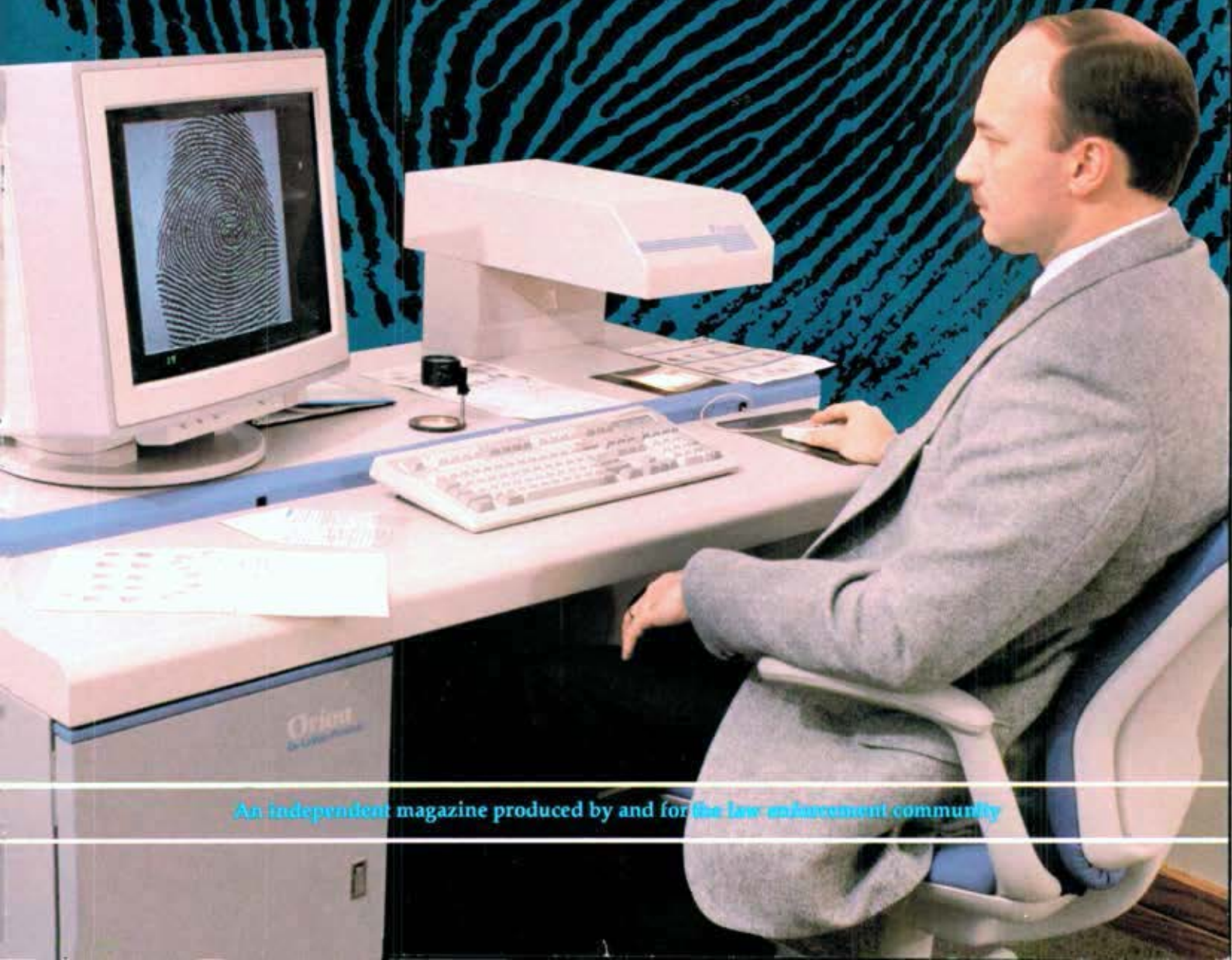


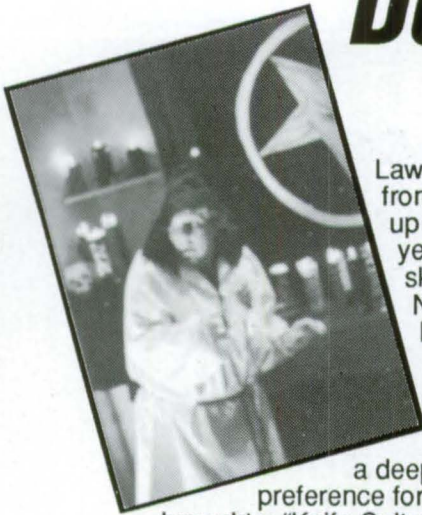
Blue Line Magazine

March 1989



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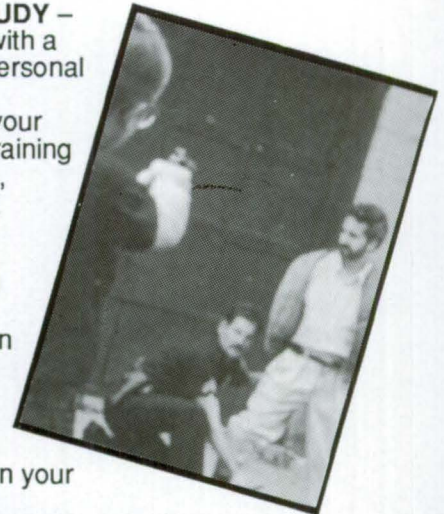
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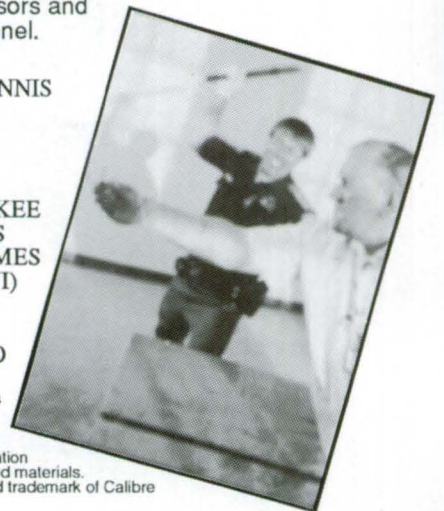


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Cover story:

This month our feature story covers the history of fingerprinting in Canada. Upon researching this piece we discovered the important roles played by Canadian law enforcement agencies towards the development of this science. It is impressive indeed.

This science of fingerprinting is still developing today. With the assistance of the Royal Canadian Mounted Police and the Metropolitan Toronto Police Force, the DeLaRue Printrak Corporation in California has made great strides in automating the technology.

The new AFIS computer recently purchased by the Metropolitan Toronto Police Force is shown on our cover being demonstrated by Sergeant Jean Pankewich of the Identification Bureau. This instrument has the capability of scanning many thousands of prints in its data base to narrow the search to only a few.

But after the computer has finished its part the human element must still be introduced. People are not only recorded in the computer but must work with it to make the final selection and do the final analysis.

The new AFIS technology is lengthening the arm of the law dramatically. Welcome to the future.

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Don't forget to "back-up" your service

It was recently discovered that many officers have been making a mistake when it comes to serving the drivers of vehicles owned by corporations.

A Justice of the Peace recently pointed out to Blue Line Magazine that the affidavit of service on the reverse of the ticket must be sworn to as well as placing the sticker on the declaration on the face of the ticket.

The Highway Traffic Act (Ontario) had an amendment made to it in 1986 that permitted the issuing of a ticket on the driver of a commercial motor vehicle. It reads as follows;

"194a(1) - In respect of an offence under this Act, the public Commercial Vehicles Act, Public Vehicles Act, Com-

pulsory Automobile Insurance Act, Fuel Tax Act or the Dangerous Goods Transportation Act, that involves a commercial motor vehicle, delivery of the offence notice or summons to the driver of the vehicle shall be deemed to be service on the owner of the vehicle for the purpose of Part I of the Provincial Offences Act..."

In the past officers have been given stickers to place over the affidavit of service on the face of the ticket that complies with this alternate service. However they have failed to have the service backed-up on the back of the ticket. The problem seems to occur in an ex-parte situation as the court has no jurisdiction over the ticket if no one appears on the company's behalf.

French ticket tossed by English JP

A Provincial Offences court in Kingston recently dismissed a liquor charge because the defendant had elected to have a French speaking JP on the ticket. The court was only prepared to have an English trial at the time.

The defendant had been charged with having liquor in a place other than a residence by local police. Upon going to court the Justice of the Peace was advised that the court was not prepared to have a French trial as demanded by the defendant. Counsel for the man advised the court that his client was prepared to defend himself in French and moved for a dismissal as the Crown was not prepared for a French trial.

The Crown argued that the back of the ticket advises that the defendant had a right to have his case "held" in a court with French as an option and not necessarily have the entire trial conducted in French.

The justice referred to the back of the ticket which stated "As a person who speaks the French language, I wish the trial to be held before a justice who speaks both English and French as provided by law." It would appear that the final decision as to the language of the trial rests with the justice, provided they are bilingual. The JP tossed the charge stating that she did not feel confident enough in her own French to offer this option. The necessity of a bilingual Justice is so the court may decide in which language the trial could be fairly heard.

Blue Line Magazine Flash Cards

The Judge's Rules - Number 1

"When a police officer is endeavouring to discover the author of a crime, there is no objection to his putting questions, in respect thereof, to any person or persons, whether suspected or not, from whom he thinks that useful information can be obtained."

What this means is that an officer has the right to ask a question of anyone in the course of an investigation and as long as no threats or inducements were made the answers received are admissible in evidence if the person asked is later charged with an offence.

Fingerprinting in Canada

- Morley Lymburner -

On December 26th, 1987 in New Orleans, while parked at a lake front, a 21-year-old woman was shot and killed during an attempted robbery and rape. Her boyfriend was seriously injured. Two fingerprints were lifted off the back window of the vehicle in which they had been sitting. They were entered into the police department's automated fingerprint identification system (AFIS).

The system, developed by De LaRue Printrak Inc., searched the file of one million prints and selected eight candidates. The fingerprint examiner then compared those candidates with the unknown prints and made a positive identification. The total process took minutes. The New Orleans Police arrested the suspect and charged him with seven murders, eight rapes and more than twenty armed robberies that occurred over a period of three months.

The technology that captured this man owes a lot to history and the dogged determination of a dedicated breed of people. Who these people are and what science they utilize to the benefit of society will be explained in this article.

Inspector Edward Foster

This year marks the 78th anniversary of fingerprinting in Canada. The recognition of the expertise of the late RCMP Insp. Edward Foster, as the founder of Canadian fingerprinting, is an important part of this anniversary.



RCMP Inspector Edward Foster helped pioneer a technology we take for granted today

Strangely enough Foster's first case, where he gave evidence, was not in Canada but in Chicago in 1911. Some five years later he established the Canadian Central Bureau in Ottawa for the Identification of Criminals.

This case surrounded a man by the name of Thomas Jennings who was charged with murder. With the exception of fingerprints, the case against him was quite slim. There was little doubt

that if the fingerprints were not admissible, the case was lost. The Chicago Police decided that they required some of the world's greatest experts to prove their case. Among others called was Inspector Foster.

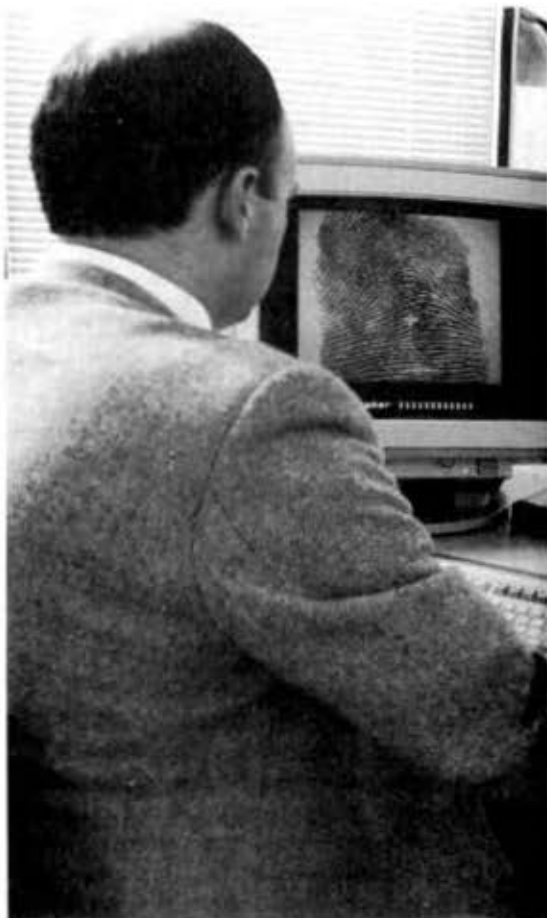
The Inspector presented the case in favour of the scientific reliability of fingerprints. Under cross examination the defence lawyer attempted to discredit the evidence. He began by asking the Inspector if the local ident officer could raise fingerprints from the rough surface of the

desk he had his hands on. He advised the court that he could not. Flushed by this success he then asked if prints could be raised off of a piece of paper. He was advised that they could.

On a challenge from the defence attorney the Inspector produced the powder and dusted the piece of paper. The prints of the lawyer were produced. The jury appeared quite impressed. So impressed that the defence attorney spilled water over the paper to destroy the demonstration.

It was to no effect. The judge ruled the fingerprints admissible. The accused was found guilty and hung on December 22nd, 1911.

Clockwise from top right: Edward Foster is seen standing next to filing cabinets in the RCMP's Fingerprint Bureau; An example of William Herschel's early experiments with fingerprints; Fingerprints processed through the Printrak AFIS system increase operational effectiveness; Metro Toronto Sergeant Jean Pankewicz works with MTPF's AFIS unit.



The early history

Fingerprints have been used sporadically throughout civilization's history to seal contracts. The earliest known use of fingerprints can be traced to a Sumerian

cuneiform cylinder outlining a trade contract about 2000 B.C. One of the earliest known European publications of fingerprint observation was offered in 1684 by Dr. Nehemiah Grew of Eng-

land. Dr. Grew made an intense study of the skin and minutely described the pores and ridges. Two years later, in 1686, another scientific paper appeared under the name of Marcello Malpighi of Italy. The research work of this man was of such outstanding importance that one of the layers of human skin now bears his name.

In the year 1788, a German Doctor by the name of Mayer was the first to make the statement that fingerprints are not duplicated by nature. The next major step was made by a German university student by the name of Evangelist Purkinje who classified nine major groups of fingerprints.

The road to judicial notice

It was not until 1858 that Sir William Herschel, an assistant employed by the Old East India Company of Bengal, used the fingerprint impression to seal a road surfacing contract with a "Hindoo" man in the interior of Bengal. The signature of the man appeared to be so contrived that he decided to have the contract signed with both their palm prints. He reported this to the Royal Society and Sir Francis Galton.

Sir Francis Galton was a big supporter of Herschel's theory that a person's fingerprints do not change their pattern throughout a lifetime. They proved this using their own prints over a period of some 31 years. Another collection was started to prove a theory of persistency between the years 1858 and 1913. During this time the theory was well accepted by the public but not by the judiciary.

The efforts of Herschel provided the foundation upon which Francis Galton based his investigations around 1880. He began to build a classification system which he wrote about in his book "Fingerprints" published in 1893.

This book was read with great interest by Sir Edward Henry, Inspector-General of the lower provinces of India. He found some flaws in the categorization of fingerprints as written and set about to refine the system with great

Continued on Page 16



Teddy bears join OPP on patrol

- Peter West -

If there are truly those who can be called innocents, it is the children who are victims of family violence, sexual abuse, criminal acts, or personal injury traffic accidents.

Children have no way of understanding what has happened to their parents or even to themselves in any of these stressful situations.

Police officers know the trauma children suffer but in attempting to comfort child victims, officers so often become only one more frightening aspect of an already overwhelmingly terrifying experience.

To help children cope and to offer them a small measure of comfort, OPP officers are equipping their cruisers with stuffed teddy bears supplied by The Good Bears of the World, Ferguson-Elora den.

Originally, the project was limited to the 100 OPP cruisers operating out of detachments in the Grey, Bruce, Wellington, Perth and Huron counties and Waterloo Region. However, thanks to a donation of \$35,000 from the Telephone Pioneers of America, Chapter 91, all 1,000 of the Force's highway cruisers on patrol daily will get a bear.

"The 12 inch tall, furry teddy bear will not be distributed indiscriminately but will be used only in those cases where a child desperately needs a friend to hug," said S/Sgt. Irena Lawrenson of the OPP's information services branch.

It may seem strange to envision big, burly highway traffic officers kneeling beside a traumatized youngster with bear in hand but Prov. Const. Charlie Hunter of Guelph detachment knows how important a child's toy friend can be.

"I remember one two-and-a-half year old boy. His parents' car had clipped the rear of a west-bound tractor-trailer unit on Highway 401 near Highway 6," said Hunter.



Sgt. John Armstrong of OPP No. 6 District Headquarters in Mount Forest with some of the teddy bears which will be given to children who are the victims of family violence, traffic accidents or other traumatic situations where an officer needs to forge a bond with the youngster.

"It was quite a mess. The car had careened through a median and struck an east-bound vehicle head-on. The boy's mum and dad had been thrown out on the highway from the impact of the crash and the child was hurt but conscious and crying out for his "Big Bird" which was still in the tangled wreckage," he said.

For half an hour, emergency personnel worked to save the lives of his parents

and the occupants of the other car, while the youngster lay alone amidst the chaos.

"After about 20 minutes firefighters pried the boy's toy out of the wreckage. It was pretty torn up and dirty but the youngster hugged his Big Bird and wouldn't let go," said Hunter. "That's exactly the type of situation where I would want to be able to give a stuffed bear to a child."

In 1987, the latest statistics show, there were a record 23,521 personal injury accidents investigated by the Ontario Provincial Police. As a result of those accidents 37,220 people were injured and 806 killed.

Good Bears of the World is an international service organization that supplies teddy bears to youngsters suffering as a result of traumatic situations. Under the leadership of "Chairbear" Lee Wansbrough, the small but active Canadian branch has distributed hundreds of teddy bears to Ontario youngsters in hospitals.

"The concept for Good Bears started in the early 1950s with an American man who had spent most of his life in hospitals witnessing the suffering of children who were terrified of hospitals and hospital procedures," said Wansbrough. "Along with a local television broadcaster, the man convinced the governor of Ohio to allot sufficient funds for the purchase of teddy bears for children in hospitals."

It's been estimated that from 1951 to 1969 more than 60,000 teddy bears were put in the arms of American youngsters in hospitals.

Good Bears of the World was registered in Switzerland in 1973 with the immediate organization of American and British chapters. Today there are chapters, called dens, as far away as Australia and Japan as well as members-at-large living around the world.

Wansbrough, who is a teddy bear collector, started the Canadian den in 1987 with a \$4,000 loan from the local Toronto-Dominion Bank. The employees of the bank also raised funds to support the fledgling organization.

Wansbrough, at six foot seven inches and 300 pounds plus, is an impressive spokesman for Good Bears. He is a favorite with western Ontario school children to whom he often speaks bringing with him several hundred of the 1,400 bears in his collection.

Wansbrough is a modest man who prefers to remain in the background. However, since the formation of the Fergus-Elora den in 1987 he has worked tirelessly to raise money to purchase teddy bears for distribution to needy children. Last year, his school tours raised \$2,000 all of which went to purchasing specially-made teddy bears at below cost prices from Binkley Toys of Hamilton, Ontario.

"I take my bearmobilia to schools," said Wansbrough with a straight face. "Sometimes a child can tell things to a teddy bear he can't tell to anyone else. I was at a school last fall and we gave a bear to a child who wasn't talking with his

Police officers know the trauma children suffer but in attempting to comfort child victims, officers so often become only one more frightening aspect of an already overwhelmingly terrifying experience.

teachers or even his parents. It wasn't too hard to get this youngster to say hello to a teddy bear."

Occasionally, a child's conversation with a teddy bear reveals sinister secrets

best brought to the attention of authorities and dealt with by childcare professionals. Without the benefit of a teddy bear such silent suffering could continue undetected.

The Telephone Pioneers of America, Chapter 91, includes 32 clubs with 13,000 members across Ontario, excluding the Metro Toronto area which has its own 10,000-member club. Members include active and retired telephone industry workers.

The North American service organization is the largest industry sponsored group in the world. Included in Ontario sponsoring companies are: North Telecom, A.E. Microtel, Northern Telephone and Directel.

For more information contact Good Bears of the World, Lee Wansbrough (519) 843-6378 or Dick Maxwell of Telephone Pioneers of America, (519) 663-7948.



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PC WYSE: Adjusting to change

Fanciful fiction of a high tech nature

- Barbara Hagge -

PC Wyse sat quietly alone in the office reflecting over the past eight weeks. It had been a tough haul, but after today, the rural field office was finally going to be home.

It all started when OPP Inspector A. Stute seconded PC Wyse from Division 286 of the Metro Toronto Police Force. Wyse had worked in the Division for over two years and gained a reputation as being one of the best at streamlining office procedures and improving communication among not just the office staff, but with the men on patrol as well.

Wyse was not old by any means, but the load he had carried the previous two years had put a strain on his system. Inspector Stute surmised that he could benefit from such expertise and that the smaller office environment might be a rewarding change for Wyse. Division 286 had agreed to contract Wyse out to the OPP Detachment for a two month trial run as a favour and to enhance relations between the forces.

The first five weeks were an absolute disaster. Sergeant Pickard, who administered the OPP detachment, made life pure misery for Wyse. He was introduced as the "Wyse guy from TO" and the nickname stuck. It was a humiliating beginning. Bill and Margaret, the two young constables in the office, were not really unreasonable people, it was just that Wyse could not function well with them. They were rookies and he didn't understand why the opportunity to work directly with someone more experienced was not considered. He had never heard of two rookies being put on patrol together. Why would they do it in the office? Moreover, being unfamiliar with the OPP routine, Wyse felt like the new

kid on the block.

It seemed that every single time the group tried to get it together and implement some new operations, instructions got fouled up. Wyse could take orders as well as any other PC, but with Bill and Margaret it seemed as though life was just one series of bad commands after another. By week six, Sergeant Pickard had succumbed to name calling and said Wyse was "all burned out." He even went so far as to refer to him as the "rent a wreck."

Under ordinary circumstances Inspector Stute was a sound leader and, if in this case it meant seeking additional advice, he wasn't too proud to ask. He wanted to make this new concept work and decided to check with Division 286 to see if Wyse had experienced any previous difficulties with staff. Inspector Stute was shocked at what he had overlooked.

The dirty gossip spread fast and within a day everyone knew that a pro was being brought in to work with Wyse. She was a very capable woman named Dorothy Daws, a.k.a. "Hard Drivin Dori." No one, absolutely no one, called her Dori to her face; you called her "HD." Wyse was terrified and developed blurred vision. To make matters worse, both Bill and Margaret refused to have anything further to do with him. The whole episode was turning out to be a nightmare and an unsavoury career move for Wyse.

The thought of having to work with a pro made him feel anxious enough, but HD herself - sheesh! Wyse conjured up visions of a mammoth tank squashing him. He questioned his own capabilities and even thought of plugging into the main electrical panel box. One good zap and it would be all over.

Wyse couldn't have been more wrong

in a hundred years. He hadn't seen his new partner come into the office the day she arrived. The introduction came suddenly, "HD meet the Wyse Guy from TO." They stared at each other, eyeball to eyeball, in silence. Wyse surveyed her in anticipation. She wasn't a tank at all. In fact, she was a petite, rather handsome woman, a few years older than he had anticipated and with a gentle charm about her. She had strong hands for such a little woman and Wyse wondered if she did karate in her spare time.

HD closed the door to the office - they were completely alone. Her perfume was subtle but effective. She looked Wyse over, up and down, back and front. She took a screw driver and a cable out of her brief case and placed them on the desk. The silence was deafening. Slowly she encircled PC Wyse in her arms and whispered, "sweetheart, I've been looking forward to working with you." She turned him on! She got into his brain! Password: "DORI". His insides churned and he saw his reflection in her glasses. He changed colour again and again.

Dori affectionately washed his screen and cleaned his keys. With the skill of a techie she carefully tightened all his portal connections. She connected the new cable to his monitor. She double checked his memory and in ten minutes flat had him completely downloaded. She slipped a utility floppy into his pocket and reformatted his hard disk. Dori was good, a true pro and PC Wyse started to respect her intelligence. She conversed with him all the while she worked. "They just didn't know what you needed."

With five new software packages loaded Wyse started to respond like the beast of power he was meant to be. Dori reloaded his data and her hands raced over the keyboard. She took the muck out of his directories and threw DOS commands at him. He flipped screens back at her, files filled with fleet control information, spreadsheet forecasts, wanted lists and investigations. There were no "bad commands" this time. It became a game based on mutual respect. The faster Dori worked, the faster PC Wyse responded. He threw all 8 MHz at her and she laughed in delight. They were a perfect match!

That day was two weeks ago and the

happy team is inseparable. They have been so successful at streamlining forms and implementing new procedures that the Inspector has decided to keep his automation combo on staff permanently. Sergeant Pickard is back in training studying computer applications and Margaret and Bill are registered for the next semester.

The moral of this story

PC Wyse, if you haven't gathered it yet, was a computer who was a victim of his new environment. Modern technology requires entrepreneurial-style management. It also requires a thorough awareness of system requirements as well as adequately trained staff. Take your lead from Inspector A. Stute and involve yourself, particularly if you are unfamiliar with automated operations. Why risk turning your office into a chaotic stratagem, when you can implement a smooth, effective changeover? Use your administrative knowhow. Instead of putting a rookie on your PC (Personal Computer), reap dividends from your investment in training!

Blue Line Magazine

Guest author: Barbara Hagge



Barbara Hagge is the Chief Administrator of ATS Hagge and Associates of Scarborough. She and her husband Antoine have been in the computer consulting and training business for about 15 years. They specialize in computer tutoring and writing custom computer manuals.

Product Review

Dr. Watson

A Canadian born investigative tool

In the early part of 1986, the Peel Regional Police Force Homicide Bureau realized that the future of police work, and in particular complex homicide investigation, lay in the computerization of their files. Only then could they be sure that no stone was left unturned in their quest for a solution.

This realization stemmed from a grueling six month homicide investigation conducted by Inspector Rod Piukkala and his team of investigators. They were faced with the overwhelming task of analyzing several hundred witness statements and sifting through a mountain of evidence trying to obtain the answers.

Upon the conclusion of this investigation Rod Piukkala stated; "This is the 20th century, and there has to be something more efficient and faster than pouring over the records one by one. To expect even the most organized, experienced police officer to recall and analyze that much information simply by memory is not entirely effective."

From that experience, the Dr. Watson case management system emerged, as a menu-driven computer software system designed for law enforcement agencies.

This home grown Canadian product was developed by MST and Associates of Brampton with input from Peel Homicide Bureau and the Ontario Police Commission's Technical Services Branch. Although primarily developed to assist in homicide investigations, users stress that Dr. Watson can be used in any major investigation.

This system is a menu-driven, simple to operate Investigative analysis tool. Through a series of programs law en-

forcement agencies can maintain file structures such as witnesses, suspects, victims, wiretaps, search warrants and telephone calls. It will also assist with the extraction of a complete investigation including name searches, statistics, witness statements and complete suspect descriptions. When completed the data can be searched, modified, identified,

manipulated, correlated, categorized and retrieved as necessary.

The system is designed to be used on a single user PC computer but it can be configured to work in a network environment or utilize data input from a mainframe.

The Dr. Watson system is de-

signed for the average police officer to use with a minimum of training. Sgt. Mike Strulik of the Edmonton City Police explains it this way; "Dr. Watson is written in plain English that any police officer can understand. Policemen, by nature, hate to go through a huge instruction manual to make one query. You're wasting your time when you do that."

The minimum computer system requirements to run Dr. Watson puts it within reach of nearly every police force. Minimum systems include an IBM PC or compatible, computer with 640k memory, 1 floppy drive, a 20 megabyte hard disk, monitor and a dot matrix printer. Dr. Watson is presently being used by Waterloo Region Police, Edmonton City Police, Niagara Region Police and Peel Region Police. This product can be customized to suit any particular agency's needs. Many American and Canadian police forces have shown an interest in this product.



Dr. Watson: made in Canada

The bulletproof vest Armour for "The Blue Knight"

- Robert C. Hotston -

Perhaps the most significant technological advancement to have a positive impact on police officer safety in the last 20 years has been the development of what is commonly referred to as "soft body armour" or the so-called "bullet proof vest."

Actually, there is no such thing as a "bullet proof" vest, since any such device designed to be worn with some degree of comfort on a daily basis is capable of being penetrated by some type of projectile. Soft body armour, usually manufactured by Kevlar, is perhaps more accurately described as a ballistic defeating device.

While soft body armour cannot be absolutely guaranteed to stop all projectiles, it has proven effective in defeating common types of handgun ammunition.

It is still possible for an occasional handgun-fired projectile to penetrate soft body armour. Although it is not designed to defeat rifle-fired projectiles, such equipment unquestionably saves lives and reduces injuries.

Several hundred police officers in Canada and the United States are alive today because they were wearing soft body armour during potentially lethal shooting encounters. Still others have been saved from death or serious injury in attacks involving edged weapons or in

traffic accidents due to the protective qualities of soft body armour.

Hundreds of different models of soft body armour are presently on the market or in production. They vary in size, shape, colour, appearance and the level of protection offered. Generally such vests weigh



Many law enforcement professionals are alive and well today thanks to the wise use of bulletproof vests. The body armour itself offers entirely new levels of protection thanks to technological breakthrough such as DuPont's Kevlar®.

from two and a half to five pounds and are designed to be worn under the officer's uniform shirt. Many models feature washable carriers and some allow for the insertion of a small hard-armour insert to protect the sternum and heart areas of the wearer's torso.

Soft body armour does not offer any guarantee against death. However, it can significantly reduce the odds of an officer meeting his death due to gunfire. Some officers have sustained fatal wounds to the upper torso even though soft body

armour was worn. An Ontario Provincial Police constable in a southwestern Ontario town lost his life because he was shot in the side. The bullet entered his body in the unprotected area between the front and side panels of the vest. The possibility of sustaining a fatal gunshot wound to the lower body, below the area protected by soft body armour, also exists.

It is extremely important for the wearer of a vest to know what types of projectiles the equipment he is wearing is designed to defeat. No officer should ever approach a hazardous situation with the "Superman" attitude - "They can't hurt me, I'm wearing a vest." To approach a situation where you know that a person is armed with a .44 calibre

magnum handgun while wearing a vest that will only defeat a .38 calibre is suicidal.

Many Canadian police forces have determined that providing soft body armour to their officers is in the best interests of all concerned. The rationale for this is twofold. First, there is a moral obligation to do whatever can be realistically done to save police officers' lives. The second basis for providing soft body armour is economic. The costs of one police fatality

or disability retirement far exceed the costs of providing protective body armour.

Even though the use of soft body armour offers no guarantee of survival, its daily use can enhance your chances of surviving a shooting incident, traffic accidents and some edged weapon assaults. Soft body armour does save lives, but only when it's used as it is intended. No life will ever be saved by a vest hanging in an officer's locker while he's out on patrol.

Anonymous tips could lead to search warrant

(Regina Vs. MacNeil)

Ontario District Court Judge Stephen Borins recently suggested that tips given in to the famous Crime Stoppers program could, in certain circumstances, lead to the obtaining of a search warrant. In the actual case heard by the Judge the warrant was thrown out because the officer failed to be specific enough about the details which led to the Justice of the Peace signing it.

The Judge added that if the officer had explained in his warrant application that his informant was an anonymous citizen participating in the Crime Stoppers Program and stated the steps which he followed to verify what he had learned from the informant, the information probably would have contained sufficient facts to permit the warrant to stand.

The case surrounded an anonymous tip into the Toronto Crime Stoppers

hotline. The informant advised that he had just been at a certain address and had seen marijuana, a set of scales and baggies. He added that he had been offered a quantity of the drug. The informant advised the name of the person living at the address.

The officer verified the information as best he could and found that the address and the person living there, were well known for drug trafficking. He then went to the address to see it for himself before applying for a search warrant.

The officer, accompanied by two other officers, executed the search warrant that night and found a large quantity of hashish. The accused, Michael MacNeil, was charged with trafficking.

In reluctantly dismissing the search warrant Judge Borins stated "because of the nature of the Crime Stoppers Pro-

gram, the police will rarely if ever be able to determine the identity of an informant. The value of such a program will be seriously undermined if unreasonable demands are placed on the police in their efforts to verify information received from an anonymous informant in circumstances similar to those in this case."

The Judge ruled that the search warrant was defective but upheld the admission of the drugs in evidence. The Judge stated that there was no indication the police had been motivated by bad faith or were engaging in a fishing expedition. He stated that the drugs existed as real evidence and that inspite of the breach of the accused's section 8 Charter Right the admission of the drugs into evidence would not bring the administration of justice into disrepute. The conviction was thereby upheld.

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Charles Dickens and the police

- Peter Banks -

Peter Banks is a Sergeant with 24 years service with the Metropolitan Toronto Police Force. He has worked over 17 years with the Identification Bureau. He is an Air Force veteran and an ex-deep sea diver. He is also an avid detective story reader and makes this submission on the life of Charles Dickens and his love for the police detective.

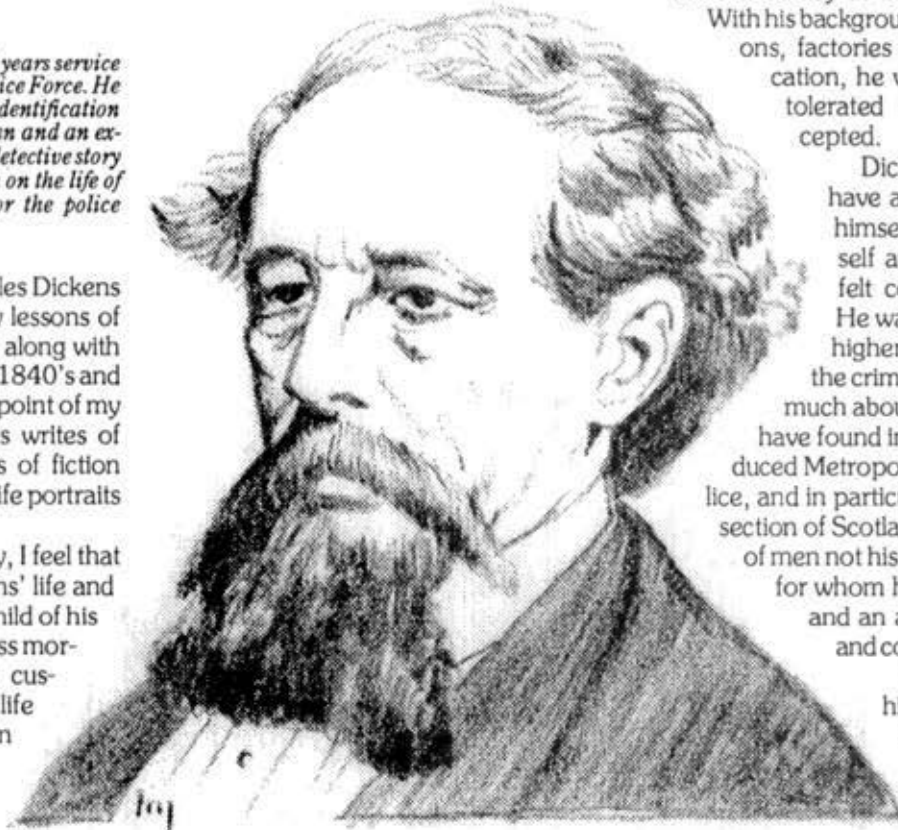
When one thinks of Charles Dickens those far off schoolday lessons of "Oliver Twist" come to mind along with the grim life in England in the 1840's and the industrial revolution. The point of my story is that Charles Dickens writes of policemen both in his works of fiction and in his shorter descriptive life portraits in a favorable light.

In order to test this theory, I feel that it is in order to look at Dickens' life and background. Dickens was a child of his generation subjected to its class morals, structure, manners and customs. Charles Dickens' early life and upbringing are reflected in his works. Dickens wrote, not with pure imagination of some authors, but with a personal insight into the characters' actions.

In the novel *David Copperfield*, Dickens explores his early childhood and youth. Its pages contain many of the writer's experiences. Mr. Micawber, the clerk who is continually in and out of debtor's prison, seems to have been patterned after Dickens' father. Young David working in a dilapidated warehouse is no doubt taken from Dickens' youth. These are many examples of Dickens' own life being taken by the characters of the novels he wrote.

The characters of Dickens

The characters of the novels are in many cases taken with thin disguise from real life. In "Oliver Twist" we have Mr. Fang, the magistrate who Dickens de-



scribes as "... middle sized man, with no great quantity of hair, and what he had, was growing on the back sides of his head. His face was stern and flushed. If he were really not in the habit of drinking rather more than was exactly good for him, he might have brought an action against his countenance for libel and have recovered heavy damages."

The description of the magistrate was so like a real magistrate who was notorious for his arrogance and treatment of all persons. His real name was A.S. Laing. Notice the similar name from Laing to Fang. Well so did the Home Secretary, Lord John Russell, who felt compelled to remove Mr. Justice Laing from the bench after the book's release.

Dickens, the police, and the English class structure

Charles Dickens' life of misery, working at age thirteen, little formal education, in the era of the Industrial Revolution where the sweat shops of England valued people only as economic units, provided material for a lifetime of writings. In the class conscious society that existed in England in Dickens' times, he would never have been accepted by the aristocracy as one of their own.

With his background of debtor prisons, factories and limited education, he would have been tolerated but never accepted.

Dickens appeared to have a need to classify himself, to place himself at a level, that he felt comfortable with. He was, of course, in a higher class level than the criminals he wrote so much about. He appears to have found in the newly introduced Metropolitan London Police, and in particular the detective section of Scotland Yard, a group of men not his social equals, but for whom he had an affinity and an ability to relate and communicate with.

Philip Collins in his book "*Dickens and Crime*," noted; "Important among his reasons for praising the

police so heartily was his being able to socialize with them."

The detectives on their part would have been pleased that a person of Charles Dickens' stature would associate with them and even go on patrol with them. He experienced their fears and hopes, recognized the expert way they handled the job, and then wrote about those exploits.

If policemen of Dickens' times are anything like the police of today, they have an urgent need to be understood, to be able to talk in order to reduce the stress of boredom laced with moments of high panic that they feel. As W.S. Gilbert stated in the "Pirates of Penzance" in 1879: "When constabulary's duties to be

done the policeman's life is not a happy one."

Dickens detectives in fiction

Over the years the image of the British Bobby, named for Sir Robert Peel, has been that of an unflappable, imperturbable man. A type of dogged human bloodhound. In "Bleak House" Charles Dickens has a detective named Mr. Bucket. There are many passages where Charles Dickens takes great pains to describe Mr. Bucket's character. As one of these passages states; "Otherwise mildly studious in his observation of human nature, on the whole a benign philosopher not disposed to be severe upon the follies of department and unusual intelligence; with nothing lounging or slinking in their manners; with an air of keen observation and quick perception when addressed;"

In "Our Mutual Friend," the policeman is named Mr. Inspector. Charles Dickens gave the same characteristics that applied to Detective Bucket; an ability to converse with criminals and in the next breath converse with a different

class as when he arrested John Rokesmith. Mr. Inspector goes to great pains to see that Mrs. Rokesmith is not in the room when he is about to arrest her husband.

From personal experience a lot of Charles Dickens' writings that are concerned with the police, their actions, department and character have an air of authenticity. This authentic style of writing does not come overnight and is the result of mutual trust between Dickens and the police.

Many officers have an us (police) and them (public, newspapermen etc.) attitude and by the very nature of the job a distrust of newspapermen. While newspapermen have a right to the news, they can and do in many cases slant the news to sell stories. There is no doubt that the police knew Dickens as an ex-newspaperman. He had experience as a court reporter. His opinion of the court system was not very high which again reflected a police attitude.

Dickens shows his affinity for the police in the names that he calls them. Names in the books "Little Dorrett" and

"Bleak House" reflect his opinions of the various professions. A lawyer is named Mr. Talkinghim, a parody of a lawyer who talks a lot. Conversely the names given officers are Stalker, Quickear, Sharpeye, and Tramptfoot. All names that would commend the abilities of the police.

It is therefore no wonder that the police would communicate with Dickens, take him on patrol, and give him an insight to living conditions of which Dickens was very interested. It gave his books that authentic insight that is lacking in many novels.

From reading his books you will find that Charles Dickens had an affinity for the detective police as shown in his novels and short stories. The following is a short list of titles that would make interesting reading for officers; Bleak House, Our Mutual Friend, Martin Chuzzlewit, The Old Curiosity Shop, Oliver Twist. Short stories of interest to police are Sketches by Boz and The Uncommercial Traveler.

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Fingerprinting

Continued from Page 7

efficiency. The "Henry" system was then immortalized and is universally accepted.

Bertillon vs fingerprints

Fingerprints had a real problem. They had to compete with the "Bertillon" system that had been in use and more readily accepted by police forces worldwide since 1879.

This system was based on anthropometric measurements of the adult body. An arrested person was measured in certain areas and certain notes taken and placed on a file card. The system required the measuring of the head, the body's height, the length of the middle finger of the left hand and left foot, and the elbow to elbow measurement of crossed arms.

The system had many drawbacks. Many cards were misfiled, measurements taken in a shoddy manner, and the differences that would occur as people grew older.

Another factor spelled the doom of Bertillon's system. There were many cases of convictions being made and innocent persons spending many years in jail only to have the guilty person come forth after several years. Invariably they found the

measurements to be quite close.

The Bertillon method of identification was only useful in cases where the court wished to prove a previous record. It had no real investigative value as did



Guesswork is eliminated: computer fingerprint tracking can match a single print against millions in existing databases.

fingerprints. In 1898 the Canadian Parliament passed the Identification of Criminals Act that provided that all persons charged with an indictable offence be subjected to the Bertillon method.

The system never got off the ground because there were ample rumours that

the system was fast being outdistanced by the fingerprint system. In 1908 the old Act was replaced and the fingerprint system and photograph was instituted.

The Canadian experience

In the year 1901, fingerprints were first introduced in Scotland Yard. In 1904 Scotland Yard sent John Ferrier to the St. Louis World's Fair to guard the Crown Jewels. While there he interested Constable Edward Foster, of the Canadian Dominion Police, in the science of fingerprints.

There are probably two other people who bear some influence on this part of Canadian History. One was Mrs. M.E. Holland, wife of the editor of the publication "The Detective"; the other was the Commissioner of Police for Canada, Sir Percy Sherwood. Mrs. Holland, a detective in her own right, was attending the St. Louis convention of the I.A.C.P. with her husband. She too became fascinated with fingerprinting at the same time, while he and Ferrier were stationed at the Fair, and in fact arranged a meeting for Foster with the English policeman.

Constable Foster's experience convinced him that a similar organization in Canada would do much to encourage national interest and co-operation in fingerprinting. It would also help to bond all police forces together with a common technology. He discussed this subject with Sir Percy Sherwood and found in him a source of knowledge and encouragement.

The Toronto Police connection

Sir Percy believed that the Deputy Chief Constable of Toronto, Mr. Stark, would be an ideal man to interest in the project and subsequently told Foster that he had received an enthusiastic response from the Toronto officer. An organizational meeting of the newly proposed group was held on September 6th, 1905, at Toronto and one year later became the first positive action toward the founding of a national fingerprint bureau for Canada.

Opposition which stalled Foster's plans would have discouraged a less dedicated man, but he was in truth a "man with a mission". With the support of his Chief, the project was kept before

CASE LAW: Prostitution

Moving car is a public place

Last October a B.C. County court judge ruled that a moving car was a public place with regard to soliciting. The decision blew away a novel defence presented at a lower court level.

The police evidence stated that an undercover police officer picked up a suspected prostitute and drove around the area with her. During the ride the officer and woman negotiated a "sexual arrangement." She was then arrested and charged with the offence of soliciting in a public place.

At the lower court the defence suggested to the court that the moving vehicle was not public place because it was not in a fixed location and that the public

could not hear or suspect the offence was taking place. At that time the judge ruled that the offence did not occur in an ascertainable spot which is fixed as opposed to a progression of places such as traveling on a highway.

The County Court judge disagreed with the lower court and stated, "A motor vehicle located in a public place is defined as a public place. (Section 195.1(2)) A motor vehicle is no less located on a public street if it is moving than if it is parked, no matter how briefly, or stopped momentarily."

The County Court judge entered a guilty verdict and sent the accused back to Provincial Court for sentencing.

the government. On July 21st, 1908, an Order in Council was passed sanctioning the use of the fingerprint system and making the provisions of the Identification of Criminals Act applicable to it.

The first Toronto Police Identification Bureau was formed in 1867, at which time records were kept by name and physical description only. In 1894 the records were augmented by the introduction of the criminal photograph.

Sergeant Duncan, a self taught fingerprint expert, started the Toronto collection in 1906 with the accumulation of 88 sets. In 1911 the Toronto Force handed over their entire collection to the Dominion Police (later to become the RCMP).

The first conviction in Canada solely on fingerprint evidence was recorded on April 25th, 1932. The testimony was given by Mr. O.E. Borland who later became the Chief Identification Officer within the Toronto Police Department from 1943 to 1960.

The computer age

The age of "computers" started a study in 1965 to devise a system to search fingerprints utilizing the speed of the new equipment. Many agencies throughout the world had attempted to perfect a system, but by 1971 the Metropolitan Toronto Police Identification Bureau had its system in full operation. Their method of searching was the subject of study by other identification bureaus within Canada, the United States, Scotland Yard, and New Zealand. These search principles were adopted in whole or in part by many and the modern computer technology owes much to the labours of this branch.

The identification of a fingerprint, regardless of new and modern technology, still depends on the personal viewing of the fingerprint by someone who has received extensive training and experience in this specialized work. Technology has made great strides in eliminating the tedious task of searching

and classifying fingerprints. The experts today can spend more valuable time searching and screening through larger and larger numbers of prints in search for the true culprits. The R.C.M.P. were the first in Canada to obtain this technology and the Metropolitan Toronto Police Force took delivery of an identical system late in 1988. Both systems will be connected this year and the Toronto based unit can be linked to other forces in Southern Ontario who purchase work stations compatible with their new system. Many thousands of positive identifications have been made with this new technology as ident officers scan their old case files.

It is hard to believe that it all started in the mid nineteenth century with a British company executive's distrust of a local contractor's signature.

Resource information and photographs for this article courtesy of The RCMP Gazette, the Metropolitan Toronto Police Force Identification Bureau and De LaRue Printrak Incorporated of Anaheim California.



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The ugly factor

Can you spot a "TEN"?

- David Smith -
Sergeant
Arizona Department of Public Safety

The other evening I was sitting in a quiet little restaurant with Sgt. Wayne Corcoran, a 20 year member of the Phoenix Police Department, discussing various officer survival tactics and problems. We had just finished instructing a Risk Reduction School for the State of Arizona, and the many problems faced by street cops from throughout the state had no easy answers.

The problem we were discussing at the moment was a very common one in almost every police jurisdiction- the potentially violent disturbance call with no suspect description.

"The officer must enter the bar or whatever and quickly scan for aggressive body language," I pronounced confidently.

"Bull!" Wayne pronounced more confidently, at the same time leaning across the table, allowing me to do some body language evaluation of my own. "What he needs to do is enter the dang bar or whatever and use the ugly factor."

Now, I have always prided myself on being a pretty fair survival instructor and a pretty fair street cop, and I have a series of survival rules I live by. Rule Number Seven states: Never laugh at a 270 pound power-lifter unless he's telling a joke. So with my best "did you want to talk to me, Lieutenant?" face I leaned toward the hulking form across from me and said, "Huh?"

"Sure, Smith, just think about it. How many handsome guys have you ever had to punch out? None, right? How many foxy women have you ever had to wall slam? That's right, none. The first

thing all cops should do when they go into disturbance calls is look for the ugliest son-of-a-gun in there, because that's who he'll have to fight." The truth of this statement floored me. The answer so clearly in front of me every morning as I shaved. Good-looking people aren't going to risk that kind of a face.

Wayne relaxed now, knowing I had seen the light. He sat back quietly, sipped his iced tea and began his imitation of Socrates under the tree. "Civilians use a classification only for good looks. You know, the well-known "ten" scale. Well, cops need their own ten scale - an ugly scale. A one or a two on this scale is a handsome guy or an attractive woman who has spent megabucks and megatime since youth becoming beautiful. This person you may book for a white collar crime, but risk a bruise from a cop? NO WAY!

"Now, a three or four is still sharp and probably had dad throw in for some braces when they were small. These folks may yell at you and make a big show of things, but they're still banking on keeping those lovely teeth originals for a long time. You'll probably arrest these types for con games and frauds, since they often have the gift of gab also.

"Fives and sixes are another story. Attitude alone can lower them right into the seven and above category. A drunk six can act just like your average eight or nine. Then you start finding your more violent types. Drunk drivers who assault officers, that type of thing. Yeah, with a five or a six attitude can mean everything.

"Finally, we have our sevens and

above. A lot of these people not only have nothing to lose by fighting a cop, they might even get something knocked back straight! Mug books ought to be classified by the ugly factor instead of crimes or sex.

"The key is that every cadet should be trained in the Academy to judge ugliness. Every street cop should be given an in-service review. Now, when an officer is at the scene and it is deteriorating, backups can be advised that there are several eights or nines present and that violence could be a likely outcome. An officer checking out a suspicious person could also rank the subject according to the ugly factor, thus advising his or her fellow officers just how hinky the contact really is.

"But remember, the ugly scale isn't just the reverse of the beauty scale. Beauty stops at the skin, ugly goes clear through. There are a whole bunch of folks born unbeautiful on the outside, but filled with so much goodness and beauty that they're too good for the beauty scale too."

As Wayne concluded, I sat stunned, overwhelmed by this simple yet practical tool and thoroughly annoyed that I hadn't thought of it myself! How many times in debriefing had we talked about this guy and that guy as an ugly dude without realizing that we were actually using the ugly scale? Cops develop a natural sense of ugly just to survive, yet never bother to formalize it as it should be .. a basic part of our language. We should develop codes such as the Ugly Code, or better yet, the U-Union Code and the U-Code. Then when we check out with that obviously ugly subject to the rear of a convenience store, we can advise we will be out at such and such with a "union eight."

On those potentially violent calls with little or no suspect description, officers can enter and begin scanning for ugly people. The one who spots a nine in the corner can quickly advise his fellow officers by simply saying, "We've got a union nine behind the pool table." Thus, only the officers are alerted and no one is offended.

So, the next disturbance call you get, have your ugly meter going full-bore when you get to the scene, and look for the UGLY.

British police firearms use drops

Police in England and Wales were issued with firearms to deal with crime on 2,185 occasions in 1987, a reduction of nearly 11% over 1986 figures.

Police fired shots in seven of the operations. At the end of 1987, 7,349 officers (about 6%) were qualified to carry firearms. Firearms were also issued on 41 occasions to destroy animals.

Officers not liable for prisoner's death

Two British Columbia police officers have been found not liable for the suicide death of a prisoner in their cell block. The British Columbia Court of Appeal ruled in the matter last November and dismissed a civil litigation brought against the two officers by the deceased's wife.

The facts surrounding the case began after the deceased was stopped after a high speed chase and was arrested for driving while his ability was impaired. The accused was transported to a central lockup facility where he was booked.

The arresting officer had searched the accused and the booking officer performed a routine second search and took the accused's belt and shoelaces. When the officer searched the accused in the cell block he found that he had urinated himself and the officer did not search the crotch area for this reason.

The suspect was lodged in a cell block but the officer on duty failed to check on him for about 55 minutes. The departmental policy was 15 minutes. When the officer returned he found that the suspect had hung himself with a belt he had hidden in the crotch of his pants.

The trial judge at the civil hearing determined that the officers had not been the cause of the deceased's death and that the search had been reasonable

under the circumstances even though it deviated from established practice. The judge continued by finding that the 55 minute time lapse also deviated from accepted practice but it had been appropriately explained why the officer could not have attended sooner.

The trial judge advised the court that there was no special indication given to the officers that the accused might be suicidal and that the officers had done the best they could under the circumstances.

Our new cartoonist Tony MacKinnon



Letter to the Editor

January 31st 1989

Thank you for the copy of your magazine. I am pleased to see the appearance of a law enforcement publication with a Canadian perspective. We receive many American magazines and while the majority of the articles are interesting, as a Canadian police officer it is often difficult to relate their experiences with ours. Your publication will go a long way to fill the void.

If we here in the Gazette can be of any assistance to you, feel free to contact us. Once again, thank you for the magazine and the best of luck for the future.

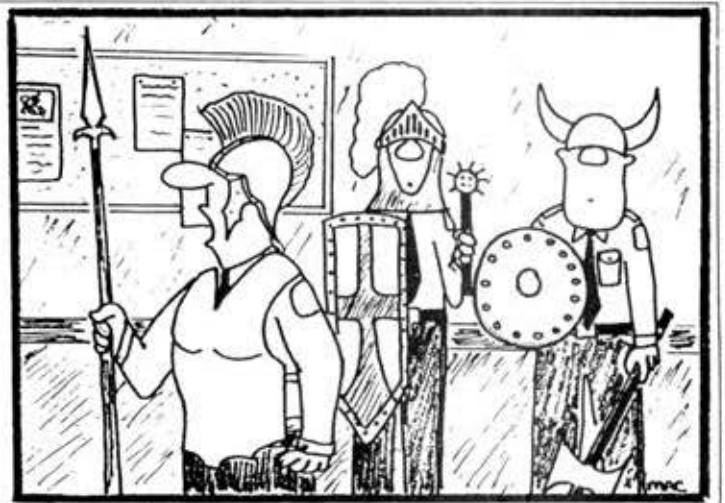
Yours truly,
D.L. Stapleton, Sgt.
Editor, RCMP Gazette

I would like to introduce you to the creator of a new series of cartoons that will entertain you in future issues. Tony (Mac) MacKinnon comes to us with 18 years of police experience. He commenced his career with the old Chinguacousy Township Police Force (amalgamated with Peel Region). He later joined the Belleville Police Force where he is currently "stomping out crime" as a patrol sergeant.

Tony is an active member of the Belleville Police Tactical Team. He draws for a hobby and his subjects have, of course, centered around police officers. I am confident that you will enjoy his cartoons and police styled wit under the name of "Flashes".

FLASHES by Tony MacKinnon

"We just gotta get some new equipment for our tactical team!"



Motor vehicle detention

Ontario Highway Traffic Act Criminal Code of Canada

The recent concerns regarding drunk drivers has caused many members of the public and police forces to make suggestions regarding the appropriate methods to deal with these offenders.

One such suggestion has been to seize the offender's motor vehicle. Some individuals have called for legislation to empower police to do this. This is similar to calling for the reinventing of the wheel. At best the only thing we need do is streamline a confusing Provincial system of seizure. This article will supply you with a recipe as to the present requirements and procedures you must go through to take that car and keep it.

Upon making an arrest

When making an arrest for such violations as drive while suspended, careless driving, failure to identify, racing, fail to remain, fail to stop for police, dangerous driving, impaired driving, and several other offences, you may seize the motor vehicle by which the offence was committed.

Section 190(2) of the Highway Traffic Act sets out the offences that you may seize the accused's motor vehicle. Your authority to seize can be found under s.s. 4 of the same section.

(4) "A constable or officer appointed for carrying out the provisions of this Act, making an arrest without warrant may detain the motor vehicle with which the offence was committed until the final disposition of any prosecution under this Act or under the Criminal Code."

This section goes further and advises that the vehicle may be released on security being deposited by the accused to the satisfaction of a J.P. or Judge. This secu-

urity, that may be a cash deposit, assures the court that the vehicle will not be disposed of before court has concluded the case.

In effect this is a show cause condition upon the motor vehicle by which the offence was committed. You would have the vehicle taken into the police controlled pound until release.

You mark on the impound form that the vehicle is not to be released pending a show cause, or the adjudicated monies being deposited with the court. The accused would then have to pay for the tow and storage fees. Sub section 5 of section 190 places all storage costs as a lien on the vehicle.

When should this be done?

Good question. The Highway Traffic Act leaves this in the hands of the officer. You would most certainly only want to do this if you seriously intended to make the violator realize what the full consequences of his offence could be.

The best time certainly would be in incidents of continual abuse by the violator. Repeatedly driving under suspension or several impaired driving convictions.

After the arrest

After the arrest and the seizure of the motor vehicle you should take the suspect to your station for the usual processing. Type up the usual show cause and under the conditions of bail you could follow one of the two models shown here;

1. "AS A FURTHER CONDITION OF THE ACCUSED'S RELEASE IT WOULD BE SUGGESTED THAT HE DEPOSIT WITH THE COURT THE SUM OF \$500. PURSUANT TO SEC-

TION 190 OF THE HIGHWAY TRAFFIC ACT AS IT IS INTENDED TO INVOKE SECTION 192 OF THE SAID ACT IF THE ACCUSED IS CONVICTED." or

2. "IT IS RECOMMENDED THAT THE MOTOR VEHICLE BY WHICH THIS OFFENCE WAS COMMITTED BE HELD IN CUSTODY TO PREVENT ANY FURTHER VIOLATIONS BY THE ACCUSED UNTIL THE DISPOSITION OF ALL CHARGES."

MODEL NUMBER 1, as shown above, refers to section 192 of the Highway Traffic Act. This section empowers the Judge (and only a Judge) to seize the vehicle for a maximum of three months upon conviction.

There are four rules however:

- Only a judge can make the order not a J.P. Therefore he must go to a criminal court, even for an H.T.A. violation.

- The vehicle used must be the accused's vehicle or registered in his name or the name of his/her spouse or dependent child.

- The offences can only be for impaired driving, drive while suspended, possess suspended licence or permit, or for a SECOND offence of fail to remain (C.C.C.)

- The accused has been given written notice by the officer along with the initial charges OR verbal notice by the Judge before he accepts a plea in the following words;

"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, the provincial judge or judge may order that the motor vehicle which was driven by you or under your care or control at the time of the commission of the offence shall be seized, impounded and taken into the custody of the law."

It would be recommended that any officer wishing to invoke the full power of these sections first check your departmental policies. You should review the sections mentioned here and satisfy yourself to the degree that you will feel comfortable with the action.

By invoking these little used sections it could prove to be a real deterrent to the repeat offender.

This is the Law: Ontario

Fall to remain at scene of accident

There are two charges of failing to remain at the scene of an accident. One is under the Highway Traffic Act and one is under the Criminal Code. An officer should lay the charge under the **Criminal Code** if the following points are found;

- If the arrest is after the six month limitation of the H.T.A.
- When the accident did not occur on a highway
- To allow the Crown to go by indictment
- When the suspect vehicle is not a vehicle under the H.T.A.
- When the accused stopped at the scene; there was no assistance to be rendered; no one asked for his name and address *in writing* and then left the scene.

A charge of failing to remain must be laid under the **Highway Traffic Act** when;

- When the accused was in charge of a vehicle that was indirectly involved in an accident on a highway
- When the accused was involved in an accident with something other than a person, vehicle, or cattle in the charge of a person.

Under the **Highway Traffic Act** fail to remain charge there are five points to prove;

1. The identity of the driver
2. The identity of the vehicle he was driving
3. The accused knew, or should have known, he was directly or indirectly involved in an accident
4. The accused evaded a duty imposed by section 174 of the HTA
5. The accident occurred on a highway

Under the **Criminal Code** there are five elements to prove;

1. The accused had care, charge or control of the vehicle
2. The vehicle described was the one involved
3. The accused knew or should have known he was involved
4. The accused evaded a duty under section 236(1) of the Criminal Code
5. The accused's vehicle was involved with another person, vehicle, aircraft or vessel, or cattle in the charge of a person

A history of careless driving

- Morley Lymburner -

Part 3: A reasonable and prudent driver

This is a most important criterion. Was this person's driving that of a reasonable and prudent driver? If it was not, then was it an act of inattention or a deliberate act on his part?

These questions must be asked on each case you investigate. You should bear in mind, further, that Dangerous Driving can include inadvertence. Some case law has proven that the mere act of inadvertence itself can be dangerous to the public having regard to all the circumstances.

However it does not necessarily go the other way. If your case in court proves that the offender really wanted to do what he was doing your Careless Driving charge will, or should, fail.

The appropriate charge

Many years ago it became quite popular in traffic fatalities to lay only the minimum charge that was committed. If it be an improper left turn or disobey a red light then that was the consequence the driver was faced with.

The police officer has a duty to bring the offender to court, and to prepare and present the case to the courts in a fair and objective manner. He has a further duty to the public at large. He has a duty to protect them. When he fails, as in a fatality or serious injury, his duty is transferred to the victim.

The officer must consider the victims in these matters as much as the offender. He must be ready to make an example of the offender that would be suitable to the public and the justice system.

The charge to be considered must take into consideration firstly whether the suspect is deserving of the punish-

ment contemplated. Secondly, if he is not, then an appropriate charge that would display to the public that this type of behaviour is unacceptable and is a direct consequence of that act.

It was just an accident

Another scenario would be the motorist involved in an accident on snow covered roads. Is a charge appropriate? Consider what has been mentioned.

1. Was the reason for this accident a result of a trap situation? Is the location of the accident such that no one who was driving in a prudent manner could avoid the collision?

2. Were the vast majority of drivers on the road that day smashing into others? At that particular location have there been numerous similar accidents in the past?

You may well come to a conclusion that a charge is warranted. The mere fact that snow exists does not lift all rules of the road. Certainly some discretion must be used. But all responsibility for orderly traffic flow cannot be abandoned.

You should always remember that "accident" is just a polite term for someone making a mistake. It is as much a caused occurrence as mischief, theft, or murder. The only difference is the degree of intent. If the intent is not there in a collision, then you may have Careless Driving.

Blue Line Magazine is committed to providing content that is of practical use to law enforcement professionals. We appreciate your comments on the material we present. Tell us what you think. Write to The Editor, Blue Line Magazine, 118 Main Street North, Markham Ontario L3P 1Y1.

Police pursuits

Adventure or necessity?

- M. Lymburner -

Now here is a topic that should get you going. The hue and cry by the media and public regarding police officers chasing people with police cars has reached a peak of late. Everyone seems to have the answer to the problem (including me if you read further).

When I was a young recruit, working out of North York's 31 Division, I can still recall tossing coins to buy the coffee. It was two in the morning and we were to meet at the back of a factory and listen to "The Scarborough Chases."

Many a night you would find 3102 and 3101 listening to the inevitable pursuits in the east end. We would study the street guide as the pursuit continued along streets we had never patrolled. Kingston Road, (euphemistically called "THE K R") Eglinton Avenue, Galloway Road, Plug Hat, Reesor Road and "Runway 48".

We would marvel at the expertise of the old coppers in the radio room as they lined up roadblocks, mastered interceptions and, with a masculine tone that no one dared argue with, they brought another chase to a successful conclusion.

That was in the days when two door Plymouths with six cylinders and no roof lights or sirens chased hotrods that never heard of gas shortages or pollution controls.

I can still remember the panic stricken voices yelling in the microphone, "Dispatcher we have a chase." This was a habit that all officers got into very quickly in Scarborough. The first year they gave us eight cylinder engines we would still hear the officers grab the microphone. This time however they would say, "Dispatcher we have a chase.... disregard we got him stopped."

We never heard about chases through the press or television. The only place the

public saw them was at such movies as 'BULLITT'. Even at that this movie ended up being best known for Steve McQueen's use of the word "bullshit" at the end of it.

So why all the complaints?

It is a simple matter of CONTROL. It should be noted that this has never been simple. The media have highlighted the chase syndrome to the public lately by capitalizing on the loss of lives. It has been a well known fact that when the public feels it is losing control of anything they will reach out and control whatever they can. Much as a drowning man grasps at anything nearby. A police force is easy for the public to control. It always has been and always will be (in this country anyway).

Are you bored?

John Sewell, in his book POLICE, states, "It is difficult not to think that many police chases are a reaction to long and tedious hours of unproductive patrol work. The antidote to boredom is creating excitement."

Well how do you like them apples? DON'T LAUGH. This man is listened to. Do not believe otherwise. This is a perception the outside has of your work. If this is true then it would appear that you guys are going out there looking for the kind of person that will "rabbit." You are chasing him to the ground like a wounded deer with the dogs on his tail just for the sport of it.

Mind control

I have a theory how this all got turned around. It is time that we all woke up and took a clear look at our own television. What can the public understand about police officers when they see two stumbling bumpkins in a cruiser chasing hillbillies that never get caught and (above all) never get punished.

This "mind control" is being pumped into our youth through that boob tube. It is being pushed, like so much bad booze, by the movie and car industries (among others).

A few years ago a twelve million dollar civil suit was settled out of court in the U.S. The people who settled for an undisclosed amount were General Motors, Burt Reynolds Enterprises, and Gulf & Western Films. It was alleged that a youth came to his death in a car accident because the driver of the car was under the mistaken impression that his Firebird would perform in ways for which it was never designed.

Is this an isolated case? Not on your rosy red apple. We have people out there every day who brag about how they "lost the cops" in their Camaro they call "KIT".

Section 422 Criminal Code of Canada

(a) every one who counsels, procures, or INCITES another person to commit an indictable offence is, IF THE OFFENCE IS NOT COMMITTED, guilty of an indictable offence and is liable to the same punishment to which a person who attempts to commit that offence is liable; and

(b) every one who counsels, procures, or INCITES another person to commit an offence punishable on summary conviction is, IF THE OFFENCE IS NOT COMMITTED, guilty of an offence punishable on summary conviction.

Okay Mr. Sewell, if you want a cause to champion take this one and quit the conjecture. The officers out there are too busy to champion causes or tell society what is wrong. Their job is to keep the lid on the pressure cooker. It's guys like you that have to turn the heat down.

Television companies and movie studios are not immune from the laws of the land. If they step out of line they have to be made accountable. If you or I went out and told a kid it was a great idea to get into a chase with the police or to kill someone with a car, do you think anyone would hesitate to sue or charge us? You could bet your whitewalls they wouldn't.

The anatomy of a chase

What is the makeup or psychology to consider in a chase? This is only a personal viewpoint and I would certainly

welcome other views. I have spent some time considering the issue and I hope that some of what I say can filter through.

Many of us have heard of the philosophy in Karate that states a master in the art should run from his assailants rather than fight. But if fight he must then he can deal with it. This reasoning is not some lofty ideal. It is practical and common sense. If you show off or brag about your training or expertise, you are educating someone else. Quite often this could be your enemy. He knows that you are the master and he must try harder to overcome you. Invariably he will, if you become his mentor.

The pursuit has the same reasoning. The more they are broadcast and the public becomes aware of our techniques (or in some cases the lack of same), the more difficult it becomes for us to control the problem.

Here is another scenario. If you speak to a jet pilot he will tell you that operating a car will challenge your skills far more than a jet. This is due to the motor vehicle's constant changing of velocity and the constant changes in surrounding conditions. In a jet your basic speed is flat out and your conditions remain relatively constant.

In the second world war the jet fighter was something new and experimental. Numerous crashes were suffered by test

pilots. Scientists spent much time and research perfecting the craft but they found that the biggest problem was perfecting the pilot.

Each pilot was a well experienced fighter pilot. They excelled in aircraft with speeds around 200 to 250 miles per hour. When they entered the jet they suddenly doubled that speed. The difficulty was trying to keep their mind ahead of the jet's speed. To adjust your horizon so to speak.

This can be a lesson for the police officer pursuing another vehicle. The bandit has his eyes on the horizon while the officer has his eyes on the bandit's tail lights. A good recipe for disaster.

The officer pursuing the bandit, in most cases, has a good knowledge of the upcoming intersections even if he can't see them. The officer just has to keep his head up more to the horizon and anticipate anything the violator may do between here and there.

The human factor

The human factor is something that varies tremendously from officer to officer. The person with less experience in chases will have more adrenalin flowing through his system. This causes his voice to raise several octaves and a garbled speech to come across the microphone (I've done it).

This is undoubtedly one of the things a supervisor from Communications is listening for and on such occasions may cancel the pursuit. It is only good common sense to do so.

That officer screaming in the microphone has many strikes against him. He is trying to tell others where he is and is failing. He is trying to handle a microphone and drive at the same time. If he is the passenger he is probably being bounced around the passenger compartment. The officer will be further confused by emergency lighting on his car (at night) or intimidated by his own siren. [Always remember that the siren is to intimidate others not yourself. Get familiar with the sound but don't let the public. Let them always think it is something unusual and warrants their attention.]

You may ask, "what if he still panics but stifles his voice?" Are the same hazards present? Simply put..NO! If he can control something as flexible as his voice he should be able to gain control of a lot of his motor skills. In a pursuit everyone has the adrenalin surging. The skill is gaining control of it.

Yeah! But what if he gets away? SO WHAT! You still get to go home at the end of the shift. You've done your best. If you know that, it should be good enough.

The 1989 Pocket Criminal Code reflects radical changes

- Bernard Wood -

"The long awaited proclamation of the 1985 Revised Statutes of Canada has the effect of re-numbering virtually every Section of the Criminal Code as well as reworking the grammar and punctuation of many sections. This has the unfortunate added effect of forcing police officers, lawyers and judges to re-learn Criminal Law."

The foregoing is a quote from the preface to Carswell's 1989 Pocket Criminal Code, written by Gary P. Rodrigues. Implicit in that statement is the responsibility borne by all serving members of police forces to familiarize themselves quickly with current law, changes in law and proposals for changes.

The 1989 Pocket Criminal Code is also prefaced with an easy to read table of concordance (1970 to 1985) providing a very handy reference point.

This new publication also contains a section by section index of offences in place of the more common but complex part by part index.

The book also contains the Canada Evidence Act, the Canadian Bill of Rights, the Constitution Act, the Criminal Records Act, the Extradition Act, Food and Drugs Act, Identification of Criminals Act, Interpretation Act, Motor Vehicle Transport Act, Narcotic Control Act and Young Offenders Act.

It should be noted that this publication does not contain information wordings or references to case law. Some officers may regard this as a serious shortcoming, a view not shared by this writer.

This new publication is hardly pocket sized but it is easily portable and compact. The book provides a valuable compendium of law which no serving police officer should be without.

Sergeant Bernard Wood is a 20 year member of the Metropolitan Toronto Police Force. He currently works in the Business Systems Analysis Unit and has previously worked extensively in the training and planning sections.

True Crime

Three sides of the coin

- Geoffrey Cates Books -

Introduction

It is difficult to imagine a trial that attracted more attention than that of Edith Thompson and Frederick Bywaters in January of 1923. The trial took place in the English town of Lewes, and for a nation that has had many memorable trials, this one stood in the front ranks. We have often heard that just as there are two sides to a coin there are also two sides to any story. In the next two issues we will discuss the *three* sides to this coin. You will discover three different angles as presented by the prosecution, the popular press and the defence, all of whom felt sincere beliefs.

Just the facts please

Edith Thompson and Frederick Bywaters were tried for the murder of Mrs. Thompson's husband Percy. The facts leading up to the murder are rather straightforward.

The Thompsons were a childless couple who had married in 1915. They lived in Ilford, a suburb of London, and both Mrs. Thompson and her husband worked in the city, he as a clerk and she as a bookkeeper for a millinery firm. Percy Thompson was 32 and his wife 28. The third party was 20-year-old Frederick Bywaters. Bywaters went to school with Edith Thompson's younger sister, and thus came to know the Thompsons. He soon took up lodgings with them, and almost immediately Bywaters and Edith began a relationship that should have been Percy Thompson's alone.

Percy Thompson became suspicious, there was a row and Bywaters was forced to leave. Edith and Frederick however, continued seeing each other, although not as often. They wrote letters to each other leaving no doubt as to their feelings

for each other or how to deal with the inconvenient problem of Percy Thompson.

Bywaters and Edith met on the 2nd and 3rd of October 1922. What was discussed, we don't know, but can surmise that Bywaters knew she and her husband would be attending a theatre in Ilford the next night.

On the 4th of October 1922, shortly after midnight, Percy and Edith Thompson were walking home from the theatre near their home. Bywaters came out of the darkness and stabbed Percy Thompson. Mrs. Thompson was heard to cry out, "Oh don't! Oh don't!" She ran for help and Bywaters ran off leaving Percy Thompson lying dead.

No mention was made by Mrs. Thompson of Bywaters being involved until much later in the investigation. They were both charged with murder.

Captured - The police side

Frederick Wensley had joined the Metropolitan London Police just prior to the turn of the century. He was to serve 40 years on the Force, and came to enjoy a reputation as a detective few would equal. He rose through the ranks on his merits, a system that seems to be dying out these days, and was well respected by fellow officers and members of the bar alike.

At the time of the murder, he held the rank of Superintendent in the Criminal Investigative Department. He was called into the case on the morning of the 4th of October, and went to Ilford Police Station to interview Mrs. Thompson.

Mrs. Thompson was naturally upset, but told her story, keeping her emotions in check. Her story was she and her husband were walking home after an

evening at the theatre when suddenly he seemed to be overcome. She did not know what had happened, but went and called for a doctor. She was urged again and again to think of a clue, anything, that might assist the police in resolving this crime. Nothing more concrete was forthcoming however, and after some hours the interview was concluded.

Wensley began to interview other members of the victim's family and spoke to a brother. It was then, in answer to questions about the Thompsons' domestic life, the name of Bywaters first surfaced.

In essence what the brother said was he could not understand how Percy Thompson put up with Bywaters lodging there for as long as he did, considering his obvious friendship with Mrs. Thompson.

Wensley confronted Edith Thompson about the whereabouts of Bywaters. At first she hedged, but then told him Bywaters had visited her parents' house the previous evening. The distance from her parents house to Ilford was only a mile or two, a point not lost on Wensley.

Some faint suspicion was now implanted as a result of Mrs. Thompson's unwillingness to discuss Bywaters. A search for Bywaters was begun while Edith Thompson was held at the police station. About 6:00 P.M. that evening, Bywaters was located near Mrs. Thompson's parents' house. He was asked to accompany the officers to the police station to "assist them in their inquiries". This is the polite English way of saying we have the person we want, we just need you to speak with us to secure enough evidence to convict you.

Wensley was not impressed with the self-assured, somewhat arrogant attitude of the young man. He was even less impressed when he noticed what appeared to be bloodstains on his jacket. He had the jacket taken for examination and asked Bywaters to tell of his whereabouts the previous evening. Bywaters told him he had visited with Mrs. Thompson's family until about 11 P.M. then went home, arriving there about 3 A.M. According to him, he and Mrs. Thompson were just good friends who still corresponded with each other. He

had not heard of the murder or he would have come forward sooner.

Bywaters' home was searched and the letters he had received from Mrs. Thompson were found. The contents were to prove most damaging to the couple, as the following extracts show.

"... yes darling be jealous, so much so that you will do something desperate..."

"Don't forget what we talked about in the Tea Room. I'll still risk and try if you will - we have only three and three quarter years left..."

"... he puts great stress on the stew tasting bitter as if something had been put in it... I'm going to try the glass again... when it is safe... I used the light bulb three times, but the third time he found a piece... all I could think about was the compact we made - it seems so horrible to-day."

"It must be remembered that digitalin is a cumulative poison... will you be ready with every little detail when I see you - because you know more about this thing than I, and I am relying on you for all plans and instructions - only just the act I am not..."

There were other passages running along the same lines, but these grim hints were buried in a mass of vivacious per-

sonal gossip and terms of endearment.

Although both Bywaters and Mrs. Thompson were detained in the same police station, they were in separate parts and neither knew the other was being held. When they found out, the effect was electrifying. It was when Mrs. Thompson was being led from one part of the station to another she caught a glimpse of her lover. The effect was immediate. She broke down crying, "Why did he do it? I did not want him to do it ... I must tell the truth."

She then told police that on the night of the murder, she saw a man scuffling with her husband. When he ran off, she recognized him as Bywaters.

A short while later, Bywaters was told they would both be charged. He answered, "Why her? She was aware of my movements!" He went on to tell police he had only meant to injure the man. He had gone to confront him about separating from his wife, and a fight ensued. Both were charged with murder.

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The Popular Press

The Defensive View

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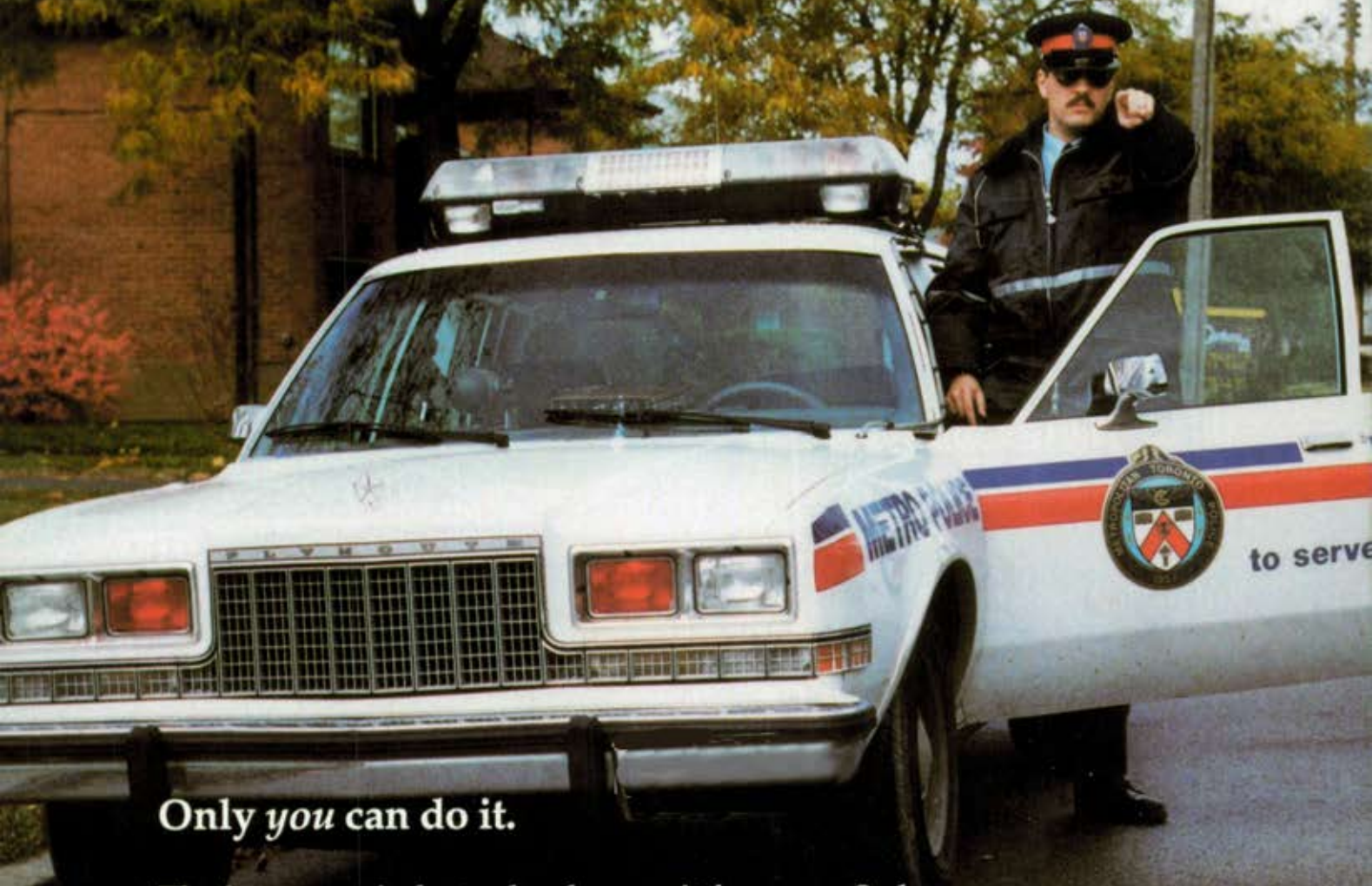
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