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# Mistakes are important

Good supervisors permit their people to grow from mistakes and provide an environment where they can be taken in stride. Mistakes are handled, managed and learned from. The very best supervisors actually look forward to them. I'm not talking about conspiratorial or abusive mistakes but rather honest mistakes and miscues that are part of learning the job.

Less knowledgeable supervisors hesitate to think this way because it means taking a risk. Their people might make mistakes and this could reflect badly on themselves or their organization.

I was immediately warned when I began my policing career to stay clear of probationary sergeants. These were the newbie supervisors who worked hard to remove the word "probationary" from their rank. To most it was a year of showing the boss they could catch their underlings doing anything wrong. The arcane rules and regs of the time certainly made that aspect of their job relatively easy.

Back in the day being a beat officer made you the easy target on cold wintry days. Pulling your collar up around your neck, wearing a sweater under your jacket (we were not issued sweaters), putting on non-issue winter boots (we were not issued winter boots), wearing non-issued gloves (we were not issued gloves) or malingering in a warm barber shop at the corner were all met with documentations and penalties amounting to a days pay.

When I became a training officer my standing joke to my trainees was that I had lost more time in unit commander assessed penalties than they had on the job. Today I recognize that I was a victim of systemic bad rules made up around bad concepts of process and equipment.

The old theory goes that if everyone follows a predictable recipe then mistakes are not made. The problem with this theory is that when mistakes eventually do happen supervisors and organizations are often ill prepared to handle them appropriately. This situation denies the inevitability of mistakes. It also encourages an intolerance that can compound these inevitable problems.

Put this idea in the realm of a sky diver. In my estimation, if I were to be thrown out of an airplane at 3,000 metres this would be a big mistake (no kidding, huh?); now I am going down and there is no getting back to that warm and stable airplane. However the people who planned this adventure know the

goal is to get me down on the ground safely.

The decisions I make after they throw me out the door are suddenly and unalterably my own. I can go into an uncontrolled descent screaming in sheer terror. I can get angry at them for throwing me out. I can get pouty and petulant. None of these reactions will solve the immediate problem. Fortunately minimal training – knowing where to find and when to pull the rip cord – will get me on the ground alive. Everything I learn after that lesson only reduces the terror and (so I have heard) can actually replace it with pleasure.

I do not encourage my people to make mistakes but I recognize the value of learning through them. One of my jobs as a supervisor is to create an environment where mistakes can be made from which we can all survive. In other words, I show them the rip cord and they jump with the intent to fly.

My job is to ensure that when mistakes are made there is an appropriate safety net in place so the individual and organization can survive the error. I do not necessarily explain in detail or give courses on all the rules and safety nets. Doing this would only encourage them to forever check, maintain, build, restructure and test the safety nets. This would be fine for *Acme Safety Net Ltd.* but I want my people to venture forth and spread their wings. Let them dream and experiment; hopefully I can give them the tools and environment to do so.

It is clear that supervisors have to monitor their people and sometimes adjust directions. Their job is to make reasonable exceptions to established procedures because no one has ever created the ultimate and fail-safe procedure manual.

I know it is difficult but sometimes supervisors should just let mistakes happen. It gives their people the opportunity to think and talk about the mistake and, with supervisory help if necessary, guide themselves through a solution process. Most times those who make the mistake are the best people to correct it.

If your agency is fortunate enough to have members with vision who are ready to spread their wings, then you should provide a smooth runway... and an unseen cushion at the end of it.



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# A BLENDING OF EXPERIENCE



## *Bathurst Police celebrate a hundred years of working with their community*

by Paul Chapman

The first order of business for the newly incorporated town of Bathurst, New Brunswick, in September 1912, was to elect a council. It met again a month later, in October 1912, to hire a police constable. The Bathurst Police Force (BPF) was inaugurated before the end of that same year and what has followed is 100 years of service to their community.

The first police chief was paid \$45 a month and had four constables to call in for help as needed. The force shared one revolver, which was kept at the station and had to be retrieved when needed.

Bathurst had dirt streets and wooden sidewalks in its early years and officers had a variety of unusual duties, including making sure stovepipes were cleaned to prevent fires, spreading salt on hills and bridges when ice formed and recording the name of strangers who came to town. If the stranger found work, the officer was responsible for collecting a poll tax.

One hundred years later the BPF is responsible for protecting and serving what has since grown into the City of Bathurst, located in the northeastern part of New Brunswick. There are now 32 officers, 11 dispatchers and four civilian members. As a side note officers no longer have to hurry back to the station to get the town revolver.

The days of collecting poll taxes have long since passed. The BPF has evolved into a modern efficient force, technologically advanced and a leader in integrating work with other forces in the region and beyond.

Bathurst is one of the earliest continuously



settled regions of Canada, tracing its European roots back to the early 1600s when French missionaries settled into this sheltered harbour on the Bay of Chaleur. Four rivers converged there and sand dunes created a protected harbour from high winds, roving pirates and privateers; an ideal location for loading fresh water, meat and fish.

The native Mi'kmaq people, who welcomed and traded with the early European settlers, called it the 'bay of fish,' but it now has the name given it by Jacques Cartier, Bay of Chaleur, which translates roughly to "bay of warmth" because of its warm saltwater beaches in summer.

Growing from a settlement relying on trading in the 18th century to the shipbuilding industry in the 19th century and mining and pulp and paper in the 20th century, Bathurst is a blue collar city, serving as both the geographic and economic centre of northeastern New Brunswick.

With a population over 12,000, the city serves a population more than three times that

size in surrounding communities who gravitate to Bathurst for recreation, shopping, business and entertainment.

There are three other law enforcement agencies in the immediate area – a municipal force serving a group of neighbouring towns and villages, another from a neighbouring city and the RCMP, which is contracted to police the unincorporated rural areas and many other municipalities in New Brunswick.

The Chaleur region is one of the most bilingual in the country, with large Francophone and Anglophone populations. Most officers also speak both of Canada's official languages.

Co-operation and communicating has been critical to maintaining the success of the century old municipal force. It is part of an integrated policing system that is a model for New Brunswick if not Canada. That spirit of co-operation and openness, along with a close connection to the community it serves, is the reason the BPF still exists.

Council has never seriously considered any other policing option, explains Stephen Brunet, who has 21 years experience as a Bathurst municipal politician and is serving his third term as mayor, because they have always been satisfied with the work of the municipal force.

"City council has always been happy and felt good about the level of service we receive. Of course you could always make it better with more money and more officers and more equipment, but we have to live within our means."

Access to specialized services is sometimes an issue but the co-operative approach developed with neighbouring law enforcement

agencies means help is never far away.

“Why do you need it all when it’s right next door?” asks Brunet rhetorically. “Our neighbours have a dog unit and we have a forensics unit. How many times are you going to need that dog unit or that forensics unit. We trade off those services and it makes sense for us to have some of the specialized services and for them to have different specialized services.”

### Community based

Deputy Chief Bernie Allain has served with the force for 42 years. He was hired by legendary chief Jerry O’Neil, who headed the BPF from 1953 until he was tragically killed in a car accident in 1973.

“It went by so fast. It’s just unbelievable. It’s been 100 years, I am almost half of that” he says laughing. “Policing was very different in those days, everything has changed. It’s a 360 degree turn. From the equipment we use to the cars we drive, the way we communicate and gather information – it’s all changed since I started.”

One thing that hasn’t changed, notes Allain, is the BPF’s connection with the community. “When I first started it was what I noticed. All of the older members were from around here and if something happened, in a small community everybody was talking about it and so before too long they had solved the case or (identified) the problem.”

“In fact,” continued Allain, “I saw Chief O’Neil, more than once, arrive in the morning and read in the log book about an incident such as a break and enter. He would speak to the day sergeant, go in his office and make a couple of phone calls and before the day was out, a person was in his office confessing to the crime.”

Even today, confirms Brunet, that connection is a major strength. “They seem to have their feet on the street, even though they are not walking like they used to, but they seem to know what’s going on in the city. I am proud of how safe our city is. Whenever there is an incident, I am very confident that they are going to figure out what’s going on.”

Allain agrees that the close community connection members feel and their personal involvement has been key to the continued success.

“There were lots of people that have come and gone during my time here and mostly people that stayed were from around here or they left and gained experience somewhere else before returning home.”

### Joint force operations

One of the most significant points of pride of the BPF is its work with other agencies. The force hosts the North East Integrated Intelligence Unit, which includes two RCMP members and an officer from each of the three area municipal police forces. The unit is responsible for combating all organized and major crime in northeast New Brunswick.

The BPF has a long tradition of being part of joint force operations (JFO), notes unit member Sgt. Allan Willet. “We really are a



Chief Lazare Roussel - 1925 - 1953

model of integrated policing. There is nobody that can work with another police agency like the Bathurst Police Force. We have the longest joint force operations agreement of any police department, certainly in New Brunswick.”

The BPF signed its first JFO agreement in the early 1990s and the program has been developed and enhanced over the years. “Partnership is a must” if the BPF is to continue being a relevant policing agency, Willet says, “and when you get the support and training from the top to the bottom, the mix of officers and the different experience they bring to the unit, you get some really smart policing.”

The unit was part of the biggest cocaine seizure in Canadian history and has been recognized for many other successful operations. Experience gained with the unit has allowed BPF members to work across the province and sometimes across the country. That spirit of co-operation goes beyond major crime and even sharing resources.

When seven young basketball players and their coach’s wife were killed in a terrible accident that made national and international headlines, “police departments from around the province sent officers to patrol our streets while our officers attended the funeral,” Brunet says. “Officers from Grand Falls, Woodstock, Miramichi came, and others I am sure I have forgotten. It was a gesture from other departments whom our police have worked with over the years.”

### Community policing

The BPF is a testament to the value of community policing, the benefits of co-operation and partnerships and leadership. The leadership of each chief has inspired members. One of the most famous was Lazare Roussel, who served from 1925 until his death in 1953. Reputed to be the best woodsmen, hunter and police officer in the province, he was said to be the equal of a dozen men in an emergency. His feats included heroically rescuing men caught in log-jams during spring log drives on the Nepisiquit River.

Current chief Eugene Poitras worked his way up through the ranks and enjoys the respect of BPF members. In his second year as chief he has a nice blend of experienced and young officers.

BPF officers are valuable members of the community and the citizens they serve recognize the value of having their own police force. Officers have lived up to their mission statement – to pursue professional excellence while protecting the lives and property of their citizens and visitors.

Paul Chapman is a freelance writer in the Bathurst NB region. For more on the Bathurst Police Service go to [www.bathurst.ca](http://www.bathurst.ca).

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# TRANSPORTATION SECURITY

## *The public is an ally... not an enemy*

*Eternal vigilance is the price of liberty*

– Wendell Phillips (1811-1884)

by *Matt Sheehy*

In the face of a growing body of evidence indicating the present approach to transportation security is ineffective, wasteful and makes air travel unbearable, there are surprisingly few voices calling for reform.

Hardly a week goes by without a headline about the latest airport security gaffe. Children are molested, amputees forced to remove artificial limbs, colostomy bags inspected, 80-year-old vets patted down and kids in wheelchairs frisked. Let's not forget the ever intrusive naked body scanners – banned in Europe as next to useless and challenged by medical experts as exposing the travelling public to possibly damaging doses of radiation.

Instead of looking for the real threat – the tiny subset of people with evil intent – the present system targets the mass of innocent travellers, aiming to interdict tweezers, cork screws, nail cutters, scissors, dangerous shampoos, etc. Success is measured by the number of items intercepted. The US Transportation Security Administration (TSA) reported confiscating seven million items in 2009... but not one terrorist.

When something doesn't work in the normal world you try something else but in transportation security, you just crank up the threat level and ask for more money. For example, the US Department of Homeland Security (DHS) 2009

budget was \$57 billion, including \$8 billion for the TSA. Overall Canadian costs would be about 10 per cent of that. Much of our security charge is imbedded in the Air Travellers Security Charge (ATSC), which the airlines collect and remit to Ottawa – \$654 million for 2011-12.

The source of the problem is surprisingly simple; a flawed premise that every traveler represents an equal potential threat. This makes the entire travelling public a target and is also very conveniently politically correct. A system targeting hundreds of millions or even billions of people must by definition be enormous... and expensive. We now know with statistical certainty that 99 per cent of the public can be trusted to travel without blowing up anything other than, possibly, their blood pressure. In fact, alert travellers and crews, not the bloated multibillion dollar security complex, have interdicted every subsequent terrorist attack since 9/11.

Canada has generally followed the US lead in the security area, hoping to avoid increased border security, but there is growing evidence the US is headed in the wrong direction with little intention of changing course. Recent studies indicate the DHS and TSA have overstated the risk of a terrorist attack to sway public opinion and cow law-makers into boosting their already enormous budgets. Other studies state openly that much of the money spent on security since 9/11 has been wasted. Congressman John Mica helped author the legislation which gave birth to the TSA. He is deeply disappointed by the agency's engorged bureaucracy and associated waste and has called for the dismantling of his brainchild.

The way out is to change the fundamental assumption about the threat. The travelling

public is not an enemy but an ally. Adopt smart systems and technologies to identify as many "can fly" people as possible and get them out of the queue. We need to move to a TRUST and THREAT based doctrine. The technologies already exist using biometrics, background checks and behavioural profiling to identify trusted travelers. The Nexus and Global Pass programs are living examples of using information and smart systems to identify trusted travelers and move them through the line quickly.

It is time Canadians ask whether we should continue to follow America's lead in pursuing increasingly intrusive policies that can impact on the freedom and liberties we all cherish and take for granted. We have been friends, neighbours and allies for many generations and are in this together; let's solve the issues and win this fight like we did on the beaches of Normandy. Failure is not an option.

Perhaps the greatest contribution Canada can make to cross border security and "Beyond the Border" initiatives is to champion smarter, more effective and efficient approaches to transportation security. A robust and fully supported cross border system of trust and verify would have an enormous positive impact on industry and the travelling public, not to mention a much needed financial gain.

Canada can and should take global leadership on this critical and vital component of our safety and security.

---

A retired airline pilot with 37 years experience and more than 20,000 hours in his log book, **Captain Matt Sheehy** has extensive experience and expertise in aviation security. A former OPP auxiliary constable, he continues to lend his security expertise to the aviation and transportation industry.

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# BREACH OF PAROLE

## *Police now have a new power of arrest*

by Mike Novakowski

Six men walk into a bar on June 12, 2012 to celebrate their release from jail. Although free, each is bound by conditions – one is on parole and the others probation, bail, community sentence order (CSO), s. 810 Criminal Code (CC) recognizance and promise to appear (PTA) with undertaking respectively.

All six are not to consume alcohol. As they raise their beers in a toast, an astute patrol officer walking by recognizes them. Four of the six have committed a new crime – the men on probation (s. 733.1 CC), bail (s. 145 CC), s. 810 recognizance (s. 811 CC) and PTA (s. 145 CC) are arrestable under s. 495 CC. The man on a CSO commits no new crime but can nonetheless be arrested and brought before the judge because s. 742.6 CC transfers the powers of arrest that apply to an indictable offence to a breach of a condition of a CSO.

The parolee however, regardless of the crime – murder, rape, child molestation – is not breaking any law and cannot be arrested without a warrant. Sounds strange, doesn't it? Let's rewind a bit.

A 1995 letter from an Abbotsford, BC constituent to the Liberal federal government pitched the idea that police should be given the power to arrest an offender they find violating a parole or statutory release condition. The law at the time, as in our bar scenario, only allowed an arrest under s. 137(2) of the Corrections and Conditional Release Act (CCRA) if an officer believed on reasonable grounds that a warrant was in force.

The provision was a "warrantless arrest" power but required belief a warrant existed. Thus, this section permitted arrest on the basis of a warrant without warrant in hand. The 1995 proposal offered two options: (1) create an amendment to the CCRA allowing an offender to be arrested if found violating a condition of their parole or statutory release or (2) create a new crime of breaching release such as is the case when a person breaches their probation or bail, thereby justifying arrest under s. 495(1) CC.

The rationale for the proposal was to give police the immediate authority to arrest an offender breaching parole. Then Liberal Solicitor General Herb Gray disagreed, stating "I am satisfied that powers currently held by police... are adequate to address the concerns that have been raised."

Langley-Abbotsford Reform MP Randy White then took up the ball. His private member's bill would have given police the power to immediately arrest parole violators.

"The current system of requiring police to obtain a warrant to arrest offenders violating



parole does nothing to stop the offender at the time of the violation," said White. "We must give the police the authority to arrest parole violators in the act, before they have a chance to commit a more serious crime, or disappear."

White introduced *Bill C-379* in March 1997. It sought to make a breach of parole or statutory release a hybrid offence punishable by up to two years in prison (indictment) and 18 months if proceeded summarily. The amendment would have been deposited in s. 733.1CC – the same section as breach of probation.

The Canadian Police Association supported the proposal but the bill died when a federal election was called. The amendment was re-introduced as *Bill C-211* in September 1997 and was one of four bills chosen by the Procedures and House Affairs Committee for a House vote.

After three hours of debate, the NDP supported it but the Liberals and Bloc Quebecois did not. It was defeated March 31, 1998 by a vote of 152-74. The status quo remained. There was an upside however; the bill formed part of the Social Sciences Teacher's Institute 2005 lesson plan on how a bill becomes law. Students were asked to reach their own conclusions as to whether it ought to be made law and write their MP stating their opinion.

Fast forward some 15 years later to the federal government's *Bill C-10*, the *Safe Streets and Communities Act*, introduced in September 2011. Section 92 of the Bill amended the CCRA to add a warrantless arrest power for persons found breaching their parole, statutory release or unescorted temporary absence conditions. This after two earlier attempts – *Bill C-43* (*Strengthening*

*Canada's Corrections System Act*) in 2009 and *Bill C-39* (*Ending Early Release for Criminals and Increasing Offender Accountability Act*) in 2010 – ended after second reading and referral to the Standing Committee on Public Safety and National Security. The new provision from *Bill C-10*, which came into force on June 13, 2012, states:

### Arrest without warrant breach of conditions

**137.1 A peace officer may arrest without warrant an offender who has committed a breach of a condition of their parole, statutory release or unescorted temporary absence, or whom the peace officer finds committing such a breach, unless the peace officer (a) believes on reasonable grounds that the public interest may be satisfied without arresting the person, having regard to all the circumstances including the need to (i) establish the identity of the person, or (ii) prevent the continuation or repetition of the breach; and (b) does not believe on reasonable grounds that the person will fail to report to their parole supervisor in order to be dealt with according to law if the peace officer does not arrest the person.**

It took a decade and a half from White's initial private member's bill before an arrest power for offenders breaching their parole, statutory release or UTA was recognized.

As the old proverb states, "The wheels of justice turn slowly, but grind exceedingly fine!"

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# Vancouver officers take anti-drug message north

*“There are only two choices, right and wrong”*

by Elvin Klassen

Six police officers – four from the Vancouver Police Department, one from the RCMP and another from Vancouver Transit Police – flew to Canada’s North in March to share the horrors of drug and alcohol abuse and the dangers of gangs.

The 3,800 kilometre trek was made with the co-operation of the Northwest Territories RCMP, which supplied the aircraft and made the arrangements. The six-hour flight took them from Abbotsford to Fort Nelson for refueling and then on to Inuvik.

During the seven day experience with the theme, “Let’s talk about drugs and alcohol,” they connected with students, parents, police and other organizations in Inuvik, Tuktoyaktuk, Fort McPherson, Ulukhaktok on Victoria Island and Aklavik.

The officers volunteered their time to help students make good choices and the small communities joined forces to make them welcome. They were invited to the Muskrat Jamboree, pot-luck dinners, meals in homes and spoke to many parents at schools. The adults were very keen to learn how to cope with the growing problems of alcoholism and drug abuse.

The officers partnered closely with youth workers, counselors, the Inuvik Justice Committee and Aurora College, which provided accommodations. They were invited to community activities and had excellent conversations with community elders.



Chief Herbert Blake of the Gwich’in First Nations, where alcohol was legalized in 1960, expressed a deep concern for his people and appreciation for the officers’ visit. Blake’s brother died in the Downtown Eastside from complications related to a life of addiction and drug use.

“(The presentation) showed me how much drugs and alcohol can affect you and the people in my family,” said Jayfane, who lives in Inuvik. “I am having troubles now at home with alcohol. They have been holding me up in school; I have had to miss and it has been really hard. Now I have a new perspective.

“I want to say thank you to the guys for giving me this opportunity and showing me which road to take and how to take it. Up here we do not have much drug presentations. They were only 15 minutes and boring while with these guys it was up to two and a half hours. It was all interesting and you never lost me. I get distracted pretty easily.”

Grade 10 student Brandi was also

impressed. “The effects of what happens, drugs and stuff and how it ruined their lives, really hit me. The movies they showed put faces to the problems. I thought it was just really interesting and I know I’m not going to try drugs now.”

A grade 12 student said she learned new things about the effects of drugs and felt the images made the presentation more effective. “I thought it was really good because they didn’t spare the graphic photos or videos. They got right to the point on it.”

Another student said the presentation made him think twice about doing drugs. Watching images of a young man mutilating himself in a drug-crazed state reminded 16-year-old Bradley he made the right decision to stay away from drugs and alcohol. “It was pretty gruesome. I haven’t seen videos like that before. Yeah, it’s messed up.”

The Vancouver visitors are part of the non-profit Odd Squad Productions, formed in 1997. Its mandate is to educate the public



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on issues affecting the community. Members teach about risky behaviour such as drug usage and gang association using reality based education to encourage youth to make positive choices.

“I spoke to numerous youths and adults who told me stories of going south to Edmonton, Vancouver, Prince George and such and getting involved in gangs,” said Cst. Doug Spencer of the Vancouver Transit Police.

“One kid told me his friend went to Edmonton and started dealing drugs for a gang. He got shot with a 45 calibre handgun, lost the use of his arm and ended up in jail for two years. ‘That might not have happened if you had given him your talk,’ he told me. ‘He can’t get that two years back now and he will always be reminded of his bad choice with the permanent damage to his arm.’”

There is no apparent gang presence in the communities the officers visited, Spencer said, “but the drugs damaging their communities are imported and sold by the gangs.”

The officers’ message has an international appeal. They made a presentation on drugs and drug education and demonstrated police judo to faculty at the Beijing Police College and promoted the OSP drug education videos to faculty and staff of the Tsin Ghua University. They have also visited a number of schools in the North West Territories in the last few years. Students may have felt their small community of 3,400 people had little in common with the 18,000 residents of Vancouver’s Downtown East Side, a local paper observed. However, “after hearing from Odd Squad Productions members who visited their school last week, they figured the two places are a bit more alike than they realized. In Inuvik, it made the message clear to a gym full of youth that in the end, there are only two choices, right and wrong.”

Odd Squad has many videos and photos gathered from the East Side, where the officers work. They can be disturbing and uncomfortable for some of the students but do grab their attention and get the message across, explained Sgt. Toby Hinton, a founding member of the group.

“Linking these drugs up with the outcomes is a good education for the kids. By seeing the results of drug abuse in videos on arms or images of drug related violence, students are able to make better decisions and know what to avoid.”

The visual stimulation is interspersed with scientific information about hard drugs, including crack cocaine and crystal meth. They also reinforce the point that cigarettes and alcohol – so-called regulated drugs – are responsible for the majority of drug deaths in Canada. “There’s a really big need for education out there,” Hinton noted.

Chris Gilmour, vice-principal of the Inuvik school, said the Odd Squad message is helpful in promoting positive decision making.

“There is a lot of anti-drug work that we do in the school but we can only do so much. When we see groups like this coming up here,



I really think it reinforces the message and really clarifies a lot of the questions the kids have about drug use. They have a good, clear message, too: There’s right and there’s wrong.”

“We were very well received by the parents, elders and members of the Justice Committee,” noted Cst. Dave Steverding. “Students were very open and engaged. Teachers reported that usually you get 45 minutes of attention and here they were watching our presentation for over an hour.”

There was a scheduled break with the students for judo sessions, basketball and volleyball games after the formal time. Most of the Odd Squad officers hold black belts in judo.

“Sports was a great way to connect informally with the communities,” explained Cst. Brian Hobbs. “There was an opportunity to bond in a non-threatening setting. Baden

Canada assisted by providing almost a thousand dollars worth of basketballs and volleyballs. These were donated to the schools.”

Hobbs had an opportunity to ride along with local RCMP constables on patrol. He observed that the problems they see are similar to the Downtown East side, only in a different environment, adding that the two officers they accompanied on night duty were extremely busy.

Officers often meet and recognize people from the north in their patrols in the Downtown East Side, noted Cst. Mark Steinkamp. Many seem lost in their new environment, he said, adding that the visit has provided a bridge of understanding on how they can better relate to them.

The officers all agreed that this trip had been an opportunity of a lifetime. It was a major privilege for them to see the country and the work people do. They were treated extremely well, with no hostilities and their extended stay in the communities helped them relate in a very meaningful way.

“There is a great need and opportunity for other police officers in Canada to connect in this way,” observed Hinton. “We are even exploring a short exchange where an officer goes north for a few weeks and one comes here to fill in. This would be very valuable for all involved.”

Contact **Brian Shipper** at [brianshipper@yahoo.com](mailto:brianshipper@yahoo.com) or 604 338-4494 for more information on Odd Squad Productions.

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# The third way forward

## *Alternative policing or private sector in disguise*

by Gregory Saville

**In the last issue of *Blue Line*, Robert Lunney described the economic crisis as an ominous threat hanging over Canadian policing. He outlined a “Third Way forward” in the form of the not-for-profit, social enterprise organization. This article describes the formation of that model and how it works.**

The Great Recession of 2008 has led to enormous challenges for our economic and social life. Economists still have a profoundly negative outlook for the immediate future and police budgets are under scrutiny. The *Globe and Mail* recently quoted Alok Mukherjee, Chair of the Toronto Police Services Board: “I’ve been trying to raise this issue for years. We are sort of going along merrily in this fashion but at some point we’ll come to a reckoning. It’s unsustainable.”

Police finances are being cut to the bone. Service delivery has suffered and whatever efficiencies can be squeezed from an already tight budget have been exhausted. The situation for officers on patrol is equally demanding. Every new piece of legislation and regulation increases processing time and paper work. Some officers comment that paper work now trumps street police work.

### Early attempts to streamline

In the 1980s police services implemented differential response (sending some complaints to other agencies or private companies). For example, in some communities police do not respond to minor traffic accidents since those are now processed by private Collision Reporting Centres that handle the reports and insurance claims. Many are not aware those functions were once the sole province of police officers.

Civilianization also gleaned efficiencies. Civilians replaced sworn police officers for administrative duties. However, non-sworn civilians in those roles were, or became,

public service employees incorporated into the police budget, a budget that is nowadays unsustainable. Private sector organizations accustomed to maximizing efficiencies were rarely involved.

### Crass privatization

Police chiefs already hire private security to help with selected duties, such as special event security. However there are two reasons this is a poor choice for full-scale alternative service delivery. First, thus far the role of security has been minor and, as a result, has had only a small impact.

Second, purchasing private security for single source jobs is a far cry from what is currently underway in places like the UK. British police chiefs are currently privatizing large segments of police work. Training, accountability and quality are decided on a contract-by-contract basis with no national standards.

### The social enterprise

The Third Way forward is a new form of not-for-profit organization called the social enterprise, which adopts a mandate to provide social benefit to the community.

Not surprisingly, not-for-profits pay salaries to employees. They also cover standard costs for operations and programs, just like any other organization (including police). That does not make them “for-profit.” Instead, unlike private corporations, not-for-profit costs must be visible. While proprietary ownership, profit margins and even executive salaries can be kept invisible inside the private corporation behind what is known as the corporate veil, that is generally not the case in the not-for-profit.

The social enterprise has a transparent veil. Is it possible for not-for-profits to hide fees and defer operating costs so they turn a shadow profit? The rare exceptions that do exist are not the rule and it is never good prac-

tice to base social policy on exceptions. More importantly while shadow profits are possible with any organization, in not-for-profits that is a breach of the law. In the social enterprise described below, “profits” go directly back to the community in the form of crime prevention programs, community safety research and police leadership training.

### The Civic Protection Institute

The concept of a Third Way has been discussed for the past year at national conferences on the economics of policing. The concept evolved significantly this summer with the formation of Canada’s first not-for-profit social enterprise. The Civic Protection Institute (CPI) was established to provide professional procurement services to police agencies. Its mandate is to establish a competent pool of private security companies vetted for quality standards. Where national standards do not yet exist, CPI will work with national organizations such as the Police Sector Council to establish them.

The CPI is not a security provider per se but rather a buffer between the private and public sector with professional expertise in police services, public safety, procurement and professional security.

One mandate of the CPI is to avoid police layoffs by creating efficiencies in ways not possible in the present system. This is done through a comprehensive vetting process for private security services that can be deployed to non-core police duties. Public police officers currently drawn away from core duties can then be reassigned back to core duties such as problem-solving high crime areas and incident call response.

Another mandate of the CPI is to build an electronic library of best practices in order to retain public safety innovations from one contract to the next. Currently private firms on contract have exclusive ownership of their own innovations and procedural

improvements. With a social enterprise these innovations become public property. The CPI will administer an on-line library available to public safety agencies nationally of best practices over time for continual improvement regardless of what company is contracted.

The following answer further questions about the Third Way.

**Q:** Isn't this a matter of reallocating budgetary funds? There is money elsewhere to make up the shortfall.

**A:** Not really. True, to a point some efficiencies can be found, but that point is narrow and vanishing by the day. Most chiefs have already found them and there is very little squeezing left. Among the many strained lines on the municipal payroll – roadways, garbage, schools, water, public transit - police typically represent one of the largest items in the budget. With falling crime rates it is difficult for politicians to justify increasing police budgets while schools, roadways and garbage pick-up is cut back.

**Q:** Security guards are not trained nor qualified at the level of public police. Should they be doing core policing duties?

No, they should not. The social enterprise concept does not suggest that. The UK has been adopting full-scale public police/ privatization. The CPI social enterprise was established as a Third Way forward to provide a coherent and measured way to create a private/public hybrid. It does not compromise safety but rather enhances it.



**Q:** How is the social enterprise different?

**A:** A social enterprise provides a middle-ground for introducing market forces of efficiency and competition into policing while still ensuring consistent national standards of training, accountability and deployment. The CPI social enterprise uses a technical advisory committee and a board of directors comprised of notable Canadians and Canadian policing leaders.

**Q:** How does this ensure high standards?

1. The CPI works with national organizations, such as the Police Sector Council, to establish training, hiring and employment standards that will apply across the country. Any security company successfully vetted by CPI will enter a qualification pool of companies available to bid on contracts.

Requiring standards in contracts does not ensure those standards are sustained over the life of the contract. In the CPI this is a

regular part of the corporate mission. That is not typically the case in private security firms.

2. Compliance audits using forensics, electronics and inspectors in the field must occur prior to contracting and also during the course of the contract. Obviously private security companies may claim they satisfy national standards, but self-declarations are hardly proof of compliance.

**Q:** Why not just hire private security on a contract-by-contract basis through normal purchasing procedures?

**A:** Some police services are un-reflexively contracting out services to large international security corporations of shifting ownership, thus diluting their brand and losing their institutional expertise and memory. This process, unchecked, may quickly ensure that public police organizations become private corporations.

Other police services are pressured by populist politicians to take a meat axe to their organizations and amputate a percentage of members. Many in the Canadian police community feel that both these options are knee-jerk reactions to the real and ongoing financial crisis in public safety. The social enterprise is a more coherent and measured way to move forward.

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Gregory Saville is a criminologist, former Ontario police officer and executive director of the Civic Protection Institute. Visit [civicprotectioninstitute.org](http://civicprotectioninstitute.org) for more information.

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## Intergraph® Business Intelligence Helps City of Calgary Answer Emergency Calls Within Six Seconds

by Mark Patrick

The City of Calgary Public Safety Communications (PSC) shows what agencies can achieve by applying smart technology to their workflows. When PSC wanted to reduce emergency response times, it selected Intergraph®'s Business Intelligence for its ability to deliver insightful analyses and in-depth reporting to measure and optimize operations. This enterprise software has significantly shortened the process of generating reports, and has enabled the agency to quickly identify and respond to critical situations.

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to citizens across Canada who rely on first responders for life-saving services. PSC had set a target Grade of Service to answer calls within 15 seconds, 95 percent of the time. In 2011, the agency surpassed their target, reducing the average answer time to just six seconds.

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# Working inside Canada's prisons

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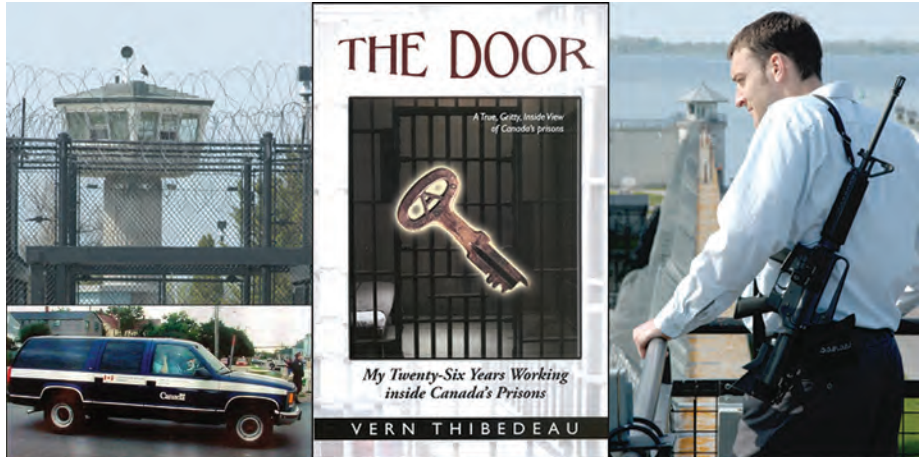
by Vern Thibedeau

We were assigned to escort several prisoners to the Armed Forces Hospital that cold January day – little did we know we would be on duty for the next 24 hours! Boss Arnie, Ron and I met to discuss how best to handle the inmates. Arnie felt it would be awkward applying and removing restraints to so many inmates so we ended up not even taking the equipment with us.

We decided Arnie would search the inmates and I'd stand in the strip and watch them come out. From this position, I'd be able to see them until they reached Ron, who was waiting at the south end of the main control, and he could eye them until they were in the van. The idea was that once they were searched, we didn't want another inmate passing anything to them.

A few inmates wore only their green jackets and were already shaking. Wouldn't you know it, shortly after pulling out, the heater quit; with the hospital only 20 minutes away, we decided to keep going – big mistake.

The windows soon iced up. I noticed two inmates acting a little strange, whispering and looking around. My stomach began to tighten; I knew something was going to happen. My best guess was they were waiting for us to slow down for a left turn so they could leap out. There would be a vehicle waiting to pick them up. The problem was that I couldn't get the attention of



the guys up front and didn't want to yell at them – I could be wrong and didn't want to make a fool of myself.

Suddenly Hein pointed his arm toward Arnie and BANG! I was sure it was a starter pistol and braced myself to jump him. Hein spun around after firing and pointed the pistol at me and that's when I realized it had ejected an empty casing. Starter pistols don't eject casings. In the same split second, I remembered seeing a small hole in the windshield that hadn't been there earlier.

Looking into the barrel my mind screamed, "Christ almighty, I'm going to be dead!"

"Sit the fuck down or you're a dead man," Hein screamed. Believe me, I sat! I didn't know

if Arnie had been shot; thankfully, he had not but it was close enough that he had powder burns on his cheek.

So there we were: a driver, three correctional officers and six convicts, one armed, and we didn't know who else may be involved. We were clearly in trouble. I watched the inmates and the traffic, still expecting a car to pull alongside. I was scared witless. If the inmates planned to jump into a car, they would have to keep us quiet so they could get away.

Hein began waving his pistol and screaming at the driver to keep going, which meant there was no vehicle coming – at least not yet. This was good for us, at least for now, I thought to myself. Hein ordered me to very carefully move to the front of the van and not to do anything stupid, stating that he had a lot of time left to do and there was no way he was going back in.

I was sorely tempted to grab his gun and wrap it around his head. He wasn't much bigger than me but I didn't know if anyone else was involved. Someone might jump on my back and there would be hell to pay if someone was shot, staff or (especially) an inmate.

I eased up to the front and plopped down beside Ron. Hein put the gun to my head and quietly warned, "Don't do any screwing around, Thibedeau, or somebody will be fucked and it sure as hell won't be me!"

Once I cooled down a little, I tried to recall how much life insurance I had and desperately wished I had bought more, knowing I would probably never see my family again. I started getting mad again, even though I repeatedly told myself that's not a good thing to do with a gun to your head.

We drove to an unfamiliar area and I was soon lost. Hein ordered the other inmates – even his buddy Pasqua – to move to the back of the van and keep their mouths shut. He wasn't out to do them any harm, he said, and once we stopped they could either stay or leave.

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Shortly after things calmed down, Ron began fidgetting and said he was going to have a smoke. That's when it struck me. Hein was a smoker but bummed a cigarette from Ron so the pistol must have been hidden inside his tobacco pouch.

We spotted two or three police cruisers and I couldn't fathom how they didn't notice us or set up a roadblock. We found out later someone in the institution had given the police the wrong plate number – can you imagine?

A couple of the inmates felt the call of nature. Their sympathetic buddy told them it wasn't his problem and they could piss on the floor if they wanted. I almost felt sorry for them; I imagine they were almost as scared as we were.

I badly wanted a cigarette but wasn't going to ask a convict if I could smoke so I reached very slowly into my shirt pocket and eased out my cigarettes. I later found out I almost died for that smoke.

Hein jerked the gun up to the back of my head when I reached inside my parka, Pasqua told me later, and his finger whitened from the pressure he was exerting on the trigger. Even though we were almost never armed on escorts and never around inmates, Hein wasn't convinced.

After driving for a couple hours, Hein told the driver to pull over after the next curve. This is it, I thought. There's no way he would leave us to turn in the alarm. He was going to force us over a snow bank and shoot us. Our best and maybe only chance would be to jump him while we were getting out. Luckily, it didn't come to that.

We spotted a hydro truck and a crew of workers – a beautiful sight. Hein freaked out, jumping around and hollering, "Keep going, keep going, don't stop!"

Eventually we saw a sign for Ottawa and the closer we got, the more agitated Hein became. He started prancing up and down the aisle, waving around his gun and saying how he would rather die than go back inside. He really didn't care much for Collin's Bay, but then I didn't either.

Hein began barking orders at the driver – slow down, speed up, be careful how you turn – apparently worried he was trying to catch someone's attention. Finally Hein guided us into the parking lot of a large mall and made us park at the far end. The driver shut the van down and we just sat there.

Hein started pacing again and stared out the windows. So here we were, right back where we had started; how was he going to get away without us raising the alarm? Suddenly he seemed to reach a decision, pointing his gun and ordered us to hold our hands behind our backs so Pasqua could tie us up. We had better not give him a hard time or things would end differently, he threatened, adding "All I want is to be left alone and to get the hell out of here." That sounded fine with me; I just hoped he was being truthful. After all it would have been a lot easier and safer for him to just shoot us.

Pasqua hustled around taping our hands with, believe it or not, electrical tape. Hein glanced at the cons sitting in the back, hesitated and then told them he didn't care what they did but stressed that if anyone got out of the van before he was gone, he would shoot. I, for one, believed him.

He was getting tenser all the time but I was beginning to think this just might work out all right – at least for us!

I started working on the tape as he stepped outside and just stood there.

I had my hands free within a minute or so and considered jumping him, figuring at least one of the other guys likely had their hands free, but there were a few kids in the area and people passing through. He might manage to get a shot off – and one of the inmates might warn him. I didn't realize it at the time, but three people were going to get shot anyway, so maybe I should have jumped him.

Hein was gone in short order. Arnie and I tore into a store and phoned the police; they swarmed the area in very short order. Eventually we were escorted to the station and the other inmates locked up; not one of them took off. We ended up staying because there was nowhere else to go and besides, we were still responsible for the other cons... and the police had coffee and washrooms, both of which we needed desperately!

Arnie contacted the institution and we phoned our families and let them know we were alive and hopefully would be home soon. It didn't take us very long to start feeling uncomfortable. We got the distinct impression we weren't very welcome – and then word spread that Hein had shot a police officer. The news hit me like a ton of bricks. The officer was shot in the chest. Although badly injured he would likely survive. Hein took his side arm.

It was clear now we were not welcome. On one level, I could understand their feelings.

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After all, we were responsible for this guy and he did get away – but we were all peace officers doing a job and the guy that got away was the criminal – not us. At least in our minds, we had done the best we could with what we had.

I didn't realize just how bad the feelings were toward us until the lead detective came in, climbed up on a chair and bellowed that he had something to say. Everyone froze and turned to stare at him.

"You're all acting like a bunch of assholes," he said. "I'd like to see any one of you get into a van with a bunch of cons that are not chained up and doing God only knows how many years and then doing it without your guns. There's not one of you that has the guts to do that and these guys do it every day, so stop acting like a bunch of heroes; there's not a damn one of you that would do that job!"

We just sat there with our jaws hanging down. He climbed down off the chair, said he was glad to meet us and promised to return shortly to have a coffee – and he did. I wish I'd had the presence of mind to thank him.

Things improved somewhat after that, although we still weren't welcomed with open arms. Word came that Hein had shot another officer. We were told the doctors figured he would be okay and I thought, God, please let that be true. Hein also shot a civilian in the arm.

I kept feeling lower and lower. Being wiped out didn't help either. It was around nine or ten by then and we'd been going since 6:30 or so. Somewhere around 11:30 or so we were told they had Hein – alive.

Apparently, when they caught up to him, he

did what most of these heroes do – threw down his gun and put up his hands. So much for his, "I'm not going back to do any more time; I'll be dead first!" I guess prison didn't seem like such a bad choice after all.

We eventually made it back to the Bay and surprising even myself, I was glad to see the place. We couldn't just jump into our cars and go home. The inmates had to be put into segregation and naturally, we had to retell our story several times. The assistant warden even showed up, said he was glad we were okay and told us we could take the rest of the day off. How nice – we had only been on duty 24 hours straight!

Believe it or not, no one came to the house or even phoned to inform my wife Sheila that I was missing. So much for their precious next-of-kin forms. I've often wondered what would have happened if I hadn't made it home. Sheila had been going about her normal day when our neighbour rushed over to ask if there was anything she could do to help. That's how she found out.

The media reported that we were missing but she didn't have the radio or TV on that day. Her memory is a little hazy but she's pretty sure I called to let her know I was okay shortly after the neighbour showed up and that someone from the institution may have phoned shortly after I hung up, but she isn't sure. Another lucky thing in our favour was that the kids weren't home, so they didn't know anything about it.

I had a couple of drinks, explained everything to Sheila and went to bed. Sheila woke me two or three hours later to tell me an OPP officer was on the phone and had to talk to me.


We didn't have much of a chat; he said they had to write up their reports and needed us at the Bay. Well, so much for a day off.

The next morning at 0640 hours or so, like a good little soldier, I reported for duty – and wouldn't you know, I was on escort. In fact, my next few shifts were escort. Silly me, I just took it for granted they would have given me another post. I was very uneasy on escorts for several years after this little episode.

I was told the institution discovered we were missing when the Armed Forces Hospital phoned to ask why the inmates hadn't made it to their appointments. Several staff, on their own time and with their own weapons, drove around checking the alleys, expecting to find us either tied up or dead. I'm very happy to say they were wrong.

Arnie and I never did discuss that escort but I wish we had. It didn't take long for the post orders governing escorts to be rewritten. One of the burning questions was where Hein got the gun. About a week or so after the escort, a rumour started to circulate that an officer had brought it in. Apparently he was in dire need of money and was well paid to smuggle it inside. Also, we heard that when police confronted him, he broke down and started to cry. I can't say this is true but he did stop coming to work and, as far as I know, no one ever saw him again.

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# WHERE THEORY AND PRACTICE MEET

by Bart Cummins

You never know what can come out of an informal suggestion over coffee – the police and justice studies program at Thompson Rivers University (TRU) is a shining example.

Then RCMP member Brian Cassell sat down with Andrew McKay, then TRU Continuing Studies Director, in 2004 and floated the idea of a police academy. He believed the BC Interior needed one and Kamloops would be a perfect location.

After four hard years of prep work – which included needs assessment research, getting the go-ahead from the university, finding money to buy equipment, writing the curriculum and hiring faculty – the first cohort of students began classes in the fall of 2007. Students balance applied policing courses and required academic studies in business, compositional English and presentation skills, philosophy, political science and sociology over a two year program.

June 2012 saw the largest graduating class to date. Where these 31 students end up working or how they choose to continue with their schooling is part of the program's appeal. Graduates have a competitive advantage in applying for entry-level police and other justice-related positions or going into degree programs such as bachelor of arts or business administration.

Graduate Brad Walsh (2012) chose to apply to the RCMP's six-month training program. Being accepted into Depot was a dream come true.

Walsh found the blend of hands-on and academic training put him in a better position to be a well-rounded officer. The sociology, psychology and even philosophy provided the understanding needed to better interact with people of different nationalities and walks of life – something that's becoming increasingly important.

"The academic courses give you an understanding of what to expect with people and why they act they way they do," said Walsh.

"You begin to see how all the courses are all connected and how society is connected. You come away with a better idea of why problems occur." McKay said, "Academic courses are important because they increase the laddering opportunities for students who choose to finish a degree. Students gain a stronger foundation as informed citizens and these courses require our students to take classes with the larger university community, rather than always being isolated as a cohort."

Jennifer Avis is taking a different route to a policing career. After graduation she will take a criminology degree by distance through Royal Roads University.

"At first I wanted to be a sheriff but now I want to go into policing," said Avis, who also works as a loss prevention officer. It was that job and the police and justice studies program



The 2012 Thompson Rivers University Police and Justice Studies graduates pose with instructor and former Mountie Brian Cassell.

that helped change her mind.

"In my job, I like seeing what it is in their lives that brings them to where they are stealing. A lot of times they just need to be pointed in the right direction, know that there is help for them."

It's at the time of apprehension that Avis is able to offer guidance.

For those who aren't as self-directed or are younger than the minimum age needed to apply to the RCMP, the TRU program has become an avenue to test the waters and gain experience at the same time.

"This has exceeded my dreams and I never thought it would be as successful as it

is," said Cassell, who became an instructor in the program and retired from the RCMP. "It has exploded more than I thought possible."

Part of the explosion is because the instructors teaching the policing portion bring a wealth of real-life stories that help illustrate concepts and put the theory in context. The academic courses help develop the critical-thinking skills needed to police today, where officers require grace under pressure and the ability to successfully interact with people.

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# SAFER MOTORCYCLE PATROLS KEY GOAL TO COMPETITION



by Paul Cabral

The Great Lakes Motorcycle Training Seminar has grown in participant numbers and popularity since its establishment in 1999, drawing motorcycle officers from both Canada and the US.

The name 'Great Lakes' reflects the geographical area the competition encompasses and the agencies and organizations that assist in host-

ing each year. Deeley Harley Davidson is always at the forefront as the event's major sponsor.

Since its inception the seminar has had four main goals:

- 1) Establish and promote safe motorcycle riding skills within the police community.
- 2) Promote awareness of the police motorcycle officer in the public arena as safe and responsible.
- 3) Establish a cohesive fraternity and

encourage kinship in the law enforcement motoring community.

- 4) Support local and regional charities affiliated with police. The competition is divided into three divisions, novice, intermediate and expert riders. All use Harley Davidson motorcycles, with and without fairing.

The competition has three main components. Seven to ten cone patterns, a slow ride pattern that demonstrates balance and control riding as slowly as possible and finally the "challenge ride," which is a fun and dynamic course that riders are not allowed to practice. There are other challenging competitions; a partner ride competition where two motorcycles are tethered by an 18" cable and an elimination course appropriately named "last rider standing." This year's seminar was held August 8-11 at the Ontario Police College (OPC) in Aylmer, Ontario. The Great Lakes Committee chose the OPC as it was celebrating its 50th anniversary in police education and training. This year's seminar attracted 85 motorcycle officers from Canada and the US.

Congratulations to Chuck Kaizer of the OPP on winning the 2012 championship and James Mulligan of Ottawa Police on winning the 2012 novice skills competition. The Great Lakes Motorcycle Training Seminar for 2013 will be hosted by the Ottawa Police Service August 7-10.

Visit <http://www.glpmts.com/index.html> for more information about this and next year's event.

Paul Cabral, a constable with the Waterloo Regional Police, can be contacted at [paul.bagger1500@gmail.com](mailto:paul.bagger1500@gmail.com).

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Cst. John Rotheisler  
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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.



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"[Policing and the Law of Human Rights] was subject matter that I had no prior knowledge of. I found it very enlightening. It will be useful in dealing with issues in the workplace."

Cpl. Beth Philipp, RCMP, Camrose, AB

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# Officers recognized by Canadian Bankers Association

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Since 1972, the Canadian Bankers Association has honoured 223 Canadian police officers. The Award is presented annually at a formal ceremony at the annual conference of the Canadian Association of Chiefs of Police.

## 2012 Honourees

The 2012 Canadian Banks' Law Enforcement Award (CBLEA) was presented to the following outstanding officers:

### Detective Brian Hollingsworth, Calgary Police Service, Robbery Unit

Det. Brian Hollingsworth was awarded the CBLEA in recognition of his role as the



Det. Brian Hollingsworth



Cst. Derek Wickett

primary investigator in a string of aggressive and violent, "take-over style" bank robberies.

From January to March 2011, three financial institutions in the Calgary area were held up by a gang of armed and dangerous bank robbers. There was a lull in activity until four more financial institutions in Calgary were held up in August and September of the same

year. The bank robbers were extremely violent to both staff and customers.

Hollingsworth was assigned as the primary investigator in the case. Hollingsworth's breakthrough came from DNA found in a stolen car used in one of the robberies. Armed with the identity of one suspect, Hollingsworth and his team were able to apprehend the suspects.

Hollingsworth apprehended and charged the suspects with mainly circumstantial evidence, which speaks volumes of his investigative ability and dedication. His commitment over the eight month period of the operation led to the arrest of dangerous criminals and brought an end to the violent string of bank robberies.

### Constable Derek Wickett, Ontario Provincial Police, Bracebridge

Cst. Derek Wickett was awarded the CBLEA in recognition of his role in uncovering a sophisticated cheque fraud scheme and apprehending the criminals involved.

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In September 2011, a call came into the Bracebridge Detachment of the OPP, reporting a suspicious cheque that was deposited for a large sum of money. Wickett responded to the initial call: a woman was depositing a cheque and claimed to be starting a new business, having all the paper work and proper documents. The bank's security team quickly determined that the cheque was stolen, the business was fictitious and the woman was using false identification and papers. In total, five banks in the area reported similar incidents.

Despite the fact that no other specialized police investigators were available to assist in the case, Wickett was able to quickly determine that all five bank frauds were committed by the same woman. The break in the case came when a bank manager called to say the woman had set up an appointment to open an account. Wickett apprehended the woman as she was leaving the bank.

What made the case so extraordinary was that a lone school liaison officer was able to crack the case, using a high degree of resourcefulness and investigative ability. Wickett's perseverance and commitment to the case led to the apprehension of a well-organized criminal group and ended a complex, multi-jurisdictional fraud scam.

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Contact: Vanessa Carr at (416) 362-6093 x234 for more about the award.

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## Sergeant Bruce MacPhail Award for Academic Excellence – 2012

Detective Gil Hughes of Durham Regional Police Service is a 26 year policing veteran. Gil commenced his policing career in 1986 and has performed duties in uniform patrol, plain clothes, Drug Enforcement Unit, Youth Bureau, Criminal Investigation Bureau and Major Crimes Units. Gil was promoted to the rank of detective in 1997 and has performed Detective Sergeant duties over the last ten years.

Gil was the supervisor of the original Oshawa Community Response Unit. The success of the unit created the implementation of similar programs within all six of the organization's policing divisions. Gil has also been an investigator in the DRPS Hold-Up/ Robbery Unit, Homicide Unit, Professional Standards Unit and is currently a member of the Sexual Assault & Child Abuse Unit.

Gil holds a Criminology degree from Carleton University and has furthered his education at the University of Toronto. In 2002, he was the American Society of Industrial Security (ASIS) recipient for robbery investigations. In 2004, Gil



received a commendation from the Durham Crown Attorney's office for investigative excellence. In 2007, Gil received the House of Commons award for bravery after saving a man from a burning vehicle. Gil is a part-time professor in the Durham College Police Foundations program. His experience and

investigative knowledge provides potential recruits with insight on interviewing, interrogation, investigations, criminology and ethics. He currently is a volunteer with the Durham Children's Wish Foundation and has coached hockey and baseball in the Durham Region.

Gil attributes his professional accomplishments to his strong and supportive family. Gil enrolled in the Dalhousie University Leadership program in order to develop new skills while supporting the DRPS' commitment to continuous learning. Gil finished the Police Leadership Certificate with a concentration in Administration and plans to complete the Advanced Leadership Certificate in the near future.



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# No silver bullets... No magic recipes

## Police mental health programs must fit the region

Generally, when you hear the phrase “Tis the season” it means Christmas is coming. However, Christmas isn’t the only activity that appears to create a seasonal flurry of activity.

In my own little area of practice, I notice that every now and then I get a flurry of requests and questions about how to create some kind of organized police response to people with mental illnesses. I note that these requests often come on the heels of some high profile and generally negative event where something bad happens to a person with a mental illness in an interaction with police. Recently, this area seems to have hit the press a lot – again – and so I am getting calls (and happy to get them, I will add).

Life would be easier if there were some definitive one-size-fits-all, tried and true model guaranteed to suit all need, but like everything else in policing, one size does not generally fit all. I just came back from a visit to Cape Breton and I gotta tell you, I would be very surprised if the models they use in downtown Toronto would work very well there.

Kelowna is not Trois Rivieres. There are differences in geography, population and population density, available resources – of both the policing and the mental health variety. Community relations, cultures and community expectations are different... pretty much everything is different.

I suspect you knew this already.

So if you are one of the many police services developing, thinking about developing, thinking about revising or revisiting, or even thinking about thinking about an organized



response to situations involving people with mental illnesses, here’s my two cents worth about where to start:

1. Check out the website [www.pmhl.ca](http://www.pmhl.ca). Sponsored by the CACP, it has a ton of info about police/mental health activities. It will give you an idea about what’s out there and where to start.
2. Also check out the Contemporary Policing Guidelines for Working with the Mental Health System—available at <http://pmhl.ca/webpages/Tips.html>
3. Based on #2, start thinking about your own local needs, what drives the need for a service in your area and your relationship with the local mental health agencies. The most important consideration in developing a program is to make sure it fits your jurisdictional needs. As noted, a model that works in one area may not be the best for another area.
4. Before you even start developing a program, get data. How many calls do your officers handle? What types are they and how do they play out? If the problem is one of frequent brief encounters with homeless people with mental illnesses, that is a whole different problem than dealing with frequent crisis situations. Is the issue that your

officers spend too much time cooling their heels in the ER? Maybe you have generally bad relations with the mental health system and they give you grief about everything? Maybe the mental health people are a five hour drive (or flight) away? What is the biggest pressing need?

5. What is your goal? You will never know if you have reached it if you don’t know what it is to start with. Many programs developed in the US aim to decrease the number of injuries and deaths in interactions with people with mental illnesses. If your community hasn’t had any injuries or deaths, this might not be the best model for you. Why solve a problem you did not have to start with?
6. If you have gotten as far as sorting out data and goals, then you can start planning. First, who are your community partners in this? Obviously, you need to include the mental health people but which other agencies? How about paramedics? ER? People with the lived experience of mental illness need to be included. There may be other local agencies that should be part of the effort. At least one jurisdiction I know of has included the parks and rec people because that’s where a lot of the calls originate. How about subsidized housing people?
7. Then there is the whole issue of choosing a model. Unfortunately, for many police organizations, this seems to consist of “Let’s develop a CIT team” (aka “the Memphis Model”). Don’t get me wrong – I am a big fan of the CIT model but I also like the mobile crisis response model, the sequential response model, the co-response model, the advanced patrol training model, the “let’s-not-have-a-formal-model-but-just-work-better-with-our-community-partners model...” There’s even the “we have unique considerations here and will develop our own model” model. The important thing is to really think about your local needs, explore the existing models and choose wisely. (You can find brief descriptions of these models at <http://www.pmhl.ca/webpages/Workingtogether.html>). There is no doubt the CIT type approach is the best developed and mostly widely researched – and it might be just the thing for you – or it might not be.
8. Training is key – but it is not everything. If you read a lot of inquest and fatality reports, you’ll get the impression that training cures all ills. Hah. Training is good and essential – but it is not the be-all and end-all. Training applies not only to police but to your mental health partners. Most do not have a clue

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what goes on in policing. You need to educate them, just as they need to educate you. However, training is not going to be done in an hour – or even a week. There are lots of good training resources out there; you need not reinvent the wheel. I suggest you check out the document *Police Interactions with Persons with a Mental Illness: Police Learning in the Environment of Contemporary Policing*, which is available at <http://www.mentalhealthcommission.ca/English/Pages/ThePoliceProject.aspx>. It is a couple of years old now but it will give you an idea of what some of your colleagues are up to – and most importantly, it provides a prototype for what the ideal education and training look like. It will give you someplace to aim.

9. Choose a strong leadership team – both in your agency and local community. In policing, being assigned to the mental health team does not have the cache of ERT or major crimes. However, that does not mean it should be the place you send your problem officers. If you play your cards right, people will be fighting for a place on this team – ask some of the jurisdictions with well established teams.
10. Once you get started, monitor, measure, count... is it working? What are the effects? How is the community reacting? I refer you back to item #2 – setting goals. Were you able to achieve them – or are you even heading in the right direction? Were

there unexpected effects of the program, good or bad?

11. Finally, talk to your colleagues across the country. On the aforementioned pmhl.ca website you will see info on how to join a listserv/electronic mailing list which will provide you with ready access to police officers and mental health folks from Toronto to Nunavut, Sydney to Victoria, some who have been doing this work for decades. They are your resources – use them!

Darn. I was hoping I could make this a Top 10 list but there appear to be 11 items. Oh well.

Personally, I think the biggest challenge in this whole process is figuring out what your local goals are. I was recently approached by an extremely small and remote area where there had been a death some years ago. Their goal was to prevent another death. This sounds good – but given that there had only been one death in the area's history, you can bet that even if they don't do anything, the likelihood of another death is virtually zero. This does not mean you should ignore the problem; it means you need to be very clear about why you are doing whatever you plan to do and what effect you want it to have.

Not as easy or obvious as it sounds!

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Dr. Dorothy Cotton is *Blue Line's* psychology columnist, she can be reached at [deepblue@blueline.ca](mailto:deepblue@blueline.ca)

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# A national mental health strategy

by Danette Dooley

The Mental Health Commission of Canada is rolling out its first ever national mental health strategy, which is aimed at improving the mental health and well-being of all Canadians.

Canada was the only G8 country without such a strategy, says commission CEO Louise Bradley.

“We now have a blueprint, a very good one, and I think it’s now something that people with mental illness and their caregivers and the health care system and families can point to and say ‘this is what a good mental health system should look like and what it should provide.’”

Bradley was in Australia in August speaking about the strategy during a conference in Cairns organized by Australia’s Mental Health Services.

Bradley also met with mental health experts, government officials and media in several cities in Australia and New Zealand to talk about the strategy and share experiences about different approaches to mental health issues.

Bradley says the publication of the document, titled *Changing Directions, Changing*



Photo Courtesy the Mental Health Commission of Canada

*Lives*, draws on the experience, knowledge and advice of thousands of people across the country, including police forces.

The strategy has been in the planning

stages for years, she says.

“We wanted this to be about, for and by Canadians so we consulted with literally thousands of people across this country, some of whom are police officers, some of whom suffer from mental illness themselves, their families, caregivers and the media.”

Bradley says the strategy will help the commission move forward and improve a system that “desperately, desperately needs changing.”

A native of Newfoundland, Bradley has spent a significant part of her career working in corrections, health care and forensic mental health.

She’s familiar with the challenges faced by people who work in the justice system in dealing with people with mental illnesses.

The strategy acknowledges the important role police officers play within the mental health system, she says, as oftentimes police are the first point of contact for people who are mentally ill.

How people are treated by the justice system can have a huge impact on their lives, Bradley says.

“As first responders, police have a huge challenge. Finding ways to provide (police) with the right supports and the right education and understanding is going to be absolutely critical in the ways that we currently deal with people with mental health problems in every province and territory,” Bradley says.

While the majority who come in contact with the law find police officers helpful and compassionate, Bradley says, some say that was not the case.

“I don’t think we’ve done a very good job of providing them (police officers) with the tools and skills that they need to deal with

A promotional graphic for the Legion. At the top, a red banner contains the text "Faces of The Legion" in white script. Below this, the word "LEGION" is written in large, bold, black letters, with a red poppy flower icon above the "O". To the left of the main image, the slogan "SERVICE IS OUR MISSION" is written in bold, red, italicized letters. The central image shows a collage of five people in various Legion uniforms: a man in a blue uniform with a beret, a woman in a blue uniform with a cap, a man in a red jacket and tie, a man in a red uniform with a hat, and a woman in a blue uniform. The background is a light, cloudy texture. At the bottom left, the website "www.LEGION.ca" is displayed with a red poppy icon above the "O". At the bottom right, the text "or call Toll Free: 1-888-556-6222" is shown in black.

a large component of their work. I think that we really need to concentrate on trying to do a better job of that.”

Bradley feels police forces are moving in the right direction in ensuring officers are adequately trained for their contact with people with mental illnesses.

She’s attended Canadian Association of Chiefs of Police conferences where mental health issues have been on the agenda, she says.

In addressing gaps in treatment programs, the report recommends that more supports should be provided to people with mental illnesses who come in contact with the law.

“I’ve worked in various correctional systems across the country and know only too well that the problems that we face in general are multiplied many times over for people who end up in the justice system.”

The commission launched the new strategy in May. While the response has been “incredibly positive” Bradley says it’s up to the provinces and territories to draw on the information contained in the report.

The strategy is broad enough so that it can be tailored to the needs of each province and territory, she says.

“We are now in the process of doing a launch in each and every province and territory... we’re trying to figure out what we can do to work together on this. Many provinces are facing the same issues but, of course, the issues that you are going to find in Nunavut



are going to be different from what you’ll find in Toronto.”

While provinces are responsible for health care, Bradley says, partnerships among provinces and territories will be the key to success. The commission is there to help in making connections, she says.

“It will be a colossal waste of time if jurisdictions try to go this on their own. There are too many commonalities. There is too much to be learned from each other. There are programs in every single province and territory that other provinces should be learning from and with each other and tackling these problems overall.”

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

## Strategy Recommendations

1. Promote mental health across the lifespan in homes, schools and workplaces and prevent mental illness and suicide wherever possible;
2. Foster recovery and well-being for people of all ages living with mental health problems and illnesses and uphold their rights;
3. Provide access to the right combination of services, treatments and supports, when and where people need them;
4. Reduce disparities in risk factors and access to mental health services and strengthen the response to the needs of diverse communities and Northerners;
5. Work with First Nations, Inuit and Metis to address their mental health needs, acknowledging their distinct circumstances, rights and cultures; and,
6. Mobilize leadership, improve knowledge and foster collaboration at all levels.

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# PEOPLE IN CRISIS

## *Encouraging positive mental health encounters*

by Tom Wetzel

No matter where they work, police officers will likely encounter individuals with mental health handicaps ranging from depression to paranoia. Contacts may involve people in a crisis or committing crimes. How officers respond may influence whether force is used, criminal charges filed and what kind of follow-up treatment a person receives.

A significant amount of effort has gone into better preparing police to address and assist citizens with mental health problems but much more can be done. This will not only make officers safer, it will better serve those in need.

### Training

Academy training should include visits to mental health institutions to meet staff. First



hand encounters with those who spend entire shifts with temporarily institutionalized individuals can allow officers to better understand what a person in crisis is experiencing and how best to address them while still recognizing officer safety concerns.

Hearing from professional care takers and seeing the environments in which individuals may spend their time healing may increase officer

empathy for those they will encounter in crisis.

The value in ongoing verbal skills training is imperative. So much conflict is resolved through the calming presence of an officer who uses words and non-verbal actions to defuse situations where stress levels are high. This is valuable for so many situations but is particularly important for those in a mental health crisis.

Verbal skills training should be mandatory requirements in all training academies, if they are not already, and should be mandated as an annual block of training for all police agencies.

### More crisis response officers

Crisis response team officers are an excellent asset for every agency and they should earmark funds to ensure they have members trained and certified in this field. They can be particularly effective in crisis situations where a person needs to be talked down from harming themselves; trained officers can also be effective hostage negotiators if required to take on that role.

### Crown and court's role

To prevent persons from being misplaced in a criminal justice system instead of a mental health system, officers need to communicate with Crowns on situations where a particular "criminal act" is better addressed outside a court's walls. This can be accomplished through an innovative diversion program co-ordinated through the court for those who may get better results through supportive measures rather than punitive ones. It is difficult to put a bright line rule on these types of decisions and the interests of victims must be considered but if common sense sprinkled with empathy is applied, the interests of all involved parties can be well served.

Deeper appreciation from leadership

Whether through written correspondence or training efforts, police leaders can be

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especially effective in stressing the importance of serving those with mental health handicaps, as their actions will influence and shape their agency's culture.

A good consideration would include an agency's rewards and recognition efforts. Chiefs appreciate officers who are productive. Some of the measurements for that productivity are numbers of arrests or citations issued. An officer of the year award may go to the officer who had the most felony arrests. This is understandable and certainly appropriate in many cases but one manner in which police leaders can demonstrate their commitment to this effort is recognizing officers who best serve the mentally ill.

Also, when promotional or lateral positions become available, how an officer deals with the difficult circumstances of someone in mental health crisis should be considered when deciding who moves where within the agency.

Efficient and effective service to those clients with special needs is an important aspect of a police officer's role of "protecting and serving." These efforts show an agency commitment to making their community a good place to live and work.

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Tom Wetzel is a suburban northeast Ohio police lieutenant, trainer, SWAT officer and certified law enforcement executive. Contact him at [wetzel@blue-line.ca](mailto:wetzel@blue-line.ca) with your comments or for more information.

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## FORMER CHIEF MUST SERVE TIME

*(Blue Line News Week - 2012-09-07)*

Ontario's highest court has ruled that the founding chief of the Anishinabek Police Service must go to jail for breach of trust and taking secret commissions.

Glen Bannon's appeal of the 12-month sentence he received on June 9, 2011 was dismissed by the Ontario Court of Appeal.

The court endorsed the jail term imposed by Superior Court Justice Edward Gareau, saying that a conditional sentence, which would be served in the community, was not appropriate.

"We agree with the trial judge that a conditional sentence could not satisfy the principles of sentencing in a case where the appellant, a chief of police, committed fraudulent actions in his office from which he benefited financially over a number of years."

Bannon, who has been out of custody pending appeal, pleaded guilty in August 2010. The offences occurred between 1999 and 2004.

During that time, he derived benefits of \$142,437 from Highland Ford Sales. The court heard he sought and received benefits from the Sault Ste. Marie car dealership for showing favouritism to Highland in purchasing and leasing vehicles for APS and Ontario Provincial Police aboriginal policing.

In its decision, the appeal court said Gareau had taken into account the "Gladue factors" in Bannon's background when imposing sentence.



Gladue, a Supreme Court of Canada ruling, requires sentencing judges to consider the systemic and background factors of aboriginal offenders.

The appeal court noted Gareau had reduced the length of the sentence because of the Gladue factors and Bannon's history growing up.

Bannon grew up "dirt poor" on Fort William First Nation, often witnessed his alcoholic father abusing his mother and was subjected to racial prejudice.

In its brief decision released August 27th, the appeal court indicated it was concerned about Bannon's medical problems - he suffers from diabetes and kidney ailments — but said it had been told there are two provincial institutions that can accommodate his need for dialysis in a sterile environment.

The three-member panel also said the parity principle of sentencing wasn't applicable in these circumstances because Bannon was a public official and the car dealer wasn't. "Consequently, the appellant's misconduct was more serious."

Charges against a co-accused, former Highland president David Worth, were withdrawn in August 2010 as part of a plea bargain. A numbered company was fined \$100,000 after it pleaded guilty to giving a secret commission.

Bannon was the police service's first chief and a pioneer in First Nations contract policing, a position he held from 1994 until he was dismissed in 2004. (Sault Star)

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by Tom Rataj

# Payment technologies going high-tech

I encountered a few antiquated credit card payment systems (one can't correctly call them "technologies") during my summer travels. It took me back quite a few years to a time before magnetic stripes, "Chip and PIN" cards, wireless debit/credit payment terminals and emerging technologies.

## Impressions

Back in those pre-technology days, transactions were completed by inserting a credit card into a mechanical device along with a 3-part carbon or penetration paper receipt. A firm rubber roller was moved by hand over the combination, physically transferring the raised numbers and letters on the card onto the appropriate areas of the receipt.

The salesperson then removed the receipt, entered the date and totals by hand and the customer signed the top copy to authorise the transaction. Interestingly, from a law enforcement perspective, the customer always got the top copy with the original signature.

The merchant used the remaining copies to bill the credit card company and for book-keeping (which often actually involved real paper ledger books).

The companies took a week or more to process the transactions, certainly giving fraudsters plenty of time to rack up some tidy little sums. Busy merchants often skipped the process of calling to get a live customer service representative to authorise the transaction, further exasperating the processing delays.

## Magnetics

To streamline this slow, tedious process, magnetic stripes were added to the back of cards. They contain an electronic copy of the information on the card face which is read by an electronic terminal connected to a credit and debit card processing service. The account information is verified and overdrawn, lost or stolen cards are automatically declined.

This initial step into "technology" was reasonably secure during the first number of years, until fraudsters and organised crime groups managed to procure the necessary know-how and equipment to start producing counterfeit cards with stolen information.

This technology is still very commonly used around the world, although most first-world countries are slowly transitioning to newer technology for credit and debit cards.

## Chip and PIN

With Chip and PIN technology a small solid state chip is embedded into the body of



the plastic card. It contains encrypted data about the account and the card-holder that can only be read wirelessly by the appropriate terminal.

The user inserts the chip-end a few centimeters into the card-reader slot in the payment terminal, replies to several prompts on the terminal's display screen and keys in a personal identification number (PIN) associated to the account.

## RFID

Another version of chip technology allows the card-holder to simply swipe their card over a reader terminal to complete the transaction. No inputs or PIN's are required and the transaction is completed in a few seconds.

As with the Chip and PIN cards these cards contain a small radio frequency identification (RFID) chip that communicates with the terminal only when it's within 4cm. Everything is done using complex encryption technologies to prevent eavesdropping and data theft. The two predominant systems of this type are the Mastercard PayPass and Visa payWave products.

Yet another version of wireless payment technology replaces the credit or debit card entirely with a small electronic key-fob, designed to be affixed to a key-ring along with your car keys.

The best known versions of this are the Esso "SpeedPass" and Shell "easyPay." The key-fob is associated to a credit card account

and just needs to be swiped past the reader on the pump to complete the transaction, again speeding-up the entire process.

## NFC

Just when you thought debit and credit card transactions couldn't get any easier, along comes Near-Field Communication (NFC) chip technology on smartphones. Many phones from most major manufacturers are already equipped with the technology.

NFC works with the same basic technology as RFID equipped cards and key fobs and has the same range. A separate mobile wallet application needs to be installed to handle the financial transaction end of the business. Google Wallet was the first to launch, although many other systems, including one announced in the spring by CIBC, Rogers and Blackberry, are arriving soon.

NFC is not limited to financial transactions and can be used for a wide variety of other communication tasks. Two NFC equipped smartphones can be tapped against one another to exchange a variety of data, such as contact or Blackberry Messenger (BBM) information.

NFC can also be used as a sort of electronic handshake to initiate other wireless connections such as Bluetooth or WiFi – or to talk to smart tags on advertising signs or kiosks for information or links in the same manner as QR codes.

## Smartphones

Further leveraging the ubiquitous smartphone, the Starbucks coffee chain has begun using an interesting lower-tech smartphone-based process to speed-up purchases in many stores.

Currently available for iPhone and Android devices, a simple mobile application displays a 2D bar-code that contains the account information. The cashier scans it with the same laser scanner used for merchandise barcodes. Since so many people have their smartphone in their hands all the time, this saves them having to dig through their wallet or purse for their Starbucks card.

## Square

While all these payment technologies are designed to be used by vendors, another allows anyone with a smartphone and a specialized card reader to accept credit card payments.

The "Square" credit card reader is a small (2.5 x 2.5cm) device that plugs into the headphone jack of smartphones. Anyone can establish an account and after obtaining the card reader, begin accepting credit card payments on their select iPhone and Android devices.

A separate Square Register application is also available that, in combination with the Square card reader, turns an iPad into a mini cash-register of sorts, allowing small merchants to automate business operations by preprogramming various types of merchandise into the application.

## Online

Moving away from in-person credit card transactions to the wild world of the Internet has created plenty of business opportunities for the criminal element. To overcome this, an upstart company called Jumio takes advantage of webcams installed on most laptops, smartphones and tablets to more securely complete on-line credit card transactions.

A customer completes the payment transaction by taking a live webcam photo of the credit card and then manually entering the CVV number. This technology uses secure video streaming, optical character recognition and other background technologies to secure the transaction.

The merchant and its Jumio system are

much better protected against fraud because the customer actually proves physical possession of the card.

## Electronic trails

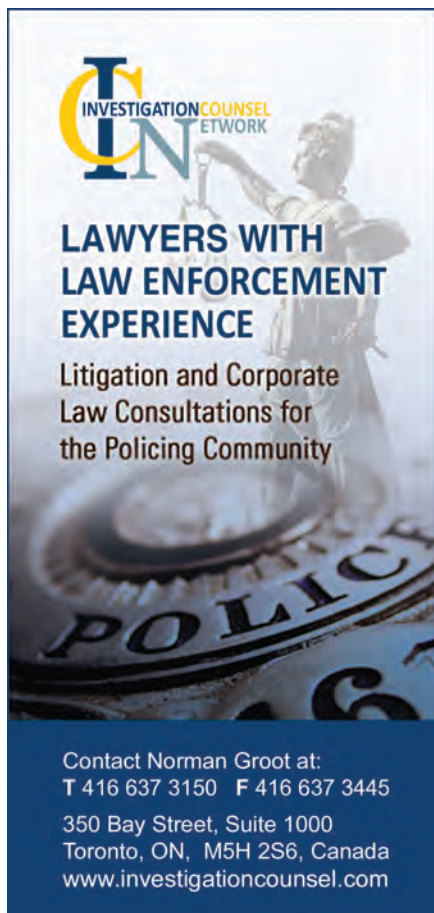
As with simple old paper-based credit card transactions, these payment technologies also provide a rich investigative trail, some directly on the device as in the case of NFC equipped smartphones.

Fraudulent credit card investigations are about to get far more complicated.

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Tom Rataj is *Blue Line's* Technology columnist and can be reached at [technews@blueline.ca](mailto:technews@blueline.ca).

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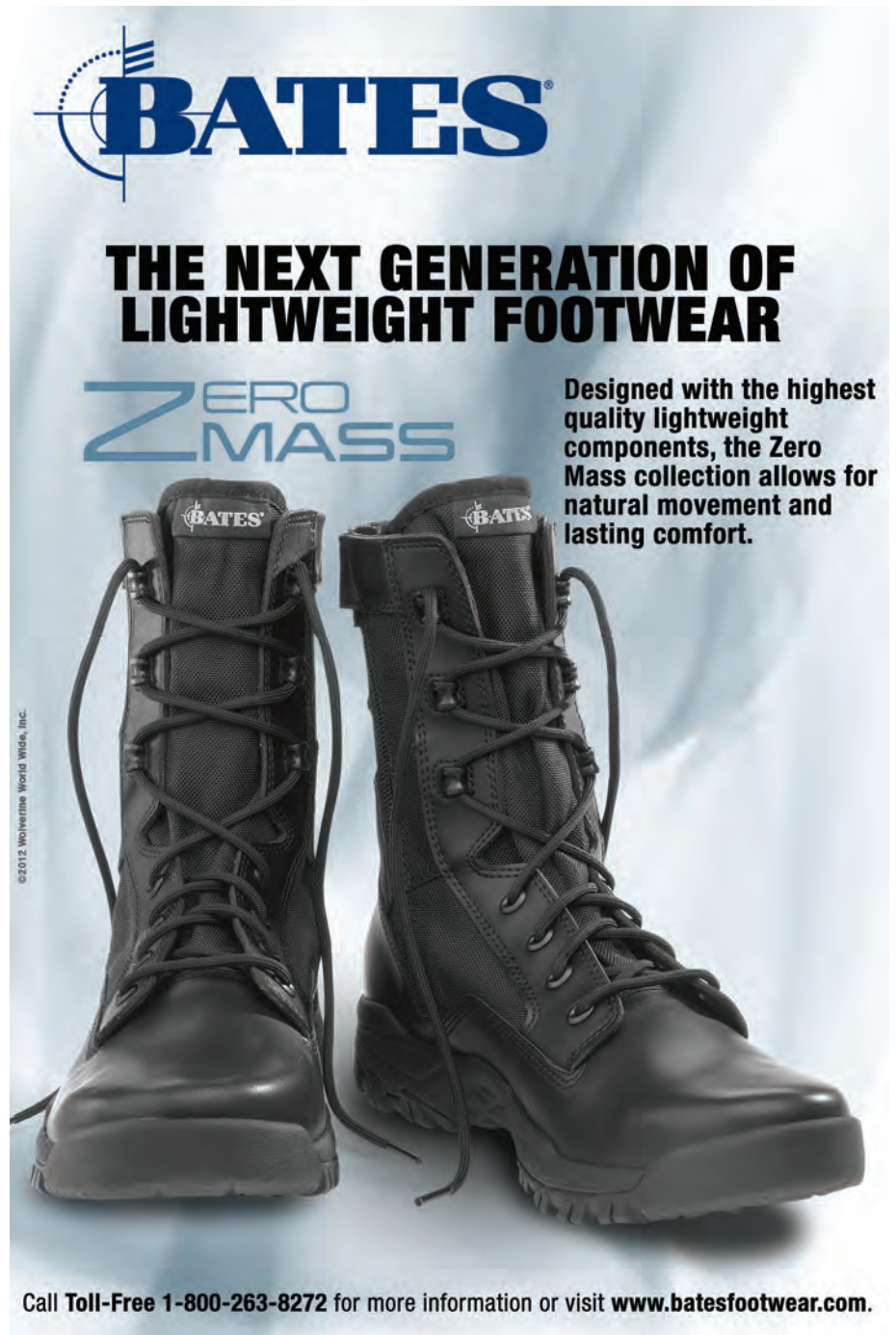


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## Detainee must ask to trigger right to counsel

There is no need to provide a detainee with an opportunity to exercise their right to a lawyer unless they express a desire to do so.

In *R. v. Fuller & White*, 2012 ONCA 565 police believed four suspected drug dealers (not the accused persons) were living at a two story residence following "Project Ulverston," a joint forces operation. They obtained a search warrant for the residence to be executed in the middle of the night and entered at about 3:40 am while the men were sleeping.

One of the four main floor bedrooms belonged to Fuller and a basement bedroom belonged to White. The lead investigator smelled a strong odour of marijuana and saw a bong on the kitchen table. Four occupants, including Fuller, were detained in the living room of the main floor for conspiracy to possess marijuana for the purpose of trafficking. They were advised of their right to counsel and cautioned about making statements. Each declined to call a lawyer at that time.

White was found in his basement bedroom, advised of his right to counsel and told he had the right to say nothing. He was also cautioned about making a statement and answered "not now" when asked if he wished to call a lawyer.

White told police there was "just some weed and mushrooms in the closet" but police found a small safe. White said Fuller had the key. Fuller initially denied knowing where it was but eventu-

ally produced a set of keys from a desk drawer in his bedroom. He said the safe belonged to him and White and told the officer there was "a bit of weed inside." Police also found another key to the safe on a set of White's keys they found in his bedroom.

Police found baggies, packaging materials, a digital scale, \$80, bags containing 440.92 grams of marijuana and 207.9 grams of psilocybin and a film canister with 9.6 grams of cannabis resin in the safe. The men were arrested, taken to the station, reread their rights and offered an opportunity to contact counsel. They were charged with possession and possession for the purpose of trafficking.

An Ontario Court of Justice judge found police told Fuller and White about their right to retain and instruct counsel without delay and of the existence and availability of legal aid and duty counsel – thereby complying with the *s. 10(b)* Charter obligation – but breached the implementational component. He excluded Fuller's and White's statements admitting they had marijuana and magic mushrooms stashed in the safe under *s. 24(2)* and acquitted them.

The Crown challenged the ruling to the Ontario Court of Appeal, contending that the judge erred in finding the implementation component of the *s. 10(b)* right had been breached. Justice Laskin, speaking for the court, agreed.

"The guarantee of the right to counsel in *s. 10(b)* of the Charter imposes three obligations on the police – the first is informational and the second and third are implementational," he said. "The police's implementational obligations arise only when detainees express a wish to exercise their right to counsel."

Thus, police must first inform a detainee of their right to retain and instruct counsel without delay and of the existence and availability of legal aid and duty counsel. Then, if the detainee indicates a desire to exercise this right, they must provide them with a reasonable opportunity to do so (except in urgent and dangerous circumstances) and refrain from eliciting evidence from the detainee until they have had a reasonable opportunity (except in cases of urgency or danger).

Police met their informational obligation – they told Fuller and White about their right to counsel. The implementational obligations are only triggered when a detainee indicates a desire to exercise the right to counsel. There was no evidence from any witness that either Fuller or White asked for a lawyer or indicated a desire to speak to one. The trial judge erred in finding a breach of *s. 10(b)* and his ruling excluding the statements could not stand.

The Crown's appeal was allowed, the acquittals set aside and a new trial ordered.



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- have worked to gain community experience

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## Officer 'knew' ASD failure meant over limit

Although a police officer never gave his opinion that a s. 253 Criminal Code offence was committed, the judge was entitled to interpret such belief when the officer said he "knew" an accused was over .08.

In *R. v. Harrison*, 2012 BCCA 339 an officer followed a vehicle from a bar and observed it negotiate a curve in a manner that he felt was abnormal. When pulled over, the driver stuffed her mouth full of potato chips before exiting as requested. The officer smelled liquor on Harrison's breath and noted her face was flushed and her eyes were bloodshot. A second officer arrived and administered an approved screening device (ASD) test, which Harrison failed. The first officer, with the knowledge Harrison had failed, then read a breath demand as follows:

*I have reasonable grounds to believe that you are committing, or within the preceding three hours have, as a result of the consumption of alcohol, committed an offence under s. 253 of the Criminal Code and I hereby demand that you provide, as soon as is practicable, such samples of your breath as are necessary to enable a proper analysis to be made to determine the concentration, if any, of alcohol in your blood and to accompany me for the purpose of enabling such samples to be taken.*

Harrison refused to provide a sample and was charged under s. 254(5). At trial in British Columbia Provincial Court the judge found the results of the ASD test were passed on to the officer demanding the sample. He testified this meant Harrison had "alcohol in her system well over the .08 limit" and he "knew" it was over .08. In the judge's view, this was sufficient to constitute reasonable and probable grounds for a belief that Harrison had committed an offence and she was convicted.

Harrison appealed to the BC Supreme Court, arguing the officer who made the breath demand did not hold the necessary subjective belief an offence was committed under s. 253, as a demand under s. 254(3) required. The appeal judge agreed.

"Nowhere in his evidence does (the officer) give the opinion that the results of the ASD test constituted reasonable and probable grounds for his belief that (the accused) had committed an offence contrary to s. 253 of the Code," he said. Therefore, the demand

was invalid since there was no evidence of the officer's subjective opinion, an essential element. Harrison's conviction for refusal was overturned and an acquittal entered.

The Crown appealed to the province's highest court. In its view, there was evidence to support the required opinion or subjective belief that Harrison was committing an offence. The officer "knew" Harrison had a blood alcohol level above the legal limit because he knew of the failed ASD test. Also, the breath demand included the statement that the officer had the required belief. Harrison, on the other hand, submitted that the officer never gave the necessary opinion.

Justice Saunders, speaking for the court, found the appeal judge erred, relying "heavily upon the absence of testimony from the police officer (apart from reading the demand) that he held an opinion or belief that an offence had been committed." In her view, the appeal judge overlooked the officer's testimony that he "knew" an ASD fail meant that the individual had consumed alcohol in a concentration over the .08 limit.

*Although this police officer wasn't versed in the technical terminology of blood alcohol levels, it is apparent the officer considered that Ms. Harrison had a blood alcohol concentration over that allowed by s. 253(1)(b) – .08 has no other significance in the context of alcohol related offences. While this evidence would not support a finding of subjective belief for the purposes of s. 253(1)(a), it does support such a belief of an offence under s. 253(1)(b).*

*It was open, in my view, to the judge to interpret this evidence as evidence the officer "knew" the concentration of alcohol was greater than permitted by the Criminal Code. Rather than use the words "opinion" or "belief," he used the stronger, more certain word, "knew."*

*In my view, it was open to the judge to infer that an officer who "knew" that the alcohol concentration "was over the .08 limit, well over" had a subjective belief that the concentration of alcohol was greater than was permitted by s. 253(1)(b), thus satisfying that aspect of s. 254(3) (para. 14).*

The Crown's appeal was allowed, Harrison's acquittal set aside and her conviction reinstated.

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## Driving doesn't prove contents possession

Just because someone is operating a car does not necessarily mean they have knowledge and control of its contents.

In *R. v. Lincoln*, 2012 ONCA 542 the accused, on probation, was stopped driving a rental vehicle. Police discovered cocaine under the car's steering column and \$800 cash in Lincoln's wallet. He was charged with several offences including possessing cocaine for the purpose of trafficking (PPT), possessing proceeds of crime and breach of probation.

At trial in the Ontario Court of Justice the judge held there was sufficient evidence of knowledge and control of the cocaine to justify a finding of possession, concluding that anything found in the vehicle was prima facie in Lincoln's de facto possession. As its operator, the judge opined, Lincoln controlled the vehicle and was considered to also control the contents unless there was evidence indicating otherwise. He was convicted of the offences.

Lincoln successfully appealed to Ontario's top court arguing the trial judge improperly applied a presumption that deemed Lincoln, as the vehicle operator, to have knowledge and control of its contents, in the absence of evidence to the contrary.

"No rebuttable presumption of knowledge and control for purposes of determining possession, based solely on the fact that a person is the operator with control of the vehicle, exists at common law or under the Controlled Drugs and Substances Act," the court stated.

*To give effect to such a premise would constitute an impermissible transfer of the Crown's burden of proof to the accused. While the fact that a person is the operator with control of the vehicle, together with other evidence, may enable a trial judge to infer knowledge and control in appropriate cases, it cannot, standing alone, create such a rebuttable presumption.*

Lincoln's PPT conviction was set aside. Further, because the proceeds of crime charge flowed from the PPT charge, the trial judge applied the same sort of rebuttable presumption reasoning, concluding there was no evidence to the contrary indicating possession of the currency for any other purposes. The court set it and the breach of probation conviction, which also flowed from the PPT charge, aside.

Lincoln's appeal was allowed and a new trial ordered.



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This is in response to your commentary in the May 2012 *Blue Line Magazine* regarding the abolishment of the long gun registry.

Since the registry came into effect, and specifically in the last six years that I have been a street supervisor in Calgary, I have encountered specifically one incident where the registry provided relevant information regarding lawfully owned firearms at an incident in which I was involved. In 99.9% of the cases, accurate information about firearms in a residence (registered or not) comes from the person phoning the police with the complaint. That information source has always been much more accurate than the registry info.

In the same time frame, I have seen the registry used many, many more times to charge law abiding gun owners with technical breaches of firearm legislation, than I have seen it used to tackle actual crime (as opposed to "created" crime).

To answer your questions about now that the registry is abolished "...how are officers to proceed?" and "...what are the police going to do?" when it comes to firearm related investigations, my answer is simple: the same thing they did before the registry existed – good old fashioned investigative police work (such as interviews etc). Guns were still seized, bad guys were still charged.

I respect that everyone is entitled to their opinion, and I recognize that about this issue, my opinion and your opinion will probably always differ. However, I completely agree that a lot of work needs to be done around firearm crime and related charges. I do not believe that the answer is to punish law abiding gun owners by heaping mounds of legislative red tape on them. The most effective solution will be when the Judiciary actually enforces the firearms laws we have, sending armed criminals to jail for long periods – this will be a deterrent. I have frequently seen the opposite, where firearms charges are dealt away in plea agreements, and firearms prohibitions not enforced by the courts.

Lastly, with respect to search and seizure, I have seen more abuse of warrantless searches of gun owners homes than I have of actual crime fighting. The general rule of thumb is if a person had a lawfully registered long gun, it was okay to do a warrantless search of his home (sorry, I mean "Inspection"). However, if a bad guy had an unregistered firearm in a residence, then you definitely need to get a search warrant to enter the house. How does this make any sort of sense? Whose rights is it more important to protect? A law abiding citizen, or a criminal?

I look forward to any comments you may have.

**Michael Carroll, Calgary, AB**

### Response

Mike... Thanks for your letter.

The government has left big gaps in the law regarding firearms offences that existed before the firearms registry laws came into effect and had decided to do nothing to replace them when the registry was abolished. Some of the laws you said the courts are not enforcing do not now exist.

*That is what I refer to in my commentary. The law makers have to get on their pony and start re-instituting laws of yesteryear they supplanted with the now defunct "Long-Gun Registry" laws. Presently there are big gaps.*

*Other points you make are simply politics and oft-repeated vote-getting slogans. Once we strip all that away and we decide (as a society and not police or politicians) that we want to instill more responsibility in the heads of gun owners when it comes to securing their firearms, rendering them safe and ensuring accountability, where exactly do we go and how do we accomplish this?*

*You and others say keeping a record of who owns a specific firearm is not the way but you do not suggest a better way. I, for one, do not have as much faith in the ability of every human to automatically know how to handle and store a gun safely or even to care to.*

*You say many innocent law-abiding citizens were made criminals because of the law. If they became criminals because they did not store their weapons safely then how are they innocent? We enforce laws on a few so the majority will obey. Once the majority obey then police do not have to stumble over them to get to the hard core bad guys.*

*When I was a kid my folks forced me to go to a local sportsmen's club to learn how to safely handle a rifle. I took that seriously and was proud of the little licence they gave me for safe gun handling. Shortly thereafter I went out groundhog hunting with some other guys and saw them doing all kinds of stupid things with their guns. I then realized just because I was serious and responsible did not mean everyone else was. Foolishly tried to object to them and was quickly put in my place. Owning a gun for them was just a matter of fun and safety had nothing to do with it. Furthermore they did not like anyone tagging along who took that fun out of it.*

*So help me understand how being less responsible about gun ownership is better... for honest gun owners or the public.*

**Morley S. Lymburner,**  
*Publisher Blue Line Magazine*

...

Just read your article in *Blue Line*, "Warm Fuzzy Policing Can Result in Cold Hard Reality"

I am glad you did not take a shot at the *Positive Tickets* program as it relates to youth when you wrote this article. As I would have been sending you a missile of an email.

Since I was the founder of *Positive Tickets* and over 500,000 positive tickets have been given out around the world, to date, I could argue with evidence based research, until the cows come home, on how it is working.

Anyways, I thought my email would put a smile on your face and also confirm I am reading your mag...

**Ward Clapham**  
*VP, Investigations and Recovery Services,*  
*Absolute Software Corporation*

## DISPATCHES

Jean-Michel Blais was selected as the new Chief



of Police for the Regional Municipality of Halifax and assumed the position on October 10. Blais replaced Chief Frank Beazley, who retired on September 30 after nine years as chief, and 42 years in policing. Previously Blais was the Chief Superintendent in charge of the Halifax District RCMP. He's been with the RCMP for 25 years but posted to the Halifax location for only three years. Blais was chosen from a short list of five applicants. He has a strong academic background with a Political Science degree from McGill and a Bachelor of Laws degree earned from Laval University. Blais has a wide array of experience including adjudication of labour relation cases and investigations of internal discipline and harassment. He has previously lectured on the subject of leadership development, duty to accommodate and dealing with poor performers as well as employees with personality disorders and quirks.

Keith Atkinson, Brandon's chief of police will step down as chief on January 25th. He has been Brandon's Chief of Police for six years. His decision comes at a time when Brandon's crime severity index statistics are at their lowest point since 1976. Prior to joining the Brandon Police Service he had 27 years' experience with the Saskatoon



Police Service. He has served internationally in the United Nations Mission in Kosovo, as a civilian police officer and was an Honorary Aide-de-Camp to the Lieutenant Governor of Saskatchewan. He is on the Advisory Board of the Canadian Police College. Chief Atkinson is a Member of the Order of Merit of the Police Forces.

Rod Lazenby, a 62-year-old retired RCMP officer, died in August after going to a property southwest of Calgary to investigate a dog complaint. Lazenby was responsible for enforcing bylaws in the Municipal District of Foothills when he died in hospital. Trevor Kloschinsky, 46, has been charged with first-degree murder. As an RCMP



member Lazenby was described as quiet, always respectful, diligent in his work, and wouldn't waste words. He was an undercover officer of extraordinary talent and creativity. In a rather high-profile case he role played as a bad guy and affected an Italian accent so convincing it helped break up a Montreal-based organized crime syndicate. Over 700 officers attended his funeral held in Edmonton, Alberta.

Kai Liu, a 26-year veteran of policing, was sworn in as the new Chief of the Cobourg Police Service. Liu left his position as Chief of Police in Ganoquo, Ontario, to take up the new position. He has replaced Paul Sweet who announced his retirement earlier in the year. Liu was with the Ottawa Police Service for 22 years after leaving the Canadian



forces, starting as a fourth class constable and rising to the rank of Inspector, before leaving to head up the smaller force in Ganoquo. Cobourg is a larger police service, with three times as many officers and four times the population and Liu said the move was simply a natural progression in his policing career. Liu was born in Taiwan and emigrated as a young child to Canada in 1970, growing up in Toronto and Montreal.

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## LETTERS

Andrew Maksymchuk's article, "Law Enforcement West of the Rockies" (on page 28 in your June/July 2012 issue), made good reading, and I enjoyed doing so. But I must write to correct some serious factual errors in it. These are found under the subhead "Newfoundland resists" on page 29.

Mr. Maksymchuk errs when he says that "the Newfoundland Constabulary – the oldest civic police force in North America – policed St. John's while the Newfoundland Ranger Force handled the outports" before the Royal Canadian Mounted Police came to our province in 1950. The sentence contains several factual errors.

First, the Newfoundland Constabulary was not and is not today a "civic police force"; indeed, it is the oldest national police force in Canada. Known today as the Royal Newfoundland Constabulary (one of only two "Royal" police forces in Canada), it was organized in 1871 under the authority of the Legislature of Newfoundland, then a selfgoverning colony. That was two years before the Parliament of Canada, another selfgoverning colony, created the North-West Mounted Police, the forerunners of today's RCMP.

Further, the Newfoundland Constabulary policed substantial areas of Newfoundland immediately before we became a province of Canada, in 1949. The Rangers were organized in 1935. Harold Horwood's History of the Newfoundland Ranger Force (1986) records that in 1940, five years later, 110,000 Newfoundlanders and Labradorians lived within the areas for which they were responsible, and 180,000 in those for which the

Constabulary provided policing. The Constabulary's jurisdiction embraced the Avalon Peninsula (including St. John's); Bonavista Bay and Trinity Bay; Grand Falls, Buchans, Millertown Junction and Botwood in central Newfoundland; and Corner Brook on the west coast of the Island. (Horwood, 157-158). Arthur Fox's The Newfoundland Constabulary (1971) notes that in May 1950, shortly before the RCMP assumed duties throughout Newfoundland and Labrador, the Constabulary manned "thirty-five Outport Stations, policed by seventy-one members". (Fox, 138).

Although the Rangers were police officers, they were officially described as also being responsible for "duties in connection with Game Protection and Fire Protection and in certain areas able-bodied relief [welfare] and Customs". (Horwood, 158). Their regular routine reports, for example, included "reports on the economic and general conditions" as well as enforcement of the criminal law.

By 1940, the official records tell us, the Rangers were "to all intents and purposes, executive officers for all district [Government] duties, other than the duties assigned to the Magistrates and certain technical field men of various departments". (Horwood, 160).

Mr. Maksymchuk also states that "the RCMP swallowed the Rangers" in 1950. (29). Every Ranger was asked to apply to join the RCMP, and all but four of the active duty members applied and were accepted, although they were obliged to surrender one step in rank. They included among them seven of the 30 men who had joined the Ranger Force

when it was formed in June 1935.

Fifteen of the 71 Constabulary members serving in the outports at that time also joined the RCMP, along with 21 Constabulary members stationed in St. John's.

Newfoundlanders and Labradorians today are served by the men and women of two national police forces - the RNC and RCMP. The two forces work together closely, and together provide first-rate policing to the people of our province.

The same issue also contained a splendid piece, entitled "Leading RNC a Real Honour, Chief Says", about Chief Robert Johnston, who leads today's RNC. Please accept my compliments, and those of the Society, on a first-rate profile of an officer who has played a leading role in bringing about the very substantial improvements that have transformed the RNC in recent years. His appointment as an Officer of the Order of Merit in the Police Forces is a fitting recognition of his accomplishments.

I have no doubt that Mr. Maksymchuk believes that the statements in his article were correct, but I shall be grateful if you would take the steps necessary to tell your readers the accurate story about the history of the Royal Newfoundland Constabulary and their role in Newfoundland and Labrador. I thank you in advance for your consideration and assistance.

*Edward Roberts  
Chair, Royal Newfoundland Constabulary  
Historical Society*

# Fighting to keep science in court and investigations

by *Bill Lewinski*

A recent series of articles published by the CBC compels us to address Canadian law enforcement through *Blue Line Magazine*. The series, which many of you have likely seen, focuses specifically on my use as an expert in the defense of a constable involved in a Vancouver shooting incident that sparked considerable controversy.

The apparent core intent of the CBC-authored articles is to present me as someone unqualified to testify on critical human factors issues and to contest the decision of the Vancouver Police Department and the British Columbia Police Complaint Commission to solicit and apply my expertise in evaluating the involved constable's actions. Ultimately, after all factors were considered, the constable was cleared of wrongdoing. This wasn't pleasing to those intent on proving otherwise and as such, the decision continues to be questioned.

Attacks on the credibility of those who present scientific information that could legitimately explain seemingly controversial actions of an officer in a force incident are to be expected. Attorneys, activists and others whose mission it is to prove officers' use of force is excessive – quite often directly in the face of evidence proving otherwise – will go to great lengths to aggressively defend and promote their positions. In these situations, however, the most damaging result of allowing baseless allegations of under-qualification to go unchecked is the unjustified undermining not just of the individual on whom the attack is focused, but on the centuries old, incontrovertible scientific principles that must be applied to these investigations in order to ensure that they are fair, neutral and fact-finding.

The purpose of our message is not to defend against the desperate professional attacks. Unfortunately, enduring these attacks, as many of you reading may have experienced yourselves, is a price you tend to pay when you choose to step in the arena and engage the pressurized issues surrounding major force events. For decades, courts worldwide, the most seasoned attorneys, top academics and scores of law enforcement professionals around the globe have recognized my expertise, utilized the information I impart and benefitted from my work in a multitude of ways. Anyone who has researched my work in an unbiased manner will understand that my credibility, reputation and experience speak for themselves.

Our purpose is to encourage each one of you, as a motivated Canadian law enforcement professional, to pursue as much knowledge as you possibly can on critical human factors

issues. This includes the phenomenon of selective attention, the realities and complexities of human behaviour under extreme stress, the impact of dynamic, rapidly unfolding life-and-death encounters on human memory, etc. Be sure these issues are being considered when an officer's actions in such an encounter are being scrutinized.

Opportunities for learning about and, after intense study, mastering the understanding and application of these principles are now more readily accessible than ever before. World-class training is available. Books and articles on human dynamics abound, both in hard copy and online. Fellow officers who have recently become students of these principles stand at the ready to share their knowledge.

As the movement of applying science to law enforcement continues to pick up speed, there will be an increasing number of people who do not want this rock-solid scientific information integrated into the investigatory process and succinctly and understandably presented in court. It threatens to undermine their agenda of portraying officers as all-knowing, all-seeing, super-human creatures immune to human limitations and limits their ability to inject their own motives into their portrayal of the motivation for an officer's behaviour.

They will fight to diminish its importance, question its relevance and contest its accuracy. Inevitably, when they find themselves unable to successfully defeat the message being delivered by the science, they will attack the credibility of the messenger.

The most successful defense strategy is to have more and more qualified, well-educated, deeply dedicated messengers of science in the field. When one is under attack, another can step in and carry forth the message.

To allow science to be silenced in court, absent from investigations and wantonly misrepresented and mischaracterized in the public forum is to put every law enforcement officer worldwide who, in the course of following the call to duty pushes his or her human abilities to the limit in defense of the innocent, in great peril.

Consider this note not a call to arms, but a call to knowledge.

Stay safe.

---

Dr. **Bill Lewinski** is executive director and co-founder of the Force Science Institute, which brings together experts from a wide variety of academic and research disciplines to study officer behavior in force encounters. Visit [www.forcescience.org/](http://www.forcescience.org/) to learn more.

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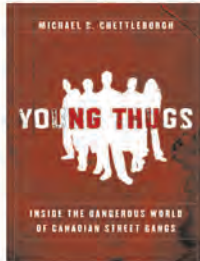
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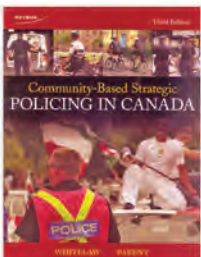
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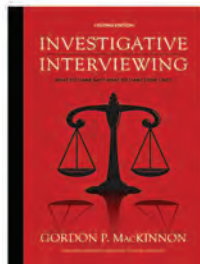
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