's best if a *Charter of Responsibilities* is not coercive. Like the original *Canadian Bill of Rights*, it should be an affirmative statute to encourage awareness of the responsibilities of people in their relationship towards each other, beginning with the education of children at an early age.

The power of moral suasion is too often depreciated by those disposed to over-govern. It could be held that although all people have an equal entitlement to human rights, their responsibilities to society are proportional to the possibilities open to them.

The expression "noblesse oblige" was once

exclusively associated with class distinction and implied that with wealth, power and prestige come responsibilities. More broadly interpreted in a pluralistic society, the term also implies an obligation for those who are capable of simple acts to help the less fortunate.

The strengthening of Canadian society through endorsement of a non-coercive *Charter of Responsibilities* in statute form would balance the emphasis on rights that typified the 20th Century. It would also provide the equilibrium and spirit of self-discipline that will be needed to nurture and sustain democratic nations in the competitive global community of the 21st century.

Competition is not limited to economies, but also applies to the strength and vitality of societies. Building the spirit of self-efficacy and personal responsibility should be a national goal.

Robert Lunney is the former chief of the Edmonton and Peel Regional police services. He is *Blue Line Magazine's* Police Management editor and he is the author of "Parting Shots – My Passion for Policing." He may be contacted by email to lunney@blueline.ca.

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Repairing a fractured trust

by Tom Wetzell

There were many casualties in last year's Cleveland police chase, which involved at least 59 cruisers and saw 137 shots fired, resulting in the sad loss of life of Timothy Russell and Melissa Williams. Adding to the sadness is the collateral damage that may be done to the trust factor necessary for a police model of service to function.

Without trust officers will have difficulty successfully protecting and serving the citizens of Cleveland. It's a problem cities large and small may face and how they respond can determine future success. Repairing and enhancing trust should be priority one.

It is important to convey the framework police work under so people can better understand why officers do what they do and the meaning of policies in the context of operation. Policies and procedures are guidelines for how to perform tasks and should be followed as much as possible. They are basically the best practices for getting the job done, designed to provide direction and co-ordination on matters both small and large. Following them helps an agency carry out its mission in an efficient and lawful manner.

There will be times, however, that an officer may not follow a policy in its strictest form and good policies make provisions for these situations – but officers will be expected to explain their actions.

Sometimes their decision will not be deemed reasonable and there will be a consequence. Police officers, like most people, know that there are many shades of grey. It is why they must appreciate not only the letter of the law but also its spirit. Some police decisions and actions will, at times, involve a mixture of both components.

When an officer believes a life is at risk, the strict application of a policy in certain environments may not be followed. In the Cleveland incident it may likely be the reason so many officers came to help what they believed were fellow officers in danger. It is also important to recognize that once officers reasonably come to believe lives are in danger, they will quickly respond and use available means to stop that threat. Not doing so could be fatal.

Communicating how and why officers do things is a good first step in restoring trust. A second approach is to immediately equip every cruiser with in-car video systems. I, like probably many officers, was initially concerned about them as I felt our profession is one of honour and trust and our word should count. A camera doesn't change that and I have grown to appreciate and depend on video.

Cameras can help those we serve see what we encounter. Even though a video will not catch the rapid thumping of an officer's heart or fear when in danger, it can help put into a little context what they encounter. It also demonstrates an agency's commitment to more transparency, which is so important in gaining the trust people should have in their public servants. Cameras say loud and clear that a police agency is trying to be more transparent.

A third effort that can really make a difference is to embrace community policing concepts, which can build trust in a big way. Officers can work with their customers to keep neighbourhoods safer, prevent crime, catch bad guys, protect officers and improve the standard of living for everyone.

“Working together” is the key phrase and when done well, it can help develop the symbiotic relationship between cops and citizens necessary to meet these goals. Adding more foot and bike patrols, which allow officers to have more face to face interactions with citizens, can help achieve this. More friendly contacts between citizens and those sworn to protect them builds confidence.

Officers working in schools to develop trust with children is another vital component of community policing. Programs like *Children's Safety Village* and *e-Copp*, where officers instruct youth about Internet risks, offers special opportunities to connect with young people and imprint at an early stage that police officers are their friends.

Endorsing community policing and putting more of its concepts into practice can positively impact a city far more than people realize.

Whether the officers involved in the Cleveland chase are exonerated or punished, cracks have occurred and this has weakened the foundation of trust which is so vital to a successful police operation. Due to the speed that information travels and media reporting, this problem extends beyond the borders of Cleveland and affects cops everywhere. Giving lip service to the problem or trying to place blame won't provide a short or long term solution to this damage.

Educating the public, showing more transparency and connecting through community policing can have an immediate impact on developing a future of trust fundamental to our role of “protecting and serving.” We owe it to ourselves and those we serve.

Tom Wetzell is a suburban northeast Ohio police lieutenant, trainer, SWAT officer and certified law enforcement executive. Contact him at wetzell@blueline.ca with your comments or for more information.

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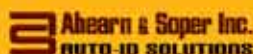
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