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by Morley Lymburner



This dowager needs to pay attention

Ask most anyone in publishing, photography or computer graphics which single company has the poorest customer service and they will likely answer with a word formerly associated with sun-dried bricks.

My relationship with Adobe goes back to 1985 when it bought Aldus Corporation, which knew the importance of keeping its customers happy. The newly amalgamated company changed course and now shows little interest in anything that doesn't immediately benefit its bottom line. When I call for service these days I begin by reading the company's mission statement to each and every person I speak with before explaining my problem.

The RCMP has talked a lot about "change," "confidence" and "trust" over the past seven years or so but little has changed. I do not yet place it as low as Adobe Corporation but it is trending strongly in that direction.

When top management feels comfortable with itself, it begins to forget the big picture. Not only does it neglect the customer base, a la Adobe, it neglects its only conduit with that customer base – its employees.

Blue Line has become somewhat of a lightning rod for disillusioned and disgruntled RCMP members through our multiple points of contact. Over the years we have even shared many of these complaints with the Commissioner's office (names withheld, of course). The vast majority of the complaints we hear and read about seem to focus on issues long recognized by RCMP senior staff.

None of this is news to the rest of the country. Issues of concern abound in books, studies, research and newspapers. Commentators, documentaries and media diarists have repeatedly highlighted the same problems within the RCMP, yet senior staff and their political masters stubbornly cling to century old management styles – styles which are becoming increasingly more difficult to sustain or justify.

This old dowager has to realize that its most important asset is its people. How does one explain the trickle-down effect of negative management and processes? Even if all the complaints are baseless or can be explained away as some transitory freak of nature, unhappy officers lead to a negative public image that ultimately affects the bottom line... and in more ways than financial.

The bad publicity and fallout from an array of incidents has reduced the number of recruits and increased interest from the community base in alternative methods of policing. It is difficult to deny when a recent recruit class had just 17 members and it required a supreme effort for the RCMP to retain contracts in at least six of the eight provinces it currently polices. It is difficult to deny when every

effort by front-line members to gain bargaining rights, which every other police officer in this country already has, is fought to the Supreme Court of Canada.

Upper management has taken for granted the talent pool it possesses in this era of highly educated individuals. Old management styles of keeping them in line are not going to work in this era of global communications and multiple job opportunities. A simple "no" in today's workplace will be promptly met with a "why not?" – if not at the highly charged training facility then most certainly in the field, where strict discipline and parade manoeuvres must give way to quick thinking individuality.

In 2008, around the time when the RCMP Reform Implementation Council was formulating its "Third Report," a young man named Dave Carroll was flying from Halifax to Omaha, with a transfer at Chicago. He was horrified to see Chicago baggage handlers toss his guitar around the tarmac. It was badly broken and Carroll launched a complaint with United Airlines. After almost a year of consistent negative responses he wrote a song about his experience and posted it on the Internet.

United Breaks Guitars was an instant and monumental success. In less than three days it had more than four million views, which soared to more than 10 million in six months. Currently more than 23 million people have heard the song on the Internet alone and countless millions more through extensive news coverage.

Carroll went on the speaking circuit (he has yet to stop) to explain the story and its effect. When asked to explain how a \$1,200 claim managed to cost it over \$10 million and stock losses of some \$130 million, United Airlines' only answer was that its policy states damage claims must be made within 24 hours – and Carroll's was late.

A whole new world has evolved since the first Mounties trudged across the prairies on their horses 140 years ago. Upper management should be thinking about how many sharp-minded Dave Carrolls are lurking among its 20,000 members. Let's hope the RCMP's current striding style will not create its very own swan song.

And if you want to hear a great song, search for *United Breaks Guitars* on YouTube!





POLICING THE NATION'S CAPITAL

Keeping the peace in a city with a mission

by John Steinbachs & Carol Macpherson

The elevator doors in the Ottawa Police Service (OPS) Elgin Street station open and emergency services unit officers head out, on their way to Parliament Hill. They are monitoring 1,700 demonstrators marking the 99th anniversary of the Armenian Genocide.

The crowd is split into groups representing Armenians and Turks and they are in close proximity. It's just another day of municipal policing in Canada's Capital for the more than 1,900 members of the OPS.

"The members of our service have a unique job to do in keeping this community safe," said OPS Chief Charles Bordeleau. "We have all the policing issues of a large urban city but we also have a very large rural area in our jurisdiction. On top of that, this is the national capital, which brings its own challenges."

With 943,260 people, Ottawa is the fourth most populous city in the country and among the largest geographically. Toronto,

Vancouver, Montreal, Edmonton and Calgary combined could all fit within its borders.

- Ottawa hosts numerous demonstrations, VIP visits and traffic escorts, festivals and fairs, including the largest Canada Day events in the country, which attracts hundreds of thousands of people.
- The city is home to 943,260 people and about 6,000 diplomats.
- More than 7.3 million people visit the Ottawa region each year.
- About 80 per cent of Ottawa is farmland.
- One in four Ottawa residents were not born in Canada.
- Half of residents report their first language as English and about 32 per cent speak French.

Ottawa continues to be one of the safest urban centres in the country, according to Statistics Canada's annual Crime Severity Index (CSI). The 2012 CSI for Canada was 75; Ottawa fell to 57.7 per cent in 2012, below the provincial median of 64.

"This is a safe city and it's a community we are proud of," said Bordeleau. "Our goal is to be a trusted leader in policing in meeting the needs of our residents today and in the future."

Being a leader means facing challenges and there are plenty in policing these days, including fiscal pressures, rising expectations of residents, technology enhancements, changing demographics and a more complex legal environment.

The OPS will host this year's Ontario Association of Chiefs of Police (OACP) annual meeting at the Château Laurier. Part of the discussion will focus on how to meet policing challenges.

The conference theme, "Innovating from our roots," reflects the need for change while remaining true to the basic and time tested principles of policing. Police leaders are recognizing the need to keep looking for efficiencies while identifying ways to improve service delivery.

"We must focus on how to innovate and change to meet these pressures," noted Bordeleau. "Many of us have started initiatives to address our challenges and this meeting will assist us in taking a look at what is working and what is not working."

The 2014 OACP meeting is a great opportunity to share best practices and discuss how to continue moving policing forward, Bordeleau added.

"It forces us to look at the services we are providing, determine which ones are the responsibility of police and then find ways to deliver them more effectively and efficiently," he said. "Policing today is about innovation and creating opportunity."

Improving efficiency

The OPS embarked on a service initiative in 2012, designed to ensure it can meet the



policing needs of the community while dealing with financial challenges. It is reviewing service from “call to close,” looking for efficiencies.

“We’re looking at how we do business, what partnerships we have and where we can improve in order to identify efficiencies and savings that can be put back into front line service,” said review leader Insp. Steve Bell.

An example of the new thinking is a mobile response team, in partnership with The Ottawa Hospital, to assist people dealing with mental health issues when they come in contact with police. The team works to rapidly get them the help and attention they need.

The project has psychiatrists working alongside police officers from the OPS Mental Health Unit. They can access medical history on site, provide a quick assessment and help determine whether apprehension was warranted and/or provide appropriate follow up services at the scene.

“We are pleased with the results of the project so far,” said S/Sgt. Dana Reynolds, who heads the team. “Being able to respond to calls as they are actually happening has a dramatic impact on the outcome of these incidents. We hope to increase opportunities to use the mobile team as the project progresses.”

In one incident, officers responded to a call about a barricaded person. The subject appeared to suffer from a mental illness. The team attended with a doctor who was familiar with the man, knew his medical history and was able to talk him out of the residence without incident.

The project assists people in getting the help they need, reducing officer time on calls and emergency room waits for police, patients and hospital staff.

Another creative partnership is the Targeted Engagement and Diversion (TED) program in a local homeless shelter. Introduced earlier this year, it offers an alternative way to deal with people who have chronic mental health or substance use issues. Homeless people with these problems who frequently come in

contact with emergency medical services or are the subject of public disorder complaints are taken to the treatment facility rather than the hospital.

TED staff know them and they can get quicker attention without the need to tie up police and paramedic resources at the hospital.

“The TED program gets people the help they need and reduces officer time on some calls,” said Insp. Chris Rheame, who is responsible for Ottawa’s downtown. “The program has been well received by members of the public and our officers.”

The desire to innovate and rethink chronic issues led Bordeleau to declare three priorities for the service which resonate with the community and members.

“The strategies developed in relation to each of these priorities demonstrate the importance of dedicating appropriate resources and implementing community engagement and partnerships to find solutions to these problems,” said Bordeleau.

Violence against women

“Violence against women is a serious and pervasive problem that crosses every culture, social boundary and affects every community,” said Insp. Joan McKenna, the senior officer in charge of leading the effort.

“The role of police has to be more than simply arresting those who break the law and investigating crimes. Our strategies must include educating people, especially young men and boys, about ending violence against women, as well as challenging everyone to speak out and think about their own beliefs, language and actions on this issue.”

The OPS is researching best practices in response to VAW, how best to allocate resources to address it and developing collaborative prevention strategies.

“There is great work being done in our community through groups like the Ottawa Coalition To End Violence Against Women and awareness campaigns like Shine the Light and White Ribbon,” said McKenna. “These

efforts enable us to reach out to victims, let everyone know that violence against women will not be tolerated and provide women with resources to help them.”

Traffic and road safety

Public surveys of residents have shown road safety to be a top concern. With such a large area, it presents a big challenge. Community partners like Safer Roads Ottawa, Crime Prevention Ottawa and MADD help the service educate commuters and promoting safety on roadways.

The Safer Roads Ottawa program, a partnership between police, public health, public works, fire and paramedic services, engages the community to make Ottawa a safer traffic environment.

“One unique enforcement and awareness initiative that I like to highlight is the Selective Traffic Enforcement Program,” said Supt. Scott Nysted of the OPS Emergency Operations Division.

“Each month, two driving behaviours are targeted. We let the public know in advance what the focus will be and we regularly report back to the public with the results of the enforcement. It has received positive reviews throughout the community and organization.”

Guns and gangs

The OPS Guns and Gangs Section was established in 2001 to assist in reducing gun violence and gang crime through education, enforcement and community mobilization.

The service continues to employ a targeted, sustained and effective enforcement aimed at criminal gang activity such as drug trafficking, firearm possession and trafficking, robberies, home takeovers, pimping and murder.

The service held a gang symposium in 2012, a community-led conference to address the gang issue. The resulting 27 recommendations became Ottawa’s first gang strategy, a three year road map for action.

A key focus of the OPS effort against

gangs is prevention. This includes ongoing collaboration with community partners like Crime Prevention Ottawa, Youth Services Bureau, the OPS Youth Section and the Boys and Girls Club of Ottawa. The OPS works with these groups to engage youth and divert them from the gang lifestyle.

“We know the impact of gangs in our cities and what can happen to young people who become involved. Providing alternatives to joining gangs is equally important to gang suppression strategies,” said OPS Duty Insp. John Medeiros.

Community service

While the organization is focused on the future, Bordeleau said he knows the service can only get there with the professionalism of members.

“The women and men of the OPS are dedicated to serving this community,” said Bordeleau. “Everywhere I go, I hear stories from residents where our officers and members made a positive difference in their lives. That can range from prompt service to calls, volunteerism or heroism.”

For example, a young woman jumped from a bridge into the frigid waters of the Rideau River in April, ignoring officers’ efforts to calm her. Firefighters didn’t have enough



Ottawa Police Chief
Charles Bordeleau

time to deploy their rescue boat.

The current was fast and officers needed to react quickly. With some officers attempting to pin point the woman’s bobbing head in the water, Cst. Colin Bowie went to another bridge downstream, removed his duty belt and jumped into the water using the back seat of a cruiser as a floatation device.

He was able to grab the young woman. Other constables waded into the frigid water to pull the two ashore.

“This is just one example of the work our members do. It’s these types of actions that represent the best qualities of our service,” said Bordeleau.

Looking after members

The chance to help people is the reason members choose to work for the OPS, said Bordeleau, but he adds it’s the job of the service to take care of its members. That’s why he promotes the idea that everyone matters.

“Civilian or sworn, everyone adds value and has the potential to contribute to our mission for the safety and security of our community,” continued Bordeleau. “As chief, it’s my job to help them understand how they can do that, recognize the work they are doing to contribute and give them the tools and the environment to maximize their contribution.”

In part, that can be accomplished by understanding what members are facing and investing in their health and wellness.

“There is a whole new generation of officers who were raised differently and have different priorities and expectations than before,” Bordeleau said. “Flexibility and adaptation have to apply to them as well.”

He is particularly proud of a health and wellness program provided to both civilian and sworn members.

Started in 2011, the Real You program is the first of its kind for a Canadian police service. It focuses on medical, psychological, dietary and fitness components as an approach to attaining a healthier lifestyle.

One component is health risk screening. So far, illnesses, disorders and diseases like diabetes, cancer, hypertension, addiction, mental illness, post traumatic stress disorder, heart disease, sleep disorders and depression/anxiety have been diagnosed. In 90 per cent of cases, the participants had family doctors who failed to diagnose these conditions.

“Public service is a high calling,” concluded Bordeleau. “Police services across Ontario and Canada are being innovative. The question is, how do we tap into what each of us is doing and share our successes?”

John Steinbachs is the Director of Communications for the Ottawa Police. He may be reached at Steinbachs.J@ottawapolice.ca or 613 697-4803.



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MEDAL OF BRAVERY



Constable Andrew Robert Aucoin, M.B.
Centreville, Nova Scotia & Norman Wells, Northwest Territories



Constable Todd Anton Ronald Glemser, M.B.
Clavet, Saskatchewan & Fort MacPherson, Northwest Territories

Teddy John Allen Omilgoituk, M.B.
Inuvik, Northwest Territories

Larry James Angasuk Jr., M.B.
Inuvik, Northwest Territories

On October 16, 2011, brothers Larry Angasuk Jr. and Teddy Omilgoituk, along with RCMP constables Andrew Aucoin and Todd Glemser, braved intense heat, smoke and flames to rescue two children from a burning house, in Inuvik, Northwest Territories. Larry was able to bring one of the children to safety, but Teddy, trying to reach his little sister in an upstairs bedroom, became overwhelmed by the smoke and had to rush outside. Constables Aucoin and Glemser ran in and managed to bring out the child who, sadly, did not survive.



...
Sergeant Paul Charles Avanthay, M.B.
Little Grand Rapids, Manitoba



Constable Norbert Alexander Constant, M.B.
The Pas & Ashern, Manitoba

On October 28, 2009, RCMP Sergeant Paul Avanthay and Constable Norbert Constant rescued a suicidal woman who had jumped from a hydro dam into the Winnipeg River, in Power-view, Manitoba. Both men entered the freezing water and, wading against the powerful current, brought the woman to shore.



Constable Kevin Carroll, M.B.
Thunder Bay, Ontario



Constable James Arthur Elvish, M.B.
Thunder Bay, Ontario



Constable Clark McKeever, M.B.
Thunder Bay, Ontario



Constable Kenneth Ogima, M.B.
Thunder Bay, Ontario



Constable Jason Rybak, M.B.
Thunder Bay, Ontario

On May 26, 2010, Thunder Bay Police constables Kevin Carroll, James Elvish, Clark McKeever, Kenneth Ogima and Jason Rybak rescued a woman from a submerged vehicle, in Thunder Bay, Ontario. Despite the low visibility, they located the wreck as it sank into Lake Superior, smashed out the windows and pulled the victim to safety.



...
Constable Deanna Theresa Hagen, M.B.
Whitecourt & St. Albert, Alberta

On November 9, 2009, RCMP Constable Deanna Hagen rescued a young girl from a possible drowning in the Atlantic Ocean, in Coco Beach, Florida, U.S.A. Seeing the victim struggling in the water nearly half a kilometre away,

Constable Hagen swam out to reach her side. Even though the panicked girl pushed her under the surface several times, Constable Hagen still managed to swim against the powerful undertow and bring the girl safely back to the beach.



...
Constable Susan McCormick, M.B.
Windsor, Ontario

On November 25, 2011, Constable Susan McCormick, of the Windsor Police Service, rescued a suicidal man who was in danger of drowning in the Detroit River, in Windsor, Ontario. Constable McCormick entered the freezing, fast-moving water to reach the unconscious man and bring him closer to shore, where others helped pull them both out.



...
Sergeant John L. Jorginson, M.B.
Orillia, Ontario

Alexander C. Robertson, M.B.
Bracebridge, Ontario

David William Simpson, M.B.
Bracebridge, Ontario

On May 12, 2011, Alexander Robertson, David Simpson, and off-duty Ontario Provincial Police Sergeant John Jorginson rescued a woman from a burning vehicle, in Bracebridge, Ontario. Despite the thick smoke and intensifying flames, the rescuers managed to pull the injured victim out of the car and bring her to safety.



...
Corporal Scott Joseph Young, M.B.
Bell Island, Newfoundland and Labrador, & Inuvik, Northwest Territories

On June 17, 2010, RCMP Corporal Scott Young rescued a suicidal woman from the Slave River, in Fort Smith, Northwest Territories. He swam out several hundred metres in the frigid, fast-moving river to reach the victim. Despite her protests, he was able to pull her to safety.

GIVING VOICE TO THE DEAD



by Carla Garrett

A Western University PhD candidate is digging up new leads in Canadian cold cases by looking into the social environment of victims' skeletal remains.

Using theories and techniques as a biological anthropologist, Renee Willmon is proving how social science is emerging as a viable method in criminal investigations.

"I want to tell the stories of the dead — how they died. I access the past and give a voice to those who no longer can speak for themselves," she says.

Her work is part of a campus-wide Cold Case Society at Western, created by cop-turned-professor Dr. Michael Arntfield. His multi-disciplinary method of investigating cold cases has garnered international attention and landed a TV series *To Catch a Killer*, now airing on the Oprah Winfrey Network.

"We are trying to increase the role that social sciences and research in those areas can bring to investigations," says Willmon. "Forensic science has gotten so much attention by applying techniques used in biology or chemistry to forensics, but a lot of the social sciences don't get applied in the same way and I think a lot can be gained from that respective."

It's not "sexy science," she says, but is a tangible component of traditional forensic investigation.

Like an archaeologist uncovers information about how earlier civilizations lived, Willmon uses this same technique to dig into details about perpetrators — and investigators.

"The investigators themselves also play a role, in that they decide what to record, what

becomes evidence and how that evidence is interpreted," says Willmon, adding it's important to understand how data may have been influenced at that time.

Willmon brought about new revelations in a 1969 murder after analyzing a four-decades-old crime scene on the show.

The body of 19-year-old Lynda White was found in a shallow grave in a bush lot five years after she went missing from London, Ontario. Her body was fully skeletonized and one of her arms was missing.

By applying knowledge of the decomposition process, probable animal activity and other environmental factors it was determined that her body was not at that site for the full five years she was missing.

"It also actually made the connection to another case much more striking," says Willmon.

In that case, the body of a young woman was found unburied in a landfill site. The coroner suggested then that the body had likely not been there the entire time she was missing.

"Renee's contributions have been outstanding and underscore the value of anthropologists and archeologists to police investigations for decades," says Arntfield, host of *To Catch A Killer*.

"Renee's role is to take that type of field work outsourcing and crime scene consulting to the next level, and conduct analyses of dump sites and crime scenes as archeological sites in earnest."

Although White's body was no longer in the bush lot, Willmon's analysis of the scene assisted in bringing new details of the perpetrator's actions and engagement with the victim, thus furthering the comparison between similar murders.

This process, known as "mortuary arche-

ology," will be covered in a new scientific journal Willmon and Arntfield are creating called *The Journal of Cultural Criminology and Forensic Semiotics*.

Similar to a polygraph, Willmon says her evidence is not admissible in court but can help further an investigation.

"It's difficult to quantify, but methods are emerging," she says.

Willmon joined the Cold Case Society in 2011 as a way to maintain her interest in forensics, while she completes her PhD in anthropology at Western.

Fascinated with Nancy Drew as a young girl, Willmon's shelves now hold books about dental moulds, analysis of burned human remains and Gray's Anatomy.

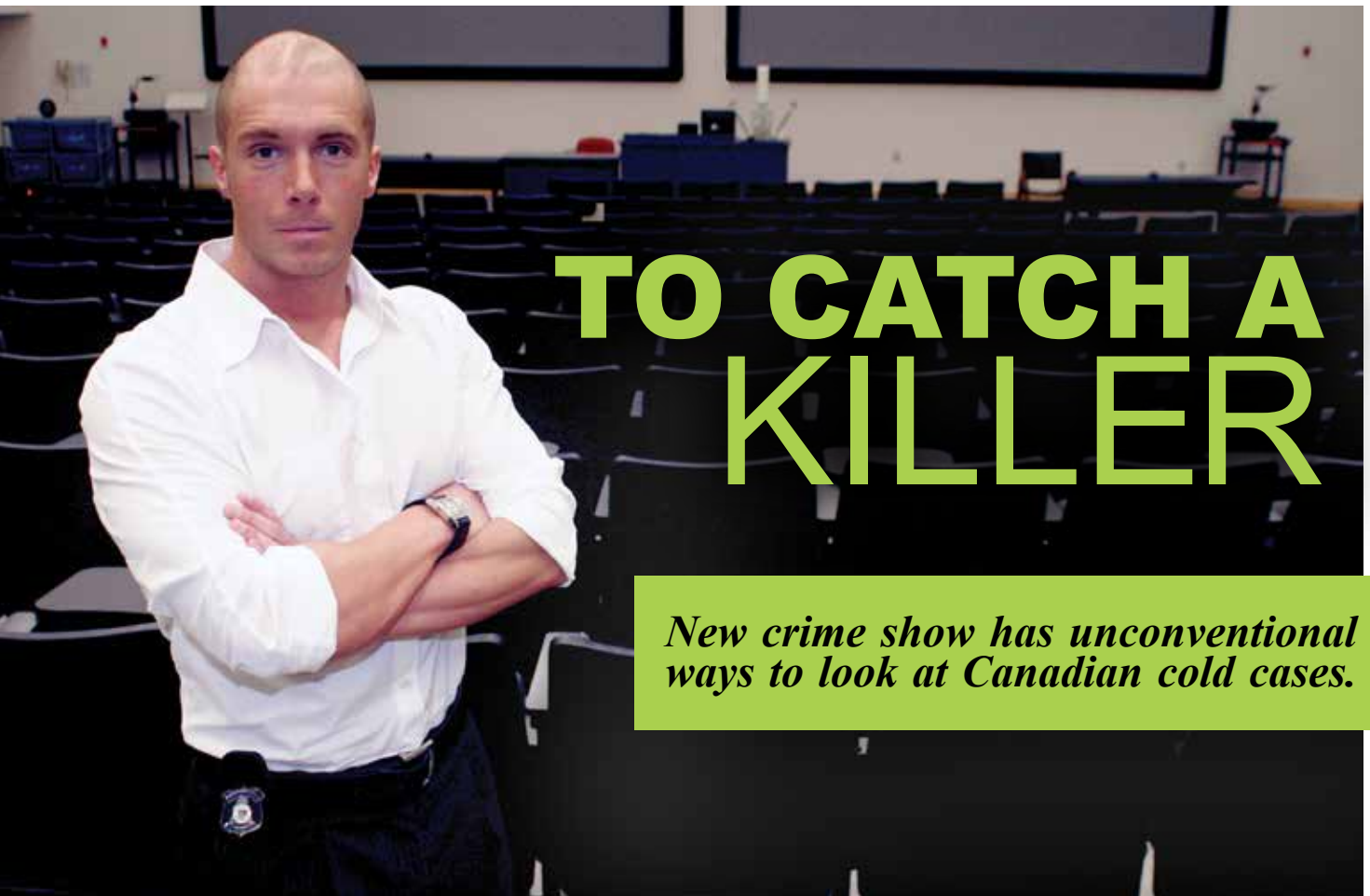
Her office space is adorned with skulls, skeletons and various other artifacts from previous civilizations.

Willmon wanted to be a detective, but wasn't interested in the "typical" career path of a police officer.

She now works as a consultant and has assisted with investigations for the OPP, Toronto Police and Hamilton Police. Her expertise also took her into the US where she worked alongside coroners at the Miami-Dade Medical Centre.

Willmon would like to see criminal investigators work more collaboratively with civilian experts to provide additional insights into cases otherwise missed in traditional police work.

Carla Garrett is a freelance writer and contributor to *Blue Line Magazine* in the Greater London region. She may be contacted at carlagarrett@bell.net.



TO CATCH A KILLER

New crime show has unconventional ways to look at Canadian cold cases.

by Carla Garrett

He travelled through cities and towns in Southwestern Ontario picking up young girls, then dumping their bodies. He scattered their clothing along rural roads and may have even kept a limb of one victim to satisfy his sick fetish.

This once-convicted killer is suspected to have gotten away with several other murders four decades ago. They call him David.

A team of civilian investigators may have uncovered a new lead that could spell the end for this suspected necrophiliac serial killer from the 1960s. Their findings are documented in a new TV crime series airing this month on the Oprah Winfrey Network.

To *Catch A Killer*, produced by Halifax's Ocean Entertainment, is transforming the traditional police approach to cold case investigations.

A first of its kind in Canada, TCAK follows a squad of five civilian experts led by Dr. Michael Arntfield—a 15-year veteran cop—as they investigate unsolved Ontario homicide cases. Each episode documents a six-week investigation and shares the results with the victims' families. A report detailing their discoveries is then provided to the police for follow up.

"It's unlike anything... you cannot manufacture or stage the raw emotion and the remarkable finds that are found in real time on the screen," says Arntfield. "It's about re-

invigorating cases; not commandeering them."

Described as a combination unscripted drama, documentary and reality show, TCAK is classified by the CRTC as an advanced education program.

"It is more real than any reality show... it's closer to live TV," says Arntfield. "It will make you smarter; it will engage you."

The show doesn't have large fancy crime labs or flashy state-of-the-art equipment (besides the Smart board). The set is actually an old brick building with large wooden desks and modern laptops.

It's the results that are astounding.

Cold case file

Jackie English, 15, was last seen alive 45 years ago on a London, ON overpass. Her naked body was found dumped in a creek. Her clothes and shoes scattered across two counties. Police never made an arrest.

Based on intelligence collected on TCAK, police have a new suspect to investigate. David—his full name and other identifying information was obscured on the show for legal reasons—is suspected in at least two other murders in the London area over a three-year period.

Using a scientific and mathematical formula designed by a Vancouver Police officer to track down serial killer Robert Pickton, the team created a geographical profile leading them to David, who was convicted of non-cap-

ital murder sometime in the 1970s.

By plotting places of interest in the English case and comparing those of other similar crimes, they were able to determine David is the most likely suspect. He is still alive and no longer lives in the London-area, according to the show.

There have been no arrests to date, but Arntfield says "who knows where follow-ups will go."

A success story

The show bridges the academic world with criminal investigation, drawing on experts from various disciplines, including a medical biophysicist, anthropologist and psychotherapist.

It is "intellectualizing policing," says Arntfield, a concept the Vancouver Police Department (VPD) has embraced in both active and inactive homicide investigations for years. "Building a relationship with the academic community is huge and the value they bring to investigations," says VPD Deputy Chief Adam Palmer. "Our homicide investigators are very skilled and accomplished at what they do, but we often bring in experts to look at things in different ways."

The department has an established relationship with area universities, drawing on archaeologists, entomologists, forensic accountants, knot analysis and telecommuni-

cations specialists, among other subject areas.

“It is key to the legitimization of policing in a knowledge-based society... and a matter of cost effectiveness,” explains Arntfield. Police departments don’t have the money to pour copious amounts of resources into cold cases, so outsourcing them to people who can makes sense, he adds.

Drawing on multi-disciplinarians to investigate cold cases started as a course developed by Arntfield, a professor at the University of Western Ontario. It morphed into a campus-wide Cold Case Society, now requiring a selection process, including an interview, for one of the 15 spots which open each year.

“It has exceeded my expectations and ballooned into something much bigger,” says Arntfield.

One squad managed to locate a person of interest in a 1967 Wisconsin murder who had been presumed dead. Although they violated the rules of the society by making contact, the team got a statement from him in California. Police publicly reopened the case, however the man died before they got to him.

Arntfield wasn’t surprised by the interest in taking his idea from the classroom to the TV, since it has received much media-generated attention.

“It is something very relevant to Canadians and certainly very televisual,” he says.

The show has generated new tips in many of the featured cases, which had faded from the public eye.

The idea of “fresh eyes” on decades-old homicides is behind a new cold case web site recently launched by the VPD. It encourages civilian participation by posting photographs and summaries of inactive cases.

“As years go by these cases fall from the public view – but the families, loved ones, friends and police never forget,” says Palmer.

More than 17,000 people visited the site in less than a week, sending in 33 tips.

Forces in the U.S. have been posting cases for years and the concept is growing in Canada; the RCMP and Toronto Police are already doing it.

“Even if Canadian police services are reluctant to officially condone the series and acquiesce to a more American style of public engagement via the commercial media, at the very least initiatives like the VPD outreach suggest that some agencies are progressive enough to see the merits in such a system,” says Arntfield. “It is certainly encouraging to see.”

As for TCAK, Arntfield says there is a possibility for a second season but this ambitious professor has a lot more on his to do list, including several textbooks and journals to write.

“This is just another rung in the ladder I’m climbing,” he says.

Visit www.michaelarntfield.com for more information. To *Catch A Killer* airs Saturdays at 8 p.m. on OWN.

Carla Garrett is a freelance writer and contributor to *Blue Line Magazine* in the Greater London region. She may be contacted at carlagarrett@bell.net.

I loved your commentary on the “Just Walk Away” policy for Toronto Police. Everything you said, especially in the second and third paragraphs is so true it is amazing I am not the only Police officer who thinks this way. Unreal that in this day and age people still need to be taken by the hand to help them get through their daily lives, when they have no idea what is going on in their own neighbourhoods. Well done and I agree with you 100 per cent.

Andrew P. Miller
New Brunswick

••

Upon hearing the news that Halton Regional Police are moving to black and white cars I am no fan.

As a former Halton Regional Police officer and having looked into the police colour design from a traffic standpoint, I wonder why this change, which does have a negative impact on visibility in different traffic conditions.

Black, or black-and-white, despite the fluorescent logo markings and two-tone black and white do diminish the silhouette of police vehicles.

Why, when the U.K. has a national uniform standard for emergency vehicles, we can’t get the

message that each emergency response vehicle variation has a negative impact on so many aspects of first responder work, is beyond me.

It might be nice and nostalgic, as was the case for the OPP going back to black and white, but it is not the safest for police members, who drive such vehicles.

We have an aging population with increasing vision challenges.

We can’t get our act together on national, let alone provincial, safety standards — hats, equipment or vehicles, Canada is a long way off the mark as is the case here in Halton Region with this change.

Look at the U.K. model for police vehicles throughout England, Scotland, Wales and Northern Ireland: it works.

Even the most elementary research work can highlight this problem. For safety-first organizations, I wonder why it isn’t safety first for employees?

Take a lesson from a national standard in the U.K. and admit that we could do better than making police officers feel good about the colour of their police cars.

James (Jim) Drennan, PhD, Dean,
School of Justice and Business Studies,
Fleming College, Peterborough

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EMOTION'S ROLE IN USE OF FORCE

Wearing the unemotional mask of professionalism

by Brad Fawcett

Educating police and the public about emotion and its evolved role in threatening events may better prepare officers and mitigate public response when police must use force.

Several studies have aimed to determine how first responders and other high reliability professions – those who work in environments where normal accidents can be expected due to risk factors and complexity – make decisions.

Gary A. Klein (1998), a research psychologist famous for pioneering in the field of naturalistic decision making, developed the *Recognition-Primed Decision Making Model*. It was based on his study of fire commanders in Cleveland, Ohio in order to improve the decision making of US battlefield commanders.

Klein and his associates learned that fire commanders did not engage in a formal multi-stage decision making process but, rather, quickly sized up the situation based on training and experience. They focused on the most relevant information, quickly determined a course of action based on expected outcomes, looked for unusual variables, modified their plan if necessary and then put it into action.

This formal decision making process and recognition-primed model pay little attention to what role, if any, emotion plays in decision making. In general, people believe that good decisions should be made in the absence of emotion and immediately suspect emotional decisions. Emotion can be used to mitigate culpability for criminal acts, as exemplified in the Extreme Emotional Disturbance Defense,

an affirmative defense to a charge of murder.

More recently the theory of Naturalist Decision Making (NDM) has been gaining attention (*Rahman, 2009; Barrett, 2007*). It is discussed in the literature in conjunction with high-velocity human factors (*Rahman, 2000*). From the perspective of NDM emotions serve an important evolutionary role in helping us survive. Emotions such as fear and anger assist us in immediately marshalling resources in response to an environmental stimulus requiring our attention.

It's important to remember that these emotions are involuntary – the sense of dread one experiences approaching a cliff edge does not come about through rational processing. It is generated subconsciously in an attempt to focus one's attention on a potentially life-threatening feature in the environment. In short, emotions prepare us for action.

The Snake Detection Theory (*Ohman, 2001*) suggests that the fear of spiders, snakes and other potentially hazardous creatures is not learned but is, rather, an evolutionary response necessary to protect us until we can tell a dangerous snake from a safe one. In simple terms, it is safer from a survival perspective to misidentify a garden hose as a snake than to misidentify a snake as a garden hose.

We routinely misidentify people and situations but the consequences for doing so are often trivial; perhaps an apology to a stranger believed to be a good friend, for example. In a policing context, misidentifying people and situations can have tragic consequences for all involved.

Our potential for misidentification is driven, to some degree, by a visual system which scans for patterns, movement, contrast, etc. and selects visual cues not relevant to our search. We make survival-oriented, subconscious assumptions about what we see, hear and feel, accompanied by survival-oriented, subconscious emotional responses. As a result, we may shoot a garden hose misidentified as a snake.

The issue of emotions in law enforcement is difficult. Officers may feel compelled to deny experiencing anger or fear out of concern that it makes them appear unsuitable for the profession, or that their use of force was based on fear or anger rather than demonstrated subject behaviour. Officers are expected to "... wear the unemotional mask of professionalism...".

Police expressing fear or sadness often find themselves the lead story on the local news, which is often followed by accusatory blog comments regarding their perceived unsuitability for police work. Comments such as the following:

- "A decrepit old man with an X-acto knife caused him to be the most scared he's ever been and then proceed to spray bullets into this helpless person? What a freakin' joke of a cop."
- "He did not follow orders to get on the ground. Ah, ha! Disobedience! He has become dangerous. He turns, he has taken action, he must be about to do something more dangerous than mere disobedience to heavily armed men. And so I shoot in

preemptive self-defense – mind-reading the first shooter. Do they come like that or are they trained?”

A central concern emerging from the understanding that emotional responses are natural, evolved responses to threats is the general belief that they are unreasonable and can be controlled and overridden through training and rational thought. This contradiction between an involuntary, subconscious process, which exists to aid our survival, and the public/occupational expectation that police remain unemotional participants in troubling events, can leave officers in an untenable position when testifying in subsequent investigative proceedings.

An officer has two choices:

- Admit to experiencing fear and/or anger and, in being honest, accept that their use of force may be discounted because they acted emotionally and therefore unreasonably.
- Simply state that their actions were based on a situational assessment, during which they precluded other force options before rationally concluding that the one used was the most appropriate under the circumstances.

It is simplistic to state that the officer should simply be expected to tell the truth. With distance – temporal, emotional and physical – we all know what “should” be done, but when we are faced with the choice, our “wants” often become primary (Tenbransel, 2014).

The research suggests that the variety of

perceptions, recollections and responses to threatening events (and we all have a different “threat metre”) defies generalization (Artwohl & Christensen, 1997; Novy, 2013). An officer may (or may not) experience perceptual narrowing, perceive time as speeding up or slowing down, etc.

How will your officers answer when asked, “Were you angry when you applied force to my client?” Who will explain on their behalf that emotions such as anger and fear are evolutionary and play an important role in marshalling our survival resources to a perceived threat?

Perhaps more importantly, do the courts and public want to hear the explanation?

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RADICALIZATION

A PREREQUISITE TO TERRORISM

by Rick Parent and James O Ellis III

North America has long served as a fundraising and logistics hub for dozens of global terrorist organizations and has occasionally been attacked.

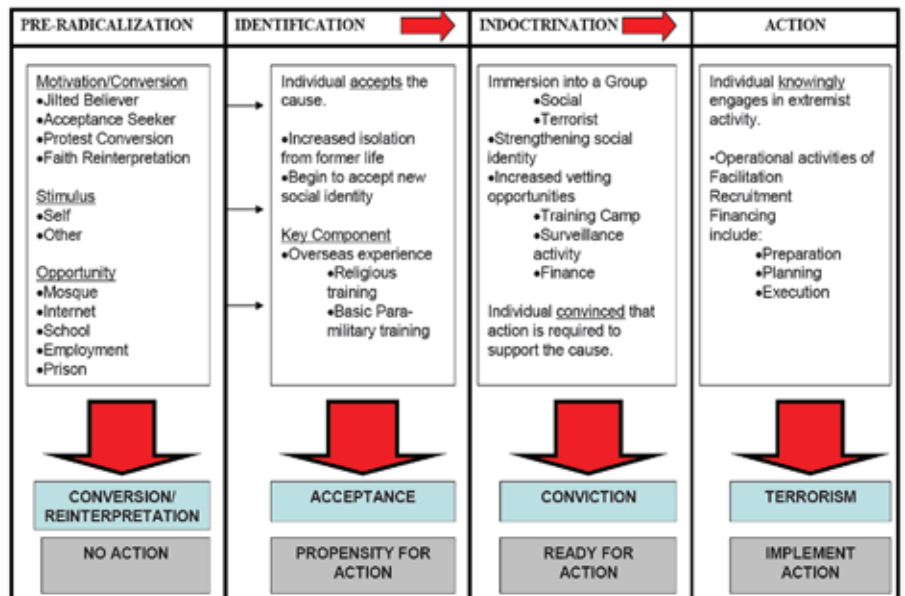
Many radicals have lived, worked or studied in their host country for extended periods and rarely fit the mold of a classic “sleeper operative.” They either appear to not integrate into a pluralistic, tolerant democracy or move to a radicalized subculture that has taken root through a perversion of the freedoms afforded by multiculturalism.

The process

Radicalization is not a new phenomenon, but common usage of the term and its frequent connection to terrorism only began around 2004. As with terrorism, there are many different definitions. The RCMP defines radicalization as the process by which individuals are introduced to an overtly ideological message and belief system that encourages movement from moderate, mainstream beliefs towards extreme views (CACP 2008).

The Dutch intelligence agency AIVD defines radicalization as a readiness to pursue or support far-reaching changes in society that conflict with, or pose a threat to, the democratic order (HSI 2006). Much of the current literature suggests that radicalization involves more than simply adopting a system of extreme beliefs; it also implies imposing those beliefs on the rest of society. Consequently, a radicalized individual will often display a willingness to use, support or enable violence

The Radicalization Process



(FBI 2006, 4).

to effect societal change. Radicalization may make an individual prone to violence. It does not always produce this result but it can be seen as a prerequisite to terrorism.

In recent years, both the US and Canada have seen an increase in homegrown extremism and radicalization amongst various diaspora communities. This trend suggests the possibility of additional future attacks that may

approach the levels of violence seen in Europe over the last decade.

Diaspora communities have a long history of producing violence in their host country and provide an extended social support network that can rapidly import conflict to North American shores. There are two distinct processes opposing radicalization – disengagement and deradicalization. They may be applied at both

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the individual or collective group level.

Disengagement involves a behavioural change and rejection of violent means, though not necessarily a reduction in ideological support for a cause. A disengaged individual may withdraw from a radical organization or an organization may cease its violence, but each may retain their original, radical worldview. In other words, disengagement focuses on outward actions.

Deradicalization is the process of moderating beliefs and rejecting extremist ideology, making it more about internal views. Disengagement can occur without deradicalization but deradicalization cannot occur without disengagement.

The European Commission suggested individual exclusion, threatened identity, discrimination, globalization and immigration as possible root causes of radicalization, noting a lack of connection to the linguistic, religious or political beliefs of the parents' generation or that of the host country. Senior Canadian officials have also identified poverty and intense feelings of marginalization and alienation as root causes. The FBI conceives of Muslim radicalization as a four-stage cycle: pre-radicalization, identification, indoctrination and action (*FBI 2006*).

Various motivating factors, thought to be unique to each individual, may spur conversion and initiate the radicalization process to become a violent jihadist. The four types of potential violent jihadists are described as jilted believers, protest converts, acceptance seekers and faith re-interpreters. Once in the identification stage, the individual becomes alienated from his former life and affiliates with like-minded individuals while strengthening dedication to Islam (*FBI 2006*).

During the identification stage, individuals may engage in training and group bonding experiences to solidify their extremist identity but do not pursue training in preparation for an attack. An indoctrination period follows. At this point, the individual becomes convinced that action is required to further the cause and, if recruited, undergoes extensive vetting and operational tests to gauge willingness to participate in an attack and to test resolve (*FBI, 2006*).

The action stage represents various activities, including participation in jihad, terrorist attacks, facilitation, recruitment or financing. The actions can be violent or nonviolent but are done with the intention of inflicting damage to the enemy. Evidence suggests that radicalization does not always lead to action and is a fluid process without a timetable.

The FBI also notes that recruitment is often accomplished by personal friends who have established bonds with the extremist group or member and may not involve a charismatic leader (*FBI 2006*). Intermediary organizations sometimes act as “conveyor belts” and “match-makers,” transforming newcomers into sympathizers, supporters and members of terrorist networks.

In other cases, traveling clerics and agitators pass through local communities to galvanize support and radicalize the faithful, indoctrinating adherents and propelling them to terrorist training camps. This was the case with radical cleric Anwar al-Awlaki shortly after the September 11 attacks. He spoke to groups across the United Kingdom and developed his lecture series, “Constants in the Path of Jihad,” while fleeing an FBI inquiry. A generic recruitment process may include these steps:

- 1) Attract/promote exposure to seminal ideas;
- 2) Invite prospects to smaller, select gatherings;
- 3) Develop social bond to small group;
- 4) Gradually introduce political/radical ideas;
- 5) Cultivate extremism, focusing on political/radical ideas; and
- 6) Allow social forces to mobilize volunteers for action.

The rational act of terrorism

Resorting to terrorism is a rational choice, offering a way to show that even powerful governments cannot guarantee safety and security. Leaders who use terrorism can also become legitimate politicians over time, as demonstrated by Menachem Begin, Yasser Arafat and Gerry Adams. To them, terrorism was cheaper than all-out war and killed fewer people. It also provides an opportunity to gain media access, notoriety and an opportunity to magnify the importance of marginalized individuals and causes. In this view, terrorism is “win-win” since it gains media attention regardless of whether the tactical operation is successful.

Describing terrorists as rational actors does not justify their actions or downplay their occasional delusional views of reality but clarifies that terrorism is the result of a strategic calculation to achieve specific goals and not a form of pathology.

Many terrorists view themselves as reluctant warriors, believing history will see them as peacemakers or valiant martyrs driven to violence to serve the greater good. They trust their acts will spur change, help return to some golden age or avenge a grievous wrong. Defining themselves as righteous protectors and

visionaries, they feel the ends always justify the means, no matter what carnage they leave behind.

Opportunities for radicalization: Diaspora communities

The term “diaspora” covers ethnic migrants; first, second or even third-generation immigrants, guest workers, refugees, expatriates and students who can be thought of as playing an active role in two or more communities simultaneously. They may develop their composite identity from both their host country and their traditional ethnic or cultural roots.

Diaspora communities have grown in part due to global migration patterns. An estimated 200 million people worldwide now live outside their country of birth. Today’s diasporas have access to ubiquitous telecommunications, inexpensive international travel and liberalized financial remittance systems that create “hyper-connectivity” with their home communities. This can provide an extended social support network but may also provide pathways to import foreign conflict and relieve pressure to integrate into a host country.

Countering radicalization

Europe has developed counter radicalization strategies at the international, national and municipal levels and has direct and indirect programs. The main emphasis has been to prevent at-risk individuals from radicalizing and to rehabilitate those who are not irreconcilable. In this regard, Europe has identified several factors that may promote radicalization such as large youth bulges during periods of high unemployment, poverty and radicalized educational institutions.

Law enforcement agencies benefit from developing closer relations with diaspora communities. They can provide valuable insights, language skills and cultural understanding to aid in analyzing data and intelligence from their countries of origin. Cultural sensitivity and understanding are important in monitoring diaspora communities with radical elements. A narrow focus on criminal investigations and blindness to continuing threats and radicalization can diminish community cooperation and turn sources into adversaries. Good relationships between law enforcement and sources in, or close to, radical movements in diaspora communities are vital to acquiring actionable information.

It is important to recognize the role of law enforcement and public vigilance in stopping terrorist attacks. An American study of 68 foiled plots since 1999 found more than

RADICALIZATION

80 per cent were discovered by law enforcement or the general public – and nearly one in five were foiled during investigations into seemingly unrelated crimes. This suggests that intelligence and national security agencies are not the only significant players in stopping terrorism and radicalization.

A radicalization prevention strategy should be rooted in the basic principles of policing, with an emphasis on community policing (CACP, 2008). Strategic community policing in diaspora communities must actively address community concerns, fear of crime and trust of authorities (Whitelaw-Parent, 2009).

Local police agencies and “street-level” patrol officers are best placed to detect radicalization and intervene early in the process. In this regard, local and police agencies need to be engaged in preventing radicalization since they have deep local knowledge of, and insights into, communities of interest.

Radicalization and terrorism do not need community support to flourish, only community silence. This emphasizes the important role of diaspora communities in taking the initiative for “self-policing,” utilizing various strategies that include developing credible counter narratives. They can strip radicals and terrorists of their glamour and mystique through satire and by citing their ideological and theological shortcomings.

Finally, diaspora community leaders have a special role to play in self-policing by recognizing and confronting radicalization. Community leaders have their own intelligence systems and usually know a great deal about local activities. Radicalization can occur quickly and pre-radicalization indicators may appear quite subtle to a cultural outsider like an intelligence officer.

Conclusion

The issues associated with radicalization in North America are multi-faceted and can be attributed to a number of sources, many part of religious and ethnic diaspora communities. There is a long history of episodic and continued violence developing from within North American communities, with no single group monopolizing this type of extremism and violence. Xenophobia and collective sanctions against identified ethnicities, religions or nationalities are likely to be counterproductive and may serve to exacerbate tensions.

Since there is no single path to radicalization, there is also no guaranteed method for disengagement and deradicalization. However, Canada and the US must enable public engagement and education programs that describe

radicalization indicators communities should look for. Following the example of some European countries, we should work with diaspora communities to develop alternative, non-law-enforcement mechanisms at the local level to deal with radicalization.

Effective law enforcement support of diaspora communities can also help them become more resilient to radicalization. The essential components for containing diaspora radicalization and terrorism are community cooperation, tips from friends and family members, alert citizens and focused intelligence collection.

Culturally-sensitive strategic community policing, combined with voluntary self-policing efforts, offer powerful mechanisms to reduce and root out radicalization. Reducing it today can save lives tomorrow.

Author's note

This article is based upon a Metropolis Working Paper, Series 11-12: “Countering Radicalization of Diaspora Communities in Canada.”

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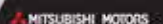
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AWARDS GALA



Blue Line Magazine Publisher Morley Lymburner and General Manager Mary Lymburner cut a 25th Anniversary Cake to kick off the Blue Line Awards Gala evening.



Deputy Chief André Crawford and Sgt. Lloyd Dow (ret.) accepted Canada's Best Dressed Police Vehicle - First Place Award on behalf of York Regional Police.



Deputy Chief Dominic Harvey, and Fleet Manager, Eric Longpré, on behalf of Service de Police de la Ville de Montréal accepted Canada's Best Dressed Police Vehicle - Third Place Award.

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Ontario Provincial Police Sergeant Marty Roy Singleton, of Dryden, Ontario, receives the Blue Line Police Leadership Award from Blue Line Publisher, Morley Lymburner.



Truro Police Board Chair, Wayne Talbot, accepted the Blue Line Uniform Image Award on behalf of the Truro Police.



Robert Ridge, President and CEO of the Canadian MedicAlert Foundation, presented their "Legends of the Call" award to Toronto Police Constable Peter Grande.

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THINKING LIKE A TERRORIST

Teaming up for counter terrorism



by Derek McDonald & Bill Grodzinski

Transit is an open concept mode of transportation. The ease and convenience of access without the need to go through screening devices or barriers makes it attractive and convenient to thousands of commuters.

Like every progressive organization, GO Transit (Government of Ontario Transit) constantly reviews and improves every aspect of operations, with a strong emphasis on improving customer experience. Nothing is more important than the safety and security of riders, so following the arrest of two suspects involved in an alleged plan against a VIA train in April 2013, GO reviewed its existing safety and security measures.

A division of Metrolinx, GO is the regional public transit service for the Greater Toronto and Hamilton Area (GTHA). Its routes extend to communities across the greater Golden Horseshoe and it carries 65 million passengers a year. Upwards of 265,000 passengers per day across an 11,000 square kilometre area take 240 train trips and 2,414 bus trips daily from a network of 63 stations, including Toronto's Union Station.

Since its inception, one billion people have ridden a GO bus or train. GO is the 2013 large system winner of the Outstanding Public Transportation System Achievement Award from the American Public Transportation Association (APTA). The award recognized aspects of GO operations, including safety and security.

Part of the go forward strategy was to enhance and strengthen existing relationships with public safety agencies such as the RCMP, CSIS, Transport Canada, OPP and, in particular, those police agencies in the GO service areas. The regular exchange of information and best



practices helps GO Transit continue to evolve processes to ensure customer and staff safety and security.

As a result of these efforts the RCMP offered GO Transit Safety and Security an opportunity to participate in a training program it had developed for agencies responsible for the security of critical infrastructure. This involved enhanced training for front-line officers to help them properly interpret and assess certain behaviours or activities that may jeopardize safety.

The RCMP National Security Section's Terrorist Event Pre-Incident Indicators ('TEPII' for short) originated from the idea that it would be a huge benefit to increase the number of front line personnel looking for active terrorist plots.

The half-day interactive workshop teaches that terrorist events and their planning do not occur in a vacuum and are largely both observable and reportable.

The RCMP 'O' Division Outreach section in Ontario travels throughout the province conducting TEPII workshops to law enforcement and critical infrastructure security employees alike. Each year dozens of training sessions are provided and the response has been overwhelmingly positive.

TEPII is a participant driven, interactive workshop created to help address an identified need among front line investigators for national security training. Its purpose is to expose front line personnel to a variety of terrorist event pre-incident indicators so that they may leverage their knowledge and experience and assist in the effort to detect, deter and prevent possible terrorist activity.

Graduates will be able to:

- Recognize possible pre-incident indicators and explain their significance.
- Identify the possible indicators within the

various phases of a terrorist attack.

- Recognize the importance of their role in identifying suspicious behaviours and/or actions.

Given the nature of the VIA arrests and the fact downtown Toronto was one of the targets of the Toronto 18 in 2006, the training was seen as relevant and appropriate for GO staff. Training dates were set in January 2014. CBC National News was given unfettered access.

RCMP instructors employed a teaching technique which involved the class breaking into small groups and using information presented to develop a "mock terrorist attack." The goal was to ultimately develop staff skills to recognize possible suspects involved in preparatory steps to carry out an actual attack. CBC reported on the training March 17, 2014 in a national news segment entitled "Thinking like a Terrorist."

While unconventional in terms of the training normally received by GO staff, feedback indicated it was relevant and very well received. It created a lot of discussion and no doubt raised awareness around potential security issues. As an additional benefit, other GO Transit employees widely watched the coverage, raising their awareness and increasing appreciation for their security team.

It is important to note, this is just one aspect of improving our security – training that allows us to assess and continually improve the effectiveness of our response and our investigative judgement when we receive calls for service.

Canada's Counter Terrorism Strategy states in part, "working through partnerships is central to the success of the strategy." In an ever changing world, with new challenges emerging daily, the CBC story provided a strong example of such a partnership.

1. Building Resilience Against Terrorism: Canada's Counter-terrorism Strategy <http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/rsln-c-gnst-trrsm/index-eng.aspx>

Bill Grodzinski (william.grodzinski@gotransit.com) is GO Director of Safety and Security for the Toronto area. **Derek McDonald** (derek.e.mcdonald@rcmp-grc.gc.ca) is a RCMP sergeant and the regional community outreach and counter terrorism officer (INSET).

DISPATCHES



Matthew (Matt) Torigian, Chief of Waterloo Regional Police, becomes Ontario's Deputy Minister of Community Safety, effective June 9, 2014.



Torigian has been Chief since December 2007 and began his career with Waterloo Regional Police in 1985. He worked extensively in criminal investigations including detective, drug enforcement and homicide. He also served as a member of the Emergency Response Unit. Torigian is an active member of many provincial, national and international law enforcement agencies and organizations. He was one of the original members of the Ontario Association of Chiefs of Police (OACP) Diversity Committee and is a Past President of the OACP. Matt is co-chair of the Canadian Association of Chiefs of Police POLIS (Police Information and Statistics) Committee and also participates as a member of the Police Executive Research Forum in Washington D.C. He is a graduate of the FBI National Academy in Quantico, Virginia as well as the FBI National Executive Institute.

...

Rod Freeman will step down as Woodstock's Police Chief at the end of 2014. Freeman has spent seven



years in Woodstock, first as deputy chief before taking the top job in 2009. Over a 37-year career he policed in St. Thomas and Timmins and served stints as chief in Fergus and Orangeville. Chief Freeman is credited with playing a critical role through the restructuring of the Woodstock Police Service beginning in 2009 and subsequent years. Under his leadership, several high profile investigations have been brought to successful conclusions. He is the recipient of the Order of Merit for the Canadian Police Forces, Police Exemplary Medal, and the Ontario Medal for Police Bravery. Freeman is a graduate of Dalhousie University, University of Toronto and the FBI National Academy in Quantico, Virginia as well as the FBI National Executive Institute.

...

The Law Society of Manitoba says former Tory cabinet minister **Vic Toews** has been named to the province's



Court of Queen's Bench. Toews has long been touted for a judicial appointment. He was a Member of Parliament from 2000 until his resignation last summer. Toews was appointed justice minister in Prime Minister **Stephen Harper's** first cabinet in 2007, became president of the Treasury Board in 2007 and was named minister of public safety in 2010. He is also a former Manitoba cabinet minister. During his time in the federal cabinet he earned a reputation as tough on law-and-order issues for championing Conservative justice causes like mandatory minimum sentences.

...

Thunder Bay police constable **Joseph [Joe] Pre-vett**, 50, died while at a K-9 training exercise near



Gravenhurst, ON. Reports indicate Prevett collapsed at about 10:45 a.m. on Wednesday May 7th while participating in an Ontario Provincial Police training course with his new police service dog, **Timber**. Prevett was rushed to hospital in medical distress and died a short time later. The Ontario Ministry of Labour and Provincial Police are investigating. Prevett joined Thunder Bay Police Service in 2003 and began his policing career in 1998 with Peel Regional Police. At a news conference Chief **JP Levesque** paid tribute to the officer. "You can't pass anybody in this building and not hear anything but positive things about Joe... Our thoughts and prayers are with the family." Prevett leaves behind a wife and family. The funeral was held in Thunder Bay on May 15th with hundreds of officers attending from across North America.

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MAKING MONEY FROM MURDER

by Danette Dooley

When Andy Kahan travelled to Ottawa from his home in Houston, Texas in April he had more than socks, shirts and underwear packed in his suitcase. Among Kahan's possessions was a chunk of Charles Manson's hair braided into a swastika and finger nail clippings from other notorious killers.



Andy Kahan

Kahan bought these and other items over the years to help law-makers realize that it should be illegal for those who rape and murder to "make a buck" off their crimes.

Kahan is the crime victims advocate for the City of Houston. Touted as the world's leading expert on the sale of items connected to vicious, senseless killers and their crimes, he coined the term "murderabilia."

Kahan has collected many gruesome items over the years and often takes them out as "shock value" when educating people about how murderabilia has grown over the years – not only in the United States and other parts of the world, but also in Canada.

Letters, autographs, artwork, autopsy reports and death certificates have found their way into numerous murder-related web sites, he says. Manufactured items such as comic books, coins, clocks, calendars and cards are also offered to the highest bidder.

According to Kahan, some people fascinated by murder contact killers to get their items to sell. In many cases, the killer gets some of the profits.

"This is probably the strangest project I've encountered in my 30 years of being involved in the criminal justice system," he said during a telephone interview.

Kahan grew up in upstate New York. In the fall of 1999, while looking through a Rochester newspaper, he came across a blurb about the art privileges of a well known serial killer being rescinded because he had been selling his artwork on eBay.

"I figured where there was one there had to be others. I went on eBay and put a search in for serial killer and items came pouring out."

Kahan thought at the time that making profit from murder was illegal, however eBay told him that wasn't the case.

He became an "avid buyer" of murderabilia. "It got to let me know how the industry work and get to know some of the dealers

and how they operate and, of course, the old adage, when I'm talking before elected bodies or doing lectures it's more of a powerful message when you are actually showing Charles Manson's hair."

After collecting more than five different hair samples from serial killers and other murderabilia, Kahan decided it was time to "out the industry."

He began contacting newspapers in the United States, tipping them off that serial killers were selling murderabilia on the Internet. His tips would lead to a reporter calling him for a story, which helped him get the attention he needed to make these sales illegal.

"We decided we were going to start crafting legislation to deal with this emerging new industry that I nicknamed murderabilia."

Andy Kahan's Top 100 Hits

Andy Kahan is head of Mayor Bill White's Crime Victims Office. That can be a pretty grim gig. Luckily, Kahan has what he admits is "a wacky sense of humor that keeps me going." And part of that is keeping active track of all the idiotic "murderabilia" that has actually been sold or offered for sale somewhere. His current top-hits list:

THIS WEEK	2 WEEKS AGO	WKS ON CHART	TITLE	ARTIST
1	3	25	<p style="text-align: center;">★ ★ NO. 1 ★ ★</p> <p>Sperm on a Model's Picture Kahan: "When I received the, um, item I put on a pair of gloves to ensure I did not tamper with the 'goods.'"</p>	SCHOOL-MASSACRE SHOOTER WAYNE LO
2	1	18	<p>A Pubic Hair "The seller marketed the item by stating 'For Ladies Only.'"</p>	GENESEE RIVER KILLER ARTHUR SHAWCROSS
3	7	11	<p>Scrapings From A Killer's Foot "Callous, but a money-maker."</p>	RAILWAY KILLER ANGEL RESENDIZ RAMIREZ
4	6	115	<p>Dirt From a Crawlspace "The seller had a scanned photo of him scooping up dirt from Gacy's crawlspace....There were 28 bids for this."</p>	JOHN WAYNE GACY
5	5	28	<p>Fingernail Clippings "Glued to an index card with a note from Norris saying 'It flabbergasts me that someone would want to collect my fingernails. I've got no objection as long as they don't end up in the hands of a Haitian Voodoo Priest.' I purchased his fingernails and promptly mailed him a note stating that I was a Haitian Voodoo Priest."</p>	"MURDER MACK" KILLER ROY NORRIS
6	10	43	<p>Victim Map "Bittaker, a sadistic serial killer who kept tape-recorded screams of his victims, drew a map [showing where] he killed and buried his victims."</p>	MURDER MACK KILLER LAWRENCE BITTAKER
7	9	89	<p>Action Figure "Marketed by stating 'Open me up for a sure delight and see what I ate for dinner last night.' You unzip the doll and body parts come out. During a lecture on Murderabilia several years ago one of the attendees asked me if they were REAL BODY PARTS."</p>	KILLER CANNIBAL JEFFREY DAHMER
8	4	148	<p>Fried Hair "A former guard scooped up Ted's hair that fell to the floor after his execution in the electric chair."</p>	TED BUNDY

Kahan has been instrumental in having “Notoriety for Profit” legislation enacted in eight states, making it illegal for criminals to profit from their crimes.

While eBay has banned the sale of murderabilia (pat on the back for Kahan’s efforts) the industry is far from ousted.

“It’s like when you exterminate cockroaches from one room, they simply set up shop somewhere else,” Kahan says.

Dealers who once sold their gruesome finds on eBay began setting up their own web sites.

There are some five major dealers that operate their own personal web sites in North America, including one site based out of Montreal.

“There have been individuals like the late Clifford Olsen, who was quite prolific having items up for sale. Very rarely do you see probably (Canada’s) most infamous killer, Paul Bernardo... but there is a greeting card up for sale now for 13 hundred bucks.”

The items are often sold by dealers who strike up a friendship with the killers.

Dealers also sell the items on Facebook, Kahan says. One particular dealer has graphic crime scene photos of two women that were bludgeoned to death posted on his Facebook page for sale, he says.

The house where Ariel Castro held three women for over a decade was demolished on Aug. 7, according to the *Windsor Star*, and authorities want to make sure the rubble isn’t sold online as murderabilia, even though no one died there.

Kahan says while some of the killers work in partnership with those on the outside, others have no idea items associated with their crimes are being sold for profit.

In conducting his research, Kahan contacted more than a dozen of America’s most notorious killers to let them know about the sales.

Several replied, he says, including serial killer David Berkowitz. Better known as the Son of Sam, Berkowitz murdered six people and wounded several others during his crime spree in New York in the 1970s.

“We’ve had over a decade of correspondence back and forth on this issue. (Berkowitz) has proven to be an incredible asset for me,” Kahan says, noting that legislation now in place forbidding criminals from profiting from their crimes are called “Son of Sam” laws.

“(Berkowitz) is adamantly against (these sales) and anything he gets from dealers, he ships it all to me. So I get to see how dealers groom these killers in order to get them to send them items.”

Canadian visit

Kahan was in Ottawa April 7 to present at a workshop sponsored by Canadian Parents of Murdered Children and Survivors of Homicide Victims (CPOMC).

The workshop, which took place during National Victims of Crime Awareness Week, was made possible with support from the De-

partment of Justice Canada’s Victims’ Fund.

Kahan says there are no laws in Canada prohibiting the sale of murderabilia.

“I am going to enlighten the people of Canada and the law enforcement community about what’s happening... Are the provinces going to sit back and allow this to happen or are you going to take a stand and prevent killers from profiting from committing these types of crimes?”

About CPOMC

Yvonne Harvey and her husband Gary Lindfield co-founded CPOMC after Harvey’s daughter Chrissy Predham Newman was murdered in St. John’s, Newfoundland in January 2007.

“After Chrissy was murdered I, like so many other parents of murdered children, tried to find answers,” Harvey says.

“There are no answers that exist in processing the intentional and horrendous act in the taking of another life, outside the parameters that exist in a theatre of war. The search for understanding and, more importantly, support for those who are the parents and family survivors revealed nothing rational for a normal person to understand.”

Equally disturbing, Harvey says, was the realization that there was a huge gap when it came to services and support for survivors in Canada. CPOMC is working to fill that gap, she says.

“Over the time of CPOMC’s existence,

we have been very fortunate to have received financial support and encouragement from the Department of Justice Canada. Without (the federal department of justice’s) financial support none of CPOMC’s work would be possible.”

Harvey is CPOMC’s manager, education and community outreach. Lindfield is the executive director.

The Ottawa-based organization offers numerous programs, including monthly support meetings, peer counselling and public awareness and education services.

Harvey says helping others through their grief is helping her cope with her daughter’s slaughter.

“It is only by reaching out and helping others who have experienced the same tragedy that I gained the strength to help myself.”

Harvey presented at workshop and notes many of the registrants were police officers.

“CPOMC wants to instill the same empathy and respect for murder victims that society affords victims and survivors of other tragedies. CPOMC would support the development of legislation that makes the sale and purchase of murderabilia in Canada illegal,” she says.

Visit www.cpomc.ca to learn more about CPOMC.
Danette Dooley is *Blue Line*’s East Coast correspondent.
She can be reached at dooley@blueline.ca

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A little cynicism may not be so bad

I was just invited to present a paper at a conference in Greece. It sounded very exciting – all expenses were paid. I had almost talked myself into going when I noted the return e-mail address of the person extending the invitation wasn't Greek – and, in fact, wasn't even from an academic institution. Duh. It was, of course, spam.

I actually get a zillion of these quasi-legitimate sounding invitations to conferences. The first give-away is their very nebulous titles. They are always vague things like “the International Congress on Life and Humanity” or “the 17th Biannual Symposium on Childhood and Science.”

The second give-way is that frankly, while I may be a Legend in My Own Mind, I can't imagine that anyone really wants to hear from me badly enough to foot the bill for a trip to Greece. So I am a bit of a cynic when I get conference announcements and many of them go directly to the Bin.

The downside, of course, is that I have missed the announcement of at least one conference I was actually interested in attending. I dump a whole lot of stuff I get



via e-mail because I have reached the point where I assume that almost everything is spam. Cynicism has its drawbacks, it turns out.

Police are, of course, no strangers to cynicism. It appears to be almost an inevitable outcome of the job. If you read much of the writing about police and cynicism, it tends to be embedded in the notion that all officers end up cynical and bitter. (The

hitch with this conclusion is that I actually know a whole lot of police officers – even very senior and experienced ones – who are NOT cynical. But I digress.)

I will acknowledge that there is a whole lot of cynicism out there, and it is not new. During the French Revolution, the Minister of Police was known to comment that the world is largely composed of scoundrels, hypocrites and imbeciles. Sounds like cynicism to me.

Cynicism is kind of the opposite of idealism. Arthur Neiderhoffer is probably the best known researcher in the area of police cynicism – and he ought to know. He was a police officer who later became a sociologist. Actually he went to law school THEN became a police officer... then a sociologist... and educator... and researcher... (he lived from 1917 to 1981 and did most of his work in New York City, where I am confident there is a whole lot of cynicism.) In any case, he had a lot to say about the subject.

Neiderhoffer maintained that police officers experience frustration and disillusionment when faced with the contrast between ideal expectations and the reality of police work on the street. It is this disconnect which generates cynicism. This is believed to occur over the course of an officer's career, beginning with the contrast between academy training and initial field experience and later as an effect of continued exposure to administrative changes perceived as being out of balance with street-level policing, observed failures of the criminal justice system and contagion effects from other cynical officers.

It happens when police are constantly interacting with the bad guys, and yet the public often is not exactly thrilled with the police either. It happens because people tend to sign up wanting to be boy/girl scouts – and things don't actually turn out that way. While it is sometimes assumed that dealing with unpleasant people and events leads to cynicism, research would suggest that bad management, too much paperwork, inefficient and ineffectual criminal justice systems and public disdain are more responsible than scoundrels, hypocrites and imbeciles.

Cynicism by itself would not be such a bad thing if it did not also lead to problem behaviour. There is a ton of research in this area and it seems clear that cynicism is linked to a number of bad things – corruption, low morale, mental and physical health problems, failed relationships, performance issues....

Cynicism is not unique to policing, of

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course. One thing that cynicism research in policing has shown is that officers are actually not by nature any more cynical than the rest of us. I have a sneaky suspicion that anyone who deals with the public probably becomes cynical over time. Imagine being the cashier at the local supermarket.

If you do a literature research on the relationship between cynicism and various occupations, you'll find a lot of research on teachers, mental health professionals, managers, teachers, military personnel and mental health professionals. In other words, apparently dealing with other human beings is an occupational hazard which predisposes you to becoming cynical.

Apparently, human beings are not all they are cracked up to be, but this does create an interesting conundrum. In my work doing pre-employment assessments of police candidates, you tend to see two types: people who want to save the world and people who think the world is full of scumbags who they want to get rid of. We tend to avoid hiring the latter group so that leaves us with those who are almost doomed to become cynical, because (newsflash) – you are not likely to be able to save the world.

There is another interesting observation about policing and cynicism. There is some evidence that police tend to become more cynical in the early to mid years of their careers – but then it reverses. They actually become less cynical later in their careers.

Perhaps it is a matter of perspective, redefining what success looks like or realizing that there is more than one way to save the world – and it might be a little more subtle than you initially thought. Maybe as you get older, you don't need the public reassurance that you hoped for when you were younger. Perhaps it is more about learning how to be cynical in a more adaptive fashion.

If you find yourself getting really cynical, my advice is... watch it! You could be heading for trouble. However, there is also a line of thought that suggests a little cynicism is not such a bad thing. The fact is that police do deal with a lot of bad people

and crap and therefore, the expectation that there is going to be bad stuff is not really out of line.

If you expect bad stuff, it is not going to take you by surprise. While the opposite of cynicism is, on the one hand, idealism, I think there may be elements of naiveté there as well. Too much naiveté is probably the route to disaster as a police officer.

Healthy cynicism is perhaps the answer. Work on that, okay?

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



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by Tom Rataj

Distracted on four-wheels

Distracted driving is bad enough but it's about to get a whole lot worse. An onslaught of new connectivity technologies will make it even easier to use phones while on the road.

Bluetooth and 3.5mm headphone jacks are fairly standard equipment in cars these days, offering hands-free telephony and the ability to play audio from smartphones and MP3 players.

Many lower end systems connect dashboard and steering wheel controls with smartphones and MP3 players into menus on car stereos and/or instrument panel displays. Voice recognition and control is available on some systems.

A few higher end vehicles now feature large (seven or eight inch) fixed or pop-up display screens as standard equipment, or as an expensive technology package upgrade option.

These technologies are at the core of what is often called an "infotainment" (information + entertainment) system. They integrate vehicle information and controls, along with GPS navigation and phone connectivity, with entertainment sources such as the car-stereo system and audio and video feeds.

The more sophisticated systems often allow USB connectivity in addition to Bluetooth and some higher end vehicles even offer an integrated WiFi network to host a wide variety of functions and provide connectivity.

There have been a flurry of announcements and demonstrations recently from all major cell phone and automotive manufacturers as everyone tries to get positioned correctly in the markets. Licence fees and ending up on the winning side are major factors in the marketing push.

The apparent demand by consumers for smartphone integration is substantial. A recent Forester Research survey found that half of North Americans shopping for a new car in the next 12 months say "technology options" are an important consideration.

The impacts all this technology will have on traffic safety remains to be seen, although the social media and text messaging function-



ality will likely be even more of a detriment than today because it will be easier to use. Text to speech will help but it will still be cognitively distracting.

Some of the technologies that accompany these systems will, fortunately, be quite beneficial, if implemented properly. Crash avoidance such as lane departure warning and blind-spot monitoring, rear-facing cameras, traffic flow and congestion monitoring and GPS navigation with spoken turn-by-turn assistance can all contribute to safer and more efficient driving.

Rules and regulations

Federal and provincial regulations will all need to be updated to take into account these technologies. Currently, most provincial and territorial traffic legislation addresses the use of "handheld" devices and restricts their use by the driver. Only Nunavut does not have legislation addressing this.

Most of the legislation deals with only cellular and smartphones, although some, like Ontario's Highway Traffic Act, also covers handheld entertainment devices.

Penalties for violations range between \$100 and \$400 and up to four demerit points.

Transport Canada regulates equipment rules for vehicles manufactured and imported into Canada. It doesn't currently have any regulations or guidelines dealing with smartphone integration and infotainment systems. It refers inquiries to the U.S. National Highway Traffic Safety Administration (NHTSA) guidelines.

The NHTSA prescribes what will be permitted and provides very thorough guidelines for vehicle manufacturers and the software developers creating apps for these systems.

Studies

There has been plenty of research into the effects of various distractions while driving. Several years ago I wrote about a study done using a functional Magnetic Resonance Imaging (fMRI) machine. It showed that even listening to a conversation (as on the other end of a phone) caused substantial drops in brain activity in the area that controls the skills used for driving.

In a more recent study, subjects were tested using a driving simulator while being monitored by an fMRI machine. The researchers found that the distracted test subjects' brains suffered in the areas that managed visual attention and alertness, making it more difficult for them to perform secondary, cognitive tasks like driving.

All this scientific research aside, just driving to and from work or patrolling clearly demonstrates that drivers perform poorly even just talking on a cell-phone. Those holding the phone to their ear are usually worse.

Drivers physically interacting with their phones, even to just look-up and dial a number, are a crash waiting to happen. Some studies suggest the distraction from cellphones is on par with being impaired by drugs or alcohol.

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about serious crashes and fatalities linked to the use of cell phones. A North Carolina woman recently posted “The Happy Song makes me so HAPPY” on her Facebook profile at 8:33. The local police department got a call about a car crossing the grassy median and crashing head-on into a garbage truck at 8:34. The correlation is inescapable.

Smartphone integration with vehicle infotainment systems will just change the interaction methods but I suspect it will not improve the situation.

Police mobile data

Many of us have been fortunate in the last 25 years or so to have mobile data terminals and computers available in our patrol cars. They provide a wealth of information and can greatly improve officer efficiency, but they are also another distraction while on patrol.

Between listening to the dispatcher, talking on the radio and keeping a sharp eye on surroundings, the mobile computer can have a dangerous detrimental effect on our driving. Add in the additional distraction and stress of responding to a hot call with lights and siren and the multi-distractions become a serious problem.

Many police services have policies in place that either prohibit or discourage the driver from using the mobile computer while driving, although I suspect compliance is relatively low.

Responding to these issues and a number of crashes attributed to mobile computer use, the Farmers Branch Police Department in Texas recently installed a system on its mobile computers to lock the screen once the patrol car speed exceeds 25 km/h. The Archangel II system locks the screen and keyboard, although it will still display updates from the dispatcher and GPS mapping system.

The technologies

On the smartphone side, the main battle involves Apple versus Google Android, the two market leaders. BlackBerry and Microsoft’s Windows Phone platform don’t have much of a direct presence.

BlackBerry’s QNX Division completely dominates the worldwide automotive computer market and appears best positioned to provide a smartphone connection platform for everyone else’s systems.

Microsoft has gained a lot of experience with its Ford Sync system, although some rumours suggest that it will soon be discontinued.

The best technology will be a device independent platform that works seamlessly with anything connected to it through an industry standard USB connection.

Here is a brief rundown of the major competing or complementing technologies:

- CarPlay – An Apple technology available on select 2014 models that integrates and mirrors the iOS user interface on the vehicle display.
- iPod out – An older version of the CarPlay tech that allows the iPod’s native interface to be displayed on an in-car display.
- DNLA – The Digital Living Network Alliance standard establishes interoperability guidelines for sharing digital media between

multimedia (audio and video) devices.

- MirrorLink – This technology basically replicates a connected device’s user interface on a secondary display when connected by USB, Bluetooth or WiFi.
- Miracast - A peer-to-peer screen-casting standard that wireless sends audio and video between devices (similar to MirrorLink). This is still fairly new and acts as a kind of wireless HDMI cable.
- OAA - The Open Automotive Alliance standard will be an Android-centric technology for connecting Android-based devices to automobiles. No products are available yet.
- W3C Group - An automotive and Web platform business group formed to accelerate the adoption of Internet technologies in the automotive industry.

- Ford Sync – A well-established factory-integrated in-vehicle communications and entertainment system that connects to cell phones. It is produced by Microsoft and is available in almost two dozen Ford and Lincoln models.

There are plenty of changes coming to how we interact with our cars and cell/smartphones. The potential benefits are likely outweighed by the dangers. Any technology, no matter how good, that takes a driver’s attention away from driving the car will be detrimental to road safety.

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

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Be an active agent in your life

I am conducting a study on work-life balance in police officers. In advertising for it, I received a flood of responses about how police organizations don't let officers have a life outside of policing.

Between the shift work, uncaring attitude of supervisors, the organization as a whole, court on days off, etc., they report that there is no chance of a personal life.

Despite all of these "less than positive" responses, several officers e-mailed to say they have work-life balance and others said they knew someone who did. What is the difference between those who say that police work and agencies do not permit a life outside of policing and those who can strike that balance? It's as if they work in two totally different professions.

I wondered what it must feel like to have work dictate your life. It seems it would be an unbearable way to live – to be so powerless to carve your own way through life. I would be angry, anxious, sad and resentful of this kind of life. In speaking with others, which I will only address briefly since I am in the middle of conducting this study, there seems to be a sense of choice, personal responsibility and the ability to influence their circumstances.

I asked one 30-year veteran officer how he made sense of this and he gave me permission to share his reply. He told of a very unhappy co-worker who seemed to have lost sight of

why he became a police officer in the first place. This unhappy officer no longer felt the sense of purpose and enjoyment in his work.

The officer I interviewed offered his wisdom to this unhappy man and others like him. His advice: challenge yourself to consider and make choices in order to be the cop and the person you want to be. You will never have control over police work or the organization, but you can decide how you will spend your personal time. You can spend it in a way that makes you happy or in a way that makes you miserable. It's roughly the same amount of work.

You can spend your free time ruminating on the ways you are powerless and how police work sucks the life out of you – or you can catch yourself engaging in this downward spiral of negativity and change directions.

I've spent my whole life in a police organization. My dad was married to the job throughout my childhood and I went into policing myself so I have had a fair amount of experience listening to officers talk about their jobs. It's not easy to be around people who complain like a broken record about how things should be as opposed to how they are.

This is not to deny that things should change or imply that certain practices or policies are acceptable. Shift work and the 24/7 nature of police work is difficult. The challenge is to figure out how to work within

that reality. Progress is desirable and I don't mean to silence anyone's voice in speaking out for improvements.

This kind of conversation is different because it is in hopes of creating change and/or removing the barriers to progress. The other kind of conversation is circular complaints without any purpose other than to vent, yet this kind of venting actually makes people feel worse, not better.

My aim is not to shame the officers who vented their frustrations to me but, rather, to challenge them and you to channel the energy used to voice these frustrations into an action plan for yourself – and maybe even for your fellow officers or the organization as a whole. Maybe those who vented their frustrations to me ARE doing that and I am just making assumptions. In fact, I hope that is the case. However, I know there are some who are not taking action in their lives, hence the purpose of my study – to determine how to help others build a sense of control in their personal lives and promote their well-being.

Contact me if you are interested in a summary of the findings when they become available.

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

PRESENCE, COMMAND, IMAGE

The three aspects of law enforcement authority to which all police and security agencies aspire are presence, command and image however they differ on which is the most important.

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Blue Line Magazine will also be entertaining resumes and suggestions for judges for this award up to August 31, 2014.



Crown need not account for every minute of delay



When determining whether a breath sample was taken “as soon as practicable,” the Crown is not required to call evidence detailing every moment that an accused is in custody.

In *R. v. Singh* a police officer patrolling various licensed establishments stopped the accused at 1:52 am, formed a suspicion Singh was operating a vehicle with alcohol in his body and made an ASD demand at 1:58 am. A suitable sample was provided

at 2:00 am, a “fail” was registered and Singh was arrested at 2:01 am for operating a motor vehicle while over 80 mg%.

She was read her right to counsel, cautioned and given a breathalyzer demand at 2:05 am, then taken to the police station. She arrived at 2:22 am and was presented to the breath technician at 3:11 am. The first breath sample of 170 mg% was obtained at 3:22 am and a second sample of 160 mg% was taken at 3:50. She was charged with operating a motor vehicle over 80 mg%.

At trial in the Ontario Court of Justice Singh argued that the second sample wasn’t taken “as soon as practicable” after the first breath test, as required by *s. 258 (1) (c) (ii)* of the Criminal Code. In her view, the Crown had failed to specifically explain, by calling evidence, the 28-minute delay between the first and second samples.

The judge rejected the submission, finding the Crown need not explain every minute that Singh was in police custody. He concluded that all of the times were reasonable and that police acted “as soon as practicable.” Singh was convicted of over 80 mg%.

Singh successfully appealed to the Ontario Superior Court of Justice. The appeal judge noted that an interval of 17 to 20 minutes between samples was commonly seen in breath sample cases in light of the statutory requirement that there be an interval of at least 15 minutes between the taking of the two samples. In this case, however, there was an unexplained delay of 8-11 minutes. With this unexplained gap between the two tests, the Crown had failed to prove the samples were taken “as soon as practicable.” Singh’s conviction was quashed and an acquittal entered. The Crown challenged the conviction reversal before the Ontario Court of Appeal, submitting

that the trial judge did not err in finding the samples were taken as soon as practicable. The court agreed. In its view, just because there is an unexplained gap between two samples does not necessarily lead to the conclusion that the “as soon as practicable” requirement wasn’t met. The Crown is not required to provide a detailed account of every minute an accused is in custody, including between tests.

The requirement that the samples be taken “as soon as practicable” does not mean “as soon as possible.” It means nothing more than that the tests should be administered within a reasonably prompt time in the overall circumstances. A trial judge should look at the whole chain of events, keeping in mind that the Criminal Code permits an outside limit of two hours from the time of the offence to the taking of the first test. The “as soon as practicable” requirement must be applied with reason.

It is worth repeating that the Crown is not required to call evidence to provide a detailed explanation of what occurred during every minute that the accused is in custody. These

provisions of the Criminal Code were enacted to expedite the trial process by facilitating the introduction of reliable evidence to prove an accused’s blood-alcohol level. Interpreting these provisions to require an exact accounting of every moment in the chronology from the time of the offence to the second test runs counter to their purpose...

The touchstone for determining whether the tests were taken as soon as practicable is whether the police acted reasonably (references omitted, paras. 14-15).

The trial judge found the samples were taken as soon as practicable. There was no evidence the delay between the two samples was related to the reliability of the test results, nor did the trial misinterpret or misapply *s. 258 (1) (c) (ii)* to the facts of this case.

The Crown’s appeal was allowed and Singh’s conviction was restored.

Additional facts taken from *R. v. Singh, 2012 ONCJ 665*.

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Officer's grounds need only be rationally supported

An officer's subjective belief in reasonable grounds need only be rationally supported to meet the objective test.

In *R. v. Churko*, 2014 SKCA 41 the accused was seen driving into the parking lot of a bar shortly before 1:00 am. A police officer patrolling in the lot observed that his driving and the way he stopped were abnormal. He entered the lot at a higher rate of speed than would normally be expected and then stopped abruptly.

Churko appeared to hold onto the door to steady his balance when he got out of the vehicle. The officer approached, smelled alcohol coming from his breath and saw that his eyes were bloodshot. He arrested Churko and subsequently made a breath demand. Samples of 150 mg% and 130mg% were obtained and charges of impaired driving and over 80mg% were laid.

In Saskatchewan Provincial Court the officer testified that he arrested Churko because he had reasonable and probable grounds to believe that he was impaired. Accepting the observations, the trial judge determined that

they established only reasonable suspicion or, at most, a subjective belief of reasonable and probable grounds but didn't reach the level of objective grounds necessary for an arrest.

The judge concluded that Churko's s. 9 Charter right had been violated and excluded the Certificate of Analysis under s. 24(2). As for the impaired driving charge, the judge had a reasonable doubt that Churko's ability to operate a motor vehicle was impaired and found him not guilty of all charges.

The Crown's appeal to the Saskatchewan Court of Queen's Bench was successful. The appeal judge found the officer's observations and the evidence as a whole established both a subjective and objective belief there were reasonable and probable grounds for the demand of a breath sample.

I am of the opinion that (the officer) subjectively held reasonable grounds to arrest (the accused) at the point in time when he exited his truck and I am of the view that his grounds were justifiable on an objective basis. At that moment, (the officer) wasn't required to establish that an indictable offence had been


committed on a balance of probabilities and I am also satisfied that he had more than just a "reasonable suspicion" or hunch. In this regard, I am taking into consideration that all evidence available to the officer has to be viewed cumulatively and not in piecemeal fashion.

Lastly, the standard must be applied contextually, having regard to the events leading up to the arrest, the dynamics at play and the experience and training of the arresting officer (R. v. Churko, 2013 SKQB 235 at para. 27).


Churko's over 80 mg% acquittal was set aside and a conviction was entered.

Churko unsuccessfully appealed to the Saskatchewan Court of Appeal, arguing the Queen's Bench judge erred in determining that the officer had the requisite reasonable grounds. In dismissing the appeal on behalf of the court, Justice Ottenbriet stated:

The reasonableness of the police officer's belief must be considered by the trial court from the vantage point of whether the observations and circumstances articulated by the officer are rationally capable of supporting





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the inference of impairment which is drawn by the officer; however, the Crown does not have to prove the inferences drawn were true or even accurate.

In other words, the factors articulated by the arresting officer need not prove the accused was actually impaired. This is so because that is the standard of proof reserved for a trial on the merits, a proof beyond a reasonable doubt.

In this case, the observations and circumstances as a whole articulated by the police officer and accepted by both the trial judge and the summary conviction appeal court judge are rationally capable of establishing an objective belief of impairment and therefore reasonable and probable grounds. The trial judge erred in the application of the burden on the Crown to establish reasonable and probable grounds and appeared to require that the facts articulated by the police officer "would reasonably lead to a conclusion that this man was driving while impaired by alcohol (emphasis added)"...

The summary conviction appeal court judge applied the correct standard of review and correctly concluded that the trial judge's determination of lack of reasonable and probable grounds was in error (paras. 5-6).

Churko's conviction was upheld.

Additional facts taken from *R. v. Churko*, 2013 SKQB 235.



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Disturbance requires more than swearing at police

Ontario highest court has overturned the “cause a disturbance” conviction of a man who yelled and swore at police.

In *R. v. Kukemueller*; 2014 ONCA 295 the fire department was called to the accused’s rural address in the early evening for a car fire. The car, belonging to Kukemueller’s girlfriend Wiles, had crashed into a tree and was on his property. While enroute the fire department requested police assistance.

There was a crowd of young people at the scene who appeared to have been drinking. The firefighters extinguished the fire, which police learned may have been caused by people playing “demolition derby.” An officer spoke to Kukemueller and Wiles, who both smelled of alcohol. Wiles told police she had been driving the car when it hit the tree and was arrested for dangerous driving, but struggled with the officer.

Kukemueller and some of his friends became upset and the officer used her emergency button to request backup. Accompanied by one of the firefighters, the officer took Wiles to the police car at the road and the crowd of young people started yelling. Kukemueller was upset and yelling and swearing. More officer’s arrived and, not long afterwards, so did Kukemueller’s father, driving an off-road vehicle. He was arrested for impaired driving.

Kukemueller reacted with a loud, profane and angry tirade against police. About 22 people, including family members, friends, firefighters and police officers, were present. Even Kukemueller’s grandmother came out of her house and tried to calm him down. Kukemueller was arrested and charged with causing a disturbance. He was later charged with assault at the police station for allegedly scooping water from his cell toilet, throwing it around and getting some of it on a civilian cell attendant.

An Ontario Court of Justice judge concluded that Kukemueller had caused a disturbance, finding his “behaviour had an effect on

the other family and friends who were present and contributed to raising the tension at the scene amongst those people as well as the police.” In her view, Kukemueller’s behaviour “made things worse” and she convicted him of causing a disturbance in or near a public place, contrary to *s. 175(1) (a)* of the Criminal Code.

As for the assault charge, the judge wasn’t satisfied that Kukemueller had deliberately splashed water on the cell attendant and acquitted him.

Kukemueller’s appeal to the Ontario Superior Court of Justice was unsuccessful. Since his conduct “contributed to raising the tension at the scene,” the appeal judge concluded that the trial judge did not err in holding that the offence of causing a disturbance was made out.

A further appeal to the Ontario Court of Appeal was successful. It concluded that the trial judge erred in law in determining that a disturbance occurred. Although the court noted it wasn’t condoning yelling obscenities at the police – conduct it described as obnoxious or deplorable – what happened here wasn’t criminal.

Under *s. 175(1)(a)* of the Criminal Code it is an offence for someone who, “not being in a dwelling-house, causes a disturbance in or near a public place, (i) by fighting, screaming, shouting, swearing, singing or using insulting or obscene language...”

There are two elements to this offence:

1. One of the enumerated acts (such as shouting, swearing, etc);
2. The commission of those acts caused a disturbance in or near a public place.

There was no doubt that Kukemueller committed one of the enumerated acts by yelling and swearing at police. As for whether those acts “cause(d) a disturbance in or near a public place,” the court found they did not.

The meaning of “disturbance” in *s. 175(1) (a)* is not so expansive as to include the mere disturbing of the peace or tranquillity on one person’s mind. Mere mental or emotional an-

noyance or disruption is insufficient. Rather, the meaning of “disturbance” is more restrictive and the enumerated conduct must cause, in the words of the Supreme Court of Canada in *R. v. Lohnes*, (1992) 1 S.C.R. 167, “an overtly manifested disturbance which constitutes an interference with the ordinary and customary use by the public of the place in question.”

The aim of the offence is “not the protection of individuals from emotional upset but the protection of the public from disorder calculated to interfere with the public’s normal activities” and interference “with the ordinary use of a place.” Emotional upset does not amount to interference with the ordinary and customary use of the premises by the public. Kukemueller’s conduct did not satisfy the second element of the offence – causing a disturbance in or near a public place.

“There was no evidence and no finding that the (accused’s) conduct interfered with the public’s normal activities or with the ordinary and customary use by the public of the place in question,” said Justice Sharpe on behalf of the court.

“Contributing to raising the tension at the scene of an interaction between the police and the public does not amount to the kind of disturbance that is required for this offence to be made out.”

As for Kukemueller’s grandmother coming out of her house and trying to calm him down, she was “simply concerned about his well-being. She thought that he would listen to her. She testified that she was “upset” but... emotional upset does not amount to a disturbance.”

Kukemueller’s appeal was allowed and his conviction for causing a disturbance was set aside.

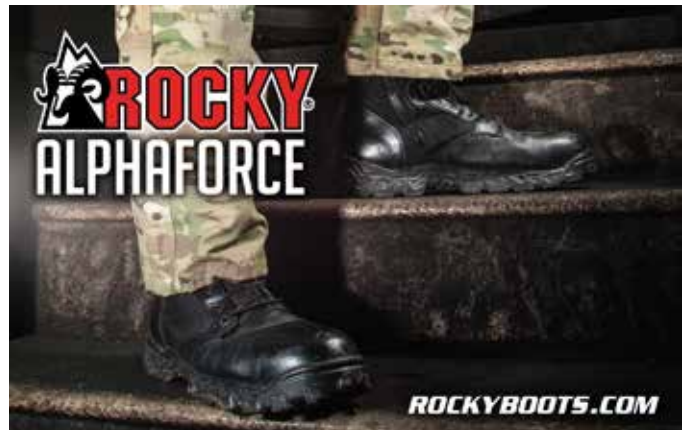
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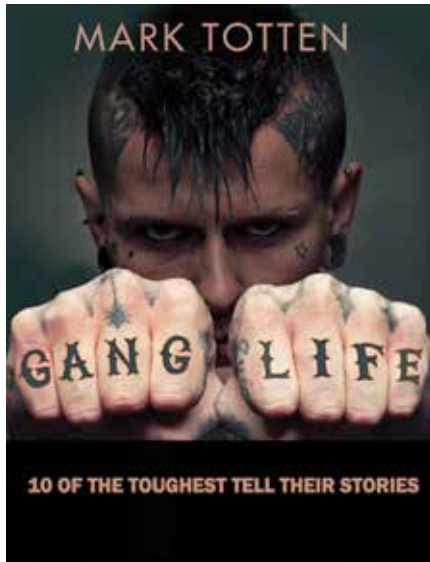
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Chief of Police (Ret.)

The author of *Gang Life*, Mark Totten, is a Professor of Criminal Justice at Humber College, Toronto and a front line social worker for 25 years. His second book on this topic is a brutal, no holds barred description of the lives of 10 gang members, male and female. Remarkable for its candour and revealing of highly personal experiences, the stories offer insight into the life of these dwellers of an underground culture walled off from the experience of normal society.

Many individuals gravitating to gang life are born into circumstances beyond their control, falling easy prey to gang associations that offer them a substitute for a conventional upbringing. The direction of their lives is driven by poverty, birth defects, substance abuse, lack of family support and victimization in childhood or adolescence.

There is usually more than one contributing factor. They fall victim to alcohol and drug addiction or resort to drug dealing in lieu of employment. Sexual assault is another common thread, with the gang member as either victim or predator. The author traces their experience through degradation, violence, life threatening incidents and in a few cases, a kind of redemption through employment and the possibility of a stable relationship.

This book is a fascinating journey through territory that is known to police, but seldom explored. Policing may be a subset of sociology but in the busy, action-oriented world of the police officer there is seldom time or inclination to ponder the causes contributing to the sub-culture of the criminal underworld. Crime gangs are looked upon as adversaries, nothing more and nothing less. Compassion and understanding is offered to the victim; seldom to the perpetrator.



Aside from assembling intelligence, police spend little time constructing a sociological profile of their opponents. While occasionally a relationship may develop between an officer and a gang member, this is rare and usually brief. Notably, in the many references to brushes with the law experienced by the 10 gang members, the descriptive is impersonal and lacking in any touches of humanity on either side - two different worlds indeed.

Professor Totten's earlier book on gang land experience is entitled *Nasty, Brutish and Short - The Lives of Gang Members in Canada*. His latest work is recommended reading for any police officer seeking greater insight into the life experience of the gang banger, the conditions that shape their lives and the environment that both nurtures and entraps them.

Gang Life, Author Mark Totten, James Lorimer & Company Ltd. Publishers, Toronto 2014 ISBN 978-1-4594-0625-4

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