

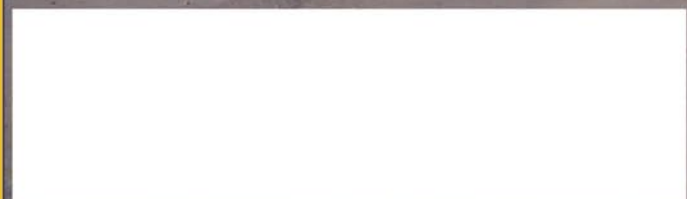
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Canada's National Law Enforcement Magazine

October 2004

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Accidents are the leading cause of death and injury to children between the age of one and nine and most of them are preventable. That's the idea behind Children's Safety Villages – teach elementary children a broad variety of topics and techniques which will help them stay safe. Since youngsters remember things they do better than the things they're told, they're then given a chance to actually practice what they've been taught in a kid sized version of a town, complete with electric cars, streets and traffic lights. **Kathryn Lymburner** visited a new village about to open in York Region, north of Toronto, for a closer look at an increasingly popular safety tool.

We neglected to introduce **Captain Mark Giles**, who has begun writing a media relations column for us, in this space last month. Communications director for the Canadian Forces Provost Marshal, Canadian Forces National Investigation Service and Canadian Military Police Association, Giles is very experienced dealing with the media. This month he looks at how one line can change a story's focus -- and how you can get things back on track.

Police forces from across the country have helped raise money for Brantford Police Service **Cst. Cyrus Villa**, who was paralyzed from the waist down while chasing a suspect more than a year ago. **Ryan Siegmund** talked to Villa and updates us on his situation. **Siegmund** and **Danette Dooley** also report on how officers in three Maritime provinces are forced to take a pay cut when they're injured on duty.

The Canadian Football League has discovered that police officers who keep the peace on the streets are also good at keeping things under control on the field. As **James Ham** tells us, three of the league's 37 officials are police officers, including two from the Winnipeg Police Service.

In other stories, case law editor **Mike Novakowski** has an in depth examination of the Mann case, technology editor **Tom Rataj** looks at optical storage and **Dr. Dorothy** has some suggestions on how to manage stress.

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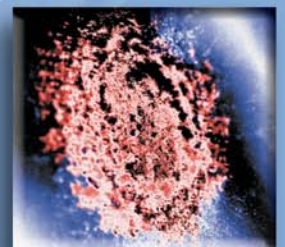
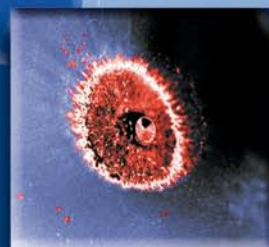
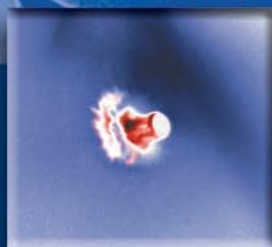
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Fact vs fiction

Civilian governance of Ontario police needs a second look

by George Berrigan

Civilian oversight of the police has been very topical as of late in Ontario. This appears to be attributed to a concerted lobby by special interest groups, increased media attention, a few extreme cases, the issue of racial profiling and just plain old politics. With the debate comes a disturbing amount of disinformation.

By and large the governance models are intended to regulate the men and women who patrol our city streets and country roads throughout this province. One of these police officers on a routine shift will have dozens of interactions with members of the community. Some are pleasant some are not. Split second decisions of an important nature are dissected, by others, for months or even years after.

Currently the following mechanisms are in place to govern the officer's conduct: the public complaint provisions of the Police Services Act, the province's Special Investigations Unit, a myriad of civil remedies (the ever increasing civil law suit), coroner's inquests, the power a criminal court to remedy a breach of the Charter of Rights and Freedoms and last but not least the omni-powerful Ontario Civilian Commission on Police Services (who people don't seem to know much about).

Yes, generally speaking, complaints against police officers are investigated by the police agency for which the officer works and are investigated under the authority and purview of the chief. A complaint is instituted when delivered 'in writing' to the individual service and the complainant does not have to attend to start the process. Once an investigation is instituted, it's a thorough, exhaustive, costly and comprehensive review of the circumstances. This includes the gathering and analysis of physical exhibits, the receipt of statements from witnesses to the event (including witness police officers) and the generation of a detailed factual report as to the circumstances of the complaint.

Based on this report, which is shared with the complainant, the chief decides what, in his or her view, is the appropriate action. This could range from taking no further action to holding a hearing to determine if misconduct exists on the part of the officer. These events are mini trials. If the complainant is unsatisfied at any stage of the proceedings they have the right to appeal to the civilian commission, which is not reluctant to intervene.

The Ontario Special Investigation Unit (a multi million dollar publicly funded organization) has the lawful authority to investigate an incident when serious bodily harm or death has occurred and a police officer is involved. This usually means that if an individual suffers a broken bone in interaction with police,

S.I.U. investigates. The director of S.I.U. reports the results of his investigation to the attorney general, bypassing local authorities, entirely. The province's S.I.U. is the envy of many other governments, both nationally and internationally, wrestling with the issues of police governance.

Also entering into the fray are the courts. Civil law suits involving the police abound. Circumstances in these suits, for damages (money), range from allegations of unnecessary force, loss of income due to a police investigation, false imprisonment and innumerable other torts. These suits very seldom succeed.

Coroner's inquests for deaths in police custody are mandatory. An inquest, presided over by a medical doctor coroner, puts the facts of death before a five-member jury. The coroner's jury determines who, how, when, where and by what means the deceased succumbed. The inquest will take place after the Special Investigations Unit has determined whether or not there is criminal culpability on the part of the involved police officers. These are usually high profile media events.

Members of the criminal judiciary also have the authority to impose sanctions against police for abuses of the accused's rights under the Canadian Charter of Rights and Freedoms. However, this power is seldom if ever used.

Proponents for changes to the complaints structure are now recommending that another independent agency be formed to process all complaints. This would follow the model that previously existed in the province called the Public Complaints Commission. This agency was responsible for the direct monitoring and governance of complaints. This agency proved

to be an unmitigated expensive bureaucratic boondoggle and was dismantled.

The role for the governance of our police officers must rest with the Ontario Civilian Commission on Police Services (remember them?). The law, as it currently is, gives OC-COPs the power and authority to intervene in any stage of a process and take carriage of the resolution of the complaint. What can be more effective than members of our respective communities using their collective wisdom, under strong leadership, to resolve these difficult and contentious issues?

The challenge for government comes in the skill set of the members appointed to the commission. What is required are individuals with a strong sense of community advocacy, an understanding of the dynamics at play and a little bit of old fashioned common sense. Unfortunately with the ongoing contentious debate, in regards to restructuring the complaint process, the commission does not even appear to be in the dining room let alone at the table.

A strong democracy is predicated on the civilian governance of those that have been entrusted with special powers, including the taking of life. However, police officers in the Province of Ontario have more levels of scrutiny than arguably any jurisdiction in North America. Does adding another costly bureaucratic level make sense? The tools are currently there to deal with the problem, providing skilled trades people use them.

George Berrigan retired from policing after 32 years of service. His last position was that of Chief of Police of the North Bay Police Service. He can be reached at gberrigan@cogeco.com.

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INVESTING IN THE FUTURE

Experience is the best teacher at police Children's Villages



by Kathryn Lyburner

"Children are only 20 per cent of our population but they are 100 per cent of our future," states York Regional Police Chief Armand La Barge as he surveys with pride their new Community Safety Village. "Giving them the skills to be healthy and safe citizens is the key to that future."

This fall in York Region a new Safety Village will open its doors to the public and will be a large part of fulfilling La Barge's words. After five years of fundraising and a year and a half of construction, the 3.6 million dollar Community Safety Village will be ready for the community to enjoy.

The Community Safety Village of York Region, located at the Bruce's Mills Conservation Area in Stouffville, Ontario sits on six acres of leased land. The 10,000 square foot Learning Centre holds offices for a full-time police officer and the Community Safety Village Coordinator, Karen Richards. A large Community Room boasting floor to ceiling windows, a stained glass donors wall and timber beams, two classrooms and a fire and safety house are also located in the Learning Centre.

Richards came to the Safety Village having worked four years with Ontario Special Olympics. Her role as Community Safety Village Coordinator will include group bookings, public relations, fundraising, program and curriculum development, web site maintenance and volunteer supervision. Staffing for the Centre will come from local high school co-op programs as well as area volunteers. Richards noted that they have already had a keen interest from local college students and high school co-op students wanting to volunteer.

Unlike safety villages in other municipalities across Canada, York Region's Community Safety Village boasts a wide range of innovative programs designed not only for elementary school groups but also for families, the disabled, the elderly and community groups wanting to use the brand new facilities.

Children's Safety Villages originally had their start in the United States. The concept was that the villages would provide an interactive place for children to learn, experience and remember valuable real-world lifesaving lessons. These villages were primarily police based with most of the education concentrating on traffic



rules and street-proofing. Ontario already boasts several of these Safety Villages including ones by Halton Regional Police (1987), Durham Regional Police (1982), and Peel Regional Police (1993).

In 1997, a new trend in Ontario was started when the Waterloo Regional Police collaborated with the local Fire Service to create their village. Both police officers and fire service educators would now work together to teach children. Examples of these villages can be seen in: Waterloo Regional Police and Waterloo Fire Services (1997), London City Police and London Fire Service (2001), Windsor City Police and Windsor Fire Service (2003).

The Niagara Region was the first to introduce the next trend. In 2003 the Niagara Regional Police, Fire Services and E.M.S combined efforts to create the Niagara Children's Safety Village. York Region has carried on with this new trend with their creation of the Community Safety Village and Learning Centre.

It is in this Centre that members of the community will be able to attend various safety oriented events. New parents will benefit from sessions on proper installation of child seats as well as creating a safe home for their children. Families can learn about helmet and Internet safety while children's clubs and school trips can learn about fires and safety in the home.

The Centre will not only be a location for public First Aid and CPR courses, but will also provide space for the York Regional Police Service to hold in-service training for their officers and K9 units.

With 30 bicycles and 30 electric miniature vehicles, the town site in the Community Safety Village provides school children in grades one and three the opportunity to learn



Chief Armand La Barge, Community Safety Village Coordinator Karen Richards, and S/Sgt. Rodney Sine show one of the 30 miniature electric vehicles.

about road and street safety through hands-on experience. As S/Sgt Rodney Sine stated, "if you tell children the rules of the road, they will forget them; if you show them the rules, they may remember, but if you let them experience them they will understand."

S/Sgt. Sine was seconded to the Community Safety Village a year and a half ago to head up the massive fundraising effort and strengthening of community partnerships full-time. He has also been one of the driving forces behind this initiative as a volunteer board member and committing countless hours to this initiative.

The town site provides children the opportunity to experience roadways, crosswalks, traffic lights, school bus safety, train tracks and an interactive hydro generating sub-station which actually sends out a loud zap when children press a button.

The design of the Educational Centre was done with the Canada Green Building Council's "LEED" (Leadership in Energy and Environmental Design) Certification in mind.



-  **York: Karen Richards Coordinator**
905 895 1221 x7233
-  **Halton: Cindy Lawrence Coordinator**
905 878 5511 x5067
-  **Peel: Christie Hallett Administrator**
905 453 3311 x4071
-  **Waterloo: Barb Young Coordinator**
519 653 7700 x8889
-  **Durham: Cst Esther Rathwell**
905 668 9893
-  **London: Andrea Lukachko Director**
519 4553135 x465
-  **Niagara: Frank Adamson Director**
905 714 9333
-  **Windsor: Bonnie Pacuta**
519 945 5500
-  **Chatham-Kent: Janet Cunningham**
519 360 1270
-  **Chilliwack Children's Centre**
Chilliwak, BC: Don Van Beest
President 604 792 8713
-  **Brant Children's Safety Village**
Moira Gibson Project Manager
519 720 6950


As such, the most prominent feature on the exterior of the building, the five chimneys, are not for fireplaces but rather for natural ventilation through the use of computer-controlled dampers, in combination with the many windows. This natural method of ventilating the building, during the warm months of the year, promises to reduce the overall operating cost of the facility. Additional features, such as bicycle change-rooms, and water-conserving plumbing fixtures, further contribute to the "Greening" of this building design.

Buildings in the town-site were donated by local companies and government organizations. There is a train station, city hall, schoolhouse, Doctor's office, fire station, and police station

- cell included - all designed to show how the three emergency services can work together in various capacities. As an added touch of reality there is a Tim Horton's across the street from the police station.

Grades two and four come to the Community Safety Village to discuss fire safety. They can experience how to properly leave a room filled with smoke, when a door can and cannot be used and how to exit a burning house through an escape window. They will also be shown dangers in the bathroom and kitchen.

Through this innovative program York Regional Police are joining the many police services across the country in similar initiatives which invest in the future of their communities.



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It's about time.

Injured officer gets cross-Canada support

by Ryan Siegmund



Police agencies across the country have raised more than \$100,000 for Cst. Cyrus Villa, a Brantford Police Service officer badly injured during a foot chase.

Villa had been on the job just three years when he fell eight feet down an embankment while chasing a suspect in July, 2003, landing on concrete and suffering a life-threatening spinal cord injury. Now 27 and paralyzed from the chest down, he can't wait to go back to work.

"Given my situation, I think I was really surprised about how much interest everyone has expressed towards my injury and how much support I received," Villa says. "I was really surprised at how much people appreciate what police officers do."

The money has helped Villa and his family get on with their lives, enabling them to quickly move into a new house and buy a van that he can drive with his limited mobility. "Not having that money up front – I don't think we would have been able to purchase our house this quickly," he notes; it probably would have had to wait for money from his insurance and the Workplace Safety and Insurance Board (WSIB).

He credits the WSIB with covering everything he's needed but says you have to be patient. "The only thing I could fault them in is that they are very, very slow – like extremely slow in dealing with anything."

Villa never saw as much as a dime from the service's life insurance until after he had returned home from the hospital and was initially concerned that he would run out of money. Those concerns were eased when the Brantford Fire Dept. and EMS held fundraisers to ensure Villa could concentrate on rehabilitation and access equipment he'd need after his eight month hospital stay.

A trust fund was set up, says Cst. Shane Genoway, a co-worker and friend, to cover the things insurance doesn't pay for – modifications to make the van wheelchair accessible, for example, which cost more than the new vehicle itself. WSIB covered roughly \$45,000 of the \$85,000 total cost.

"Medical insurances from the department doesn't cover that sort of stuff, so now he's left with that \$40,000 burden and most people don't have that sitting in their banks," says Genoway.

The van is just one of many items that the trust fund will help pay for, he says, allowing Villa to concentrate on getting better rather than worrying about money.

A lot of the money raised went to helping Villa buy a new home that was big enough to accommodate equipment he would need. Modifications included installing an elevator, wheelchair ramps and front loading appliances.

"You got someone who doctors say there's no chance in hell he's complete and yet it is still

an ongoing struggle to get them to pay for things they are supposed to pay for," Genoway quips, adding people who have previously abused the workers comp system are partially to blame.

The money raised exceeded anyone's expectations. "Peel Regional Police did just a tremendous amount," Genoway says. "Just themselves, they raised about \$20,000. Peel was absolutely phenomenal."

Villa, his wife Candice and daughter Malory are doing okay, Villa says. Candice helps with rehabilitation; she used to run a day care in their old house but informed all the parents the day after the accident that she would be starting a new job.

"She has been by my side everyday when I was in the hospital, which was around seven or eight months," says Villa. "At this point, I still need constant supervision but more than likely I won't later on."

Villa received some inspiration from Pat Hanlon of the Sudbury OPP, who visited him just days into his time in the intensive care unit. Hanlon, who suffered a similar injury, has successfully gone back to work at his detachment, working in the fraud section.

"I've gotten together with him a couple of times and very early in my accident stage, I pretty much knew from then on I'd be returning to work... I knew I couldn't sit around the house and do nothing all day."

Shortly after the accident, Villa's chief told

him he would receive his full salary and that there will be a job waiting for him when he's ready.

Villa knows his duties will be limited and that he'll be working off a computer in some capacity. He figures he will take time off but feels the longer he waits, the harder it will be in getting back. His chief and supervisors are game for whenever and whatever he has planned.

He's anxious to work with his friends again and would very much like to return while they are all still there. "That was one of the hardest things to do at first – develop friendships – and I just don't want to lose that."

Despite his injury, Villa doesn't regret deciding to become a police officer.

"You know I've been asked that question a lot of times and no, I have absolutely no regrets. When I was working and people would ask if I liked my job – I would say I love it."

Villa acknowledges it was fortunate that he was injured on the job and deeply appreciates the support he's received from other officers and services.

"I know how much other police departments have raised on my behalf and it was just a phenomenal amount. We wouldn't be in this position if we didn't get that help from the other police services."

Ryan Siegmund is a freelance writer and researcher working with *Blue Line Magazine*. You can contact Ryan at editor@blueline.ca.

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Police penalized for on-duty injuries

by Ryan Sigmund

Police officers in New Brunswick, PEI and Newfoundland lose up to 20 per cent of their paycheck if they're injured on the job and go on worker's compensation.

In New Brunswick for example, an officer receives only 80 to 85 per cent of their regular pay when on worker's comp. Most other Canadian police services 'top up' officer's salaries so they receive their full pay.

Another sensitive issue is the 'three day waiting period.' An officer who returns to work within 20 working days isn't paid for the first three days they're off the job if they weren't hospitalized during this period.

New Brunswick MLA Abel Leblanc introduced a private members bill asking the government to remove the restrictions – he wants changes similar to those recommended by an independent commission three years ago.

"The minister has adjourned the debate, so they're in limbo again," says Leblanc, who adds Training and Employment Development Minister Margaret-Ann Blaney told him she would recommend the items at 'the right time,' "so when is the right time? I don't know, it's in her ballpark."

He calls the recommendations a 'dead issue' until "there's another election and they get defeated."

Blaney says cabinet will decide on the recommendations but gives no indication when that will happen.

The New Brunswick Police Association has fought the three day waiting period since it was introduced in 1993, says coordinator Bob Davidson.

"I was on the corporate board of the WH-

Manitoba police empowered to seize street racing vehicles

Manitoba is hoping to put the brakes on street racing by giving police the power to seize and impound their vehicles for 48 hours. Attorney General Gord Mackintosh proclaimed the amendment to the province's Highway Traffic Act in August. British Columbia is the only other province with such a law.

"This is in response to a recognition this is a growing threat to public safety," Mackintosh said.

Justice Department statistics show the number of convictions for street racing in Manitoba went from 13 in 1998 to 39 in 2002. Sgt. Barbara Tobin of the Winnipeg Police Service traffic division said street racing is a growing problem in the city.

The Sunday night tradition of cruising the city's historic Portage Avenue now attracts people who aren't interested in just showing off their cars, said Tobin. Instead, she said, they sit at traffic lights, waiting for people who are willing to race.

"This will help us address that problem," Tobin said. "A cooling-off period is a good thing. It gives them something to think about."

In Toronto, between May 2001 and May 2002, 17 people were killed as a result of street racing. Already, a street racing conviction in Manitoba comes with a \$5,000 fine and eight demerit points, which add \$250 to the annual licence fee. Convicted street racers can also see their licences suspended for up to nine months.

I.O.D. PENALTY CHART

Alberta	Full-benefit wage loss; example—In Calgary, the missed earnings are topped by the Employee Benefits Society.
British Columbia	Full benefit wage loss; example—In Vancouver, if in the event a member is promoted or due an increment increase during their time off, WCB only pays the rate they were at when injured and the Department tops up the rest.
Manitoba	Full benefit wage loss; example—At Winkler Police Department, officers injured on duty are paid directly by WCB in the amount of 67% of their total regular wages. This money is non-taxable... end result is an officer actually sees virtually no change in the amount of take home money.
New Brunswick	Compensation pays 85% of wages; example—In Fredericton and Bathurst, employers do not top-up these earnings to equal total salary.
Newfoundland	Compensation pays 80% of wages; Employers do not top-up any missed earnings.
Nova Scotia	Full benefit wage loss; example—Compensation pays 100% of their pay (taxable) for a max of 2 years and then they would go off on LTD if they were still unable to work.
Ontario	Full benefit wage loss; Workplace Safety and Insurance Act states the employer is required to pay injured employee's wages for the date of injury. Following date of injury, injured employees are entitled to 85% of their net earnings during time lost due to work injury. The Collective Agreement states that employees will receive full salary for the period of temporary disablement.
Prince Edward Island	Compensation pays 80% of wages; no-top occurs at Charlottetown, Summerside. Full benefit wage loss;—At Borden-Carleton Police Service, the Community Insurance Plan would cover any difference.
Saskatchewan	Compensation pays 80% of wages; example—In Prince Albert, employees have 100% coverage when they make a claim - 80% from compensation and 20% top-up from the employer.
R.C.M.P.	Members of the Federal Police Force (Royal Canadian Mounted Police) Armed Forces and Coast Guard are not covered by a Workers Compensation Board but by the Federal Government directly. Full benefit wage loss.
O.P.P.	Members of the OPP receive 85% of net earnings under WSI. Officers absent by injury arising from the malicious actions or negligence of a third party are entitled to up to one year of full salary as long as there is a WSIB award made for the injury. After initial entitlement period, officers can opt to utilize their short-term sickness plan benefits.

SCC (Workplace Health, Safety and Compensation Commission) in New Brunswick when we agreed to do away with that penalty for police and fire because of the inherent danger and the fact you can't refuse unsafe work," recalls Davidson.

He blames the Canadian Manufacturers Association for lobbying the premier's office to reject the changes.

Davidson says they were told the decisions of the tripartite WHSCC commission, which is made up of employers, workers and public representatives, would be respected – and they were until the waiting period decision.

"So basically what we have here is a ridiculous situation where police officers, who have clients who try to kill them, still receive a penalty if they are injured on the job and not hospitalized or out longer than 20 working days," he complains.

"We had the police chiefs with us (and) the municipalities, so where the support falls down is at the provincial government level," Davidson says. "The provincial government has no legs of support under it at all because the public at large is also represented on that commission and they voted for it."

Leblanc was on the WHSCC board in 1993 when it eliminated top up and introduced the waiting period to save money. He says the changes had to be made but the effect on police and firefighters wasn't considered.

"He was a perfect MLA to bring this forward," says Davidson, "because he was saying a mistake was made in '93 and he was at the legislative now to correct it... and it's not a cost item per se because it affects such

few people."

The issue is a "real fiasco," says New Brunswick Police Association President Dean Secord. "If you're trying to break up a street fight or chasing somebody down an alley, you can't stop and say 'oh I wonder if this is safe.'"

Saint John Police Force's latest contract offers officers a 'one time' opportunity to receive the three days pay while on workers comp – "so if one of our officers goes out like ten days, we'll pay the three days," says Secord – "but if it happens another six months or a year down the road, you're liable to lose the three days... you do lose 20 per cent of your pay when you go out on worker's comp."

Secord says workers in the province are trying to combat the issue by increasing their sick time.

"What happens is if you're out on worker's comp, people are going to their doctor and saying 'look, can you put me out another two or three days so I don't lose my three days.' The doctor will look at it and say 'well yeah, another three days, you'd be better off...'

"It's hurting the police force because they have to hire somebody to look into the issue, so that's another fiasco."

You're 'damned if you do, damned if you don't,' says Cst. John Lally, VP of the Fredericton Police Association.

"When you're a police officer you are supposed to put yourself in harms way, in danger – that's their job," Lally states. "When you get injured, you're still paying the same bills."

Ryan Sigmund is a freelance writer and researcher working with *Blue Line Magazine*. You can contact Ryan at editor@blueline.ca.



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Injuries costly for Newfoundland police

by Danette Dooley



Royal Newfoundland Constabulary officers are penalized financially when they're injured on the job and that has to change, say RNC Chief Rick Deering and Association president Cst. Joe Boland.

Under the current workers' compensation benefits plan, Boland said an officer can lose approximately \$400 from their regular pay cheque.

"We're not pleased with workers' compensation legislation in relation to our members when they get injured on duty," Boland said, commenting on the scenario that played out when Cst. Steve Knight intervened during an alleged stabbing of a downtown bouncer.

The off-duty officer needed time off to recover from wounds to his hand and back. The father of two young children's salary was reduced as he received workers' compensation benefits, which Boland says is totally unacceptable.

He feels so strongly about the issue that he resigned from the RNC's Tactical Response Unit several years ago.

"Our members volunteer for the tactical team, our bomb disposal unit, our public order unit. These are all where our members put themselves at great risk knowing, at the end of the day, that if they are injured their families and themselves suffer great financial loss..."

"Steve definitely should be off on full salary. There's no question about that. He saved another man's life down on George Street and probably other people that were in that area. He did what he was trained to do and because of that, that situation was brought under control."

If the message is that your family is going to suffer for your actions if you put yourself in harm's way, he notes, "pretty soon our members aren't going to be putting themselves in this type of situation."

Deering says he's always thought that if officers are injured on duty by someone else, it's a situation beyond their control and results from the obligation to perform their duties.

Like Boland, Deering said any officer in-



jured on the job should be fully compensated while recovering. It's an issue the provincial government is looking at, Deering says.

Boland said the RNCA has been pushing for change for many years. "Under the Liberal administration, this was a priority on (former Newfoundland justice minister) Kelvin Parsons' list of things to do."

His executive has since met with premier Danny Williams and members of the justice department to find out what changes, if any, it can expect.

Calls to the premier's office were re-routed to justice; minister Tom Marshall said the

amount of salary permitted under the legislation, after injury, works out to approximately 80 per cent of net earnings. The amount has been capped at a gross salary of \$1,750 bi-weekly or \$45,000 annually.

Marshall says he's sympathetic to police concerns, noting he has met with Boland on the issue, however he also notes the matter is larger than the police force.

"There are the concerns of other occupations where violence on the job is an issue, such as people that might be working in our prisons," he notes, "but it is under review and it's certainly being looked at by our government."

While the RNC work side by side with their federal counterparts on numerous joint force operations, RCMP officers don't have to worry about losing pay if they're injured on the job. RCMP media relations officer Sgt. Paul Collins says his members fall under federal rather than provincial regulations.

"If you're injured while on duty, as long as there's a reasonable likelihood that you will return to work, you continue to receive full salary and benefits."

Danette Dooley can be contacted at dooley@blueline.ca.

Memorial fund promotes workplace safety

by Shannon Lyons

In the spirit of Cst. John Petropoulos' dedication to helping make his community a safer place, his memorial fund is seeking to bring about positive change in society through constructive partnerships.

Petropoulos, a Calgary Police Service officer, died from brain injuries sustained after falling through a false ceiling while investigating a break & enter complaint. The ceiling had no safety railing to warn him of pending danger. He was 32.

Several of Petropoulos' recruit classmates – Sgt. Joel Matthews, Cst. Glenn Laird and Det. Cliff O'Brien – set up the John Petropoulos Memorial Fund (JPMF) and raised money by selling memorial pins to fellow officers. A fundraising memorial dinner and ongoing donations have also sustained fund. O'Brien and Petropoulos' widow, Marianne Pope, manage the fund and Shannon Lyons is the project manager and media relations contact.

One of the partners the JPMF is working with is Diakonos – an organization serving peace officers, emergency personnel and their families. The partnership seeks to build a cabin in John's memory at the future Diakonos Peace Officer Retreat Facility, where officers and their families can relax from the stresses of work. The fund also donated funds to the Central Rockies Wolf Project in 2003 to repair aging radio-telemetry equipment. The equipment is necessary to track wolves for wildlife conservation purposes.

The JPMF's most significant achievement to date is producing a public service announcement (PSA) entitled *Keep Your Workplace Safe*

for Everyone, in partnership with the Alberta government's *Work Safe Alberta* campaign, Global Television and Pink Gazelle Productions. The fund coordinated the production and television scheduling of the PSA, which began airing throughout Alberta in April. The message uses Petropoulos' on-duty death to communicate the importance of making workplaces safe for both employees and emergency personnel who may attend after hours.

"Through the Fund and this PSA, we can let the public know that they can help us by creating safer working environments for themselves and for us, so we can do our jobs and eliminate preventable injuries and deaths," notes O'Brien. The JPMF is in the process of having the PSA aired nationally on Global television to create Canada-wide awareness about this issue.

"Developing the JPMF and creating the PSA has been a challenge for us," says O'Brien. "Hopefully we can save others time and difficulties by sharing experiences and making the PSA available."

Pope concurs: "Workplace safety for emergency personnel is a national concern... I believe everyone has the right to make it home to their families at the end of their workday. The objective of our PSA is to get this message across to as many Canadians as possible."

Visit www.jpmpf.ca for more information on the John Petropoulos Memorial Fund and/or to view the PSA, or contact Shannon Lyons at 403 263-2744.

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ELIMINATING RACISM

Creating healthy relationships in Saskatchewan

Policing the First Nations and Metis People

by Kathryn Lyburner

The First Nations experience with policing has been primarily negative and based on a history of oppression, dispossession and lack of trust, a Commission on First Nations/Métis Peoples and Justice Reform (JRC) report says.

Policing problems are an area of great concern and contention for the JRC, which was created after some Saskatchewan police forces were accused of racism. Concerns raised after the deaths of Neal Stonechild, Rodney Naistus and Lawrence Wegner have largely gone unanswered, it notes.

“Not a lot of solutions are available to deal with the multitude of issues facing policing in Saskatchewan today,” the commission was told. “Previous commissions and inquiries have examined this issue and made recommendations. To date, however, major improvements have yet to be implemented.

“The Métis experience with policing has been primarily negative. Young Aboriginal men and women have been beaten, disappeared and died while in police custody or after police contact. There have been far too many incidents and facts brought forward to continue ignoring this issue.”

Not all relations with police are negative though, the report notes. In communities where officers are involved, the relationship is much better. Police can develop and maintain relationships, helping to dispel misunderstandings between the two cultures and breaking down potential barriers of ignorance.

Involvement can include participating in local forums, schools and crime prevention activities, allowing for communication and information sharing.

The Métis had traditional forms of justice and governance structures before confederation and historically, Aboriginal relations with police are predicated on the present relationship within contemporary society. Current relations are strained at best, the commission was told.

“The mere recognition of wrong doings and apologies are simply not enough. Reality must improve and a pivotal change needs to occur in police attitudes. Policing of Métis communities must include Métis experiences, realities, expertise and recognition that they have valuable

resources to offer. The marginalization and criminalization of Métis people must stop.”

Aboriginals maintain they have an inherent right to self government, including sovereignty over matters relating to their own people and control of law and the administration of justice. They have entered into a community tripartite agreement (CTA) with the provincial and federal governments to establish police services based on community needs. The CTAs currently provide for funding and infrastructure to operate police management boards in one-third of Saskatchewan First Nation communities.

Community justice committees (CJC) and police management boards (PMB) are key to reclaiming responsibility for policing, the report says, and a positive step in empowering communities. They need to be amalgamated into one strong committee, it suggests, noting Métis Family and Community Justice (MFCJ) has made strengthening existing CJs a priority and set a long-term goal of having one in every First Nations and Métis community.

Communities need to be at the table when policing decisions are made and more financing is necessary for this to happen, the report says. The commission also recommends that the RCMP reinforce its community policing strategy and that all municipal forces shift to community policing until Métis and First Nations peoples can exercise autonomy and administer justice within their jurisdictions.

The Métis Nation - Saskatchewan and affiliates should develop a cross cultural training package, the commission recommends. More than just participating in cultural ceremonies, training should be updated to include Métis and First Nation identity, world views, values, beliefs, social structures, history and culture.

It should last more than a day, be flexible, adaptable, based on a force’s needs and offered on a continuous basis to new recruits, existing members and management, the report says.

“Community members have identified that the ‘old guard’ police officers, referring to the status quo, are the most difficult to change in regard to racism and discriminatory attitudes,” MFCJ told the commission. “What may have been acceptable in the past is contemptuous and without reason (today).”

The goals of the restorative justice strategy are to develop approaches to justice that are culturally sensitive, responsive to community needs, holistic and give authority to the community. Focusing on crime prevention, improving race relations and building bridges will achieve these objectives, it says.

It also recommends that a process be established to discuss the Métis Nation - Saskatchewan’s role in Federal-Provincial policing agreements. It has developed a policy for implementing policing services in Métis communities but realizes that the real changes and reforms will take time and hard work by all parties.

Community policing is an immediate, short-term goal and has a great deal of potential to improve policing, the Aboriginal Justice Inquiry states, since it’s decentralized, flexible, prevention-oriented, more adaptable to Aboriginal culture and improves police-community relations.

Policing problems identified by Aboriginals include lack of community involvement, not enough trust, overcharging and abuse of authority, the commission notes. Mistrust can go both ways, the report notes; individuals may hold negative views of police because of fear and lack of understanding.

RCMP officers often have little or no understanding of the Aboriginal community they’re stationed in, the commission says, resulting in strained relations caused by a lack of awareness, which can lead to entrenched ignorance. This is unacceptable, the commission says, adding that extensive work is required to repair the relationship.

Officers need to get involved in activities so that they can be seen as being a part of the community, it recommends, making them more aware of the area they’re serving.

If the criminal justice system is to succeed, the commission says, Saskatchewan society must stop using it to handle social problems and increase the use of sentencing alternatives. Police are the first contact most First Nations and Métis have with the justice system, it notes.

“The commission believes that often the police do not, or are unable to, consider restorative justice because of lack of resources, lack of knowledge, lack of peer support or, more troubling but equally prevalent, racist beliefs. This must change.”

Peacekeepers bring youth and police together

by Les Linder

Saskatoon police officers are helping to reduce crime and learning to better understand at-risk youth through canoe trips and mountain bike rides.

Peacekeepers, a program created by Saskatoon Police Service Aboriginal liaison officer Cst. Craig Nyirfa with help from the Saskatoon Tribal Council elders, was created for youth going through an alternative measures process because of criminal behaviour.

"The main thing we're trying to do is crime prevention, primarily for First Nations kids, because they are a large demographic in Saskatoon," Nyirfa says. "We're trying to do it with a First Nations perspective, with the help of the elders."

Nyirfa came up with the idea in 1996.

"I wanted this program because I saw that kids were being diverted from crime, but there was no connection being made with police," he says. "I thought it would be a good for police and these youth to develop a connection as a better form of crime prevention and also community involvement. We needed it to be more than just a discussion of their criminal action and help these kids learn from their actions, and from the elders, to become better people."

The first step involved offering them a chance to be with police officers, role models and council elders. One of the activities was a four-day journey down the Churchill River.



"From there it started to grow," recalls Nyirfa. "We started to do more and more activities, to the point where we now do canoe trips, mountain bike trips, ski trips, basketball tournaments, winter camps and sweat lodges."

Peacekeepers has now expanded to include

youth at risk of falling into a life of crime and gang involvement.

"We're trying to offer kids a better idea of who police really are, what justice and crime prevention is and why it is important," Nyirfa explains. "We're trying to steer them away from

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the wrong path by giving them something that's positive and constructive."

Each activity includes a talking circle, where the group can discuss issues with young First Nations adults who were in the same position they are a few years ago. They relate their experiences and show the group, most 13 to 17 years old, how they turned their lives around for the better with the help of culture, positive experiences and the elders.

"This shows the kids that there is another world involved than just becoming involved with crime and gangs," Nyirfa says.

It's not just the youth who learn from the experience. Police get acquainted with First Nations culture and the kind of life many of the youth came from. Three to ten officers typically go along on trips, which occur several times a year. About 600 people participated in activities last year.

Costs are kept low with help from the federal government and organizations which loan vehicles and donate equipment.

The program has been a resounding success so far, Nyirfa says.

"We do evaluations with the kids and all participants and haven't had anything negative come up," he says. "The program is becoming so popular that some kids have to be turned away because there are simply too many applications."

Officers are beginning to see a positive effect on youth, says Nyirfa. "They can see the message being taught to these youth from the elders; that people should be respectful of everyone, be proud of who you are and uphold the values of your culture.

"We've had kids tell us their stereotypes of police change after they spend four days with our officers on a trip... they begin to understand that officers are just human beings like everybody else."

The same is true for the officers, who begin to appreciate how difficult the youth's lives have been and why they got into trouble. Each develops a broader understanding of the other.

Peacekeepers is experiencing some growing pains however. Nyirfa and the tribal council are looking at how they can expand and whether it would require hiring a full-time coordinator.

"We're at a point right now (of) simply trying to decide what direction we take the program in next," Nyirfa says, "but we know we have something that works. It's a great activity for building skills and positive outlooks."

For more information, contact **Cst. Craig Nyirfa** at 306 975-8363.

Study to determine health effects of busting grow ops

Canada's police chiefs are calling on the federal government to launch a study into the health effects of busting marijuana grow ops.

The Canadian Association of Chiefs of Police is concerned about toxic mould often found in damp and poorly ventilated illegal grow operations.

"Large amounts of moisture in (marijuana grow op) confined spaces create and encourage the growth of many micro-organisms and indoor species of mould," said the resolution, passed in August at the police chiefs' annual conference in Vancouver.

Some varieties of mould are toxic and can

cause respiratory illnesses. One veteran of the Edmonton Police Service Green Team said it's something he and his colleagues worry about.

"It's not as bad as busting meth labs - it's a little more organic," said Det. Clayton Sach.

"Some of these places are so clean you could eat off the floor. Some of them are pretty nasty... you can see the black mould just creeping out of the drywall."

Marijuana grow operations also use large amounts of pesticides and fungicides to keep plants healthy. Between the mould and the poisons, it's not hard for someone exposed to a grow op to get seriously sick, say health officials.



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Officers show their stripes as CFL officials

by James Ham

Three Canadian police officers are patrolling more than their local streets this fall.

You can spot S/Sgt. Don Cousens of the Halton Regional Police Service and D/Sgt. Al Bradbury and P/Sgt. Steve Dolyniuk of the Winnipeg Police Service (WPS) policing the sidelines on Canadian Football League (CFL) fields working as line judges.

They can usually be found on the line of scrimmage and are responsible for ensuring each play gets off fairly. They call the offside and illegal procedure penalties, but can also call pass interference and other infractions – all amidst the scrutiny of large stadium crowds, even larger football players and some very candid coaches.

“It’s like you’ve got two ex-wives and 24 children and you’re part of a reality TV show,” Dolyniuk (#56) jokingly reports of the experience. “The coaches are the ex-wives and the fans are just waiting for the opportunity to vote you off the island.”

He became involved at the suggestion of WPS communications operator Mike Ewatski, who has also served one season as a CFL official.

“If God would have given me more talent I would have loved to play professionally,” says Dolyniuk, with 30 professional games and a Vanier Cup appearance to his credit. “I never thought my career would go this way but it feels good to still have a hand in the game I love.”

Bradbury also became involved after another former football official, retired WPS member Bob Madams, mentioned the idea. It’s a decision he doesn’t regret for a moment.

“You walk on the field with seven guys and you’re ready to do all you can for them; and you know they’ll do all they can for you,” Bradbury (#72) says. He recently recorded his 60th game as a CFL official.

Law enforcement’s senior statesman on the gridiron however is Cousens (#35). He has worked more than 130 games – including the last two Grey Cups. He became an official back in 1981 when Paul Chapman, a retired Halton S/Sgt and football official, encouraged him to give it a shot.

“It’s kind of an ‘in the trenches’ position which I love,” says Cousens.

“We tend to get an earful from coaches and players for calls made by all officials on the field. The coaches will usually voice their concerns in a very direct manner and at times get quite animated about it. The key, not unlike policing, is to keep



your composure under some adverse, challenging situations.”

The CFL employs just 37 officials so having three police officers among them is quite an accomplishment.

Two other WPS members are hoping to increase that complement. Constables Ritchie Miller and Brian Chrupalo are currently working their way through Canada’s officiating ranks, with an eye on a potential tryout with the CFL.

Officiating at the professional level can be nearly as demanding as making it as a player. You must first prove yourself in Canada’s university ranks. Then, after being scouted by the league, there’s a formal interview process and training camp, which is held in Winnipeg each year.

“As a player you spend an entire career trying to get noticed. As an official, you spend your entire career trying not to be noticed,” says Bradbury, a former college player at Southern Ontario’s Sheridan College.

Once you’ve made it, there’s still plenty of work to be done as every game these officials work is monitored and evaluated. To prepare, the seven officials gather six hours prior to kickoff.

“We get together and talk about the teams’ tendencies and what penalties we’ll have to watch more closely. We may meet with the director of officiating and review game tape that might be available,” says Bradbury. “We stay together for the day and become a crew.”

Whether it’s in front of extended family and



D/Sgt. Al Bradbury and P/Sgt. Steve Dolyniuk

friends while officiating a local amateur game, or at a packed CFL stadium, all three officers agree stepping onto the field is an experience to remember.



S/Sgt. Don Cousens

While Cousens appreciates the close quarters of the always packed McGill Stadium in Montreal and the majesty of Edmonton’s Commonwealth Stadium, Dolyniuk and Bradbury find Regina’s Taylor Field a custom-fit for a fun day of football.

“Those fans are on you right away,” says Bradbury. “They know all the players, they know your name and they’re not going to give you an inch.”

His favourite game to work is the Winnipeg-Saskatchewan Labour Day Classic but Bradbury, originally from Southern Ontario, is also looking forward to working his first game at Ivor Wynne Stadium in Hamilton, where he first took the field as an amateur player.

“You’ve got about six yards from the sidelines to the stands, so I’m sure that will be an interesting experience,” he says.

Stepping onto the field in any stadium is a test of mettle for officials. Each flag thrown inevitably goes against one team, drawing the frustration of the team and its fans. As police officers, Bradbury, Cousens and Dolyniuk come well prepared for these situations.

“As police officers, we’re used to people yelling at us for no good reason,” Bradbury says with a chuckle. “You also have to realize that it’s the gridiron. There are no holds barred. Everyone is looking for an advantage, but they still know we’re doing our best.”

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Concentrating on the next play is key, adds Dolyniuk, especially when your task as a line judge on a passing play is to watch the approach of a lightning-fast receiver with 4.5 speed approach the line just as the ball is being snapped and be able to confidently make a call as to whether he was on or off side.

Dolyniuk recalls a story Winnipeg Police Chief Jack Ewatski (who served seven seasons as an on-field CFL official) tells about a tough game he worked.

A coach who had a call go against his team put his arm around Ewatski and told him he was the second best official out there. Expecting a blast, he took the remark as a compliment and carried on with his duties.

The comment began to gnaw at him though, and when the play moved back toward that team's bench, he asked the coach who was best. "EVERYONE ELSE IS TIED FOR FIRST!" the coach replied.

Ouch! Despite enduring sometimes humbling moments like this though, the trio agrees their affiliation with the CFL and its players has been fantastic.

"A lot of these guys are not making a tonne of cash; even though there's not a big degree of separation between them and their counterparts in the NFL," says Bradbury. "They realize this is a league for the fans and they're here to keep playing the game they love."

It's the same passion that drives officials like Bradbury, Cousens and Dolyniuk – even if they have to settle for being the "second best" official in the stadium from time to time.

James Ham is a civilian member of the Winnipeg Police Service and avid CFL supporter. He can be reached at JHam@winnipeg.ca.

Ontario appoints emergency management head

by Ryan Siegmund

The Ontario government did a lot of soul searching after the ice storm, blackout and SARS crisis, says Monte Kwinter, Community Safety and Correctional Services minister, and questioned whether it had responded appropriately.

Among the questions asked, says Kwinter, included "were we prepared? Did we do the right thing? If we had to do it again, what would we do?"

Justice Archie Campbell's interim report on SARS identified the need for better emergency management planning and recommended one person should be in charge.

Enter Dr. James Young and his vast experience in the Ontario public service to take over the newly created role of commissioner of emergency management.

Young "will make Ontario's communities safer and stronger," says Kwinter. "In an environment in which new community safety and security threats are constantly emerging, the reality is there is always room for improvement."

Young reports directly to Kwinter on all policy and program matters related to emergency management and coordinates the activities of deputy ministers in emergency management, preparedness, response, recovery and mitigation.

He will also manage the activities of the Ontario Public Service during a health emergency and provide support for the minister of health and the chief medical officer of health.

Young's prior experience as assistant deputy minister of public safety, Ontario's chief coroner and commissioner of public safety and security makes him well suited for this position, Kwinter says.

"Dr. Young's experience and abilities during



the SARS crisis are particularly noteworthy," says Kwinter. "His performance during the extremely challenging crisis has been recognized internationally and he has received accolades from his own profession."

Young's experience as chief coroner will be especially valuable, Kwinter says, since he had to "take a very broad view of the workings of the provincial government and how the government responds to the well being of the public. This experience has fostered his reputation and credibility to be objective, as well as his ability to exercise the kind of leadership required to serve the public interest in emergency management."

The commissioner of emergency management role was primarily created to promote the development of disaster resilient communities. Under the new Emergency Management Act, which provides a framework, all provincial ministries must have emergency plans and Young will assist in coordinating this.

This requires the province and communities to conduct hazard identification and risk assessments to determine potential threats to their safety and security and conduct emergency preparedness training sessions.

Young's first order of business is chairing the Avian Influenza Working Group and ensuring Ontario can respond effectively should the disease strike the poultry industry. He's also working on eliminating remaining interoperability issues between first responders, including communications and procedures.

"Since 9/11, there has been a heightened interest in community safety and security," says Kwinter. "Our greatest challenge now is to make sure we do not let down our guard or allow apathy to set in as time goes by."



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VANCOUVER—Police chiefs gave the public a report in August on the state of organized crime in Canada, but admitted it is a foggy image of complicated operations that are hard for investigators to keep up with.

International organized crime groups have established huge networks across Canada to traffic drugs, import sex slaves, export stolen luxury vehicles and commit identity theft. Groups like the Hells Angels are expanding their power base and the next major target will be Canada's emerging diamond industry, the chiefs warned.

The larger organized crime groups are creating a network of workers and are using street gangs to pull off large-scale operations. To deal with this cross-country problem, police chiefs want average people to help by reporting possible criminal activity.

"What we are asking for is enhanced block-watch," Vancouver Police Chief Jamie Graham says.

Edgar MacLeod, president of the Canadian Association of Chiefs of Police says the "buy-in from ordinary Canadians" is the only way to keep up with a massive global problem given limited police resources.

Police chiefs are hoping the public will read the report and "get mobilized, get concerned," and lobby the federal government to give the police more resources and stronger laws to punish criminals.

For example, police want more freedom to use wiretaps and stronger sentences. They say the judicial system needs an overhaul or at the very least, all three levels of government should be coming together to review it and support the work police forces are doing on the ground to co-ordinate efforts.

The 2004 annual report was produced by the Criminal Intelligence Service Canada and released in Vancouver by RCMP Commissioner Giuliano Zaccardelli and Toronto Police Chief Julian Fantino.

The group has 380 member agencies including the RCMP, the provincial, regional and municipal police departments as well as intelligence and regulatory agencies. One of its major concerns is Asian organized crime,

which the report says is a threat in all areas of Canada.

Asian-based crime groups are described as being highly influential and active in the Vancouver area, Calgary, Edmonton and Greater Toronto. They supply illicit drugs to other organized crime groups, the report found, often using aboriginal and other street gangs to do their leg work. They are also heavily involved in human smuggling, which Zaccardelli warned is getting worse.

The report found Eastern European-based gangs, concentrated in Ontario, have also formed strategic partnerships with other organized crime groups in Canada and internationally. The Hells Angels remain the largest and most powerful outlaw motorcycle gang.

Italian-based organized crime is centred in Montreal, the Greater Toronto area, Hamilton and the Niagara region. It's also present in Vancouver and Calgary and appears to have some influence in other regions, the report said.

MONCTON — New Brunswick RCMP are no longer burning the marijuana they seize at grow operations around the province. They've instead decided to bury it.

"We've been looking at this issue for years," Sgt. Gary Cameron says.

"It's an environmental thing. Anything that you burn, it goes into the environment."

Besides the pollution, police have been forced to find a suitable incinerating device each time they made a major haul, which is happening with greater frequency around the province in recent summers. The marijuana was often trucked to a paper mill or other industrial site suitable for burning large quantities of plants.

Not only did police have to find such a suitable place, but they also had to ensure the security of the plants while they were trucked, including always having at least two RCMP officers at each burning operation. Cameron says it is easier and just as effective to bury it after sprinkling the plants with a special chemical that ensures they're of no good to anyone after just a few hours underground.

There have been cases of police forces in other parts of Canada burying marijuana in city dumps, only to find local citizens pawing through mounds of trash under cover of darkness, trying to recover it.

DISPATCHES



Toronto's police chief says suspects should be compelled to give a DNA sample as soon as they are arrested. **Julian Fantino** says the national DNA databank should be expanded. He says police might never have made an arrest in a brutal, random sexual assault of a 17-year-old girl if it weren't for the databank. When the databank opened in 2000, judges could force people convicted of serious crimes to provide DNA samples. Fantino says that's a "bureaucratic, long and involved process." He says DNA swabs should be routinely made when there is an arrest.



The Security Intelligence Review Committee cleared CSIS intelligence agents in September of direct involvement in the 2002 US decision to deport **Maher Arar** to Syria as a suspected terrorist. In a censored report, the watchdog committee also criticizes CSIS for not being careful enough about how it passes intelligence on to the RCMP, especially ones chatting with US law-enforcement agencies. The SIRC says that the line between gathering security intelligence and pursuing criminal investigations is blurring and that CSIS should re-examine its relationship with the RCMP.

Two men accused in Ontario of belonging to the Hells Angels want to call the province's attorney general to testify at their trial about comments he made in which he referred to "wicked" biker gangs. Defence lawyers for the men say **Michael Bryant** prejudiced their case by making the remarks to a newspaper and he should appear in court to explain himself. The defence wants the court to throw out the charges on the grounds that Bryant has sought a "trial by media" in which he proclaimed the accused guilty. **Steven (Tiger) Lindsay** and **Raymond Bonner** are charged with extortion under a new federal law that could lead to the Hells Angels being declared a criminal organization. The accused are charged with extorting \$75,000 from a local businessman who sold them a defective machine for making satellite descrambling devices.

A man sentenced to 24 years in prison for attempting to murder four police officers was arrested in August after being on the lam for nearly three years. Quebec police they received information that **Renaud Brochu**, 58, had been living for several months at a house in the city. Brochu and accomplice **Nelson Bisson** made headlines in June 1994 when they robbed a National Bank branch on the eve of the Quebec national holiday. Shots were fired at officers during a rush-hour highway police chase. The two suspects were arrested two days later. Brochu pleaded guilty to eight of 10 charges and was sentenced to 24 years in prison.

A Nova Scotia police officer who was fired five years ago after becoming pregnant has won her human rights complaint against her former superiors. The Nova Scotia Human Rights Commission ruled in August that the Kentville Police Service didn't make enough of an effort to find suitable work for **Patricia Saunders** while she was pregnant. Saunders lost her job in December 1999. **Gilles Deveau**, who chaired a board of inquiry into the complaint, ordered the Kentville force to develop a policy on pregnant police officers and to pay Saunders \$2,000 in damages plus lost salary for the time she would have been able to work before taking maternity leave. He also ordered the force to consider her first for any future openings.

The interim Kanesatake police chief resigned in August, saying he was unhappy with collaboration from the provincial police and RCMP. In a long letter submitted to **Grand Chief James Gabriel**, **Ed Thompson** voiced frustrations with the other forces for failing to permit a serious application of a tripartite policing agreement. Thompson, who was appointed by Gabriel in March to bring order to the divided community, said his resignation had nothing to do with the political division among members of the band council.



Edgar MacLeod

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Don't wait for a crisis

There's no time like the present to begin managing stress

by Dr. Dorothy Cotton, Ph. D., Psych.

I must confess that, in some ways, I'm happy to see summer come to an end. More people drop in and stay over at my house in the summer – and sometimes I have to resist the urge to yell 'GO AWAY!!!' to all and sundry.

Sometimes I've just had enough of people – and yes, I realize that's probably not a good thing for a psychologist to say. After all, my occupation generally involves contact with people. However, I have been a psychologist for a long time now and I think this might be an occupational hazard. It's probably inevitable that my work would eventually have some effect on me.

That's probably true of almost any occupation; after a while it changes you. I'm sure it's no different with policing. If you're a seasoned police officer, you may have seen changes in yourself. If you're a newcomer, you probably look at a few of the older folks and think 'how did they ever get like that? Were they always like that?'

The answer to the latter question is probably

no. As shocking as it may seem, those people actually won a job competition at some point. Hard to believe? Maybe, but they've probably changed since starting out as rookie constables back in the olden days.

I was recently perusing a University of Arizona study which looked at the types of personality changes typically occurring in police officers over the course of their careers. The authors could discern measurable changes in the officers' propensity toward substance abuse and tendency to display stress-related physical symptoms after as little as two years on the job.

These are interesting observations, since they show effects begin early in one's career. Many officers undergo psychological assessments before they're hired, which are meant to weed out emotionally vulnerable people who are easily disturbed by the icky parts of policing. The flip side is that the tough guy types often don't address or deal with their emotions and end up converting it into physical symptoms of stress. You might not end up on the analyst's couch, for example, but you just might be off with a bad back or a drinking problem.

The other interesting observation made in the study was the possibility that some of the most psychologically healthy people were those who chose to leave policing. Changing jobs appeared to be a coping mechanism for them; now there's a finding to strike terror in the soul of any human resources person!

It is, of course, inevitable that you will change over your life span and that's a good thing in many ways. We learn as we age and have a greater breadth of knowledge on which to base our opinions and decisions. We have a pretty good idea of what pushes our buttons, which gives us a heads up – a clue about the kinds of things to stay away from. The down side is that we don't always cope as well as we ought, which can get to you after a while.

All of this argues for teaching and learning stress management strategies early on in one's career. If the measurable changes start within the first couple of years of your career, then it might just be a good idea to start coping with them early on rather than waiting for a crisis. I'm always amused when people tell me that nothing stresses or bothers them – that it's all part of the job. I have to resist the urge to say 'have you ever thought of taking that bag off your head?' If you don't know what stresses you, just ask around. I'll bet your friends and co-workers can tell you!

It also argues for being open-minded when planning one's future in policing. The very things that drive you toward one particular aspect of the job when you're young can end up eating you alive down the road. It's hard to grasp this when you're 22 but when 35 or 40 rolls around, things look a little different and those greatly appealing parts might have worn pretty thin. The shift work isn't so easy to tolerate. You might find yourself attracted to areas that were of no interest before – and you also might find that things which rolled off your back easily in the past now tend to be a pain in the... ummm... lower back.

As for me, I don't do much psychotherapy or counseling any more. I was always a relatively impatient person and, as I got older and saw more and more people with similar problems, it became harder to resist the urge to say 'pull up your socks and get over it, damn it!' This kind of behaviour falls into the 'not at all ok' category in my profession.

Change is OK though. I still do psychology; I just do it differently -- and I pay close attention to myself. When I see a sign I don't like, I try to do something about it. I suggest you should feel free to do the same.

Dr. Dorothy Cotton is Blue Line Magazine's Psychology columnist and she can be reached at deepblue@blueline.ca.

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I just read your article from the *Back of the Book* column in the Aug./Sept. issue, *Legal theory meets reality on the street corner*.

I have been an avid reader of your magazine for a year or so now and I have to tell you, I haven't laughed in quite a while as hard as I did when I read about how you "resisted the temptation to see if his head would fit between the cracks in the sidewalk." That entire article "made my day" as it is a nice learning tool for me to now remember about a "warrant in the first instance."

Not only have you succeeded in creating a magazine which is well respected and very instructional to the law enforcement community, you have succeeded in teaching me another thing that will enable me to become a better cop as I start into my career. Thank you for this and keep up the great work! You've just earned another lifetime reader!

Keith Dejaegher
London, Ontario

I wanted to let you know how great the *Blue Line Magazine* web site has been for me. Your *Blue Line Forum* in particular is just awesome and a great help. I just wanted to write to thank you.

Keep up the great work!
Don Steel

I have been reading your August/September copy of *Blue Line* and was interested in the article about the signing of the RCMP-AFN Public Safety Cooperation Protocol (*RCMP and First Nations agree to talk*, p. 30). The writer spelled the name of that source wrong throughout the entire article. Insp Conrad Delaronde's last name was spelled Dilarand.

You used quite a lovely photo to accompany the story, however, not only did you not credit the photographer, but you chose the wrong photograph. The picture is of a Mountie and a little Inuit boy raising a Canadian flag. The article is about the Assembly of First Nations. Inuit are not First Nation's people and they are not included in this protocol.

Another single source story on page 55 (RCMP helping to sell Toronto) quotes Michele Paradis but again spells her name incorrectly as Michelle Parabis.

I think this magazine is a quality publication, but your lack of fact checking makes it less credible. I hope that future issues will be more accurate.

Regards,
Season Osborne - RCMP Pony Express

Publisher's response

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London police recognized for technology

by Ryan Siegmund



Agencies looking for the next generation of software need go no further than the London Police Service (LPS), which was recognized recently by the International Association of Chiefs of Police (IACP) for excellence in technology.

The London service received the inaugural Innovation in Information Technology award (large organization) – and a lot of attention from interested police departments, says Eldon Amoroso, Senior Director of Information and Technology.

“We’ve had scores of visits from police agencies in Canada, the US, Europe and other places, to see the flow of information we have in place. It’s not entirely unique but it is unusual to have that level of integration.”

The award recognizes the technological advances London has implemented over several years. Amoroso says the project really began in 1992. “It was an evolution of things,” he says. “We wanted to provide officers with the tools they needed to face the future.”

Among the service’s achievements:

- Computer aided dispatch (1993)
- Going live with records (1994)
- Equipping street officers with direct entry mobile workstations with CPIC and Records Systems access (1997)
- Integrated mug shots and geographic info for availability in cruisers (1998)
- Initiating a media information system (1999)
- Sending briefs to Crown electronically (2003)
- Initiating a project to share information from diverse records management systems (2003)

The award made special mention of London’s ability to share the ‘whole flow’ of information electronically, from the patrol car to the Crown’s office, media and courts.

Reports are uploaded as soon as they’re taken, rather than at the end of a shift, says Amoroso, they can then be re-assigned to the criminal investigation division which can begin work much sooner than before, especially in major cases.

“We might have 20 officers on the streets taking statements on a major case,” notes Amoroso. “Well, instead of those 20 officers having to bring paper in, those reports are made immediately available as soon as they do the upload. It has really given the officers the tools they need to do modern reporting.” Reports are sent directly to the courts without anyone having to retype them, dramatically reducing the duplication that exists in so much police work.

The Crown’s office also receives disclosure about the case electronically -- basically the whole investigation, says Amoroso, so when officers finish their occurrence report, they’ve also finished the disclosure. The information is captured in such a manner that a crown brief can be created from the information the officer entered, he notes. “Typically if we arrest someone over night on an assault or something and they are going to go to court the next morning, we have all the documents, all the disclosure prepared for the morning.”

The LPS still uses paper in major cases because that’s what the Crown is comfortable with. The service first began experimenting with direct entry in 1995 and it soon became the officers’ method of choice for doing reports. Now, instead of picking up pen and paper to write a report, “most of us would sit down by choice at a computer and write it that way,” Amoroso says. “The officers are very tuned in to doing that. There isn’t the resistance that one might think.”

Records staff was reduced by about 30 per cent when the direct entry system was implemented, he says “We worked with the police association and with management, who ensured we didn’t lay off people and the reduction in staff happened over about three years.”

The change has helped LPS maintain its position as one of the lowest cost per capita police agencies in Canada, Amoroso says.

The service extensively studied how police work has changed over the last 10 to 15 years before implementing the changes. Amoroso says the courts now expect police to investigate major crimes more extensively than they used to; for example, an investigation of a sexual as-



Eldon Amoroso

sault would be very different today than 20 years ago, he points out.

The new technology allows officers on the street to use their patrol car as a mobile office and remain where they are needed – on the streets. There’s no need to go to the station to check mug shots or statutes, for example – they can do that research out on the street – and deciphering an officer’s handwriting is no longer a problem.

Officer safety and communications between police agencies nationally should also improve, he says. London started the Law Enforcement Information Portal (LEIP), an information sharing repository, last year to ensure officers can immediately access records from other services, even those which are on different records systems.

“We’re sharing information now among London, Windsor, Ottawa and Toronto... we’re just preparing to go to a phase two because we have a number of agencies who would like to join in,” Amoroso says.

“Police need to be far more organized and share data across the country,” he notes. “It just seemed to be an issue that has been too big to take on.” Enhancing the services’ technology has been a joint effort -- “we’ve received a huge number of suggestions right from the officers doing the job,” says Amoroso. “They say ‘wouldn’t it be neat if the system could do this’ and so we write up the (specifics) and the suppliers have been very good to respond to the officers needs.” LPS implemented the records system in 1994 but it’s changed a lot over the years.

“We don’t stand still on anything. We’re continually trying to enhance what we do as an organization. That’s certainly part of the award – the ongoing technology... to help the front-line officer.”

The LPS will do a presentation on their technology at the IACP conference this fall in Los Angeles.

Eldon Amoroso can be contacted at 519-661-5407.

OPP also honoured

London wasn’t the only Canadian police service to take home a technology award from the IACP conference; Ontario Provincial Police (OPP) were honoured for excellence in Law Enforcement Communications and Interoperability.

The award recognized the force’s implementation of wireless based technology to improve mission critical voice communications interoperability and data sharing.

OPP Chief Superintendent John Carson, who accepted the award, notes the force has just completed installing laptops in vehicles, giving officers total access to the records management and CPIC system.

“The mobile work station program basically replicates the office into the car,” Carson says. “We’ve just deployed 320 mobile work stations across the 401 corridor.”

The OPP belongs to the Ontario Police Technology Information Co-operative (OPTIC) of 43 police agencies, giving officers access to their records.

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Investigative detention after Mann

Is it black and white or grey?

by Mike Novakowski, M.A.



The citizen expects police officers to have the wisdom of Solomon, the courage of David, the strength of Sampson, the patience of Job, the leadership of Moses, the kindness of the good Samaritans, the strategical training of Alexander, the faith of Daniel, the diplomacy of Lincoln, the tolerance of the carpenter of Nazareth and finally, an intimate knowledge of every branch of the natural, biological and social sciences

— Professor August Vollme

Canada's highest court has upheld a police officer's authority to detain suspects for investigative purposes and search them for safety reasons – but with limitations.

In *R. v. Mann*, 2004 SCC 52, police responded to information of a break and enter in progress just before midnight and found the accused, who matched the suspect description, on foot close to the scene. They questioned him and conducted a “security search” (pat down), looking for items that may be used as weapons. An officer felt something soft in the front pouch of his pullover sweater, reached inside and found a baggie of marijuana.

The officer testified at Mann's trial in Manitoba Provincial Court that the soft item might be concealing something hard like a weapon behind it and so continued searching (see *R. v. Mann*, 2002 MBCA 121).

The judge concluded the officer had no reason, other than perhaps curiosity, to go beyond the external pat down when he felt something soft in the pouch, ruled it unreasonable under s.8 of the Charter and excluded the evidence under s.24(2). On appeal by the Crown, the Manitoba Court of Appeal set aside the acquittal and ordered a new trial. Using the two-prong analysis of the *Waterfield test* – a legal analysis for determining the common law powers of the police – the court concluded police were justified in detaining and searching Mann, including reaching into his pouch and removing the marijuana.

Mann appealed to the Supreme Court of Canada, which ruled the evidence inadmissible and reinstated the acquittal. The majority ruled that the appeal court erred in not giving due deference to the trial judge's finding – that once the officer reached into the accused's pocket, the search shifted from safety concerns to detecting and collecting evidence. Despite the reversal, Canada's highest court unanimously affirmed the existence of common law authority permitting investigative detentions and safety searches.

Investigative detention

Justice Iacobucci, writing the majority judgment, examined a few cases that recognized the limited power of police officers to detain for investigative purposes. He found, at minimum, police must have reasonable grounds to detain (also known as articulable cause). This standard is “somewhat lower than the reasonable and probable grounds required for lawful arrest” and imports both an objective and subjective standard.

The detention must be viewed as reasonably necessary on an objective view of the totality of the circumstances, informing the officer's suspicion that there is a clear nexus between the individual to be detained and a recent or on-going criminal offence. Reasonable grounds figures at the front-end of such an assessment, underlying the officer's reasonable suspicion that the particular individual is implicated in the criminal activity under investigation. The overall reasonableness of the decision to detain however, must further be assessed against all of the circumstances, most notably the extent to which the interference with individual liberty is necessary to perform the officer's duty, the liberty interfered with and the nature and extent of that interference... (para. 34)

Police do not have complete discretion to detain in all cases of criminal investigation while fulfilling their duty to investigate, Iacobucci explained. Rather, they must have a reasonable suspicion – more than a hunch – the detainee is involved in ongoing or recent criminal activity and that such a detention is necessary in the circumstances.

Protective searches

The court also recognized the need to

balance police safety with individual privacy interests. Iacobucci concluded that common law provides the power to search incidental to an investigative detention, as long as it's reasonably necessary in the circumstances for safety reasons – not to find evidence of a crime. Such a search “does not give license to officers to reap the seeds of a warrantless search without the need to effect a lawful arrest based on reasonable and probable grounds (para. 37),” he noted – and once again, police must have more than a hunch that their safety is at risk.

The general duty of officers to protect life may, in some circumstances, give rise to the power to conduct a pat-down search incident to an investigative detention. Such a search power does not exist as a matter of course; the officer must believe on reasonable grounds that his or her own safety, or the safety of others, is at risk. I disagree with the suggestion that the power to detain for investigative searches endorses an incidental search in all circumstances... the officer's decision to search must also be reasonably necessary in light of the totality of the circumstances. It cannot be justified on the basis of a vague or non-existent concern for safety, nor can the search be premised upon hunches or mere intuition (para. 40).

However, the level of risk required to engage a safety search is unclear. There is no doubt the risk must be real but will a low-risk belief suffice or must the level transcend to a high-risk or substantial belief?

In his concluding remarks, Iacobucci summarized the common law.

Police officers may detain an individual for investigative purposes if there are reasonable grounds to suspect, in all the circumstances, that the individual is connected to a particular crime and that such a detention is necessary. In addition, where a police officer has reasonable grounds to believe that his or her safety or that of others is at risk, the officer may engage in a protective pat-down search of the detained individual.

Both the detention and the pat-down search must be conducted in a reasonable manner. In this connection, I note that the investigative detention should be brief in duration and does not impose an obligation on the detained individual to answer questions posed by the police. The



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investigative detention and protective search power are to be distinguished from an arrest and the incidental power to search on arrest, which do not arise in this case.

In this case, police did have reasonable grounds to suspect Mann was involved in criminal activity – he closely matched the B & E suspect description and was only two to three blocks from the crime scene. A protective search was also reasonable, the majority noted.

There was a logical possibility that the (accused), suspected on reasonable grounds of having recently committed a break-and-enter, was in possession of break-and enter tools, which could be used as weapons. The encounter also occurred just after midnight and there was no other people in the area. On balance, the officer was justified in conducting a pat-down search for protective purposes (para. 48).

Logical (or credibly based) **possibility** is a lower standard than reasonable and probable grounds for brief (or credibly based **probability**), which is the controlling standard for arrests and evidentiary searches. A logical possibility is similar to a reasonable suspicion or articulable cause, rather than reasonable and probable grounds to believe.

The court made reasonable assumptions – since the detainee was a suspect in a recent break and enter, there was a logical possibility (not probability) he possessed tools which could be used as weapons. Thus, it acknowledged that risk to officer safety can derive not only from conventional weapons of design (eg. firearms and knives), but also weapons of opportunity (tools). One can only think of other non-conventional or seemingly innocuous items that could also be used as weapons such as pens, hypodermic needles, razor blades, bottles, rat-tail combs, etc. Even cell-phones can disguise operable firearms.

However, the trial court in this case found the officer's decision to reach into the accused's pocket after feeling a soft object went beyond a protective pat-down. The accused had a reasonable expectation of privacy in his pocket and police unreasonably violated this privacy expectation – a s.8 Charter violation.

Investigative detention before Mann

As early as 1986 BC County Court Justice Wong applied the *Waterfield* test to a case where police stopped three young men driving after hours in an industrial area where many break-ins and thefts had occurred. The officer shone his flashlight in the vehicle and saw a pry bar, bolt cutters and a commercial display box full of sunflower seeds. The occupants were ultimately convicted of theft under \$200 but appealed, arguing their Charter rights had been infringed. Although he did not refer to it as “investigative detention” or use the term “articulable cause,” Wong said:

In my view the stopping of the vehicle was necessary in order either to confirm or to dispel the constable's initial suspicion that a criminal offence may have been committed by the occupants of the vehicle...

The use of automobiles facilitates the commission of crimes against property by efficiently bringing criminals to and from the scenes of crime. Provided the investigatory stops are not made capriciously, without any grounds for sus-

picion or belief that an offence may have been committed, I do not see such stops as being objectionable. If nothing proves to be amiss, the stop would be of relatively short duration; fair minded citizens would regard such stops as necessary matters of slight inconvenience (paras. 28-29).

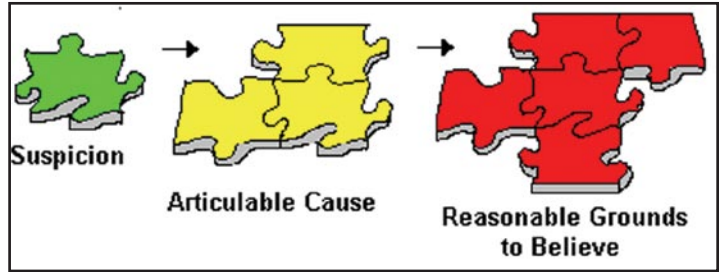
The *Mann* decision hasn't really changed anything. Canadian trial and appellate courts have regularly upheld police authority to detain persons reasonably suspected of recent criminal activity. Many Canadian courts have recognized, largely by referring to and adopting American jurisprudence in the area of “stop and frisk” – also known as “Terry stops” – a common law authority to detain individuals to conduct an investigation.

This power arose from the recognition that police have the general duties of both investigating and preventing criminal activity, two general principles developed from the case law, which accord with the *Mann* ruling. First, a valid investigative detention requires an **articulable cause** (renamed by Iacobucci as “reasonable grounds to detain”). Second, the detention must be **reasonably justified or necessary** in the circumstances.

These requirements properly balance societal interest in police detecting and preventing crime (the need for police enquiry) and the liberty interests of the individual to be free from police detention. (*R. v. Ferris, R. v. Simpson*).

Articulable cause

The first question to ask is whether the officer who initiated the stop had an articulable cause sufficient to support an investigative detention and not whether investigation had provided



reasonable grounds to arrest. Articulable cause, in the legal sense, is the initial standard providing justification for the detention and is the yardstick by which an arbitrary detention is measured under s.9 of the Charter. (*R. v. Burke*).

Articulable cause must be both subjectively held and objectively supported. In investigative detention cases, police must have an objective factual basis that gives rise to suspicion beyond the level of a mere hunch. Simply offering a conclusory statement, such as ‘I was suspicious,’ is not enough. There must be facts on the record that go beyond the officer's subjective state of mind into whether the detention was objectively sufficient.

Further, “the grounds must have existed in the mind of the officer and influenced his belief at the time of the detention,” rather than factors learned afterwards. Although competent police officers have a suspicious nature, the Charter stands between suspicion and the citizen, thus the objective standard provides a constitutionally recognized basis by which a neutral arbiter may judge police conduct. This is similar to the reasonable grounds standard authorizing arrest “and serves to avoid indiscriminate and discriminatory exercises of the police power (*R. v. Simpson*).”

In short, the “police officer must be able to demonstrate an objective basis in fact that gives rise to (their) suspicion.” In comparing the standard of reasonable grounds to articulable cause, Justice Osborne stated in *R. v. Hall*:

Both “articulable cause” and “reasonable and probable grounds,” as related to an

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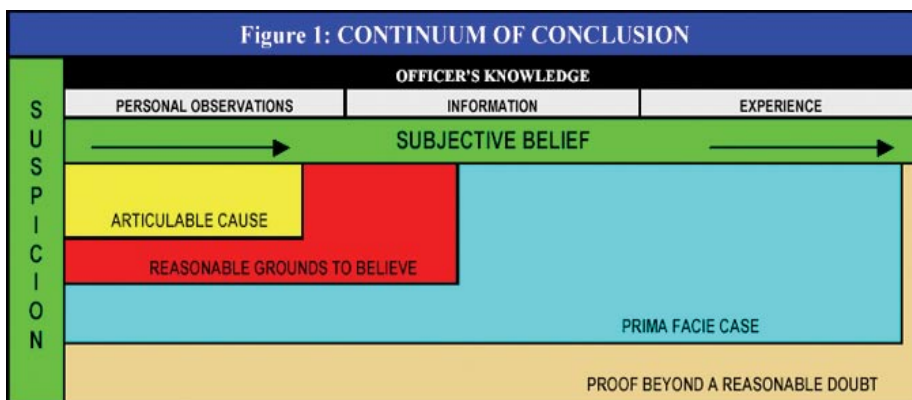
investigative detention and an arrest without warrant respectively, are subject to objective assessment. That is to say there must be a constellation of objectively discernible facts amounting to articulable cause for a lawful investigative detention and a constellation of objectively discernible facts amounting to reasonable and probable grounds for a lawful arrest without warrant.

Articulable cause is tantamount to a “reasonable suspicion” and has been synonymously referred to as **reasonable cause to suspect, reasonable basis to suspect, particularized and objective basis for suspecting, reasonably based suspicion, objectively based high level of suspicion or reasonable grounds to suspect.**

This latter terminology is also found in legislation, such as warrantless dwelling entries to effect arrests (*s.529.3(2) Criminal Code*), while the Customs Act refers to “suspects on reasonable grounds (*s.98(1)*) and roadside screening device provisions use “reasonably suspects” (*s.254(2)*). The point being, the same standard takes on different phraseology, yet has the same meaning.

Reasonable grounds to suspect is more than a mere suspicion but is something less than a belief based on reasonable and probable grounds. In some cases however, the area between reasonable suspicion and reasonable grounds is often a grey one.

A **hunch, unfounded suspicion, bare suspicion, tenuous suspicion, speculation, intuition, guess or curiosity** do not amount to articulable cause, nor can an officer parlay their



“Spidey sense”, gut feeling or sixth sense alone into a reasonable suspicion.

In articulable cause cases “the circumstances as a whole (cry) out for further investigation.” Justice Doherty defined investigative articulable cause in *R. v. Simpson* as:

(A) constellation of objectively discernible facts which give the detaining officer reasonable cause to suspect that the detainee is criminally implicated in the activity under investigation (p. 483).

The specific and articulable facts forming the foundation for articulable cause can be reduced to three fundamental categories; personal observations, information and experience (**Figure 1**).

Personal observations include facts and circumstances detected by the officer; externally manifested stimuli that the officer

considers when crystallizing their conclusion. These personal observations are not restricted to visual perception and include other senses such as auditory, tactile and olfactory – for example, witnessing an event, overhearing a conversation, feeling the outline of a weapon or smelling marijuana.

Information would include personal observations from other people, including colleagues, informant information, CPIC queries, information bulletins or other sources of reliable second hand information. As with reasonable grounds for belief, reasonable suspicion depends on both the content of the information and its reliability. Since the standard for reasonable suspicion is less demanding, it can arise from information that is less reliable (*R. v. Lal*).

Experience, whether personal, professional, corporate or learned through training, is one element in forming articulable cause. “When assessing the objective grounds... it is proper to consider that the person drawing the inferences is a police officer with experience and training in investigating criminal activity.”

Furthermore, the officer may make rational inferences from the specific and articulable facts which may be sufficient to demonstrate the police suspected unlawful behaviour.

It’s the combination of facts and the officer’s understanding of them that form the objective basis of articulable cause, even though suspicion hasn’t risen enough to permit an arrest based on reasonable grounds.

The facts and circumstances must be viewed collectively as a whole, not isolated and looked at individually, in determining whether the articulable cause exists.

In short, the validity of the detention must be determined in relation to the circumstances apparent to the officer. The appropriate focus is on what is known, rather than unknown and the officer must be able to articulate reasons for their actions which will stand up to judicial review.

Reasonably justified or necessary

Articulable cause is not enough to detain a person during an investigation; the detention and measures employed by the officer must also be reasonably warranted and justified. Detentions exceeding the boundaries imposed by common law may be ruled an unjustifiable use of police powers.

Because investigative detention “is associated with unplanned... police investigations of contemporaneous crimes” (*R. v. Ferris*), it must be shown that immediate action was

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required to address the suspected crime. Thus, an investigative detention may be justified when the detention occurs **during a crime, shortly after or shortly before.**

Since police intervention is urgent, the reasonable suspicion of unlawful activity does not necessarily require an ascertainable crime or victim.

Recognizing that investigative detention involves a fluid, rapidly evolving, spontaneous, unplanned investigation, if a crime was committed in the distant past – outside what may be considered current, ongoing, or contemporaneous criminal activity – other investigative techniques should be considered. As Justice Doherty wrote in *R. v. Simpson*:

...reasonably based suspicion that a person committed some property-related offence at a distant point in the past, while an articulable cause, would not, standing alone, justify the detention of that person on a public street to question him or her about that offence. On the other hand, a reasonable suspicion that a person had just committed a violent crime and was in flight from the scene of that crime could well justify some detention in an effort to quickly confirm or refute the suspicion.

Brevity

An investigative detention authorized by articulable cause is also designed to be brief and must be for a reasonable duration in time. The purpose of this momentary encounter is to clarify a suspicious – perhaps ambiguous – situation and confirm or refute suspicion – it must not be longer than what’s required to achieve the purpose of the stop. Although there are no rigid time limitations, brevity is an important factor and each detention will be assessed on a case-by-case basis.

The officer’s reasonably held suspicion may be dispelled (and the individual permitted to leave) or elevated to reasonable grounds (and the individual arrested); lengthy detention for a prolonged investigation is not permitted. In short, police must act “legitimately and responsibly” and undertake an expeditious investigation.

Intensity

Just as a person must submit to a lawful arrest, they also must submit to a lawful investigative detention.

If a person refuses to submit, police are entitled to physically restrain them and pursue if they flee. Interestingly, s.270(1)(b) of the Criminal Code creates an offence for an offender who “assaults a person with intent to resist the lawful... detention of himself or another person”. This section is used for suspects who resist lawful arrest, but its wording appears to allow its use in cases of resisting investigative detention. On the other hand, enforcing an unlawful detention renders a police officer outside the scope of the lawful execution of their duties and resistance by the detainee is not unreasonable.

A detention must not be more intrusive than is necessary in the circumstances and police may detain a person only in a reasonable way. The intensity, level of coercion or use of active constraints, must be reasonable under the circumstances.

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gative detention is calculated on the underlying circumstances confronting the officer at the time it’s initiated. Verbal commands, handcuffing, confinement to police vehicles or displaying a police firearm may be warranted in some cases. Different variables may change the intensity of the detention and it may initially be necessary to engage the suspect at a more intense level, depending on the circumstances – an armed robbery investigation, for example.

Physical restraint may be appropriate when a suspect doesn’t cooperate, the detention involves a violent crime, the suspect raises a reasonable suspicion of flight or danger or the officer has information that the suspect may be armed. Grossly excessive force, such as the unwarranted use of lateral neck restraint to prevent a non violent or non threatening person from leaving an impaired driving investigation, for example, may render a detention unlawful.

Searching

During a lawful investigative detention and “in proper circumstances, a warrantless and non-consensual search may be lawful for the purpose of completing an on-site investigation.” Similar to the power of search incidental to arrest, “a search incident to detention is a valid exercise of police powers at common law only if the detention itself is lawful,” but is only justified if related to officer safety.

The nature of the investigation (eg. seriousness of the offence) or interaction (eg. developing circumstances during the detention between the individual and the police) may influence the decision to search and determine its intensity or scope. For example, investigations involving firearms would help justify a search.

The purpose of the protective search is to allow the officer, for security reasons, to search when concerned that a detainee may have a weapon or that they may pose a danger or possess items which would help them escape. However, the officer must act out of a legitimate and justifiable fear for personal safety and the search cannot be made vexatiously, arbitrarily or in furtherance of a collateral, ulterior or oblique motive.

In *R. v. Ferris*, Justice Ryan stated:

If the police have the duty to determine whether a person is engaged in crime or is about to be engaged in crime, they should not be obliged to risk bodily harm to do so. It is my view that the police are entitled, if they are justified in believing that the person stopped is carrying a weapon, to search for weapons as an incident to detention. The question for the court must be whether the search was reasonably related in scope to the circumstances which justified the interference in the first place.

I have concluded that in proper circumstance the police are entitled to search for weapons as an incident to an investigative stop. The seriousness of the circumstances which led to the stop will govern the decision whether to search at all and if so, the scope of the search that is undertaken... Questioning an elderly shopper about a suspected shoplifting would not ordinarily require a search for weapons; questioning someone after a bank robbery might require a search of the detainee and his or her immediate surroundings. In other

words, such a search can meet the reasonable necessity test, depending on the circumstances (p. 314-315).

In *R. v. T.A.V.*, Alberta’s Court of Appeal described the search power as follows:

The power to search upon detention is connected to the need to assure the safety of police officers, as well as other citizens, therefore officers are given the right to search and are given latitude in order to protect themselves... It is a power which extends to a search for weapons where the circumstances indicate that such a concern is real... In a brief detention, such as here, the focus expands from investigation to the protection of involved officers...

The seriousness of the circumstances leading to the detention dictate whether there will be a search as well as its scope... The common-law power to search pursuant to detention or arrest is not an unlimited power, but a frisk search has gained acceptance as a minimal intrusion... Here a search for weapons in the bags of the suspects was justified due to the probability of criminal activity attending the possession of handguns (paras. 30-31, references omitted).

The concern for safety must be examined from the point of view of the officer at the time of search and must be subjectively held and objectively appropriate in all the circumstances. A “pat down search is ordinarily resorted to in such circumstances” to detect, by touch, the presence of a weapon. However, a person wearing a fanny pack or bulky jacket or carrying a bag or Pringles container may justify a more intrusive pocket or interior search. In *R. v. Waniandy*, the Alberta Court of Appeal stated:

What is a reasonable search for weapons turns on the precise circumstances of each case. Almost always, it will not be necessary to require the detainee to strip; sometimes it may not even be necessary to turn out pockets; sometimes, in less frantic circumstances than those here, the officers may be able to secure themselves from attack merely by means of a preliminary query of the detainee to account for his or her presence (para. 7).

The search, although connected to the detention, is not automatic or to be conducted at the unfettered discretion of the police, but rather requires a reasonable concern for officer safety. Furthermore, the search must be proportional to its purpose – discovering objects that may be used as weapons – and its intensity or degree of invasion must also respect the person’s dignity. Its degree cannot be gauged to a nicety against the urgent circumstances facing a police officer, however. On the other hand, an overly sensitive concern for officer safety cannot be used to trump a detainees s.8 rights under the Charter.

Questioning & the right to counsel

In *Mann*, Canada’s highest court made it clear that a person’s right under s.10(a) to be informed promptly of the reason (“in clear and simple language”) for their detention is engaged during investigative detention (para. 21). Iacobucci also found there was no obligation imposed on the detainee to answer police questions, however the court wouldn’t settle the issue of whether a s.10(b) Charter right to counsel warning is required without the benefit of full consideration in the lower courts.

Many of the appellate level courts have not yet addressed a s.10(b) argument stemming from an investigative detention. Most of the Charter debate involves s.9 (arbitrary detention) and s.8 (search and seizure) questions. In light of the *Mann* ruling, it's unclear at what point the right to counsel must be provided or even whether it's required during an investigative detention.

Although the s.10(b) right to counsel imports temporal immediacy and isn't engaged by the length of detention, some courts suggest that the right need not be provided during the early stages of an investigative detention. For example, in *R. v. Clough and Watts*, Justice Gordon stated:

(I)t seems ridiculous to suggest that a citizen who is detained briefly at the roadside such that a speeding ticket can be issued has a right to counsel. Neither does a citizen who is to be briefly detained for articulable cause such that the police can investigate an offence that is being or has been recently committed entitled to counsel. To hold otherwise would totally frustrate the day-to-day work of police officers (para. 24, emphasis added).

In *R. v. Reid*, Justice Sparrow suggests the immediacy of s.10(b) rights does not "necessitate unreasonable conduct on the part of the police" and that police "must be permitted to react sensibly on the spur of the moment," perhaps to ask a question or two. In *R. v. Sloan*, Justice Daniel found an officer's questioning of a detainee without first reading her the right to counsel warning was simply an opportunity to provide "a reasonable explanation in what otherwise were extremely suspicious circumstances."

Police are entitled to pursue their investigation to a point where any risk of violence is removed before providing s.10(b) rights. Similarly, in *R. v. T.A.V.*, Justice McClung of the Alberta Court of Appeal concluded that where a search of a detainee is conducted to protect police, it need not be preceded by a s.10(b) warning.

In the US, the *Miranda* warning required for custodial interrogation doesn't apply to investigative detention. Since a stop's purpose is to enable police to ask a moderate number of questions to resolve (confirm or dispel) suspicion, the courts don't want to prevent unreasonable information gathering. The detainee is not obliged to answer the questions and if probable cause does not develop, the person must be released.

Perhaps s.1 provides the answer, similar to the reasonable limit imposed when an officer detains an impaired driver on reasonable suspicion and isn't obligated to provide the right to counsel prior to administering a roadside screening device or sobriety tests. A conclusive answer to this question must, as the high court noted, be left for another day.

Legislation in the US

In *Mann* the high court hinted that parliament should consider enacting legislation on investigative detention. A number of jurisdictions, including Colorado, Georgia, Utah, Nevada and Vermont, allow police to stop and identify persons suspected of involvement in recent criminal activity. A majority of the US Supreme Court upheld Nevada's stop and identify statute in June. It permits police to detain a person reasonably suspected of committing a crime and compels them to disclose their identity.

Nevada's statute *NRS 171.123*, under examination by the court, states that "any peace officer may detain any person whom the officer encounters under circumstances which reasonably indicate that the person has committed, is committing or is about to commit a crime."

It also authorizes an officer to "detain the person pursuant to this section only to ascertain his identity and the suspicious circumstances surrounding his presence abroad. Any person so detained shall identify himself, but may not be compelled to answer any other inquiry of any peace officer."

Hiibel was convicted of willfully obstructing a public officer after he refused each of a sheriff deputy's 11 requests for identification. The deputy was responding to a report of a man assaulting a woman in a truck and, on arriving, found a woman in a truck with a man standing nearby. The deputy told the man he was conducting a fight investigation and requested identification. Hiibel's conviction was affirmed by the Sixth Judicial District Court and the Nevada Supreme Court rejected an appeal.

He appealed to the US Supreme Court, arguing his rights under both the Fourth and Fifth Amendments of the US Constitution had been violated, but the majority (5:4) disagreed. Justice Kennedy, writing for the majority, noted that the court's early decisions "make clear that questions concerning a suspect's identity are a routine and accepted part of many *Terry* stops."

Further, "obtaining a suspect's name in

the course of a *Terry* stop serves important government interests. Knowledge of identity may inform an officer that a suspect is wanted for another offense or has a record of violence or mental disorder. On the other hand, knowing identity may help clear a suspect and allow the police to concentrate their efforts elsewhere."

In balancing the privacy intrusion of an identity request under the Fourth Amendment against legitimate government interests, the majority held that such a request had "an immediate relation to the purpose, rationale and practical demands of a *Terry* stop" without altering its nature or prolonging its duration. The court concluded that Nevada's law was consistent with the Fourth Amendment prohibiting unreasonable searches and seizures.

As for the alleged violation of the Fifth Amendment right against compelled self incrimination, the court found giving a name wasn't incriminating, a requirement of the privilege. Hiibel's "refusal to disclose his name wasn't based on any articulated real and appreciable fear that his name would be used to incriminate him, or that it 'would furnish a link in the chain of evidence needed to prosecute' him." Justice Kennedy wrote:

"One's identity is, by definition, unique; yet it is, in another sense, a universal characteristic. Answering a request to disclose a name is likely to be so insignificant in the scheme of things as to be incriminating only in unusual circumstances."

Although American decisions can be transplanted into the Canadian context only with the greatest caution, perhaps Canadian legislators could learn from the US experience.

Legal lessons

Canadian trial and appellate courts have regularly upheld police authority to detain persons reasonably suspected of current criminal activity. In recognizing individual rights under the Charter, the courts have attempted to carefully circumscribe a reasonable balance with society's interest in effective law enforcement. Although police do not require reasonable grounds to believe a crime is occurring, a reduced, yet still valid and objective standard – reasonable grounds to suspect – is required. Furthermore, the courts recognize that police must be able to legitimately protect themselves in proper circumstances. After all, they are in the arena, not simply sitting on the sidelines.

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Theory is one thing but practical application is quite another. Canadian police officers can only dream of a clear, workable and readily understood rule articulated by the courts that doesn't gamble with officer safety. Whether *Mann* provides this is questionable. What is clear is that police are left to make decisions that are highly fact specific and depend on the individual officer's assessment of each case (without the benefit of hindsight, of course).

Does the calculus of reasonableness take into account that officers are often forced to make split-second judgments, often in tense, uncertain and rapidly evolving circumstances, about the level of invasiveness necessary in a particular situation? Are police left with too many shades of grey rather than a simple black and white formula? You be the judge. For now it seems, the following general guidelines have emerged from *Mann*:

- A police officer has the power to detain persons for investigative purposes;
- Before embarking on an investigative detention, the officer must have reasonable grounds to suspect (articulable cause) the person is involved in current criminal activity and that the detention is necessary;
- The officer must provide a reason for the detention to the detainee (s.10(a)). Perhaps something similar to this may be appropriate – "You are being detained for a (state nature of crime) investigation. You are not under arrest, but you are not free to go;"
- Whether a s.10(b) warning is required remains unclear. To Charter proof any incriminating admissions, it may be wise to provide a right to counsel warning preemptively. Nonetheless, detainees cannot be compelled to answer questions;
- The detention is designed to be brief;
- A search may accompany the detention provided the officer has reasonable grounds to believe their safety or the safety of others is at risk;
- Any search incidental to an investigative detention must be undertaken for legitimate safety reasons, not to search for evidence of a crime or be exploratory in nature;
- Any search will generally be restricted to a

POLICE ENCOUNTER GRID			
	FIELD ENQUIRIES	INVESTIGATIVE DETENTION	ARREST
Initiating threshold	Curiosity/Suspicion	Reasonable grounds to suspect (articulable cause)	Reasonable grounds to believe
Nature of police/citizen contact	Cooperative-mutual contact	Coercive-detention enforceable	Coercive-arrest enforceable
s.8 Charter (search scope)	Consent only	Safety only	Safety & evidentiary
s.9 Charter	Not engaged-no detention	Valid detention-meets arbitrariness test	Valid arrest-meets arbitrariness test
s.10(a) Charter	Not engaged-no detention	Reason required	Reason required
s.10(b) Charter	Not engaged-no detention	Uncertain	Right to counsel required
Duration	Participant determined-citizen or officer may terminate	Brief, momentary	Variable depending on circumstances
Proximity of encounter to activity under investigation	Irrelevant	Just committed Is committing Poised to commit	Has committed Finds committing About to commit (see s.495 Criminal Code)
Intensity	No force	Detention enforceable	Arrest enforceable
Citizen's legal obligation	None-not required to submit nor to answer questions	Required to submit, but may refuse to answer questions	Required to submit, but may refuse to answer questions
Questioning purpose	Information gathering	Interview-resolve ambiguity	Interrogation, accusatory
Stage of Investigation	Infancy through maturity	Spontaneous, unplanned, rapidly evolving circumstances	Spontaneous or planned investigations

protective pat-down, rather than a pocket or interior search. Absent a finding of something that was or could reasonably conceal a weapon, no further intrusive search should be undertaken. The following mantra may prove useful – *hard hurts – soft safe*. However, each encounter with a citizen is unique and more intrusive searches will be judged by all the circumstances of the case to determine whether what occurred went beyond what was needed to assure officer safety;

- Searches incident on arrest remain unchanged. Following a lawful arrest, police are entitled to search for safety and evidence.

What remains to be seen is how the lower courts interpret and apply the *Mann* decision.

Contact Mike Novakowski at caselaw@blueline.ca.

To view this article with full citations go to WWW.BLUELINE.CA Home Page

Supreme Court asked to clarify "Mann" decision

WINNIPEG (CP) - The Supreme Court of Canada has been asked to re-visit a landmark decision on a Manitoba drug case to clarify how far police can go in searching potential suspects.

Federal Crown prosecutor David Frankel claims the court's definitions were vague in the Phillip Mann ruling and should be clearly spelled out so that police forces can instruct their officers accordingly. The public should also know the limits on police powers, he said.

Mann's lawyer, Amanda Sansregret, has filed an objection to the review, claiming the decision requires no further explanation.

"The message has been clearly articulated – police can't just stop someone because they don't like the look of them," she said.

The case was the first in which the high court examined an everyday police practice that law officers and prosecutors take for granted. It has already been cited twice in cases across the country in limiting how the police can search people.

The Supreme Court is expected to examine the application for the review later this fall.

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DNA technique that revolutionized policing turns 20

by Jill Lawless

LEICESTER, England (AP) — One Monday morning 20 years ago, Alec Jeffreys stumbled upon a technique to identify the patterns of genetic material unique to almost every individual. The discovery revolutionized everything from criminal investigations to family law.

Jeffreys is still awed and a bit worried, by the power of the technology he unleashed upon the world.

"I think there are potentially major issues about genetic privacy," Jeffreys said at a press briefing to mark the 20th anniversary of the discovery on Sept. 10, 1984.

The ability to identify patterns within DNA that are unique to each individual — except identical twins, who share the same pattern — has been used to convict murderers and clear the wrongly accused, to identify the victims of war and settle paternity disputes.

Jeffreys, a professor of genetics at the University of Leicester in central England, said he and his colleagues made the discovery by accident while tracking genetic variations.

One Monday morning at 9:05 they produced the first genetic 'fingerprints,' maps of sequences within the strands of DNA that varied from person to person.

"Suddenly I could see the potential for individual identification," said Jeffreys, 54. "It was a question of the penny dropping very quickly.

Within six months, the technique had been used in an immigration case, proving that a



young Ghanaian boy really was his parents' son. In 1986, it was used for the first time in a criminal case, clearing a suspect of two rapes and murders.

In the early 1990s, Jeffreys and his team were called in to identify remains buried in Brazil as those of the Nazi war criminal Josef Mengele.

DNA testing is now so common, Jeffreys said, that a judge he met recently was "enormously excited because he was trying a case in which there was no DNA evidence."

DNA testing is not an infallible proof of identity. While Jeffreys' original technique compared scores of markers, modern commercial DNA profiling compares a number of genetic markers — often five or 10 — to calculate a likelihood that the sample belongs to a given individual.

Jeffreys estimates the probability of two individuals' DNA profiles matching in the most commonly used tests at between one in a billion and one in a trillion, "which sounds very good indeed until you start thinking about large DNA databases." In a database of 2.5 million people,

a one-in-a-billion probability becomes a one-in-400 chance of at least one match.

Despite his misgivings, Jeffreys believes the technology has done far more good than harm.

"I'm absolutely overawed at how this technology has spread. We saw it as a pipe dream in 1984," he said.

"In terms of DNA touching people's lives, DNA fingerprinting is probably the most important thing to come out of the discovery of the double helix."

In Britain, a national criminal database established in 1995 now contains 2.5 million DNA samples. The United States, Canada and other countries have also developed similar systems.

Jeffreys, who was knighted in 1994, welcomes DNA databases but has qualms about how the British one has been set up. He fears the stored DNA samples could be used to extract information about a person's medical history, ethnic origin or psychological profile.

He opposes the practice, approved by a British court in 2002, of retaining DNA samples from suspects who are acquitted and from people arrested but not charged, leading to a 'criminal' database that contains many people convicted of no crime.

"My view is that is discriminatory," Jeffreys said. "It works on a premise that the suspect population, even if innocent, is more likely to offend in the future."

The Home Office, which is in charge of law enforcement, disagreed. "Law-abiding citizens have nothing to fear," said a spokesman, speaking on condition of anonymity.

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Toronto area police Law Enforcement Motorcycle Ride over the summer raised money for the Canadian Centre for Abuse Awareness (CCAA) and its fight against child abuse. The OPP Golden Helmets, the Blue Knights motorcycle club and many others rode from York Regional Police headquarters to BMW's new flagship store in Toronto. BMW helped sponsor the event.

Contact Shirley Spicer at shirley@ccfaa.com for more on next year's Law Enforcement Motorcycle Ride, which is scheduled for June. Visit the CCAA's web site -- www.abuserecovery.net -- for more information.

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One line can sometimes spoil the show

Private thoughts best kept that way in public domain

by Mark Giles

A joint news conference, held July 22, 2004, seemed the perfect opportunity for the Toronto and Peel Regional police services to highlight their successful efforts in making an arrest for a very ugly crime.

The kidnapping and murder of nine-year-old Cecilia Zhang had gripped the region for months and the public expected the police to leave no stone unturned in pursuing the case. As the news conference started, the key questions were: Who is being charged and what investigative efforts and techniques led to the arrest?

This focus changed quickly, however, after comments made by Peel Regional's chief of police. Holding up a picture of the accused, Min Chen, Chief Noel Catney referred to him as "the most despicable of criminals," adding that "the ultimate price must be paid – and will be paid."

The fact that the news conference was carried live meant the comments would at least be viewed by some, but a quick clarification at the time would have allowed television media to focus on the corrected statements in replayed segments over the next few days. Even if the event had been taped, however, allowing television media the option of editing out the comments, it doesn't appear that Catney would have taken advantage of the opportunity.

"I stand by the comments I made at the press conference," said Catney, complicating any future retreat from a controversy that caused numerous defence lawyers to appear on radio and television talk shows condemning his words.

The opportunity to praise the efforts and professionalism of homicide investigators was lost – the main issue had now become the controversial comments and the message behind them.

In media relations, the objective should be to provide the community with public safety or other relevant information, usually linked to a key message(s). Controversial comments are not usually expected and will definitely catch the attention of the media.

The crime is definitely despicable and if Chen is found guilty, then Catney's comments may prove to be correct. The



At a media conference on Thursday, Peel Regional Police Chief Noel Catney called Min Chen, a suspect in the murder of nine-year-old Cecilia Zhang, "the most despicable of criminals."

TORONTO
Chief not sorry for his remarks

... of his remarks only compounds the damage done, said Alan D. Gold, a Toronto defence lawyer and a past president of the Criminal Lawyers Association of Ontario. "The original comments, besides being unprofessional, also reflect a lack of professionalism," Mr. Gold said. "If anything, this makes it worse."
Mr. Gold said the chief's reply now widens the gulf between an impartial trial will be difficult by after the murder of the young

accused is, however, innocent until proven guilty and all statements and written correspondence for public consumption must be handled accordingly.

Issue management strategies

How could this situation have been handled differently and what could be done after-the-fact to manage the issue? The options are found in public affairs planning, making corrections and/or clarifications and other strategies, such as blending to a new message over a period of time.

Opening statement and question and answer preparation is vital to the success of any news conference or encounter with the media. With good planning, there is usually enough time for thorough preparation,

especially when the interview, briefing or news conference is held at the discretion of the police service, rather than in response to sudden events or to meet media deadlines.

A mock session, held prior to the actual event, allows panel members to practice their planned statements and responses and receive feedback from other police or public affairs personnel. These sessions can significantly reduce the chances of inappropriate comments or responses being made when under the lights and pressure of the media.

When mistakes do happen, however, making clarifications or corrections is always a good strategy – and the sooner the better. If you make a mistake, admit it, correct it and move on.

Journalists expect professional police spokespersons but they don't expect perfection. If the original information and/or quote did not accurately reflect the desired position, then politely clarify or correct it as required. In most cases, the journalist(s) will simply note the change with the original mistake either going unmentioned or becoming a secondary issue at worst.

This process can be more challenging at a live-media event but is still an option. A clarification or correction issued quickly after the July 22 news conference would have dulled the uproar. A clarification can, of course, be issued at any time, but the sooner it is done the less chance there is for critics to contend it was solely a result of external pressure.

Sometimes the spokesperson or police service is reluctant to clarify a statement or comments. This is usually because they are hesitant to admit a mistake was made or believe that what they said was correct and should stand.


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In the latter case, future communications must clearly explain the reasoning. Catney may have thought this to be his best option and issued this follow-up statement.

"Historically, every five, 10 or 15 years, we are presented with a case that is both unique and unusual, such as this one," he said. "I believe that when we are confronted with these investigations, which have an immense impact on our community, we must be more candid. This case qualifies in this regard."

If the reasoning satisfies the critics concerns, it may mute or at least mitigate the issue. If not, however, the image of the spokesperson and/or police service may be damaged. In this case, the legal community and some of the public were clearly not satisfied with the explanation, leaving a huge gap between their expectations and the chief's position.

A police service that resists issuing a clarifying statement or correction finds itself in a difficult position. If it cannot provide credible reasoning, it must either abandon the issue, using a self-destructing "no comment" strategy, or move to slowly blend the original statement with a new, corrected one.

The blending strategy is certainly not the preferred option, but it can be achieved with some success over a period of time. Some believe the Bush administration is using a blending strategy after recognizing its initial justification for the invasion of Iraq appeared weak. Without finding evidence of weapons of mass destruction, the administration appears to have moved to a new message: The world is better off without Saddam Hussein.

"That dictator is no longer a threat and the American people are safer," said President George W. Bush.

This new and more easily accepted message became primary, but was blended with the original WMD message, though slightly revised: Iraq had WMD – location to be confirmed. With the U.S. polls split 50-50 during much of 2004, the strategy appears to be having some success.

Canadian police services are usually looking for higher than 50 percent approval ratings, particularly in relation to the handling of serious criminal cases. For this reason, blending is not usually the best option. Rather, a strategy of preparation, transparency and a willingness to admit mistakes is the desired path. A police service must try to get it right the first time but when it doesn't, it must be prepared to take positive actions to fix the problem.

Sending the message

In the Zhang case, the public understands the police believe the accused is guilty – that's why they made the arrest. The public doesn't expect the police and defence counsel to agree, but they do expect them to play by the same rules. A spokesperson and/or police service can still send a message in an acceptable way.

After the acquittal of O.J. Simpson, a Los Angeles police spokesperson expressed his thoughts and those of the LAPD, without showing disrespect for the courts or the criminal justice system. Responding to a media question on the status of the murder investigation after

the verdict, he replied that the LAPD had no plans to begin looking for another suspect. A fine line perhaps, but clearly on the safe side.

It's a tough job being chief or a police spokesperson; public comments must be accurate and reflect the values of the organization and the community. By adequately preparing, being willing to clarify and make corrections when required, and using media strategies to ensure the right message reaches the public, a service can ensure its intended message improves its image and therefore its ability to provide effective policing services.

Captain Mark Giles is the communications director for the Canadian Forces Provost Marshal, Canadian Forces National Investigation Service and Canadian Military Police Association, based at National Defence Headquarters in Ottawa.

Paying fines online becoming popular

by Ryan Siegmund

Putting it on plastic and paying over the Internet are becoming increasingly popular ways to pay fines in Saskatchewan.

More than 42 per cent of voluntary fines were paid by credit card last year in the province, up 20 per cent from 1998 – and 31 per cent of residents opting to charge it did so over the Internet.

"It was quite a big uptake there and actually last year's fiscal numbers in Internet payments were 10 per cent of all payments received," says Debbie Barker, director of Financial and Court Services.

Any summary offence fine can be paid over the web, notes Barker, who adds the service is part of an initiative to make government "more accessible and user friendly for the people."

People formally had to either go to the court office to make payments or do it over the phone, she says; "this just sort of seemed like the natural next step."

Collection rates have improved since the new system began, though Barker doesn't attribute the jump solely to electronic payments. "We do have a problem with collections, there's no doubt about it," she admits. "I wouldn't necessarily say that this is vastly improving our collection rate but it's certainly making it easier for people to be able to pay."

Just over 78 per cent of fines in the province are collected within three years, a little shy of the 80 per cent target, but it's hoped the online system's increasing popularity will improve compliance. Internet payments have risen from \$5,900 in February, 2003 to \$33,900 a year later and \$56,300 in May.

"In today's society, people are always in a rush," says Barker. "At first we were monitoring the time of day when payments were made and there's a significant amount of tickets paid over what we would consider to be the noon hour. I think people are just freeing up their time by using this service."

Paying fines electronically is a straight-forward process. Users are prompted for information and the system automatically matches the ticket to the ticket number and the court location to the court date; a similar approach is used to match outstanding tickets. When tickets are paid, the payment and ticket information are matched and records updated to reflect the payment.

This used to be a two-step process, Barker says. "Now, unless there're unusual circumstances with the payment, it requires no human intervention. That's definitely been a plus for us because we're seeing up to 425 tickets paid in a month which previously would have been handled by somebody in person."

Saskatchewan's payment system has attracted interest from other jurisdictions. Alberta launched a similar system in March 12 and other provinces are considering doing so, Barker says.

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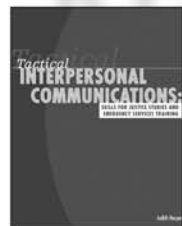
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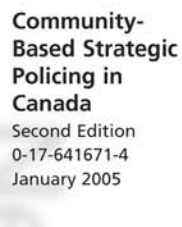
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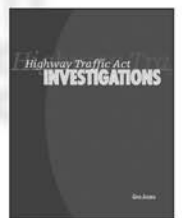
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Colourful Montreal major crimes head retires

by Nelson Wyatt

MONTREAL (CP) — Andre Bouchard's easy joviality slips away when he recalls his toughest cases as one of Canada's most high-profile cops.

"I worked the rape of four nuns in a convent," he said, his eyes taking on a steely glint as he recalled the investigation in the 1990s.

"The youngest nun was 64 years old and the oldest nun was 92," said Bouchard, who retired recently as head of the Montreal police major crimes division.

Bouchard would learn after arresting the perpetrator that he had also sexually assaulted an 85-year-old woman. These crimes were committed 11 months after he had been let out of jail for serving three years for raping a 68-year-old woman near Quebec City.

"I can tell you, it took everything I had and it took my partner to restrain me when we arrested this guy because I wanted to take him out," the stocky Bouchard growled in an interview.

"Information" led to the rapist's capture.

Over his 34-year career, Bouchard also did electronic eavesdropping during the FLQ crisis, was on the front line during Quebec's bloody biker war and helped in the arrest of a serial killer.

In his time on Montreal's streets, the energetic Bouchard went head to head with killers, robbers, drug dealers and outlaw bikers.

He wound up his police career in July and

planned to chase golf balls instead of crooks and put his considerable deductive skills to use on his favourite crossword puzzles, but not for long. He was scheduled to take over as director of security firm Garda's investigative division in September.

A media favourite with his ability to spin a phrase that would leave TV cop show writers green with envy, Bouchard hails from a family of cops.

His four brothers served with the Montreal police, his father was with the Quebec provincial police and his sister gave up a teaching career to join the Ontario Provincial Police in 1974, becoming its first woman intelligence officer.

"I grew up in a male-dominated environment and learned to adjust to always being outnumbered," said Danielle Mclean, Bouchard's sister.

"I truly believe that a career in policing has helped to solidify the special bond that I have with my brothers. We can often interact professionally and can truly empathize with each other's career and familial demands."

Mclean also apparently proved to be one of Bouchard's toughest opponents.



Andre Bouchard

"I have the indisputable distinction of being the only person to have cold-cocked Andre Bouchard into a state of semi-consciousness, albeit while he held his hands behind his back taunting me to react.

"It would have been around the age of 12 to 14," she recalled. "I was probably battling him for control over the TV."

Bouchard didn't plan to become a cop. He was more taken by the excitement of a firefighter's job, "but I soon found out I was afraid of heights," he said with a smile, "so that went by the way-side."

Being a police officer didn't click with him until one day in 1963 when he saw his father in uniform. His dad usually changed at the office or wore civilian clothes but he was rushed in to help at the crash scene of one of Canada's worst air disasters, when a TCA passenger jet plowed into a field near Ste-Therese-de-Blainville, killing all 118 aboard.

"He'd come home and have a quick bite to eat and he'd have to run back," Bouchard recalled. "I remember the first time I saw him (in uniform), I guess I was 14 or 15. The eyes just lit up. I guess I got the bug there."

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He was preceded into uniform by his brothers and joined in 1970, only to be yanked from the police academy with other cadets to help overworked officers working on the kidnapping of a British diplomat and a Quebec cabinet minister in the October Crisis.

"I actually did the electronic eavesdropping on the only English FLQ guy that was known then," said Bouchard, who was raised in English by his British-born mother and French-Canadian father. He wouldn't name the man, who has never been arrested because of a lack of evidence.

As a young cop, Bouchard did it all, directing traffic after games by the then-new Montreal Expos, posing as an American tourist to bust hookers as a vice cop, doing narcotics work and ambulance duty and taking down robbers, often as they pulled their jobs.

"It was a rock and roll time," he says of his time patrolling Montreal's fabled downtown Main district, where the area's "rough and tough" denizens were good people but often settled things with their fists.

"At least we knew what we were up against," Bouchard said. "I hate this crap today where this little guy is going to stick a knife in your ribs.

"At least downtown you knew it was coming. The guy would face you face to face and be a man. They wouldn't do like they do today with the guns behind the head and the knives in the back."

A steady rise through the ranks followed. Canadians got to know Bouchard as a familiar face on the news during Quebec's vicious biker turf war that took about 160 lives in seven years.

After a stint with a joint provincial police-RCMP-Montreal police anti-biker squad, Bouchard headed up Project HARM, the Montreal police's own effort.

The name was drawn from the initials of the Hells Angels and Rock Machine "but in English, we know what the word means -- it means I'm going to hurt you and we did. We hurt them badly."

In 18 months, Bouchard's team took down 27 biker-owned clubs, seized more than \$12 million in narcotics, took 127 handguns off the streets and made 450 arrests. They also broke the murders of two prison guards, which led to the conviction of Hells kingpin Maurice (Mom) Boucher on murder charges at a second trial.

"We got a guy with a big load of narcotics, he knew he was going away for a long time," Bouchard recalls, beaming with pride at the memory of the detectives who cracked the case. "He gave up the shooter and the shooter gave up Mom."

Bouchard was also involved in Operation Springtime 2001, which finally broke the back of the biker gangs in Quebec and resulted in scores of arrests. In 2000, Bouchard was also made commander of Montreal's major-crimes unit, which handles the city's most high-profile cases.

Among those was a joint investigation with provincial and Laval police of serial killer William Fyfe, who after questioning by Bouchard and his detectives confessed to five

more murders, in addition to the four to which he had already admitted.

There was also a tragic murder-suicide in which a man killed his family and a business partner. Besides the horror of the crime, Bouchard also remembers the kindness of people in the residential neighbourhood who brought him and his officers food during the 30 hours they worked the crime scene.

Bouchard said things have changed a lot in the years since he started as a police officer and in most ways it's a lot tougher.

"Police officers, we're not robots," he said.

"We're going to make mistakes but don't judge us always on some (bad) incidents. Be severe in your judgment, because we're sup-


posed to be professionals, but just remember they're people like anyone else. Ninety-nine per cent of our interaction with the citizens is to help them."

Bouchard looked back on his career with pride in his work and those he worked with.

"It was a nice run," he said. "Several times I heard in my career, 'I pay your salary.' Thank you very much. They did pay my salary and I hope I gave them their money's worth."

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Optical storage for digital media

by Tom Rataj

The proliferation of personal computer based work and leisure has resulted in a big demand for ways to store photos, music, video and other digital media.

Even the dramatic increase in hard drive capacities hasn't been able to satisfy the call for more storage. New desktop computers frequently have 120 GB or larger drives and the largest hold a staggering 300GB of data.

Needless to say, the lowly 1.44MB 3½" diskette (or floppy) is completely overwhelmed by the storage needs of digital media.

Recordable CD

Recordable CDs arrived in the late 1990s and offer a capacity of 700MB, the equivalent of more than 486 diskettes! Compact Disc-Recordable (CD-R) allows data to be recorded to a blank disc only once, while Compact Disc-ReWritable (CD-RW) can be written to and erased up to 1,000 times.

Data is written by a red laser, which heats an organic dye on the data layer of the disc, modifying it to represent the zeros and ones of binary code. Data is read by shining a low power laser on the disc and reading the reflected light.

Initially, high prices for cd recorders, now generally referred to as CD-RW or CD burners, and discs delayed widespread adoption but prices for both have plummeted while recording speeds have increased substantially. The CD-RW has become standard equipment on virtually every new desktop and laptop computer.

Adding a burner to an existing computer now costs as little as \$50, depending on make and model. Top of the line CD-RW's can read and record CD-Rs at 52x and write to CD-RW's at 32x. A complete CD-R can be recorded in less than 2 minutes.

Blank media is available in a variety of recording speed ratings that should meet or exceed the maximum recording speed of the burner. In bulk, blank media is generally less than 50 cents for CD-R and \$1.20 for CD-RW.



Recordable DVD

Pre-recorded Digital Versatile Disc or Digital Video Disc arrived on the retail market in the late 1990's. Recordable/re-writable versions for computers followed two to three years later and are already beginning to replace CDs.

One DVD can hold an impressive 4.3GB, equivalent to almost seven CD's. As with CDs, the first burners were slow and expensive but prices tumbled rapidly and recording speeds have increased quickly. Retail prices have dropped to as little as \$100 or less, depending on make and model.

Unfortunately, unlike CD-RW technology, there are two different DVD industry groups, each pushing different and incompatible standards.

The DVD Forum is pushing its '-' format and the DVD Alliance is pushing its '+' format. This continues to create a lot of confusion and initially caused a number of compatibility problems, particularly with DVD players. These competing standards are primarily driven by the potential profits from licensing the technologies to drive and disc manufacturers.

Most but not necessarily all computer DVD drives and movie players now support both formats. The 'R' versions of either are said to

function best in DVD movie players, while the 'RW's are best used only in computer drives. Industry consensus is that the DVD-R format is the most compatible with either.

A third and less commonly used format is DVD RAM. It will only work in Panasonic video players and a limited number of computer drives and is primarily used for archiving computer data on a special rewritable DVD.



Fortunately most current generation drives are capable of reading and writing to either of the two DVD formats as well as to CD-R/RW. Recordable DVD's are readily available and similarly priced around \$1.20 in bulk.

The current trends in recordable DVD technology includes a sudden burst in recording speeds, with 12X and 16X drives just coming to market. As with CD-RW, the rated speed of blank DVD's must meet or exceed the maximum recording speed of the burner.

DVD recorders for recording television programming are also beginning to be available. Basic models essentially function the same as a VCR but use DVD discs instead. Higher end models also include large hard drives, allowing programming to be recorded before being burned to a DVD. Current prices range from around \$500 to several thousand dollars.

Next generations

Another new development is the advent of dual-layer DVD burners and media which can record data to two different levels or layers on the disc. Again the DVD Forum and DVD Alliance are each pushing their own formats. Although several manufacturers already offer dual layer drives, many of the standards are far from complete so they should probably be avoided for another 6 to 12 months.

Also on the horizon is the next generation of disc, known as 'Blu-ray' and 'HD-DVD.' Current generation technology uses a red-coloured laser to read and write data to the disc but the new generation use a blue-coloured laser, which operate at a shorter wavelength and can write data at a much higher density. Again both groups are fighting to dominate the market.

A Blu-ray specification dual layer DVD will have a staggering 50 GB capacity while HD-DVD holds 30GB of data. The push towards much higher capacities is primarily driven by the need to have enough space to record complete high definition television (HDTV) programs on one disc, something current generation discs DVDs can't do; even dual layer DVD's can only record about one hour of HDTV.

First generation Blu-ray recorders are already on sale in Japan, but since the technology is still a work in progress, they aren't expected in North America and Europe until late 2005 or early 2006.

You can reach Tom Rataj at technews@blueline.ca.

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ODDITORIALS

The Criminal Code of Canada is showing its age and could use a little editing, says a Winnipeg Crown prosecutor.

"There isn't a lot of public mutiny going on," Zane Tessler was quoted as saying, referring to one behaviour sternly referenced by the 2,000-page Criminal Code.

"I can't say I've seen a witchcraft (charge) or attack against Her Majesty (charge) in quite a while. Until you start to look through the code, you don't realize how many sections never get used."

Tessler says the section on crimes against public order may seem particularly outdated.

Mayors and police chiefs have the power to literally "read the riot act" - a piece of legislation that has become a popular expression in society. By law, any sheriff, deputy or warden is allowed to "approach as near as is safe where 12 or more persons are unlawfully and riotously assembled together. If the person is satisfied that a riot is in progress, they shall command silence and thereupon make or cause to be made in a loud voice a proclamation."

Simply put, they could break it up.

"Her Majesty the Queen charges and commands all persons being assembled immediately to disperse and peaceably to depart to their habitations or to their lawful business on the pain of being guilty of an offence," they must say. "God Save the Queen."

Anyone who doesn't heed the warning within 30 minutes faces charges of ignoring a proclamation, which carries a maximum penalty of life in prison.

There is also a law on duels. Anyone who tries to challenge or provoke such an egregious act is guilty of a crime and faces up to two years in jail. Although new laws occasionally get added to the Criminal Code, the old ones that are no longer functional simply stay put and gather dust, says Tessler.

More than two-dozen Florida police officers have been disciplined after an investigation found some officers were monitoring incoming emergency calls to avoid tough assignments.

Investigators said officers improperly used a computer system that provides information to dispatchers who then communicate it to officers by radio.

"I expect them to be out there to provide a service," St. Petersburg Police Chief Chuck Harmon said of the 26 officers and three department employees involved. In one instance,

an officer made a traffic stop in an apparent attempt to avoid being sent to the scene of a suicide, said documents released Thursday. In another case, an officer stayed busy on a call so she would not be dispatched to a scene where someone had died.

Two officers who were sent to the suicide suspected some of their colleagues were using the computer access to dodge calls and complained to a sergeant. The sergeant was suspended for five days for not referring the matter to internal affairs; most of the other employees received written reprimands.

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Brotherhood of Motorcops meets in BC

by Elvin Klassen

More than 125 motorcycle officers representing 30 US and Canadian police agencies attended the annual North American Motor Officers Association (NAMOA), held this year in Chilliwack, British Columbia.

Attending the conference is comparable to going to an exciting air show where the pilots wow the crowds with their skill and technique. It is fast paced, smooth like a well-orchestrated ballet, and exciting like only high performance activities can be. The well-chromed machines, immaculate uniforms, shiny buttons and helmets, the roar of the American technology and quiet whisper of German engineering is guaranteed to impress and turn heads.

The gathering brings together the 'brotherhood' and gives participants an opportunity to visit different areas -- the conferences are held in a different community each year -- hear different perspectives and meet new people, challenges and opportunities. New venues also mean different formats and a chance to outdo the last conference.

A not-for-profit organization with a membership of approximately 200 motorcycle officers in Washington, Oregon, Idaho, BC and Alberta areas, NAMOA was founded in 1984 and has offered yearly training opportunities ever since. It also allows members a chance to keep up to date on training and operational issues throughout the year.

Conferences are training opportunities where participants learn new skills, participate in equipment workshops, practice riding/enforcement tactics and are coached by some of the top riding instructors in the field. They're on the track watching, evaluating and offering advice where required. Many of the US departments use the hours spent at the conference as part of their professional accreditation. This year's conference organizing committee issued a training accreditation certificate for 24 hours of instruction.

Participants are required to have completed a basic police motorcycle training program and a certified instructor evaluates them to make



sure they have the basic skills necessary for the course.

A proficiency course rewards fast completion but riders are heavily penalized for hitting cones or losing control of their bike. The challenge encourages smooth, clean runs rather than fast, sloppy ones; a cone hit in training could be a child clipped on the street.

The slow event encourages the rider to ride their motorcycle as slowly as possible for as long as they can over a measured distance; the rider that takes the longest time to finish wins.

In the timed barrel event, participants run their motorcycles around three barrels spaced comfortably apart, and in pairs, they must ride around several barrels while connected to the partner's bike with an 18-inch cable.

Subjects such as police equipment usage, violator contacts and motorcycle tactical drills are taught in the classroom and attendees who successfully complete the required portions of the conference are given NAMOA certificates at a Saturday night banquet. The most skillful participants are recognized with awards.

"It continues to be our hope that the traffic motorcycle enforcement program will continue to expand and flourish," notes NAMOA Canada VP Sgt. Bob Beaudoin of North Vancouver RCMP. "These shiny machines

attract a lot of attention from the passers by, the children and we know that they are very well received by the communities where they are deployed. Their mission is clear: make the roads safer."

Beaudoin is the RCMP's motorcycle program coordinator for BC and lead instructor. There are currently 65 certified riders and 36 motorcycles throughout the province, with the majority in the Lower Mainland area.

The RCMP has had motorcycles in its fleet since 1913 and its program became more active since the 1970s, when motorcycles became more reliable, less expensive to maintain and operate and better able to address the road enforcement pressures of larger cities.

Beaudoin says he enjoys seeing US and Canadian officers ride side by side between courses and in the 'Steve Tunkin Memorial Ride,' an extraordinary parade through town to honour fallen motor officers.

The motorcycle enforcement profile is still fairly under developed in Canada, but is gaining in awareness, popularity and profile thanks to organizations like NAMOA. The 2005 NAMOA Conference will be held in the Hillsboro, Oregon area from May 11 to 14.

For more on NAMOA, contact **Bob Beaudoin** at bob.beaudoin@rcmp-grc.gc.ca or 604 985-1311.

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Dalhousie University - College of Continuing Education

Graduates from Fall 2003 - Spring 2004

The Staff and Faculty of the Police Leadership Program wishes to congratulate all graduates on their success!

Administration

Cst. Darren Arndt
RCMP, Winnipeg, MB
Sgt. Dan Austin
RCMP, Clarenville, NL
Sgt. Drew W. Baker
Canadian Military Police, Winnipeg, MB
Cpl. Barbara Curwin
RCMP, Regina, SK
Insp. Brent Eden
Guelph Police Service, Guelph, ON
Det. Douglas Hall
York Regional Police, Newmarket, ON
Sgt. Roger Hudson
Military Police, Cdn. Embassy, Turkey
Cst. Mark LePage
RCMP, Vancouver, BC
Sgt. Sean J. Maloney
RCMP, Surrey, BC
Cpl. Wayne Newell
RCMP, Port Saunders, NL
Spec.Cst. Darcy W. Nundahl
Leduc Enforcement Services, Leduc, AB
Sgt. Robert R. Perry
RCMP, Kitimat, BC
Cst. Tracy Starchuk
York Regional Police, Newmarket, ON

Sgt. Robert Zenser
Waterloo Regional Police, Cambridge, ON

Law and Justice

Cst. Robert Farrer
Hamilton Police Service, ON
Cst. Todd Gray
RCMP, Ottawa, ON
S/Sgt. John W. Scott
RCMP, Prince George, BC
Cst. Wendy VanderSchee
Calgary Police Service, Calgary, AB

Supervisory

Cpl. Don Allen
RCMP, Berwick, NS
Sgt. Phil Barrett
RCMP, Halifax, NS
Cpl. John V. Berry
RCMP, Amherst, NS
Cst. Cary Chung
Peel Regional Police, Brampton, ON
Sgt. Peter Cousins
Durham Regional Police, Oshawa, ON
D/Cst. Barbara J. Eye
Halifax Regional Police, Halifax, NS
Cpl. Jean Hamm
RCMP, Richmond, BC

Cst. Edward Jermol
Waterloo Reg. Police Serv., Waterloo, ON
Cst. Barry Leslie
Peel Regional Police, Brampton, ON
Cst. Daniel O'Donovan
Vancouver Police Dept., Vancouver, BC
Sgt. Cordell E. Poirier
Halifax Regional Police, Halifax, NS
Sgt. Francois Roussel
RCMP, Ottawa, ON
A/Sgt. Peter Steringa
Peel Regional Police, Brampton, ON
Cst. Harry Tam
Peel Regional Police, Brampton, ON

Advanced Police Leadership

Insp. Susan A. Evans
Sudbury Police Service, Sudbury, ON
Sgt. Peter Thivierge
Port Hope Police Service, Port Hope, ON
S/Sgt. Paul Driedger
Waterloo Reg. Police Serv., Waterloo, ON
Cst. David Lepper
Amherst Police Department, Amherst, NS

This list is not exclusive. Some students could not be contacted and for reasons of privacy and security some did not wish to have their names included.

BC Corporal wins Award



Cpl. Jean Hamm of the Richmond, BC RCMP has won this year's Sgt. Bruce MacPhail Award for Academic Excellence in Dalhousie University's Police Leadership Program.

Hamm joined the Royal Canadian Mounted Police in 1989 and was first posted to Jasper, Alberta. He completed rotations in both general duty and highway patrol during his tenure and served as a volunteer member of Jasper's family and community support services board. He was instrumental in doubling the local funding available for the nationally recognized community outreach services program and received the Queen Elizabeth II Golden Jubilee Commemorative medal for his efforts & leadership in community initiatives.

Hamm was promoted to corporal in 2000 and transferred to White Rock, BC, where he served as a watch commander for three years. He is presently posted to Richmond detachment as the NCO in charge of the South Arm community police station and is heavily involved with Richmond's auxiliary constable program.

Hamm is married to Julie and they have two daughters, Gabrielle and Jillian, who provide him with the support and encouragement needed to achieve his academic and professional success.

Hamm holds a Bachelor of Arts degree from the University of Western Ontario and holds a police leadership certificate, with a concentration in supervisory skills, from the College of Continuing Education at Dalhousie University. He has also completed the strategic human resource management for police organizations course in the same program. He has found these courses to be instrumental in his professional development and recommends them to others for inclusion in their personal development plans.

This award was established in 2001 by Phyllis MacPhail in memory of her son, Sgt. Bruce MacPhail of Halifax Regional Police, to commemorate his dedication to life long learning. He died in June 2001.



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Compound analyzer



Thermo Electron Corporation has introduced the Nicolet™ Compound ID™ portable infrared analyzer - a rugged, easy-to-use instrument the company says provides fast, high-quality, non-destructive classification of materials under extreme conditions. The analyzer was designed to enable hazmat teams and portable laboratory analysts to identify unknown substances rapidly on-scene and is a robust, self-contained unit built for rapid deployment and tested for use wearing protective gear, including Level A suit and SCBA gear, the company says.

Respiratory protection



The **Triosyn T-1000** Antimicrobial Respirators provide front-line protection for police officers, EMS, healthcare professionals and other first responders against viral and bacterial threats, the company says. With the proven ability to trap and kill biological agents, Triosyn says the T-1000 Antimicrobial Respirators offer revolutionary protection against infectious outbreaks and biological hazards and remove more than 99.99 per cent of microorganisms, including bacteria and viruses, from air passing through the respirator media.

Rifle scopes



New **Leupold(r) Mark 4(r) Precision Rifle (PR)** scopes are designed to offer the ideal combination of affordability and performance for budget-conscious law enforcement and military agencies, the company says. PR models include the 3-9x40mm (Duplex(r) or Mil Dot reticle), 3.5-10x40mm (Duplex or Mil Dot reticle) and 4.5-14x40mm Long Range with adjustable objective (Duplex, Fine Duplex or Mil Dot reticle).

Tactical light



The **DTL Mk.I (Diemaco Tactical Light)** packs a blinding 6V Xenon lamp powered by a six volt battery pack or two three volt batteries, the company says. At only 6" and 11.5 oz the DTL mounts to any MIL-STD-1913 rail and features a quiet three position switch as well as a six inch standard tape switch.

Chiefs hat



The S-200 police Chief uniform hat from **Stokes International** is made with the highest quality of materials available in the world today, the company says. Durable, lightweight, and comfortable, it says the caps are impeccable in their detail.

Digital borescope



Everest VIT(R) is introducing the XL PRO(R) Plus system, a video borescope with what the company says are ground-breaking digital video features. Enhancements to this new inspection tool include CompactFlash(R) removable storage media, ability to record and play back over two hours of DVD format MPEG2 video and a USB streaming digital video port, says Everest

Examination glove



Best Glove has introduced the N-DEX Night-Hawk examination glove, which it says is ideal for police and military use. Classified as an unsupported examination glove and boasting a textured finish for additional sure grip, the 100 per cent Nitrile, 4 mil glove is accelerator, says Best Glove, protecting the wearer against skin allergies and other annoying reactions.

Tablet PC



Weighing less than 3.5 lbs., the G-Force 850 from **JLT** is one of the lightest rugged tablet PC's available today, the company says. Equipped with power saving, Transmeta processors with 800 Mhz clock speeds, the G-force packs as much endurance as it does power, JLT says. The back side of the unit features an ergonomic, multi-directional hand grip and wrist strap to secure the unit for field use.

Tactical pole camera



AngioLaz, Inc. has announced a new Vision Stick, a tactical pole camera with power articulation. The Vision Stick telescoping camera system allows the user to control the camera's 180 degree articulation from the handle. The system is waterproof, telescopes from five to twelve feet, and is available in colour or infra-red, the company says.

COMING EVENTS

eMail: admin@blueline.ca

October 4 – 6, 2004

Protecting Thru Partnership Conference
Prince Albert, SK

The Prince Albert City Police, RCMP and Correctional Services is hosting a conference with the goal is to broaden the horizons of enforcement officials through networking and training, and to assist in the future creation of diversity and equality within the area of law enforcement and corrections. Contact: Rhonda Meakin 306-953-4256; wpconference@citypa.com or www.papolice.ca/wpconference.

October 13 -15, 2004

EDCON 2004

Explosives Disposal Conference

Hosted by the Peel Regional Police Bomb Squad and featuring guest speakers on: EFE, CBRN, Advanced Disruption Techniques and Post Blast. Operational debriefs from the Oklahoma City bombing, Anthrax letters in NY, and EFE debriefings from Tucson Police. Specialist in these topics will be available through out the conference to answer questions and discuss all facets of bomb disposal. Contact: EDCON@peelpolice.on.ca or 905-453-3311 ext 3690.

October 18 – 22, 2004

International Conf. on Sex Crimes Investigations

Toronto, ON

Hosted by the Toronto Police Sex Crimes Unit, the 11th annual conference will be held at the Sheraton Centre Toronto Hotel. An intensive five days with professional speakers and presenters, the conference focuses on areas specific to the needs of sex crimes investigators, including victim's needs and the law. Registration and contact: www.torontopolice.on.ca/sexcrimes/seminar or sexcrimesseminar@torontopolice.on.ca or call Nadine Lyle 416 808-7449.



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Labour relations... Toronto style

by Doug Ramsey



Toronto Police labour relations have always been less than either side has desired; adversarial at best and, at times, absolutely atrocious. Perhaps it's time to look at the issue outside the media's glare.

The 200 officers of the Toronto Police Department, as it was known in the early 1900s, had no legal rights or representation, so working conditions were harsh and the pay very low. Officers were required to work three shifts, seven days a week. The more senior had up to one week of holidays, to be taken at management's discretion. Needless to say, labour relations were a non-existent concept, at least to management and the city politicians who governed the department.

Several officers formed a union around 1906. Management and city counsel rewarded their efforts by declaring it the start of a Bolshevik-inspired revolution and firing the union executive. Almost 90 per cent of rank and file officers promptly walked out until a settlement of sorts was reached.

All the union executive except the president were rehired and an arbitrator – a judge appointed by the politicians – was told to look into grievances. He quickly ruled against the rank and file, and so ended the first attempt at labour relations in Toronto. Some would argue that not a whole lot has changed, at least as far as attitudes are concerned.

The situation remained substantially unchanged until the early 1940s, when Ontario police chiefs formed the Police Association of Ontario (PAO). Their main goal was to share information and management initiatives, with little discussion about labour relations other than how best to control labour unrest.

There was a gradual change in the membership at the end of the Second World War; the chiefs seemed to lose interest, rank and file

officers took over control and the PAO successfully lobbied the province to enact the Ontario Police Act in 1947.

The first of its kind in Canada, the new act became a watershed, covering a wide range of topics and establishing a framework covering all rank and file officers in the province. Note it's only been 57 years since police were given the right to bargain collectively and enjoy contractual protection.

The Toronto Police Department and the then association were the major players in the early days of establishing collective bargaining rights. Then, as today, both were firmly entrenched on opposite sides of the issues, each trying to prevent the other from gaining what it felt was the upper hand.

Many of the smaller municipalities that surrounded the original City of Toronto had a far less adversarial relationship with their officers than Toronto. That all changed in 1957 however, when Metro Toronto was formed, amalgamating all 13 municipalities into one. The old City of Toronto politicians seized almost total control and quickly amalgamated the 13 police departments into the Metro Toronto Police Force. One can only speculate as to why they left the fire departments alone.

Since it was the largest, the Toronto Police Association assumed control and once again, the battle was on. The politicians appointed a retired judge named C. O. Bick as the new police commissioner; he quickly established himself as having an anti-labour approach.

The battle lines now drawn, Sid Brown was elected as a new type of association president. The ongoing battles between these two titans are legendary and the tone of Toronto police labour relations remained unchanged, with each contract a hard fought affair and neither side giving an inch. Subsequent changes in leader-

ship of the Toronto Police Services Board (TPSB) and the association changed little.

There were brief instances of relative calm between the two sides, which seemed to concern some politicians of the day. They'd quickly replace the offending, easy-going head commissioner with someone who took a more aggressive and antagonistic approach.

More recently politics has entered the arena as the province changed the control of TPSB appointments. It formerly appointed four members and the city three, thus assuring local politics were kept at arm's length when dealing with police issues. Unfortunately that's now changed, forcing the association to reluctantly enter the political arena to compete with city appointed members' politically motivated agenda.

Of course, left leaning city politicians and the current Toronto mayor feel police have no right to become politically involved but the association believes it has no other choice.

Police throughout Ontario and most of Canada have enjoyed the comfort of not being involved in politics, at least not directly. Various levels of government have traditionally recognized the value of keeping police at arm's length from the political decision making process. In today's rapidly changing society, that recognition seems to be disappearing amongst politicians and in Toronto it's all but gone.

It's a given that most police officers are not generally interested in politics, nor do they want to become involved. In Toronto however, they are being dragged in, like it or not, and as always, the association is determined to fight with whatever it takes to protect its member's rights.

Taking it's direction from city hall, the TPSB is equally determined to prevent the association from winning this important battle, as it will change how labour relations are conducted for many years to come. It's ironic that the same politicians whose actions have indirectly caused the association to become politically involved now oppose its involvement.

I believe that the current political structure of the TPSB is just the beginning of the slippery slide downward towards American-style policing. Of more concern is the fact that what happens in Toronto will eventually happen elsewhere unless changes are made.

Some say things cannot change, however there is always a chance if the political will is present on both sides. Perhaps two new leaders taking office at the same time this fall will herald a new era of labour relations in Toronto.

Only time will tell, but if history is any indication, I wouldn't hold my breath.

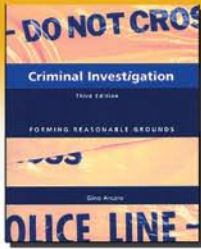
Douglas Ramsey is a member of the Toronto Police Service and served for nine years as the director - education and research, of the Toronto Police Association. He has since served mainly as a frontline officer and is currently a divisional planner. Visit dougramsey.ca or call 905 853-6171 for further details.

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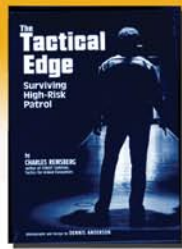
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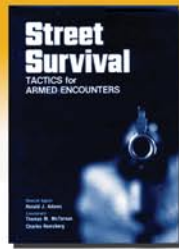
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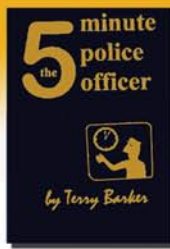
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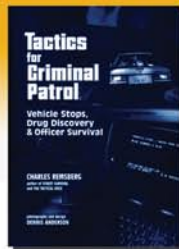
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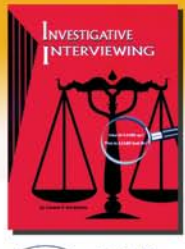
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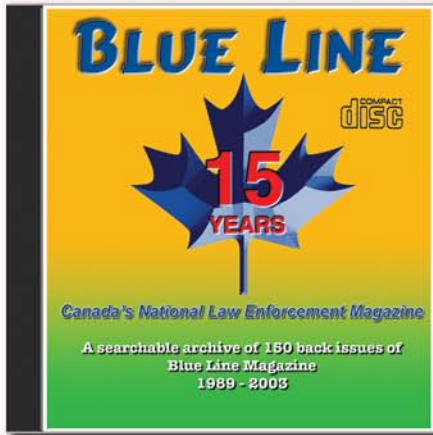
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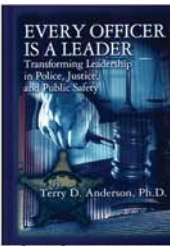


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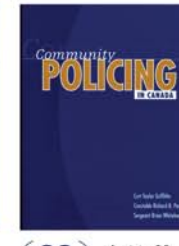
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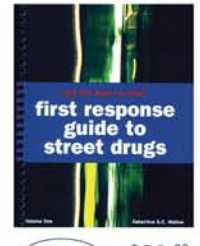
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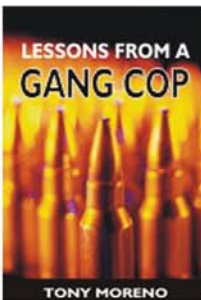
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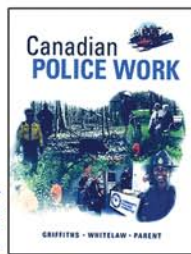
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