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Canada's Law Enforcement Information Specialists

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by Morley Lymburner



Reading the Riot Act

A mob mentality is not a natural disaster, free of human agency. It is a consequence of choices. Those who try to excuse illegal acts by claiming they got swept up in the mob ignore the fact that once they became part of the mob, they were as responsible for encouraging others to join in as anyone else. One cannot blame the mob for their actions without sharing some of the responsibility for everything it does.

– National Post columnist Matt Gurney

There is no area in greater need of serious study and de-briefing than crowd and riot control. Whether due to overly cautious top managers or simple confusion, the topic rarely receives serious attention.

The Justice Canada project is currently determining whether to do away with underutilized statutes in the Criminal Code of Canada (CCC). The offence of “alarming her Majesty the Queen,” for example, according to an October news story, will be thrown out because it hasn’t been laid for 150 years. Assisting deserters is also up for elimination.

I was surprised to hear *Section 69*, which applies to peace officers who fail to take reasonable precautions to stop a riot, is also on the chopping block. *Sections 64 to 69* are rarely applied these days; few police leaders even understand when they should be used. Despite facing hundreds of drunken youths throwing rocks and Molotov cocktails, burning cars, smashing shop windows and looting, police seem to consistently fail to understand when a riot is happening.

The saddest testament to all this is learning that, in some cases, managers knew these sections and still refused to use them. Instead they made a half-hearted attempt to contain the disturbance to a small area and sacrifice everything within it rather than end it.

If you’re reporting to the media that this was the worst case of civil disobedience you’ve ever seen, it’s clear you should have done more to stop it. When you, as a senior manager, are not present at the disturbance, it should be clear to the community you did little to stop it. Mayors who don’t show up at major disturbances not only demonstrate lack of care for their community – they break the law. *Section 67 CCC* states:

“A person who is a... mayor... who receives notice that, at any place within the jurisdiction of that person, 12 or more persons are unlawfully and riotously assembled together shall go to that place and, after approaching as near as is safe, if the person is satisfied that a riot is in progress, shall command silence and thereupon make or cause to be made in a loud voice a proclamation in the following words or to the like effect:

‘Her Majesty the Queen charges and commands all persons being assembled immediately to disperse and peaceably to depart to their habitations or to their lawful business on the pain of being guilty of an offence for which, on conviction, they may be sentenced to imprison-

ment for life. GOD SAVE THE QUEEN.’

A couple of reasons why this section has never been prosecuted immediately come to mind. It would be bad optics arresting the mayor... or police chief, for that matter.

My spidey sense is beginning to tingle. With the GWO (Great Wizard of Ottawa) looking at doing away with little used sections of the CCC, do you think the entire section on riots will be done away with? Tell me it ain’t so... and I still might not believe you.

I spoke to a few confidants about these sections and encountered a little consternation. One response was that these sections present a pretty high bar to prove a riot exists. Another wondered whether it would not be better to simply use the lesser offences under “unlawful assembly” because you don’t have to get into messy stuff like calling out the mayor and maybe charging officers for not doing their duty.

In my humble opinion the answer is simple. These laws are very concise and supply a very clear remedy to large spontaneous acts of violence. Our forefathers put much thought into this regulation and, once you study it and understand human nature, it all fits perfectly.

Here’s a hint. Reading the “Riot Act” is not meant to benefit the rioters. It’s to give the innocent bystanders and curiosity seekers 30 minutes notice to leave so police can deal with the violent law breakers. It is usually after the grace period that the arguably infamous “kettling” of a crowd is performed. The police round up all who are left and everyone in the kettle is charged. There are no excuses such as “I was just taking pictures,” “I was on my front lawn watching” or “I am a journalist.” They must clear out and return to their homes or business or risk “imprisonment for life.”

Risk-averse supervisors should be cautioned that any tepid response to these events will only place the city and police service at risk of criminal or civil remediation by victims; that cost may quickly outstrip the call-back compensation for extra officers. The overly proud supervisors who hate asking for help within or from other agencies (eg. fire services or other police) should likewise balance the cost of their inaction.

I have serious concerns about how riots are handled and fear a repeat by those emboldened by the sight of police performing their “strategic retreats.” A tepid response by police witnessing a violent act is tantamount to encouraging it. Inaction is not an option.

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MATCHING THE BEST WITH THE BEST

The Benelli M4 has re-written the book on police tactical shotguns

by *Dave Brown*

When the Chinese general first penned “The Art of War,” likely around 500 B.C., he never envisioned modern police weapons – but, were he alive today, he would fully agree with the strategy that superior training, good tactics and overwhelming firepower mean the best battles are the ones which never need to be fought.

Perhaps a more modern variation could be described by another adage – the first rule of a gunfight is to bring a gun; the second rule is to bring lots of friends with guns. If a friend has

a Benelli M4, that would also help.

Originally designed for combat, the M4 shotgun is a simple, reliable design with unique features which make it ideal as a patrol weapon. It is also one of the few shotguns that we have ever tested which worked perfectly right out of the box. This is why we consider it to be the world’s best tactical shotgun.

Police shotguns

The modern police shotgun is a simple and effective weapon capable of stopping most close-range gunfights quickly and decisively. They require minimal fine motor skills, which don’t exist in life-threatening situations, and can be loaded with a wide range of ammunition choices. A tube of typical 12-gauge slugs have the energy equivalent of an entire 20-round magazine of .223 rifle rounds.

Current police shotguns haven’t evolved much since the First World War, when the tube-fed, pump-action shotgun first saw wide service. The most common around the world

is still that same tube-fed pump-action design. It is simple, reliable, relatively compact for a shoulder weapon and can fire rounds with a great deal of impact at short range.

Semi-automatic police shotguns such as the Remington 11-87 Police and the Benelli M4 are certainly less common in patrol cars, but three significant events in the last five years may change that.

First, people are recognizing that a modern police semi-automatic shotgun is just as simple and reliable as a pump action with the right ammunition.

Second, with a wider introduction of semi-auto rifles, there is a better understanding that semi-auto shotguns are easier to train on, kick far less than their pump-action brethren and fit the patrol officer and their modern body armour much easier.

Third, there has been a resurgence in shotgun training incorporating modern techniques and tactics. Trainers are finally taking police shotgun training just as seriously as patrol



rifle training. Good tactical and patrol shotgun courses that emphasize speed, accuracy, safety and responsibility are now clearly demonstrating the superiority of semi-automatics.

There is no question that most of today's patrol cars still sport a pump-action shotgun in a good overhead rack simply for cost reasons, but anyone who feels the modern semi-auto is more complicated or less reliable than a pump has never spent much time shooting them.

Plus, if we truly believe that the modern police officer can't be trained to manipulate one more button under stress on their shotgun, then we need to remove patrol rifles, two-way radios, siren and lighting control panels, automatic transmissions, laptop computers and first aid kits from all patrol cars.

Benelli M4

The M4 semi-auto uses an inertia-operated bolt to eject and load rounds from an under-barrel magazine tube. It also has a unique gas-operated mechanism to assist the inertia operation of the bolt, giving it some significant advantages over straight inertia-operated semi-automatics.

Benelli refers to the operating system as Auto Regulating Gas Operated (ARGO). It uses two gas ports located just slightly ahead of the chamber to bleed a small amount of combustion gases from the barrel. They impinge on two stainless-steel pistons and operating rods to assist in opening the bolt. The advantage is

that the M4 has the typically reduced recoil of gas-operated shotguns but maintains the speed of an inertia-operated design.

In *Blue Line Magazine* shotgun comparison tests in 2011, we found the M4 shot-to-shot times to be approximately .18 to .20 seconds, in comparison to the Remington gas-operated 11-87 Police at .24 to .26 seconds. This means it will cycle as fast as a trigger finger is physically able to move; if a shooter can keep the sights on a target, they could conceivably place five slugs in just under one second.

The current version of the M4 contains five rounds in a tubular magazine, although law enforcement versions may be ordered with a seven round tube. Barrel locking is achieved by a rotating bolt with two lugs. Benelli used the basic inertia bolt operation from its M1 and M2 shotguns and added the dual-piston ARGO gas assist. The result is a shotgun that is reliable with a wide variety of ammunition and is very fast to cycle.

Military ghost-ring sights also mean that it is both fast and accurate at any short to intermediate-range encounter distance. A receiver-mounted Picatinny rail comes standard to accommodate variations in electronic sights and night-vision requirements as needed.

Semi-auto police shotguns once had a reputation for failing to cycle certain loads but our testing found the M4 to be 100 per cent reliable with standard police buckshot and slug rounds. It also cycled heavy target loads of birdshot rounds for training. Provided the shooter sticks to 3-dram-equivalent rounds of about 1,200 feet per second or more muzzle velocity, they should have no problems. Like any other police weapon, it should be extensively test-fired with the appropriate duty load before installation in a patrol car.

Many users suggest breaking in a brand new M4 with heavy loads for a few hundred rounds but in our testing, the Benelli was the first semi-auto shotgun we've ever fired that has been 100 per cent reliable right out of

the box and NEVER experienced a failure of any kind.

While admittedly much more expensive than most pump-action police shotguns, it still costs about the same as any good patrol rifle.

It will fire 2 ¾ inch and 3 inch shells of varying power levels with no need for operator adjustment and the simple design of the gas ports, dual self-cleaning pistons and dual operating rods mean a minimum of moving parts, allowing it to function with minimal cleaning. There is very little residue buildup from combustion gases and an occasional shot of a quality spray lube on the bolt is about all that is needed to keep it functioning for thousands of rounds.

It will also fire less-than-lethal rubber slugs, bean-bag rounds and sock rounds with no problem but the action will need to be cycled manually, of course.

M4 history

The U.S. Army Armaments Research, Development and Engineering Center (ARDEC) at Picatinny Arsenal, NJ requested submissions in 1998 for a new 12 gauge, semi-automatic joint combat shotgun. Benelli Armi SpA of Urbino, Italy responded by designing and building the M4 Super 90 Combat Shotgun and delivered five samples to the Aberdeen Proving Ground in Maryland. After intense testing, ARDEC awarded the M1014 Joint Service Combat Shotgun contract to Heckler & Koch, USA for importation of the M4. Now officially designated the M1014, the first of what would become a 20,000-unit contract were delivered to the United States Marine Corps in 1999.

The M1014 was developed on the Benelli M1 and M2 design. Both use a very lightweight, inertia-operated bolt mechanism to eject a fired shell and feed in a new one very quickly. They are the fastest-operating shotgun mechanisms in the world but one of the downsides is that they tend to kick like a mule.

An inertia-operated bolt relies on the shotgun being shoved back into the shoulder to delay the unlocking, giving time for the shot charge to leave the barrel before opening. They are also quite sensitive to weight and extra accessories, which can reduce the reliability of the operation.

Benelli created an all-new operating system with the ARGO design. This effectively increased the reliability, especially in adverse conditions, and significantly reduced the recoil. It also allowed alternate sights and accessories to be added without compromising reliability.

After proving itself in combat, Benelli slightly redesigned the M1014 and released it to the civilian and law enforcement markets in North America as the M4 Super 90. It added removable choke tubes to the barrel and replaced the military two-position collapsible stock with a three-position adjustable stock to better accommodate police officers wearing body armour.

The aftermarket quickly caught up with the M4's incredible popularity and there are many sights, stocks and accessories now available. Mesa Tactical even designed a shorter length-of-pull stock, named after the Urbino home of Benelli, and sells it in black, olive and desert tan (picture above).

Operation

It is obvious from the moment one picks up an M4 that it is different from most other police shotguns. It uses a free carrier design, which means a round is not fed from the magazine tube onto the shell carrier unless the trigger is pulled or the cartridge drop lever is depressed. No rounds are fed from the magazine until the operator wants them. An officer can take a loaded M4 and cycle the bolt as many times as they wish without shells feeding from the tube.

This is a very intelligent design and perfectly suited for use in a police car. Moving from the cruiser-carry condition (empty chamber; loaded magazine tube; safety on) simply requires exiting the vehicle, depressing the cartridge drop lever (see photo) and cycling the action with authority.

If no rounds are to be fired, the shotgun can be returned from loaded to cruiser-carry by cycling the action to eject the shell from the chamber. If the trigger is not pulled or the cartridge drop lever not depressed, no further shells cycle from the magazine tube.

If a round is fired, the next shell instantly pops out of the tube and sits on the shell carrier, ready for chambering as soon as the bolt travels forward again. Once the encounter is over, any remaining unfired rounds in the chamber can be ejected without feeding a new round simply by manually cycling the bolt to eject the chambered round and replacing it back into the magazine tube. This safely and quickly returns the shotgun to cruiser-carry.

If, for some reason, the officer forgets to depress the cartridge drop lever and cycle the action to fire the first shell, that telltale click will indicate the need for an immediate action



Above some of the unique features of the Benelli are circled. The left circle is the safety; the middle circle is the cartridge drop lever and the right circle shows the bolt release. The safety may also be switched to the left side if required.

drill, consisting of simply cycling the bolt.

If an intermediate-force projectile is desired in the chamber instead of ammunition from the tube, the officer simply holds the bolt handle back and drops the appropriate shell into the ejection port, to be chambered as soon as the bolt closes. (Officers need to be extremely cautious when using intermediate force projectiles such as sock rounds in a shotgun also containing slugs or buckshot rounds. Generally speaking, intermediate force projectiles are best used only in shotguns specifically marked and dedicated to their use.)

If the shotgun is fired until empty, the bolt locks to the rear, exactly the same as semi-auto rifles. This makes it very easy to safety check the M4 before placing it in the car. Cycle the bolt and if it locks to the rear; there are no shells in the chamber or magazine tube. If the bolt cycles freely, there is at least one round in the tube. (Remember that no rounds will pop out of the tube until the trigger is pulled and the hammer depresses the cartridge drop lever, or until the operator manually depresses the cartridge drop lever that protrudes from the right side of the receiver, marked with a red dot.)

It only takes minutes to become totally familiar with the action and officers will instantly appreciate the advantages of a design

that can be moved quickly and safely to and from the cruiser-carry condition.

Police training

Even with the increasing use of patrol rifles, there is still room for the police shotgun in the modern patrol car. Not much else can bring that amount of impact to a short- and intermediate-range gunfight. Most importantly, having that firepower at your disposal might help to ensure the gunfight never happens.

If you ever need a shotgun to stop a deadly threat, all the platitudes that sound so good as forum signature lines go out the window. When the rounds start flying, the world is no longer made up of sheep, sheepdogs and wolves; it is made up of people who do the best job they can under very trying circumstances.

Battles are won by good training, good tactics and good equipment – before they are ever fought. Having a shotgun such as the Benelli M4 at your disposal means victory is more likely – and for police officers, that means getting to go home safely at the end of their shift.

Sun Tzu would approve.

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SUREFIRE®

Keeping those zombies at bay

Smart upgrades for the Remington 870 Police

by Dave Brown

Thank god for zombies!

If it weren't for zombies, we wouldn't have such a proliferation of tactical shotgun parts and accessories that weren't around five years ago.

Yes, we joke about the upcoming invasion of the zombie hordes. Gun and accessory manufacturers are simply catering toward the tactical market more than ever before, and with careful selection, one can update existing police shotguns with some sensible accessories for use against zombies or otherwise.

When looking at pulling a dusty shotgun out of a patrol car rack and deciding to retire or upgrade it, one should remember three basic principles:

- No other weapon carries the same impact as a shotgun at short and intermediate ranges. It is simple, fast and with good training, can be easily manipulated by the average person with very few fine motor skills. Even with the increased use of patrol rifles, every patrol car should still be equipped with a good shotgun.
- There are a million accessories available for shotguns today. You don't need most of them.
- Mission dictates equipment. The more you may need a shotgun in a hurry to save human life, the less junk it should have hanging from it.

The last point is critical to remember in the selection of accessories. One needs to select accessories that work under real combat conditions with 100 per cent reliability. What works for one agency or application will not necessarily work for another.

The four most common areas to upgrade a shotgun include lights, slings, stocks and ammunition carriers, but not every agency wants slings for example. Some officers find them handy should they need to suddenly transition to a pistol and others find they get in the way. Other agencies may find weapon-mounted lights useful while some find them bulky and distracting. It all depends on the mission.

With that in mind, I have selected examples of what I consider good quality accessories and will make suggestions, depending on the age and design of the shotgun currently racked in your patrol car. (All that being said, the BEST accessory one can buy for a police shotgun is still two cases of shotgun shells and a good training course.)

1970s to 1980s-vintage Remington 870 Police

Remington has a reputation for manufacturing good pump-action shotguns, and the 870 has been around for many decades. There is a reason why this is the overwhelming favourite of police agencies around the world. Older 870

shotguns are solid guns and can still accept any parts and accessories made today. They usually came in a bright blued finish with a wood stock and either a simple bead sight or rifle sights.

Departmental armourers can easily upgrade these older shotguns with the simple addition of a brightly coloured follower for easier safety checking and a good synthetic stock.

Bead sights are simple, fast and amazingly accurate even as far as 40 or 50 meters, so an upgraded higher-visibility bead is all they may need.



One example is from XS Sights. The XS Big Dot has a large white bead with a tritium insert that either replaces the existing bead or can be permanently bonded over top of a fixed non-replaceable front bead.



Rifle sights can be upgraded with Trijicon's rifle sight upgrade that replaces both the existing front and rear dovetail sights with sights that have nice clear square corners for faster acquisition and tritium dots for low-light conditions.

A highly desirable upgrade for your armourer to perform is to replace the existing shell lifter with the new Remington shell lifter tab conversion kit. This adds a flexible tab in the middle of the shell lifter that allows one to rack the shotgun even if two rounds are jammed on top of the carrier. This seems like a small point, but if one has ever not inserted

a shell all the way into the magazine tube and it jams on the lip of the shell lifter, it is almost impossible to clear this jam in the field. There is simply not enough clearance, and it is definitely a fight-stopping jam.

The newer design adds a small flexible tab in the middle of the lifter, allowing the operator to rack the slide to clear such a jam. It takes a great deal of force and almost requires "mortaring" the shotgun on the ground (slamming the butt of the shotgun onto the ground while holding onto the slide) but it will clear the jam and get the operator back into the fight.

1990s to 2000-vintage Remington 870 Police



These shotguns came from the factory in a parkerized finish and with the flexible tab conversion already installed, so good upgrades would include possible lights and mounts such as the CDM Mod-C mount that fits many small-cell police flashlights, magazine extensions if it doesn't come from the factory with one and a brightly coloured follower.



For shotguns that might be needed in a hurry, a shorter barrel will help speed and pointability, at the expense of a slightly shorter sight radius. A 14-inch barrel, such as manufactured



by Dlak Arms of Delta BC is no less accurate than the standard 18-inch or 20-inch barrel. In fact, in *Blue Line Magazine* tests, the Dlak 14-inch barrel on an 870 Police consistently put four slugs into a 6-inch circle at 40 yards.

The addition of a shorter barrel does not change the classification of a pump-action shotgun, provided the barrel comes from the factory at that length and provided the overall length of the shotgun is 26 inches or more. (Dlak clearly marks the barrel length on the side of their barrels just to confirm they are factory-manufactured at that length and not cut down by the end user.)



Some users add accessory shell holders on the side of the receiver but on a police shotgun, they can sometimes interfere with the fit of the shotgun in a rack.



Speedfeed stocks, which also come standard on some versions of the 870 and 11-87 Police, have spaces for two spare shells moulded into both sides of the stock. Regardless of the make of shell carrier of stock shell carrier, one should assume that there will always be a good chance some of the rounds will fall out onto the ground – Murphy’s Law, of course – in the middle of a gunfight and cannot always be relied upon for reloads.

Other than sight upgrades as previously discussed, there is not much else to worry about on these shotguns.

Recent-vintage Remington 870 Police



The Remington 870 Police shotgun is made in a different part of the factory than the regular 870 and 870 Express line, and Remington promises higher quality control and better finish. But Remington is also fighting for survival in a very competitive market that has increasing restrictions and liability concerns on gun manufacturers. Reducing manufacturing costs also mean quality has noticeably dropped on recent 870 lines.

Departmental armourers should be aware of this and be prepared to do some finishing and/or polishing to any Remington made in the last ten years. Chambers are made rougher than they were years ago, and while this has little effect on the majority of good quality police duty rounds, it can cause jams when firing cheap practice loads. If a low-brass shell seems to occasionally stick in the chamber so tight that the shotgun must be “mortared” on the ground to clear it, one should either return the shotgun to Remington for some chamber refinishing or chuck some 0000 steel wool on the end of a dowel rod into their cordless drill and run it up and down the first few inches of chamber for a minute or two.

Other problems have been observed with

the two-piece magazine extensions where shells occasionally jam going in to the tube. Even worse, when fired very very quickly, they can sometimes fail to feed the second or third round out of the tube because a shell slows down very slightly as it jumps the lip from extension to tube.

While there are lots of proposed solutions out there, the only 100 per cent solution is to remove any problematic magazine extensions and replace them with a Remington end cap. This reduces the capacity by two rounds but I would much rather have four rounds that always work versus six rounds that almost always work.



Interestingly enough, Remington has started manufacturing a new model 870 Express Tactical with a one-piece full-length magazine tube. I consider this a very significant step for Remington to take, simply because it completely changes the aftermarket availability of replacement barrels. But based on my recent experiences with magazine feed issues on new Remington 870s, I am hoping Remington eventually equips all their police and tactical shotguns with the new one-piece tube design.

Dave Brown is *Blue Line Magazine's* Firearms Editor and staff writer. He is a tactical firearms trainer and consultant. He can be reached at firearms@blueline.ca

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SONS OF GUNS

A high caliber primer on some firearm origins

(Excerpt Bathroom Reader's Institute)

ELIPHALET REMINGTON II
(1793-1861)



The story goes that in 1816 young Remington needed a new rifle – so he made one at his father’s forge at Ilion Gulch, in upstate New York. That fall he entered a shooting contest with his new flintlock. He won only second place, but the gun was so good (and so good-looking) that before the day was over, Remington had taken orders for several more rifles. Suddenly he was in the gun business. By 1839 E. Remington & Sons was a booming company in Ilion. Though it’s no longer a family business, Remington still manufactures world-renowned rifles on the same site. (They also made typewriters and electric shavers.)

SAMUEL COLT (1814-1862)



At age 15, Colt left his father’s textile mill in Connecticut for a sailor’s life. Legend says he was at the ship’s wheel when he got his big idea—a pistol with a revolving cylinder. Colt received a European patent for the invention in 1835 and took it to the United States the following year. His fortune was assured when the U.S. army began supplying its officers with Colt revolvers during the Mexican War from 1846 to 1848. The Colt .45 Peacemaker became—and still is—a symbol of the American West.

GEORG LUGER (1849-1923)

The real name of Luger’s gun is “Pistole Parabellum.” Americans know it as the “Luger” because the U.S. importer in the 1920s, AF Stoeger & Co., marketed it under



the German gun designer’s name. Georg Luger made the first Luger-type pistol for a German weapons manufacturer in 1898. The German military started buying them in the early 1900s; during World War II they were the official sidearm of the Nazis. The sleekly designed guns are prized by collectors today and are still used in competitions because of their accuracy. Why “Parabellum”? It comes from the Latin phrase *Si vis pacem, para bellum*—“If you want peace, prepare for war.”

HORACE SMITH (1808-93) &
DANIEL WESSON (1825-1906)



Smith was a Springfield, Massachusetts, toolmaker; Wesson was a gunsmith from nearby Northborough. They joined forces in 1852, introducing a groundbreaking invention: the self-contained, waterproof “cartridge,” or bullet. Before that, all the ingredients—gunpowder, ball, and primer—had to be mixed by hand. In 1869 they introduced the Smith & Wesson “Model 3 American” pistol. Customers ranging from the Russian army to Annie Oakley helped make it one of the most popular handguns in the world. Other Smith & Wesson notables: the .357 Magnum and the .44 Magnum, made famous by Clint Eastwood in the Dirty Harry movies.

DR. RICHARD J. GATLING
(1818-1903)



Gatling was an inventor during the

mid-1800s. Most of his inventions were agriculture-based, but in 1861 he came up with the fearsome Gatling Gun, a hand-cranked machine gun that fired 200 bullets a minute. A medical doctor, Gatling thought his gun’s super firepower would require fewer soldiers on the battlefield, resulting in fewer casualties. He was wrong; it just made soldiers more effective killing machines. After improvements were made in 1866, it became a weapon of choice for armies worldwide for the next 40 years and eventually spawned a huge variety of imitators.

HIRAM MAXIM (1840-1916)



Legend has it that Maxim, an American expatriate, visited the 1881 Paris Electrical Exhibition, where he heard someone say, “If you want to make a lot of money, invent something that will enable Europeans to cut each other’s throats with greater facility.” Shortly thereafter, Maxim invented the first “automatic” machine gun — it reloaded itself automatically, firing more than 500 bullets per minute. The British bought it in 1889 (the United States turned it down), and by 1905 more than 20 armies and navies around the world were using the Maxim Machine Gun. Other Maxim inventions: the gun silencer and cordite (smokeless gunpowder). Knighted by the British in 1901, Sir Hiram died in 1916.

JOHN CANTIUS GARAND
(1888-1974)



In 1934 Garand, a Canadian-born employee of the United States Armory in Springfield, Massachusetts, designed what would become

the mainstay of the American military, the M-1 Garand rifle. It was “gas operated,” meaning that gas buildup behind an exiting bullet was routed to drive a piston that put the next bullet into place — very quickly. That made it semiautomatic, a huge advantage over Japanese and German rifles, which were still boltaction at the start of World War II. Almost four million M-1 rifles were made during the war, and Garand didn’t make a cent off them — he worked for the Armory for 36 years and never received more than his standard pay.

MIKHAIL TIMOFEEVICH
KALASHNIKOV (B. 1919)



Kalashnikov was a Russian tank driver during World War II. After being badly injured in 1941, he turned to weapon design and produced the light, inexpensive, and extremely durable AK-47. The “AK” stands for Automatic Kalashnikov; the “47” comes from 1947, the year the new rifle was introduced. The gun became standard issue for the Soviet army in 1949 and was soon being used by communist armies and insurgents all over the world. It’s estimated that there are more Kalashnikovs worldwide — perhaps as many as 100 million — than any other gun in use today.

UZIEL GAL (1923-2002)



Gal was a young Israeli army officer who submitted a design for a new submachine gun to the military in 1951, shortly after the founding of Israel. The “Uzi,” as it came to be known, was small, powerful, cheap to manufacture, and easy to maintain. The most innovative part of Gal’s design: putting the magazine inside the pistol grip, making it easy for soldiers to reload in the dark. Today Uzis are used by military and police in more than 90 countries; the gun has made the Israeli munitions industry more than \$2 billion. Gal died in 2002, and the Israeli military officially stopped using the Uzi a year later. Ironically, he asked that his name not be used for the gun. (The request was ignored.)

Trading pistols for pixels

by Aldo Santin

WINNIPEG - Revolvers, flare guns, 1950s-era Soviet-made SKS semi-automatic rifles, muskets, .22-calibres, Second World War-era British-made Enfield rifles.

Those represent the range of firearms being turned in to Winnipeg police in the first week of the hugely successful Pixels for Pistols gun amnesty program.

“The response from the public has been simply awesome,” Sgt. Geordie MacKenzie, head of the WPS gun amnesty program, said. “We never anticipated we would see this many firearms turned in so quickly.”

Through the partnership with Toronto-based retailer Henry’s and Panasonic, digital point-and-shoot cameras are being given out for every workable firearm turned in during November. Gift certificates for three hours of photography lessons are given out for ammunition and non-working firearms.

By the end of the campaign’s first week, more than 400 firearms had been collected, easily smashing the number set in 2010 when Winnipeggers turned in 192 firearms during a 30-day campaign.

“We really didn’t know what to expect at the beginning,” said Const. Alan Akre, one of six officers assigned to retrieve the guns. “Right out of the gate, it’s been hugely successful.”

Akre spends his 10-hour shifts retrieving the weapons, making calls from his cruiser to individuals who said they’ve got firearms they no longer want.

“We’re getting more calls than we can handle,” Akre said.

After individuals have called police and said they’ve got firearms to turn in, the information is logged into the WPS computer system and appears as a call report. Officers are sent out to contact the callers and pick up the weapons.

Akre said the calls are coming in from every area of the city.

“It’s a great incentive,” Bill Hughes, a retired North Kildonan resident, said as he waited in a



fourth-floor office at the Public Safety Building to pick up his gift certificates. “I had a 12-gauge pump-action shotgun that used to belong to my dad and a pellet handgun.

“I didn’t have any use for either of them but I didn’t know what to do with them. This (Pixels for Pistols) program certainly caught my attention.”

Akre said that’s the type of comments he’s been getting from people as he picks up their unwanted firearms.

“It’s just people who either inherited a gun or someone who stopped hunting,” Akre, a 32-year veteran of the WPS, said. “It’s good to get them off the street.”

As in all bureaucracies, there is a great deal of paperwork associated with the program. First, the gun owner signs a one-page document that states they are willingly surrendering a firearm to the WPS. Then, Akre fills out a voucher for every firearm turned in; pink copy goes to the owner and a yellow copy is tagged to the firearm and goes back to headquarters.

Back at the Public Safety Building, the tagged guns are turned in to the firearms room where officers examine them to determine which ones are in working order.

The guns are bundled and taken to an off-site facility where WPS members witness and verify that the firearms are destroyed.

“This program is a great partnership,” MacKenzie said. “Us, Henry’s and the public.” (CP - The Winnipeg Free Press)

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Policing aboriginal communities

Creating a safe and prosperous environment

by Chris D. Lewis

Critical incidents related to indigenous rights or social and economic conditions often attract national and international media coverage but day-to-day policing is rarely mentioned or explored. Many indigenous communities are small and isolated and their unique needs make providing effective local policing challenging, complex and often frustrating.

Ontario has Canada's largest indigenous or aboriginal population; an estimated 296,495 individuals are identified as North American Indian (First Nations), Métis or Inuit. Most live in urban centres; only 30 per cent live in the province's 133 First Nations reserve communities, 127 of which are recognized under the federal *Indian Act*¹. Many other jurisdictions in Canada and around the world have similar aboriginal populations, although individual histories, language, cultural practices and spiritual beliefs vary dramatically.

The *Police Services Act of Ontario* obligates the OPP to provide police services in all parts of the province not serviced by a municipal police service. This obligation places us in a unique position with respect to policing First Nations territories.

Historically, the RCMP policed Ontario First Nations, in keeping with the (then) view that Indian affairs were a federal responsibility. This began to change in the 1960s, when federal financial support for on-reserve policing began to replace direct-service delivery. The RCMP withdrew and, by the early 1970s, OPP officers, supplemented by local community special constables with limited authority, policed all Ontario reserves.

Fly-in patrol units were established to reach remote northern communities. By the mid-1970s they logged hundreds of thousands of flying hours supervising local special constables, offering guidance on federal Indian Act bylaw offences, investigating serious crimes and liaising with community leadership on policing issues. The distances, isolation, lack of radio communication and need to use frozen lakes and rivers as landing strips made for extremely challenging policing conditions.

By 1989, self-policing was a growing focus. The Six Nations Police, established in 1989 on the Six Nations of the Grand River near Hamilton, and the Akwesasne Mohawk Police, established in 1990 in southeastern Ontario, led the way as independent police services. The concept of community choice and the self-directed policing option were entrenched in the *Ontario First Nations Policing Agreement 1991–1996* (OFNPA), considered a landmark tripartite agreement among First Nations and the federal and provincial governments. It and subsequent renewals set the stage for a gradual expansion of self-directed First Nations police services.

Today, the OPP directly polices 19 First Nations communities, provides administrative support for 19 more and operational and specialty services support for the nine self-directed First Nations police services, which police 94 communities.

While the OPP no longer provides direct service delivery to most First Nations, it has a vested interest in the sustainability and effectiveness of their policing. The priority is community safety and the OPP continues to help train, support and advocate for improved conditions so that policing can

effectively meet their needs.

For a variety of complex reasons, particularly in remote and isolated communities, this remains an immense challenge.

Difficult conditions

Community conditions vary greatly. Some, such as Six Nations of the Grand River and Chippewas of Rama near Orillia in central Ontario, are located on good transportation routes adjacent to nearby towns and cities, with easy access to a diversified economy and varied educational opportunities. Others, such as Kashechewan First Nation on the shores of Hudson Bay and Pikangikum First Nation in the far northwest, are small and isolated, accessible only by air and winter roads when the muskeg and ice are firm enough to support vehicles. Educational and economic opportunities are extremely limited.

Social indicators for some of Canada's aboriginal communities paint a bleak picture. Statistics Canada's *2009 General Social Survey* found people who self-identified as aboriginal were significantly more likely to report being victimized compared to the general population. The survey used a list of eight offences, including three types of violent crime, four household crimes and theft².

In addition, aboriginal people are more likely to be victims of non-spousal violence and report being victimized multiple times. In 2009, 12 per cent reported being the victim of at least one non-spousal violent crime – more than double the five per cent rate of non-aboriginals³.

Incarceration rates are also telling: In 2008–2009, 35 per cent of women and 23 per cent of men identified as aboriginal admitted

to adult-sentenced custody, even though they make up only three per cent of the adult Canadian population (2006 census data)⁴.

In 2000 – the latest year for which statistics are available – the national suicide rate for aboriginals (24 per 100,000) was twice that of the general population and significantly higher in certain communities and subgroups, notably aboriginal youth⁵. In Pikangikum, a small community of 2,334 residents, a recent spate of youth suicides (five within 44 days) led a former chief to make a public plea for help⁶.

The OPP is studying the Ontario assistant coroner's *Death review of the youth suicides at the Pikangikum First Nation 2006–2008* to see how it can help address some of the challenges and contributing factors. The report is a detailed and comprehensive review of the suicides of 16 children between 2006–2008⁷.

Pikangikum is policed under the OFNPA by constables employed by the community and supported by the OPP. Because of an extremely high number of incidents requiring a police response, the OPP continues to send officers on two-week live-in rotations to supplement the community police.

The number of aboriginal youth dropping out before completing high school is also high. A 2006 report states 54 per cent of reserve residents between 20 and 24 had not graduated high school. The comparable 2001 rate for all of Canada was 16 per cent⁸.

The national unemployment rate for aboriginal people living on reserves in 2001 was 27.6 per cent, four times the rate for the country⁹. On northern, isolated reserves, the rate can be as high as 80 per cent, although these populations are more likely to be involved in traditional pursuits such as hunting, fishing and trapping – hard work not captured in employment statistics.

Other social indicators can be equally alarming. If living conditions on many reserves – crowded, crumbling housing, inadequate infrastructure, poor-quality drinking water and limited services – existed in a large Canadian city, there would be outrage and cries for action.

These conditions – poverty, high unemployment and limited opportunities – provide the perfect incubator for a growing phenomenon in Canada: organized crime gangs based on aboriginal identity.

Among other activities, these gangs import and sell illegally obtained prescription drugs in isolated First Nations communities, creating significant social and community safety issues. One remote community declared a state of emergency in October 2010, appealing for help to fight a crisis of drug abuse, violence and arson that plagued the health and safety of residents. Its police agency, the Nishnawbe-Aski Police Service (NAPS), did not have the resources to cope. The OPP joined forces with NAPS and other criminal justice partners and achieved some success in stabilizing the situation and stemming the flow of prescription drugs.

While the numbers will vary, the social indicators for indigenous populations in



many jurisdictions around the world would be equally alarming. Agencies responsible for day-to-day policing in these communities and the officers who work there need to understand and plan for these conditions if they hope to be effective.

Recruitment and retention

The OPP works hard to promote policing as a viable profession and the organization as a viable workplace for people from all backgrounds and regions but recruiting officers of aboriginal descent is still a struggle, especially in smaller northern communities. The requisite education level for police recruits is one factor, given the high numbers of aboriginals who do not complete high school. Lower education levels mean fewer potential candidates.

While the primary focus is to recruit First Nations officers from the community or region where they will serve, some prospective officers likely will not want to police their home areas because it would mean policing their own families. Housing is an issue in virtually

every community and if a police officer is not from the area, adequate housing is rarely available.

Continuity is a further challenge, given that promotion and a desire for broader experience in specialized areas are not easily accommodated in small, isolated communities.

The OPP regularly recruits and sends newly minted officers to postings in many northern communities. Some may have or soon develop a passion for the north and choose to spend their entire career there – but it is not for everyone.

Officers not of First Nations descent may have to adjust to policing communities with distinctly different approaches to authority, justice and punishment. Native awareness training is one tool the OPP uses to help officers, in particular those who work in or with First Nations communities, develop cultural awareness and understanding. The training helps make it possible to address critical staffing needs.

Adequate resources

Policing in First Nations communities has to be seen as a desirable work prospect to attract and keep officers. Infrastructure is a critical factor to sustainability yet many communities face issues that do little for desirability. Adequate funding to affect an adequate level of policing is essential.

A January 2006 fire which broke out in the cell area burned the NAPS building in Kashechewan First Nation to the ground.

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The building lacked a working smoke detector, fire extinguisher and sprinkler. NAPS officers tried to free the two men in the cells but could not unlock the doors and had to flee. They perished in the fire and the officers were severely injured. The subsequent coroner's inquest heard the incident described as "another dark chapter in Canada's shameful history of neglecting First Nations people" and made 86 recommendations, including 16 grouped under the heading "Adequacy of resources"¹⁰.

Ten First Nations policing agreements, including the nine self-directed police services and the OFNPA administered by the OPP, are funded by the Canadian and Ontario governments: 52 per cent and 48 per cent, respectively, for front-line policing. The OPP regularly supplements resources necessary to support the 19 OFNPA communities it administers and has provided officers and resources to support them. The existing structure severely limits the ability to adequately address their policing needs. Jurisdictional issues cannot be left to trump the need for workable solutions that address quality of police services and facilities.

Exceptional incidents

Policing in remote communities requires a subtle and flexible approach, exceptional judgment and advanced negotiating skills. Officers who may have just one or two colleagues in the community and are often a long flight from any backup can face situations unheard of in larger centres. An incident in June 2010 is one example.

During a domestic disturbance call, one of the two responding officers was forced to strike a subject who attempted to grab his firearm. The next day, with a band council resolution in hand, an angry crowd of more than 200 residents surrounded the police station, saying the OPP was no longer wanted and demanding that officers leave. It cut communication lines and disabled police vehicles.

To buy time and calm the situation, the dozen officers agreed to walk to the airport, escorted by the crowd. With the help of some respected outsiders, they then negotiated but the OPP position was clear: officers would not leave the community without police service. Eventually, relief officers were flown in. The embattled officers left for safety reasons but continuity of policing was maintained through a difficult and volatile incident.

The majority of residents and the band council chief, who was away at the time of the incident, quickly made it clear that the



crowd's actions were not broadly supported and reiterated the desire to retain the OPP.

The officers received a letter of commendation from the OPP commissioner for their appropriate behaviour under extreme duress, minimal use of force during the lengthy standoff and strict maintenance of firearms discipline. The commendation was criticized by some First Nations leadership, underscoring the complicated nature of police work and community relations.

Lessons learned

Some lessons from the OPP's long involvement in First Nations policing:

1. **Be an advocate.** Police must tirelessly advocate in a professional and supportive manner for adequate and appropriate resources for aboriginal communities. It is not acceptable to shrug and passively accept inadequacies.
2. **Good liaison officers are essential.** Strong, two-way communication between respected individuals is crucial. Trained liaison officers can establish this rapport and maintain it in a way that melds with aboriginal culture and community expectations.
3. **Build partnerships.** When First Nations leadership singled out illicit drug activity as a major issue, the OPP listened and responded, earning the leaders confidence and community support for enforcement action. Partnerships were struck with First Nations police services and other agencies, making the issue a priority. The number of investigations, charges and quantities of drugs seized represent significant achievements. Acting without partnerships and community understanding, despite the staggering nature of the problem, would not have been accepted.
4. **Cultural awareness is key.** The OPP runs a respected five-day native awareness course open to all officers and civilians. Members lecture on culture and history for all police recruits at the Ontario Police

College. A variety of special events and lectures with an aboriginal theme are held at OPP general headquarters and at other locations. The goal is to culturally prepare staff for any interaction or assignment with First Nations.

5. Have a long-term recruitment strategy for officers of aboriginal descent. The OPP respects diversity and strives to reflect the communities it serves in its ranks. Aboriginal people are underrepresented in police work in Ontario but are essential to providing effective police service in First Nations communities. Any police agency with these obligations needs an effective recruitment strategy to overcome cultural

barriers and position police work as an exciting career choice for aboriginal youth.

6. Policing First Nations requires special strategies and skills. What works in a downtown urban environment may not work in an isolated northern reserve. The OPP created its Aboriginal Policing Bureau in 2007 to ensure it was well positioned to support effective First Nation policing.

7. Consider special programs with a youth-oriented focus. OPP officers created and regularly provide youth programming designed to foster positive relationships between aboriginal youth and police, build self-esteem and help youth make positive lifestyle choices. The goal is to help instill pride in who they are and where they come from as a building block for the future.

8. Prepare for the future. There are no quick fixes or magic bullets to address some of the significant challenges facing First Nations communities and the services that police them. Establish long-term goals, set priorities and celebrate incremental improvements.

The overall goal of most, if not all, aboriginal communities is to create a safe and prosperous environment in which residents can live and work. Effective day-to-day policing is essential in helping to achieve that.

1 "Aboriginal People in Ontario: Ministry of Aboriginal Affairs Quick Facts," Ontario Ministry of Aboriginal Affairs, www.aboriginalaffairs.gov.on.ca/english/services/datasheets/aboriginal.asp (accessed November 4, 2011).

2 "Violent Victimization of Aboriginal People in the Provinces," Statistics Canada (2009), www.statcan.gc.ca/daily-quotidien/110311/dq110311c-eng.htm (accessed November 1, 2011).

3 Ibid.

4 Tina Hotton Mahony, "Women and the Criminal Justice System," Statistics Canada, www.statcan.gc.ca/pub/89-503-x/2010001/article/11416-eng.htm (accessed November 1, 2011).

5 Laurence J. Kirmayer et al., *Suicide among Aboriginal Peoples in Canada, The Aboriginal Healing Foundation Research Series* (Ottawa, Ontario, Canada: Aboriginal Healing Foundation, 2007), www.ahf.ca/downloads/suicide.pdf (accessed November 1, 2011).

6 "Rash of Suicides Raises Call for Help," *The Chronicle Journal*, September 1, 2011, www.chroniclejournal.com/content/news/local/2011/09/01/rash-suicides-raises-call-help (accessed November 1, 2011).

7 *The Office of the Chief Coroner's Death Review of the Youth Suicides at the Pikangikum First Nation, 2006-2008*, Office of the Chief Coroner, Publications and Reports, provincialadvocate.on.ca/documents/en/Coroners_Pik_Report.pdf (accessed November 1, 2011).

8 Michael Mendelson, "Aboriginal Peoples and Postsecondary Education in Canada" (Ottawa, Ontario, Canada: Caledon Institute of Social Policy, July 2006), www.caledoninst.org/Publications/PDF/595ENG.pdf (accessed November 1, 2011).

9 "Review of Aboriginal Human Resources Development Agreements-Synthesis of Findings-December 2004," Human Resources and Skills Development Canada, www.hrsdc.gc.ca/eng/publications_resources/evaluation/2004/sp_ah_667_12_04/page05.shtml (accessed November 1, 2011).

10 "Inquest Touching the Deaths of Ricardo Wesley and Jamie Goodwin: Jury Verdict and Recommendations", Chief Coroner, Province of Ontario, Canada, May 21, 2009, www.cbc.ca/news/pdf/wesley-goodwin-verdict-and-recs.pdf (accessed November 1, 2011).

Chris D. Lewis is commissioner of the OPP. This is an edited version of an article first published in *The Police Chief* (Dec. 2011, Pages 80-84).

Ontario Provincial Police Aboriginal Policing

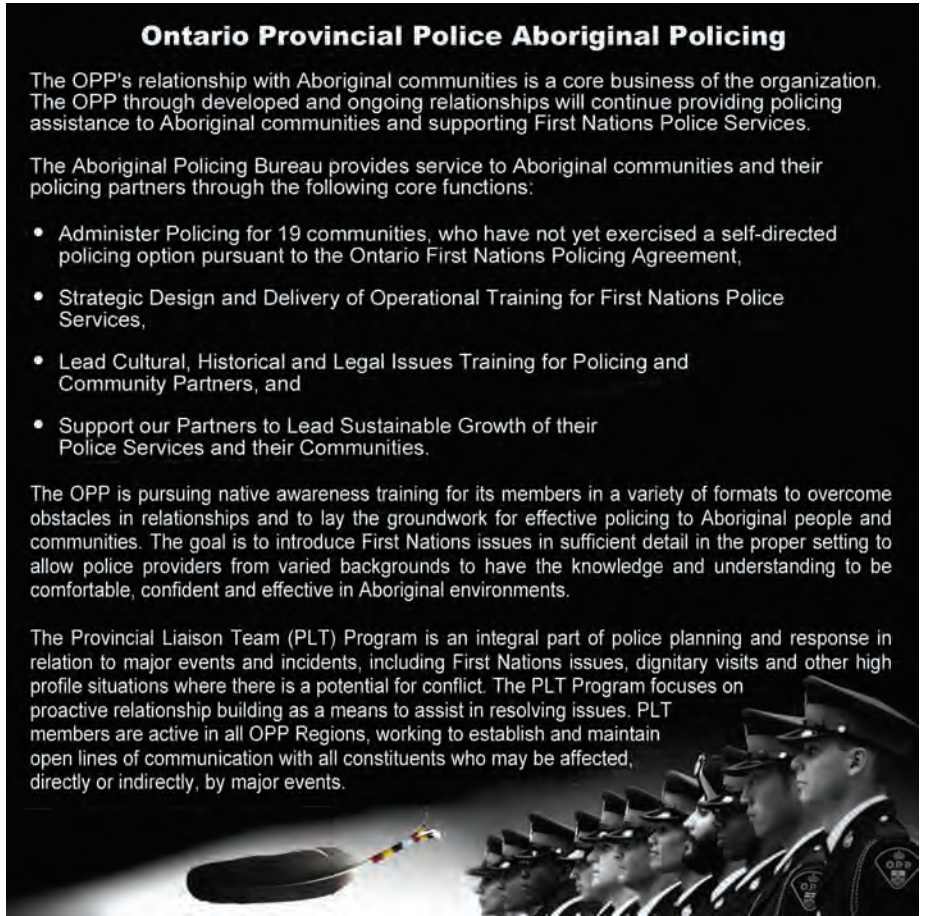
The OPP's relationship with Aboriginal communities is a core business of the organization. The OPP through developed and ongoing relationships will continue providing policing assistance to Aboriginal communities and supporting First Nations Police Services.

The Aboriginal Policing Bureau provides service to Aboriginal communities and their policing partners through the following core functions:

- Administer Policing for 19 communities, who have not yet exercised a self-directed policing option pursuant to the Ontario First Nations Policing Agreement,
- Strategic Design and Delivery of Operational Training for First Nations Police Services,
- Lead Cultural, Historical and Legal Issues Training for Policing and Community Partners, and
- Support our Partners to Lead Sustainable Growth of their Police Services and their Communities.

The OPP is pursuing native awareness training for its members in a variety of formats to overcome obstacles in relationships and to lay the groundwork for effective policing to Aboriginal people and communities. The goal is to introduce First Nations issues in sufficient detail in the proper setting to allow police providers from varied backgrounds to have the knowledge and understanding to be comfortable, confident and effective in Aboriginal environments.

The Provincial Liaison Team (PLT) Program is an integral part of police planning and response in relation to major events and incidents, including First Nations issues, dignitary visits and other high profile situations where there is a potential for conflict. The PLT Program focuses on proactive relationship building as a means to assist in resolving issues. PLT members are active in all OPP Regions, working to establish and maintain open lines of communication with all constituents who may be affected, directly or indirectly, by major events.



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Talk with your hands when speech is not an option

by Tom Wetzel

Miscommunication can cause serious problems in accomplishing a common task, particularly when it's important to stay quiet. Hand signals are a great alternative but often differ between police agencies and teams – and some agencies do not have systems in place.

With regionalization efforts to consolidate police services likely to expand, officers may find them self working more with peers from other agencies. A uniform set of hand signals would be helpful to communicate more effectively and efficiently in situations requiring co-ordination and direction.

Here is a basic seven hand signal system for use by patrol, undercover and SWAT team officers. The simple signals are easy to understand and remember, allowing officers from different agencies to work together to clear a house, hold positions or warn of a threat without saying a word. It provides an essential foundation that allows for enhancements dependent upon agency, area wide interest or type of assignment.

The system

The seven hand signal system provides a framework of simple signals to establish understanding and clarity while limiting noise. It is designed to be basic and practical, easy to remember and useful for essential commands or directions. It is not meant to be a comprehensive system of communication, as this would be impractical for officers trying to recall too much during a stressful situation. Too many signals can cause misreads and make a system dangerous.

Officers will generally use their support hand to send signals, reserving the strong hand for their weapon. Using these signals will allow them to understand and direct basic movement in different directions, stop, open and close doors, alert to suspects, hold a position or make a tactical retreat without speaking. Some of the signals allow for more than one use of a particular part of the hand or formation of a signal but these are reasonable applications that should feel natural and flow well.

Although suspects may hear officers move, they may not be aware of what their intent is or know where they are. These simple signals can be used singularly or worked together for basic messages, providing a tactical advantage. They can also be incorporated with other signals such as head nods, facial expressions such as winks or basic lip reading.

An agency can also use them with other signals familiar to their officers. The signals can be used interchangeably and do not have



Photos courtesy Dave Brown

to follow a specific order. Although the system is basic, it will still require initial training and periodic updates to ensure it is well understood, especially when it is relied on under stress.

1 - Index finger point



Most people understand the index point. You point a finger at someone or something that you are referring to. Fingers are also used to count or show how much of something or how many people you want. They have an important function in this system as fingers will direct who is involved, how many officers are needed and pinpoint an area of concern.

The index finger can be used to point to an officer who will be involved. This can be followed by another signal on what the lead officer wants them to do, such as cover or hold a position. The lead officer can also point to themselves with a follow up signal to let those

next to or behind them know what they intend to do. An example of the index point: an officer points to the area they believe a suspect may be and provides a specific signal about that information or suspicion.

Other fingers can be used to indicate numbers, such as how many officers are needed to cover an area. Often times the lead officer, particularly if at the front of a team stack, will not want to take their eyes off an area. Their signals will be read by those behind them. If they want someone to do something, they will use their thumb to indicate they will need assisting officer(s) and then fingers to indicate how many officers are needed. These initial signals will indicate who will be involved and can be followed by other signals on where to go and what to do.

2 - Flat hand directional



The flat hand point is for directing movement. With the palm of your hand flat and straight, bring your fingers together, then move and point them in a certain direction – left, right, up or down – to convey which way to go or which way you intend to go. A lead officer could point to two officers and then provide a flat hand left directional, directing them to go to the left or enter a certain area on the left. The same officer could also point to himself and then show what direction they may go. Officers can then search different portions of a home. This signal is similar to the index point but is intended to be specific to direction and movement. This avoids the overuse of the index point, which is for indicating a person, object or area.

The flat hand turn signal is for doors of concern, whether inside or outside a home or on a vehicle. By taking the hand and keeping all the fingers next to each other in an upward direction, the officer will turn the hand back and forth to indicate a door. Generally this is to indicate doors but could also be used for a window that could present some concern. By using this signal, an officer will be aware of a door in front of them.

If an officer wants the door entered or opened, they can signal this to another officer. An example would involve the lead officer pointing to another to open a closet door while checking a house alarm. The lead officer would point to them, then the closet door, followed by a flat hand turn signal. The other officer

will open the door while the lead officer covers it and whoever is inside. The same signal can follow after the clearing action if the lead officer wants that same door closed.

3 - Wave motion



The wave motion (forward, backward and toward you) is a common hand signal to indicate movement. By waving the hand and fingers back and forth in a loose manner, officers can direct movement. It is a signal routinely used to direct traffic. By waving the hand forward, an officer can direct another officer to move forward. Moving the hand and arm backwards indicates a movement back or away. Using the signal in this manner could

direct officers to leave an unsafe area such as a chemical lab.

Moving the hand and fingers toward you can direct an officer to come to you, i.e., having an officer enter a room you deem safe. This signal is important because it can also work as a start signal. When an officer observes the forward wave motion signal, they will begin moving. Depending on officer/team co-ordination, this start signal may not always be necessary as officers may recognize that once the signals are sent, they are to begin the actions.


4 - Closed fist



A closed fist is a well recognized hand signal to stop movement. By closing a hand and making a fist, an officer can direct another to stop. A SWAT team leader may be moving

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their group forward when they see or sense something of concern. By stopping and lifting their hand in a fist, officers following will know to stop. This signal is likely to be followed by another signal such as to hold a position (signal seven).

5 - OK sign/question mark



It is important that the receiver understands a message. Depending on the circumstances and mutual understanding, an officer getting a hand signal may want to signal that they understand. By providing a common "OK" hand signal, they convey to the sender that they get it. This signal may not be practical if an officer is holding a protective bunker or weapon with both hands. A head nod is generally understood as acknowledging something and may be required at times instead of the OK signal.



If the officer doesn't understand, they should send a question mark hand signal. This can be done by bending the hand so that the top is horizontal to the ground. The fingers should be curled half way around in a semi fist with the thumb pointing down. This conveys to the sender that the receiver doesn't get it. If unable to make the signal due to both hands being used, the receiving officer may shake their head

in disagreement.

Obtaining the correct message may require further signals of this particular system, the use of other familiar signals/practices, lip reading or may require getting close enough to quietly whisper. What is important is that the right message is conveyed to prevent confusion or taking the wrong action.

6 - Horizontal flat hand



This initial hand signal and its directional follow up would be used to direct officers to hold a position or lock down. In the same manner as the flat hand directional, the officer will turn the hand with the fingers together in a horizontal position to the ground and at about waist length when practical. To direct an officer to hold a position or lock down, they can then lower the hand in a short downward motion toward the ground. This signal is valuable for setting up officers in different positions within a sight line.

A practical example could involve multiple patrol officers checking a building for a suspect when one officer directs another through this signal to provide cover on a position. Another example could involve a lead SWAT officer who wants the team to stop action and lockdown, i.e. they don't like the layout in front of them or have been radioed to stop any further movement and want signal this to team members behind them. Even if other officers heard radio traffic to lockdown, this hand signal is still valuable in case a radio was off or a person didn't copy.

7 - Open/close hand-three times

If an officer spots a suspect or threat such as a bomb, they should make a fist to stop further movement and then open and close their hand three times or point first in the direction of the problem and then proceed with opening and closing the hand three times. All five fingers should



be widely apart when opening up the hand.

This short hand signal will warn other officers that trouble is in front of them or close by. Its repetition should help if an officer is looking the other way initially and misses the first two motions. The wide open hand motion is distinct from the other signals and should make it clear what it is being conveyed. This signal and its repetition should prevent it being confused with other hand signals.

An example could involve an officer spotting a suspect in a building that other officers did not see. They would open and close their hand three times and then point to where the suspect is. This could be followed by directing two officers through the index point and flat hand directional signals to take positions where they are safe or have a tactical advantage.

In many situations, an officer will begin verbal commands after spotting or encountering a suspect, alerting others to the location, but there may be situations where officers do not want to initially give up their positions, i.e. they want more officers set up around the suspect or a pepper fogger brought in before confronting the suspect. Using a hand signal to warn of trouble could be useful.

Uniformity is valuable

By training in this seven hand signal system and using it, officers can work together in situations where speaking may compromise their objectives. Knowing what your partner is trying to convey through simply understood hand signals allows officers to conduct actions with increased safety and coordination. This system can provide valuable uniformity in hand signals for not only your agency's officers but those from neighbouring services that may have to back up or assist.

Tom Wetzel is a northeast Ohio suburban police lieutenant, SWAT officer, trainer and certified law enforcement executive. He holds a black belt in Goshin Jujitsu and can be reached at wetzel@blueonline.ca.

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DEDICATED TO RESEARCH

Real proof comes from real life with ViCLAS

by Larry Wilson

In the article “Questioning the assumptions – A critique of the Violent Crime Linkage Analysis System (April 2012 *Blue Line*),” the authors argue that “despite its widespread use, ViCLAS hasn’t undergone sufficient scientific testing and consequently may not do what it is supposed to.”

ViCLAS may not have undergone scientific scrutiny to the degree the researchers would prefer but it does what it is mandated to do. They did not clearly articulate specifically what they felt ViCLAS is supposed to do. I assume from the article’s focus they felt its purpose is to link cases. In fact, its actual mandate is to “to encourage and facilitate the exchange of information between law enforcement agencies for the purposes of identifying and tracking serial offenders of interpersonal violence.”

Although ViCLAS does link cases, it fulfills its mandate in several other ways. Two examples:

- An unidentified female calls a police communications centre from a payphone and said she planned to abduct and rape two children. The agency called the provincial ViCLAS Centre, which worked with the National Sex Offender Registry (NSOR) to identify area sex offenders. One female with a history of offending against young children stood out. The agency arrested her within an hour and eventually charged her with the offence.
- An investigator contacted a ViCLAS Centre about found human remains which were badly decomposed. Investigators tried other methods and tools to identify the person without success. The specialist had only a physical description and some tattoos to go on but was quickly able to identify a missing person case on ViCLAS where the tattoos matched. Investigators confirmed it was the right person.

ViCLAS does more than linking cases. For example, if police are confronted with a missing or abducted child, ViCLAS would work with the NSOR to conduct “tactical” queries. It can quickly identify sex offenders with a preference for children living in any neighbourhood in Canada. All ViCLAS managers give these cases top priority.

The researchers critique ViCLAS based on four assumptions they say are fundamental to ensuring its effectiveness, concluding each requires further research:

Assumption 1: Data entered into the system are reliable

The authors address inter-rater reliability with this assumption. Essentially, it examines how often investigators will agree with what happened when presented with the same data. If there is little agreement then it impacts on the reliability of their responses. The authors use the example of ViCLAS requiring a judgment as to whether a victim was targeted. If two people come to a different conclusion when presented with the same facts, then that response cannot be relied on.



They point to two studies to support their view that there are issues with inter-rater reliability. One was actually led by our office (Martineau and Corey) and the authors conducted the other.

The problem with both is they don’t represent reality. In these artificial studies there is no peril or benefit to those completing the book. They are aware the exercise is for a study, therefore there is no incentive to get the facts straight. In the real world, investigators understand that inaccurate data could impact on the potential to identify linkages between cases.

The candidates also had no first-hand knowledge of the case. Investigators strive to get as much of their case down on paper as possible but many of the details remain in their memory. Using the authors’ example of whether or not a victim was targeted is a good example of something that may be easy for the original investigator to decide without even referencing their notes but may be difficult to conclude based on a written report.

We agree with the authors that inter-rater reliability could be improved but disagree that we need more research in this area. We already understand the value of data reliability and have gone to extraordinary lengths to ensure it is at the highest standard possible. One way we do this is by providing investigators with a thorough explanation of the meaning of individual questions and response options. In addition to numerous training sessions, we have a “field investigator’s guide” available to all police officers that provides a detailed explanation of each question in the book.

We continually examine our data to identify problem areas and address any identified issues. There have been a number of instances where we have formed system review committees for this very purpose, resulting in the complete redesign of the ViCLAS book and the reduction of the

number of questions from 263 to 156.

Our most recent system review committee, held in 2009, had the benefit of the results of the inter-rater reliability study conducted by Martineau and Corey. Martineau was present and provided valuable input. The recommendations flowing from that meeting will prompt further changes to the new system when it is released.

Assumption 2: Data are entered accurately into the system

This assumption addresses the validity or accuracy of the data. The authors point out they are not aware of any evaluation of the extent to which stored ViCLAS data is valid and quite correctly point out, “...the quality of linkages will only be as good as the accuracy of the data.”

It would be naive to imagine a database with over 400,000 records, each containing hundreds of individual data elements, would be error free, even under the most ideal conditions. It is realistic to assume investigators completing the original submission or data entry clerks entering the books may make the occasional error or omission.

Of one thing we can be sure: where humans are involved, there is the opportunity for mistakes. That’s why we continue exploring ways to minimize the opportunity for errors by using quality control processes before the book makes it onto the system. In most cases, an investigator’s supervisor will review the submission and then send it on to the detachment/department’s ViCLAS co-ordinator, who reviews it again. If there are no issues, the co-ordinator will send it on to the ViCLAS Centre where it is processed.

Data can be submitted in paper form or electronically. If it’s on paper, a trained team member does another quality review. This may result in minor changes or the entire submission being returned to the investigator. Once it meets

an acceptable level of quality it is entered into the ViCLAS database.

The electronic version of the ViCLAS book has built in quality control filters that have led to an improvement in submission quality. It also negates the authors' concern regarding the books not being inputted verbatim into the system by data entry personnel because there is no key stroking involved. The ViCLAS staff imports the book electronically and then performs a quality review. The next version of the ViCLAS booklet will be web-based; investigators will submit all of their cases electronically.

Assumption 3: Criminal behaviours are consistent and distinct

The authors' third assumption "...is that offenders commit their crimes in a way that is distinct from other offenders and consistent enough over time to allow their series to be recognized. This is important because analysts linking crimes appear to use modus operandi behaviours and/or behavioural signatures in addition to information about the offender and victim (Santtila, Pakkanen, Zappala, Bosco, Valkama, & Mokros, 2008)..."

ViCLAS specialists do not make this assumption and have never been taught that an offender's MO does not change between cases. We go to great lengths to explain that it usually does change and provide a number of possible reasons for the difference in some behaviours across offences committed by the same offender.

The offender's behaviour is only one aspect of a ViCLAS analysis. There are numerous other considerations outside the context of MO, ritual or signature behaviour that go into the determination a potential linkage exists across offences. These can include, but are not restricted to: offender description, personality, availability and opportunity; geography; crime scene analysis; victim/offender interaction; offender/victim risk; physical evidence (including hold-back) and even intuition.

Assumption 4: It is possible to identify linked crimes

The authors say "...people who have received specialized training to link crimes are able to accurately identify serial crime..." and they are not aware of any research examining the impact of linkage training on linkage decision accuracy, nor research examining the performance in the types of linking tasks analysts face in reality.

The only available research, they add, examines how law enforcement personnel (and members of the public) not formally trained in linkage analysis performed on simulated linking tasks and explained such a study using burglary cases.

There is, however, a significant difference in the methodology and degree of training required in linkage analysis between property crimes and crimes of an interpersonal nature. As such, trying to draw any reliable comparison between these studies and how ViCLAS analysis is conducted is a stretch.

While we are not opposed to scientific examination, the fact is, we can produce numerous concrete examples to demonstrate that trained ViCLAS specialists can identify linkages between cases. They prove this each year on the ViCLAS specialist course.

After taking an intensive three week course, candidates are required to conduct a practical linkage analysis exercise. They are given a target case and asked to identify any other cases in the system that may have been committed by the same offender. To pass, they must not only identify the other cases but also explain to a panel of experts their thinking processes used to get those results.

Notwithstanding their success in the classroom, the real proof comes from real life. The following example was reported in our latest newsletter:

Victoria Police arrested the offender of a brutal sexual assault on a sex trade worker, following an 11 month investigation in which DNA evidence linked him to a 2009 unsolved attack on another Victoria sex trade worker. In February 2011, a sex trade worker reported a violent sexual assault to Victoria Police and gave them a detailed description of the offender.

The victim was able to get the offender's license plate number. It belonged to a female whose boyfriend matched the offender's description; however, the victim was unable to identify this male in a photo lineup. In May 2011, a ViCLAS analysis was conducted on the Victoria file and a potential linkage was made to another unsolved violent attack on another Victoria sex trade worker from 2009. A potential linkage report was completed and sent to Victoria PD. The investigators followed up on the files, including forwarding exhibits to the lab.

Male DNA profiles were located on exhibits from each case. These unknown DNA profiles were sent to the Crime Scene Index. The offender was on the convicted offender

DNA registry. In January 2012, the two cases were confirmed to be linked with the offender identified as the original suspect.

Conclusion

The RCMP's Behavioural Sciences Branch has a position dedicated to research and ongoing research projects, some in partnership with universities and other law enforcement agencies. We recognize the ViCLAS database is the largest source of data on crime of an interpersonal nature anywhere and appreciate its research potential.

Nonetheless, we must be extremely careful and selective when allowing ViCLAS to be used for research purposes, particularly when it involves researchers from outside law enforcement. The data includes highly sensitive information on both the offender and victim which we are compelled by law to protect and ensure it's not used other than for the purpose it was gathered. The goal of the research must contribute to the advancement of law enforcement in some way.

The authors made some valid points but may have left readers with the impression ViCLAS does not work and investigators may be wasting their time submitting cases. I want to assure your readers that it does work and investigators are not wasting their time.

RCMP Inspector Larry Wilson is the officer in charge of the federally managed Violent Crime Linkage Analysis System in Ottawa. Contact him at 613 843-5999 for more information.



Law Enforcement & SOCIAL MEDIA

A modern dilemma: investigate or communicate

by Martin Hurst

Social media is a powerful vehicle for relationships, networking and marketing but it's also heavily exploited by those involved in illicit activity, corporate espionage and violent criminal acts.

Effectively investigating social media has more to do with behaviour than technology, which is placed in a support capacity. Forensic investigation concerns itself not only with the subject matter but the tools used to acquire it.

Social media has been in active play since 1996, when sixdegrees.com was launched and exploded in 2004 when MySpace allowed teenagers to create accounts. Many of us are acutely aware of Facebook's inception the same year, leading to numerous Canadian accounts by 2007. Facebook claimed to have one billion

monthly active users as of October 2012.

What has become a recent phenomenon is the embracing of social media by law enforcement. Over the last few years we have witnessed agencies use it in exceptional ways, while others reaped the fruits of concurrent poor usage. There are two main camps.

- The communicators: Proactively use social media for two way communication with the general public.
- The investigators: Have developed open source information into intelligence in an effort to better investigate suspects, persons/groups of interest and chronic criminals.

Putting first things first

Social media is no longer a social hobby or pastime; it is now an integral part of lifestyle, business, employment and criminality. As a result of widespread usage, the companies that have created these networking sites have access to a variety of analytical information, including:

- Membership demographics: Tombstone information (name, birth date, gender, citizenship and residence).
- Membership psychographics: The number of members who own mobile devices, have broadband access, watch streaming video, play video games or have multiple social media profiles.

- Membership purchasing habits: The brands members purchase, what they eat and drink, types of entertainment, etc.

This short list of information shows social media is not only an excellent form of human communication but also a reservoir of sensitive information. There is a need to deploy a level of proportionate adherence to privacy legislation when using or investigating such sites, however there are reasonable methods law enforcement can use to acquire pertinent information:

Informational silos

When instructing on this topic, I start off by noting that "Facebook does not have regular teleconferences with MySpace, Nexopia and Hi5. Additionally, these social media sites do not consult government open source databases."

They also do not have discussions about members and do not warn society that if someone can tap into every site a person has an account with, they could likely develop a sensitive intelligence profile about them.

Left behind data

When Facebook gained popularity (or notoriety, depending upon your beliefs), many individuals stopped using their old accounts from other sites and hopped onto the

Facebook bandwagon. However, in their haste to sign up, they failed to deactivate or delete the information populated on the old sites and it can still be accessed today due to the lack of privacy settings employed by social sites of that era.

A communications tool

Hundreds of police officers and support partners communicate using social media on behalf of their detachment or agency. Professionally, they use Facebook, Twitter, Quora and other sites to promote their service and respond to the general public about a wide variety of topics. As with anything, the more someone uses a tool, the more they personalize it.

While there are great examples of Canadian law enforcement officers using social media as a communication tool, there are also incredibly embarrassing examples. Agencies need to be painfully reminded of this fact: social media communication is a very public two-way street and in its truest form is an extension of the person or department using it. Take a certain well-known hamburger chain, for example.

“McDonald’s learned the hard way that you can’t force a meme. It will always backfire.

Last week the official Micky-Dee’s Twitter account posted two tweets with the hashtag #McDStories, presumably in hopes it would spawn a wave of similar tweets and help the company trend internationally.

“sWhen u make something w/pride, people can taste it” - McD potato supplier #McDStories,” they tweeted.

The hashtag trend was picked up by Twitter users, just not in the way Ronald and crew might have wanted them to. Before long reams of cynical Tweeters were using the tag to share their less than fond McD stories. It turns out they weren’t ‘lovin’ it.’

“My father used to bring us to McDonalds as a reward when we were kids. Now he’s horribly obese and has diabetes. Lesson learned #McDStories,” wrote @natebramble.

“One time I walked into McDonalds and I could smell Type 2 diabetes floating in the air and I threw up #McDStories,” wrote @SkipSullivan.

The original tweet has since been deleted but not before the trend went viral.

(www.businessadministration.org/blog/mcdonald-s-embarrassing-twitter-hash-tag-meltdown)

I believe it is a tactically sound idea for law enforcement personnel to communicate with the public using social media. However, with every sound tactical idea, there needs to be an established strategy propelling it. Instead of using that nasty habit of “hopping on the police bandwagon” and entering the social media world because a neighboring agency is, each agency should prepare a business plan articulating what they want to achieve and their anticipated return on investment (ROI).

Realize that it will require staff hours



of anything that could publicly have an impact on their service. It is a tremendous responsibility to be the public face of law enforcement. These and many other considerations must be part of your communication strategy.

An investigations tool

This is an incredibly poignant topic. Where do you draw the line between accessing freely accessible Internet based information and that which requires some form of judicial authorization? There is an argument that both statements are one and the same under certain circumstances. I will not debate the pros and cons of this issue except to note that every officer who “trolls” the net looking to acquire information on an investigative target must ask these questions:

1. Does my investigation fall in line with policies and procedures?

There likely is policy/procedure in place for investigations involving sexual interference, exploitation and abuse, as these are often interwoven with social media and online activity. The use of social media research in every type of criminal investigation is increasing exponentially. In my experience, officers between 20 and 35 are the main users of such tactics, as they were raised within a social media influenced generation. During my training courses across Canada, the US and Australia, I have observed that such officers passionately research their targets in this fashion. The

to maintain the accounts. Does your agency have a budget line to hold account for them? If your social media communication goes sideways, do you have an appropriate public relations strategy in place to minimize public or departmental backlash? Does your account administrator have the necessary training, tact and professionalism required to maintain your endeavours?

On many levels, an open, dialoguing Twitter account is the microcosm of an agency. The administrator requires worldview knowledge

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challenge every time was that there was no policy or procedure affording them any protection from potential liability.

2. Do I have an operational plan in place that sets parameters for my investigation?

What is your investigation? Why did you troll through social media? What do you hope to locate? These questions form the basis of your operational plan and likely will be asked by any supervisor that's ensuring your investigative practices are falling in step with agency practice and legislation.

3. Does my department know that I'm conducting an investigation using social media?

Law enforcement agencies are very busy places that concern themselves with a con-



tinuum of current events but remember that every investigation you conduct still falls under the umbrella and mandate of your agency. Supervisors and executives may be unfamiliar or unconcerned with social media but they will be keenly aware of reputation management. If your use of social media negatively impacts the reputation management plan, they will

endeavour to find out about your tactics at lightning speed. It is a prudent idea to inform them of your intentions first instead of waiting for them to ask!

4. Am I using approved hardware/software or working from home?

Unlike secure and confidential access to a classified intelligence database, social media can be accessed from any Internet enabled computer/tablet on the planet. Many of us, while working within the confines of an agency, often have a challenging time completing certain tasks. Our colleagues enjoy socializing with us, we usually have to multitask/juggle numerous assignments and investigations and sometimes the technology at work is antiquated. Given these dynamics, it can be incredibly tempting to do your work after hours from home, using your personal home computer.

Here's one reason why this is a bad idea:

1. Defence and Crowns sift through hundreds of thousands of documents involving criminal matters and are encouraged to first deal with matters pertaining to the electronic capture of data.

2. There are officers who have Facebook accounts used to research investigative targets. However, every time someone logs onto Facebook (for example), the Internet Protocol (IP) address is identified, identifying their location. Every Facebook account allows the user to view from where and with what IP address they have accessed their account.

3. If I was a savvy lawyer and realized that a police officer had used Facebook to gather evidence on my client, I would request all records pertaining to the investigation for disclosure purposes. If they were not properly vetted by the agency, I may get access to the section of the account which itemizes the IP addresses of the locations where the investigator logged in. Would a investigator feel comfortable revealing their personal residential IP address? Sure, you need judicial authorization to compel an Internet service provider to reveal the owner's identity but we all know there are illegal and unscrupulous methods of obtaining that data.

I admit I may have opened a hornets' nest but I would rather have readers proactively debate these matters now, as opposed to having to react to them later. Please read the directions before using! Educate yourselves in the usage of social media as either a communication or investigation tool prior to using it. You may save your agency from a never ending world of grief, financial expenditure and a potential string of lawsuits.

Social media is an incredibly useful, multi-faceted tool for law enforcement but, like any other tool, we must be properly trained in its use. Practice and use it is a perishable skill and deploy it in a reasonable and lawful manner.

Vancouver Transit Police Service Cst. Martin Hurst is a forensic social media specialist contracted by an international private firm. He trains law enforcement officers primarily throughout North America and is a former probation officer and social worker.

An advertisement for Bates Zero Mass footwear. The top left features the Bates logo, a stylized blue 'B' with a globe-like pattern. Below it, the text "THE NEXT GENERATION OF LIGHTWEIGHT FOOTWEAR" is written in large, bold, black letters. Underneath that, "ZERO MASS" is written in a large, blue, stylized font. To the right of the boots, the text reads: "Designed with the highest quality lightweight components, the Zero Mass collection allows for natural movement and lasting comfort." The main image shows two black, high-top, lace-up boots with a textured upper and a thick, treaded sole. The background is a light blue gradient. On the left side, there is a vertical copyright notice: "©2012 Wolverine World Wide, Inc." At the bottom, it says "Call Toll-Free 1-800-263-8272 for more information or visit www.batesfootwear.com."

COURSE MAKES CITIZENS HARD TARGETS

by Ryan Lawley

Edmonton Police Service (EPS) have implemented several novel initiatives as part of their commitment to reducing violence and crime. One that has received much community and media attention is Hard Target, a personal safety course offered free to greater Edmonton area residents.

Personal safety is a broad concept and most people seek input from the police to ensure they are doing the right things. When someone takes this course, they receive the counsel they are looking for but also become empowered by what they have learned and gain a sense of proportion as to how crime affects their lives.

It's important that citizens receive crime prevention information that they can use immediately – and that's what they look for from the course – but there also has to be something more to keep them interested. It can't simply be a police officer standing in front of a crowded room saying 'do this, don't do this' and assuming the messages are going to stick. They won't unless there's a contextual element to the proceedings.

I attempt to provide that by delving into the psychological element that drives a desire for personal safety. Perception of crime can cause anxiety and erode a person's sense of community. This comes from exposure to media and the like that focuses on crime stories and stats without any context. What they hear might have little to no impact on the average law-abiding citizen's life but it still feeds an increasing sense of fear.

Hard Target addresses this by combining elements of self defense training with a standard crime prevention curriculum. The course was named after the well-known police strategy to reduce victimization and has become an instant success.

What I found was that, as an agency, we just couldn't attract the demographic most vulnerable to victimization for certain crime types. Almost all the crime prevention sessions I have been a part of were attended by people who were already engaged with the police in some capacity. That wasn't good enough – and needed to be corrected.

Thus began a process of identifying a means of attracting and communicating with people who traditionally wouldn't attend a crime prevention lecture. Busy social and professional lives put a premium on time and that was the main obstacle to effective crime prevention messaging reaching its intended target audience.

Enticement needed

There needed to be an enticement; some sort of value-added appeal to justify a person dedicating personal time to the matter. That's why we came up with the self defense component. I



took my experience as a martial arts instructor and competitor and married it with my role as a police officer trying to inform the public and arrived at a unique conclusion.

I realized that the students I teach in boxing and mixed martial arts classes were exactly the people I needed to reach. It was a short leap to arriving at a solution where I could give something back to citizens in exchange for their time.

Co-workers were supportive and began embracing the idea in earnest when they had the opportunity to host a session. The class was promoted through social media and word-of-mouth and within days the first session was at capacity. The public was clearly starved for this type of course.

To date, over 500 participants have successfully completed the Hard Target course, earning a certificate and limited edition t-shirt as part of the graduation package; more importantly, they learn skills and concepts applicable to personal safety. We show students how they can protect themselves and loved ones and then use that as a base to speak to vehicle, home and community security.

This course consists of four two-hour classes, with 90 minutes dedicated to skills

training and the remaining 30 minutes focused on a specific crime prevention topic. Each class covers something relevant to victimization trends commonly seen in any metropolitan area, such as theft of or from automobiles and even serious crimes like personal robberies and assaults.

We have an excellent education component in the course and numerous giveaway items, all designed to be implemented immediately. Anti-theft licence plate screws, steering wheel clubs, prevention brochures – you name it, we do our best to cover it and educate the participants.

Personalized delivery

Without exception, people taking the course are struck most by their interactions with police officers during the sessions; it is spoken of with high praise and humanizes the agency in their eyes. Because of that, our messaging carries a weight that it would lack if delivered in some static or staid manner.

It's such personalized delivery that citizens truly feel accountable to us and the time we spent together in the classes. We've received feedback from former students who apologize to us when their car gets broken into after they have taken the class because they almost feel like they have let us down.

That's not our intention but it demonstrates the bonds that get created during Hard Target. It's sobering to realize you've had that level of impact on a person. We always speak to transparency and accountability of police agencies to the citizenry but it can certainly work both ways, to the benefit of each. That's what community policing was meant to engender, both as a founding principle and as a guiding paradigm. The key is to recognize successes in non-traditional policing efforts and not miss opportunities to foster that type of connection.

With more than 600 total participants expected to have completed the course by the end of this year, there are already plans to continue it well into the future, based on continued community interest.

We have demonstrated that the public appreciates something like this from their policing agency. It brings the citizens and police together for congruent purpose. Nobody wants to be victimized, police want to reduce victimization.

Hard Target brings those outcomes together. Maybe we will see other agencies adopt their own Hard Target classes. In the interest of community policing, I would support that.

Ryan Lawley is a 10 year member of the Edmonton Police Service. He currently works in Downtown Division as a district supervisor. He would like to pass along thanks to Cst. Candace Werestliuk and Cst. Junior Hermosura for helping to make *Hard Target* a success. Sgt. Lawley welcomes questions or comments; he can be reached at ryan.lawley@edmontonpolice.ca or 780 984 0570.

A compelling tool

Police night sticks through the ages



by Randy Whittaker

The police baton's humble beginnings date back several centuries. From simple pieces of wood to ornate symbols of authority, batons continue to be an integral part of the police persona.

Many early societies, including ancient Egypt, provided certain people with authority over their citizenry. To distinguish themselves, these early "police officers" carried large staffs as a symbolic instrument and representation of their authority. While not a true police force, the heavy staffs of office and the right to use them put these men socially above craftsmen and farmers¹.

The staff signified the holder to be acting upon the behest of the pharaoh and these chosen people were given authority to use them to ensure compliance with societal rules. If people disobeyed, the staff could be used as both a defensive and offensive weapon. Drawings from this time show prisoners being escorted by guards holding large staffs².

Egyptian citizens understood the symbolism of the staff and usually deferred to it. This strong symbolic representative device was carried forward into the modern world.

Henry Fielding began what is commonly referred to as the first organized police force in 1749. His famous "Bow Street Runners" were organized to arrest people at the behest of the crown. Again, while not true "police" they were equipped with what is known as a tipstaff – usually a short cylindrical staff topped with a metal crown³. It was carried by the holder of an appointed office and acted as a sign of authority. These tipstaves or tipstaves were ornate pieces of silver, brass or wood and usually hollow, allowing the runner to place the warrant for arrest inside. To affect the arrest, the runner would simply tap arrestees on the

shoulder, thereby deeming them under arrest.

Tipstaves were often inscribed with the royal crest and topped with a metal crown⁴. This ornateness reinforced the symbolism of the holder acting upon crown authority. They were often trimmed in ivory, bone or ebony and the coat of arms of the city, county, or village where it was issued was painted or engraved on it.⁵

Although usually smaller than a traditional truncheon, the tipstaff often carried a certain girth and weight. Given the dents in surviving samples, it appears they were used to "tap" more than the shoulder during an arrest.⁶

The tipstaff represented a natural, evolutionary step in the progression of police-issued equipment. It makes sense, then, that when Robert Peel organized the first true professional police force in 1829, the baton was the first piece of equipment to be issued.

Peel understood the need for an organized, professional force and knew society during this time was violent and unruly. British subjects, it was noted, had a strong penchant for various forms of revelry and drunken debauchery.⁷

Some type of weapon was needed to ensure police officers were afforded the respect required to enforce societal law but Peel didn't want them to be seen as an invading military force. Additionally, many muskets of the day required a two hand operation, which could become cumbersome during a scuffle.⁸ Hence, the police truncheon combined portability, ease of use and effectiveness.

Peel understood police could not be seen as too intimidating since community policing was the cornerstone of his concepts, hence his oft quoted, "the police are the public and the public are the police." Peel wanted his officers to be able to enforce the law while maintaining a certain rapport with the public so officers

used their truncheon only when absolutely required. Its mere presence would act as a deterrent to would be criminals, it was believed. While simple in design, the truncheon carried an inordinate amount of authority. It was one of the most obvious differences between a "normal" citizen and a police officer.

Truncheons were affectionately labeled "billy clubs" during this time. It is unclear where the name originated. One theory states it was originally assigned to the clubs burglars used to pry open windows and doors. No doubt police responded with their own clubs to curtail this sort of behavior, however, unlike a criminal's simple tool, the truncheon of this time was quite ornate, a carry-over from the historical tipstaff.

The ornateness served a very useful purpose. The Royal seal painted on the truncheon advertised to the public that this was indeed an officer of his majesty's service. It was also the official warrant card of the police officer's authority to enforce the rule of law. The officers' badge number would often also be inscribed. Again, this would ensure the public knew exactly who the authority figures were.

Peel required his early police constables to be at least six feet tall. A tall man wielding a large piece of solid wood could certainly inflict a fair amount of damage on a resisting suspect. One can imagine a criminal complaining about an assault could identify the officer from the badge number imprint on his head.

The baton became so inseparable from the constable that it was often presented to him as a retirement gift when he left the force.⁹ The truncheon's central role as an authoritative symbol began to wane around 1880 when police forces started issuing warrant cards as proof of identity. There was a revival in the 20th Century when commemorative truncheons were issued for major events such

as World War One and the general strike of 1926.¹⁰ Although its role changed, the baton continued to be an integral part of police issued equipment. Its design was virtually unchanged for a century.¹¹

Adaptations and changes to the basic baton began during the early 1970s. The Monadnock Corporation developed the PR-24, which had a side handle, in response to the turbulent 1960s, which saw police as the aggressors during the civil rights movement. People tired of seeing club wielding police officers swinging wildly at peaceful protestors. The Monadnock allowed for a more controlled usage and was seen as a tool which could also be used in a defensive mode. The side handle allowed officers to carry it in a somewhat less aggressive-looking manner.

The argument for the handle was as clever as the design itself. It was held like a shield, apparently to deflect attack rather than initiate injury. Though it could be spun around on the spindle for striking, its preferred use was for leverage-based techniques and control holds. This softer image was precisely what the police industry hoped for.¹²

The new design did have its critics. Many felt it was cumbersome when striking, difficult to control upon impact¹³ and pandered to the liberals who wanted police to be less aggressive with violent subjects.

The Monadnock wasn't the only change. Saps – a flat piece of metal usually covered in leather – and slappers, fitted with a spring handle to increase the kinetic energy felt on impact, were popular alternatives during the 1970s and '80s. Blackjacks – usually a leather wrapped weight with a lanyard on one end for control – were also fitted with a spring handle. Their portability and flexibility allowed officers to carry them in a pocket for quick access.

These tools eventually fell out of favour as the usual choice of target, the perpetrators head, brought about a bevy of lawsuits owing to police brutality. The baton was still a required piece of equipment but portability and public perception needed to be satisfied.

A long piece of wood dangling from the waist has many inherent difficulties. Whatever the design, it was usually the first piece of equipment officers neglected, often simply leaving them in their locker or vehicle. The batons' effectiveness was negated by its very design; they were too cumbersome to be properly utilized. What was needed was a new twist on the old idea.

The expandable baton, commonly referred to by the early manufacturer ASP, seems to fit all required criteria of a less lethal weapon. When closed, it fits in a scabbard on the duty belt, thus eliminating the public perception of intimidation. Once expanded, it becomes an effective instrument for non-compliant or violent offenders.

New twists on the innovation include the expandable Taser baton, models fitted with pepper spray and adding a flashlight to the end cap.

The police baton has a rich and varied history. Policing and equipment has changed dramatically over the years but the baton has

remained a constant. New developments in materials and techniques have changed its role and usefulness but the baton will remain on the side of police officers for years to come.

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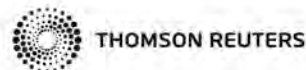
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The diagnoses they are a-changin’

A new year is coming and we’re all overcome with a sense of wonderment and awe, anticipating new ideals and opportunities. Resolutions abound, we embrace change...

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Enough of the whole “change” thing. I wish they would leave things alone. I’m not sure who “they” are but every now and then I wish people would stop changing things. While I am not sure DOS was the best thing since sliced bread, do we really need to move to Windows 8, which apparently is a totally different animal than Windows 7.

My new house has an outdoor plug the size of a breadbox because apparently the old outdoor plugs were going to kill us all. REALLY? Whatever happened to breadboxes anyhow? They are apparently no longer in vogue.

Then there is the whole fashion thing; bad enough that I am expected to get a whole new wardrobe every year but now I should change my kitchen cupboards because they’re no longer state of the art “fashion?” REALLY???

In your field, I suspect you sometimes shake your head, wondering what the bureaucrats and politicians are thinking as you head off for annual training to find out what laws and procedures have changed since your last annual training. Are all these changes going to make the world a better place for children and cute kittens?

In my world, which intersects with yours at times, we have this book called “The DSM;” our work is significantly affected by whatever version is currently in effect. DSM stands for “Don’t S*** Me.” OK, well, maybe not – but that’s how many of us feel when the inevitable revisions come out every decade or so.



The Diagnostic and Statistical Manual is the tome that instructs mental health practitioners how to decide what to call a particular mental disorder – and indeed, it decrees what is and what is not a mental disorder. Back in the day, for example, homosexuality was in the DSM. It’s long gone as it is apparent that homosexuality is not and never was a mental disorder.

Other disorders just get fine tuned or renamed but not overhauled wholesale. For example, what used to be called manic depression became “bipolar disorder” in the last revision. There are some disorders which vanished eons ago. I suspect none of you have heard of involuntional melancholia or conversion hysteria. The DSM I talked

about “Disorders of psychogenic origin or without clearly defined physical cause or structural change in the brain.” Schizophrenia used to be in that group – obviously before we knew much about its physiology.

The DSM is getting revised again; the new version is expected to be out in the spring. That means the folks you talk to about mental illness will suddenly be talking about things you haven’t heard of before and will appear to have changed their minds about who fits in which box, diagnostically speaking.

What used to be called a dementia is apparently going to be called a major neurocognitive disorder. Asperger’s syndrome is going to vanish as a separate disorder and become part of Autism (no one ever really agreed about this anyhow – and to a large extent they still don’t). Some people wanted a disorder called “sexual addiction” but that was voted off the island, as was Internet addiction. These may be problems, but apparently the Powers That Be are not convinced they are specific disorders in their own right. We will, however, have “hypersexual disorder.”

In some cases, the criteria for a disorder have changed. Take ADHD, for example. You probably run into lots of folks with ADHD in your work. They tend to act impulsively and not think things out very well, which can lead to close encounters of the police kind. It used to be an adult had to have symptoms before age 7 to be

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officially labelled ADHD. It looks like they are changing that to age 12. Instantaneously, over night even, people who did not have ADHD now will qualify – a dubious honour, I'll admit.

Another diagnosis that has changed is Post Traumatic Stress Disorder (PTSD). Its definition has tightened up a bit in some areas, which I think appropriately reflects a gradual blurring of the lines between stress in general and post traumatic stress in particular. It was getting to the point that having a bad hair day (or worse, witnessing someone having a bad hair day) was classified as a traumatic event. Far be it for me to argue it is not stressful to have a bad hair day but stress and PTSD are not the same thing. I will not argue that one is worse than the other, but since they are different they need to be treated differently.

I have been reading up a lot on PTSD lately and it really poses some interesting issues in terms of diagnosis. One study reviewed the incidence of a variety of "critical incidents" in correctional officers. The identified "critical events" ranged from being held hostage to being sworn at by offenders. Having worked in prisons, I will be the first to say it can be extremely stressful and having offenders swear at you, pitch things at you, make threats etc can take a serious psychological toll – but not everything that causes stress is a critical or traumatic incident.

Since the last DSM came out, we have learned a lot about PTSD – and many other disorders; more about what causes them, their essential components and how to treat them. The old DSM said a traumatic event was one in which both of the following were present:

1. *The person experienced, witnessed or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of self or others.*
2. *The person's response involved intense fear, helplessness or horror.* The new DSM (DSM 5) says a traumatic event is: *Exposure to actual or threatened a) death b) serious injury or c) sexual violation in one or more of the following ways:*
 1. *Directly experiencing the traumatic event(s).*
 2. *Witnessing, in person, the traumatic event(s) as they occurred to others.*
 3. *Learning that the traumatic event(s) occurred to a close family member or close friend; cases of actual or threatened death must have been violent or accidental.*
 4. *Experiencing repeated or extreme exposure to aversive details of the traumatic event(s) (e.g., first responders collecting human remains; police officers repeatedly exposed to details of child abuse); this does not apply to exposure through electronic media, television, movies or*

pictures unless this exposure is work-related.

The definition goes on to describe symptoms, etc – you can see the proposed changes for yourself at www.dsm5.org/ProposedRevision/Pages/proposedrevision.aspx?rid=165

Just a shade of difference really, but it does reflect the fact that we know more and can be more precise about the kinds of things that might lead to PTSD.

In the end, appropriate treatment is really the point of something like the DSM. In general, diagnosis dictates treatment. If you go in for a sore throat, your doctor has to figure out if it is a virus or bacterial infection. If the diagnosis is wrong, the treatment will also likely be wrong. The same sort of thing holds for mental illnesses and problems.

So maybe change is a good idea – or at least a necessary idea. In a few months, you might find the mental health people you deal with using different terms, changing people's diagnoses, maybe even apparently contradicting things they might have said in the past. Take it as a good sign. We know more than we used to and are putting that new knowledge into practice.

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


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THE WOLF AT THE DOOR

Developing a personal protection strategy model for infectious diseases

by Alexis Silverman

You're working the airport in the pre-dawn hours. It's early April and three hours before your shift ends, you and your partner are dispatched to Canada Customs for a man who just arrived from the Caribbean and is behaving irrationally.

You find an incoherent, incontinent and clearly intoxicated man in his early forties, call for an ambulance and keep an eye on him until they arrive. Simple, straightforward; a night at the airport like any other.

Except it's not. Five days later the local public health unit calls your services' nurse to say the man wasn't drunk or on drugs – he has rabies. Communications leaves a message telling you to call the nurse ASAP to find out whether you were exposed to this highly contagious disease. The wolf has arrived at your door.

Rabies doesn't feel like a disease of the modern era. People in rural areas understand that wild animals like raccoons or bats could have it, but a person? Completely unexpected – and in fact, until the person with rabies showed up at Pearson International Airport, there hadn't been a human case of rabies in Ontario since 1967. There has been only three cases of human rabies in all of Canada in the

last 12 years. Toronto hasn't seen a human case for more than 80 years.

Rabies is spread through saliva from an infected animal or, in extremely rare cases, a human. The contaminated saliva must contact mucous membranes or non-intact skin to cause infection and the most common way humans get infected is through bites from infected animals. It can take as few as 15 days or as much as several years for symptoms to develop. Once symptoms start, rabies is almost always fatal.

Like other infectious processes such as meningitis, rabies can make the infected person look like they're drunk or drugged. Other diseases, such as tuberculosis, may present as merely a chronic cough and other pathogens, such as HIV or Hepatitis C, may infect a person without causing any outward symptoms. Just like a wolf in sheep's clothing, a contagious illness may not readily show its teeth. It goes without saying that the officers at Pearson were not thinking about a risk of rabies when they attended this call.

This situation underscores the necessity of situational awareness when it comes to infectious disease. People acting erratically may just be drunk, or they may have an infection in their brain. Either way, they may be prone to spitting, biting or other acts that could put officers at risk of exposure to bodily fluids or blood.

People showing signs and symptoms of a cough may be chronic smokers, or they may have something as serious as influenza or as minor as the common cold. Even people with no outward signs and symptoms of illness may

still be able to spread pathogenic bacteria or viruses through their bodily fluids or blood.

Every officer needs to be made aware that infectious diseases should be as much a part of their risk assessment as the threat of physical harm.

The Personal Protection Strategy Model (PPS), pioneered by Peel Police Services, is one method to help officers think about controlling for exposures to infectious diseases. Based on the use of force model, the PPS is meant to be a concurrent risk assessment that the officer uses in conjunction with their use of force training. It was developed to help make unfamiliar concepts of infection prevention understandable and accessible in the emergency services work environment. The PPS has been adapted by Peel Regional Police and is now a standardized element of annual training.

The foundation is immunization and hand hygiene. Both these elements are key in building protection against infectious diseases that occurs before infection is likely. Immunization is considered pre-exposure prophylaxis and turns exposure to vaccine-preventable diseases into a nuisance rather than a high-risk scenario. All officers should be encouraged to receive all provincially scheduled vaccinations and talk to their family doctors about occupational risk of exposure to vaccine-preventable diseases such as hepatitis B virus, or even, for officers in rural communities, rabies.

Hand hygiene refers to the necessity of making sure hands are clean and the skin intact. Hands should be cleaned with alcohol-

based hand sanitizer or soap and water before and after contact with other people or their environment. Hands should always be clean before eating, drinking and smoking and after trips to the bathroom. Hands should be moisturized to prevent chapped skin and scrapes; cuts and other areas of non-intact skin should be covered with water resistant bandages before the shift begins.

The next step of the PPS is situational assessment. This section reminds officers to assess their environment and the people within it for signs of illness and/or erratic behaviour, recognize how their actual or potential interaction with the environment and/or people there could put them at risk, then plan how they'll protect themselves from this actual and/or potential risk and act on that plan.

The officer chooses their actions based on the next steps of the model. Actions include: choosing appropriate personal protective equipment, such as hatch gloves with medical gloves over them and personal-issued eye protection; controlling their location, duration, proximity and interaction with the environment and people in it and then cleaning and disinfecting reusable equipment afterwards. A full description of the PPS model can be found at www.chica.org.

There is no way the officers involved in the airport situation would have been thinking the man had rabies. However, his erratic behaviour and irrational demeanor would certainly have given warning signs that something wasn't right. This observation could have prompted

them to apply the PPS to this event to protect their health and safety.

The officers could have chosen to wear eye protection in case he spit and put their medical gloves on over their hatch gloves to protect both from bites to the hand and blood or body fluid seeping through the hatch glove cloth. They could control their interaction by choosing to de-escalate the situation to prevent a violent outburst and, as a distance of at least one meter can prevent the transmission of droplet diseases person-to-person, could control their proximity by keeping at least one to two meters back.

Officers are trained to observe others for indications of unpredictable actions. Using this capacity, all officers can readily identify individuals who may put them at risk from both physical harm and infectious diseases. By proactively putting on protective eye wear, medical and hatch gloves, controlling for location, duration, proximity and interaction and then ensuring all equipment is cleaned and disinfected afterwards, officers can protect themselves from the unknown threats that diseases like rabies can present.

The airport scenario did happen. During the assessment of the officers' interaction with the sick man, it was apparent that they had used the PPS and had kept a safe distance. They had no contact with any contaminated saliva and they were therefore not exposed. Would things have gone as well for you or the officers under your command? Would they have recognized the wolf at their door?

An Ontario bill enacted in 2003 allows medical officers of health to order blood samples from anyone who accidentally or deliberately exposes front-line emergency service workers, crime victims or good Samaritans to bodily fluids.

The blood can be tested for diseases listed on the Ontario Ministry of Health's communicable disease list, including HIV, AIDS, Hepatitis C and Spinal Meningitis.

The law provides a statutory right to certain applicants to ask a medical officer of health to order a blood sample be taken when he or she believes, on reasonable and probable grounds, that:

- The applicant came into contact with the bodily substance of another person as a victim of crime, while providing emergency healthcare or while performing a function prescribed under the regulations;
- As a result of that contact, the person may have been infected with a virus that causes a prescribed communicable disease;
- An analysis of the applicant's blood would not determine, in a timely way, whether the applicant may be infected because of the long incubation period for the prescribed communicable diseases;
- And taking a blood sample will not endanger the other person's life or health.

Alexis Silverman, RN, is a nurse with Peel Regional Police. E-mail her at alexis.silverman@peelpolice.ca for more information.

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Police Tweet-a-Thons

A virtual ride-along on the information highway

by Doug Pflug

The Guelph Police Service (GPS) has amassed almost 5,000 followers through its two main Twitter accounts, @gpsmedia (2778) and @Chief_BLarkin (2114), since launching its social media engagement platform in November 2009.

The #GPS uses Twitter as a means to:

- Engage community groups and businesses;
- Promote the great “face time” work our police officers do on a daily basis;
- Solicit service delivery feedback from the community and businesses;
- Provide emergency messaging during serious incidents and municipal emergencies;
- Create and maintain positive police-youth interactions;
- Cross promote and market community partner events.

In researching ways to increase Twitter followers, I came across a news article discussing a 2010 Vancouver “Tweet-a-Thon.”

“Social media has been a very successful way for us to interact with the community that we weren’t able to before,” explained Vancouver Police Social Media Officer Cst. Anne Longley. “It is interactive. It is not just a way for us to push out a message.” The GPS has since held three Twitter campaigns, offering on-line followers a glimpse of what occurs during a police officer’s typical 10-hour shift.

Tweet-a-Thons

The #GPS hosted three 10 hour Tweet-a-Thons during high call-volume time frames, specifically the annual 2011 Project Safe Semester kick-off and wrap-up and the 2012 St. Patrick’s Day celebrations. I tweeted general information about each call for service dispatched to fellow officers. Most of the complaints concerned public intoxication, noise ordinances, disturbances and trespassing.



We wanted to give the public real insight into the types of calls we respond to, while balancing the public’s rights to privacy and other pertinent legislative requirements, so followers can appreciate how engaged we are.

During the Project Safe Semester #PSS2011 campaign, I tweeted 164 times and responded to 44 direct messages for the kick-off and tweeted 108 times and replied to 43 direct messages for the wrap-up.

When the Tweet-a-Thon began, I provided followers a basic outline of the geographical locations and boundaries within the City of Guelph: @gpsmedia #pss2011 call location info: N-4 =downtown, N-3 =entire city south of Wellington, N-1 =west side both split at Woolwich St

The tweeted locations remained vague. We didn’t want people following us around or showing up to potentially dangerous situations, so restricted the information in the tweets to neighbourhoods rather than exact locations.

My frequent tweets highlighted the variety of calls dispatched to officers, hourly cell

and prisoner checks, arrests, offences committed, tickets issued for public intoxication, urination and other offences. At the end of the evening, I tweeted:

@gpsmedia EVENING WRAP UP 3:55 am - 193 calls, 12 males, 2 females and 1 youth in custody at GPS HQ @Deputy_BLarkin #pss2011 Thanks for the follows!!

Following the event, I reviewed the results, including several messages from followers and tweet statistics, and deemed it a success. This new approach provided a great opportunity to engage the social media community and incited several positive and supportive comments. Here are just a few examples of the positive responses:

@SociableGuelph: Fantastic work @GPSmedia @Deputy_BLarkin for tweet-a-thon #pss2011. Amazing work you do for #Guelph – fascinating to follow just one night

@joey_lotion: tweetathon rly showed the high demand on GPS. Thx for making it happen! Hopefully repeated in the future @gpsmedia @Deputy_BLarkin #pss2011

@karenjconnelly: @gpsmedia Thanks for keeping Guelph safe while the rest of us sleeps! Never forget that you’re our everyday heroes #pss2011

I conducted a supplemental search to determine the potential re-tweet impact from other Twitter members following this real-time event. A “re-tweet” is the re-posting of someone else’s tweet, distinguished by a specific re-tweet icon. I tweeted a serious disturbance call and within a short time, the message was re-tweeted to 21,795 Twitter accounts.

Top 10 Re-tweets by followers:

@ctvswo (local TV station) 9,670 @Cityofguelph 4,587 @guelphmercury (newspaper) 3,682 @Chief_BLarkin 1,517 @lisamaclean 918 @Mario_bourque 625

@kate_B491 @darry_law (local radio host) 305
Total: 21,795

It's astonishing that one 140-character message can appear on almost 22,000 hand-held devices, tablets, laptops, etc. in just a few moments.

We credit Twitter messaging and re-tweets for assisting us in locating a missing elderly male in December 2010. His vehicle plate number was tweeted, picked-up by media and broadcasted. A short time later, a radio listener saw his vehicle beside a rural corn field. Police were called and officers located the man in a disoriented state. We believe that had he not been found so quickly, he may have easily succumbed to the weather and perished.

Since this time, Sarnia and Chatham-Kent police services have conducted similar Tweet-a-Thons, mirroring the successes achieved by their predecessors. Approximately 30 per cent of police forces currently have Twitter accounts. It is yet another tool used to reach out to the community, display transparency and at the same time, help us do our job.

Although still in its early stages throughout North America, the concept of social media in law enforcement has proven to be a very good community engagement tool. The GPS further utilized Twitter as an information-sharing tool last summer after a large gas leak in a residential neighbourhood, resulting in a near citywide power outage.

Once we confirmed the power was out, we immediately began tweeting messages to followers advising them of the outage and asking them to provide their location and indicate whether they were experiencing any interruptions. When your power goes out, so does your phone, TV, computer and radio.

Once the power was restored, many followers expressed their gratitude as everyone seemed to have a hand-held device and our tweets kept them up to date in a time of crisis. As a result, we are currently investigating the formal application of Twitter during municipal emergencies as part of the City of Guelph's emergency management strategy.

Little academic literature exists to effectively measure the impact of social media on policing. The emerging benefits has led most police personnel to believe this is not a fad, but rather a fixture for police services to efficiently engage the community in times of crisis and buttress positive police-community interactions.

GPS Media Relations Officer **Sgt. Douglas Pflug** is vice-chair of the Ontario Media Resource Officers Network and has lectured across Canada and the US on the benefits a comprehensive social media platform can provide your police service. Contact him at (519) 831-9285, @gpsmedia, douglas.pflug@police.guelph.on.ca or www.facebook.com/gpsmedia for more information or assistance with your Tweet-a-Thon.

Fine tuning new law amendment

OTTAWA - The Supreme Court of Canada has fine-tuned the drunk driving laws by defining a defence in a breathalyzer case.

In a 5-2 split decision, the justices have thrown out two provisions put into the law by the Conservative government's 2008 *Tackling Violent Crime Act*.

Those changes required that a defendant who raised a reasonable doubt about the functioning or operation of the breathalyzer machine also had to prove the reading was too high and that the driver had not consumed enough alcohol to produce it.

The justices say those last two provisions go too far. They say once a reasonable doubt has been raised about the instrument, that should be enough. They add, however, that few defendants are going to be able to show the instrument didn't work or the operator made a mistake.

The decision means that a defendant will still have to show that the breathalyzer wasn't working or that the operator didn't use it properly.

"In short, the accused might rely, for example, on a maintenance log that shows that the instrument was not maintained properly or on admissions by the technician that there had been erratic results, or he or she might argue that health problems had affected the functioning of the instrument," justice Marie Deschamps wrote for the majority.

She said it's a long shot defence.

The ruling applied to a Quebec case in which the accused raised a constitutional challenge to the drunk driving law. The defendant was convicted and chose not to appeal, but the Crown appealed for a ruling on the constitutional aspects of the case.



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- have completed the Ontario Police College (OPC) training or equivalent, such as the Regular Force MP QL3 course or MPOC
- have worked to gain community experience

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

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

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

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

communityservices.humber.ca



Windows 8 – a dual personality

It's been almost three years since Microsoft launched Windows 7, its successful replacement for the disliked and inconsistent Vista operating system (OS).

Much has changed in the computer world since then, most notably the introduction of the Apple iPad, Blackberry Playbook and numerous Google Android based tablets. The sheer simplicity of their touchscreen interface and wireless connections has completely changed the way many people access information.

For many casual users who primarily surf the web, use e-mail and social media sites, the tablet is almost the perfect solution. For content creation (documents, spreadsheets etc.) and business use though, a regular computer easily trumps the tablet.

Most tablet users also have a regular computer but bought a tablet for its go-anywhere form factor, versatility and instant-on nature.

Also during these years, the touchscreen "smartphone" has rapidly overtaken the mobile phone marketplace, for many of the same reasons that tablets have been so successful.

While Microsoft was in the early smartphone business with its decent Windows Mobile phone OS, it has long been relegated to the sidelines. Several years ago it re-entered the smartphone market with its revolutionary Windows Phone OS.

It was designed from the ground-up for small touchscreen devices, but instead of using the usual icon based user-interface it introduced the "Metro" style interface. Using much larger "tiles" instead of icons, the interface allows the tiles to display live content such as Facebook, weather, news and other information without the user having to launch the full program.

The Windows Phone OS has gone through a number of version updates since then, resulting in a decent product. Nokia, Samsung and HTC offer Windows Phone based smartphones but Microsoft's market share remains quite small worldwide.

Windows 8

With the large and rapidly growing tablet market and softening sales of traditional desktop and laptop computers, the future of computing is clearly headed towards a hands-on touchscreen based world. Microsoft has recognized this while developing Windows 8.

Instead of developing two or three



different operating systems for different form-factors (phones, computers and tablets), Microsoft has created one core OS that will eventually run on any form factor. This will not be limited to tablets, smartphones and computers but also "Smart-TVs" and navigation, communication and control systems in vehicles.

Windows 8 launched October 26, shocking, surprising, confusing, intimidating and confounding users with the most radical overhaul ever. My limited hands-on experience with the consumer preview version and final product leads me to predict there will be a fairly steep (but short) learning curve.

Heavily borrowing user-interface designs from Windows Phone, it introduced the Windows 8 "Style" interface as the default home screen. Style starts with the same large and colourful, touch-friendly square or rectangular tiles as on Windows Phone, with the same live content characteristics. Programs written specifically for Windows 8 launch and run only from this interface.

For older programs and those not written for Windows 8, users must switch to its other persona, the "Desktop." Closely resembling Windows 7 and earlier, but without the familiar Start button, the Desktop works in a more or less familiar manner, although it has been given a visual and functional overhaul.

This is where things will really get dicey, because users will need to switch between

the Style and Desktop sides depending on what they want and need to do.

Users switching to or upgrading to a Windows 8 machine would be strongly advised to use the introductory tutorials that launch during initial start-up. This will greatly reduce their level of frustration, confusion and stress when making the switch.

Because the Style interface is designed primarily for touchscreen devices, using it on a non-touchscreen device without first using the tutorials will be a very frustrating experience. Even a touchscreen device will be frustrating until you learn and understand the new interface, which is actually pretty good.

Apparently finding inspiration in the Blackberry Playbook user interface, portions of Style rely on the user swiping onto the screen from the edges or corners to reveal and access various programs and menus.

To access computer settings, for example, the new "Charms" bar is accessed by swiping onto the screen from the top or bottom corner of the right side or moving the mouse pointer to those corners.

To switch to and from open Windows 8 programs, users swipe or mouse onto the screen from the top and bottom corners of the left side of the screen to reveal large thumbnails of the running programs. To access the menus and controls for an active Windows 8 program, the user swipes-in from the top or bottom.

The Windows key on a computer keyboard also gains some new-found power in combination with other keys to assist with navigation on a non-touchscreen device.

The Style side of Windows 8 comes complete with many basic standards apps like mail, calendar, people (a portal to social media apps), photos, maps, video and music, camera, Windows App Store, Xbox Live games and the Microsoft SkyDrive cloud storage app.

The Style and Desktop sides of Windows 8 also have some unique navigation and interaction rules that users will need to learn and adapt to.

On the Desktop side of things, all windows have been “flattened,” losing their fancy semi-transparent title-bars, 3D effects and rounded corners for a lighter-weight, cleaner look.

Windows 8 will probably work best on a tablet type device because the screen size lends itself best to the Style interface. The hidden controls are better suited to tablet sized screens than larger, non-touchscreen desktops.

With the growing smartphone and tablet markets, many users will have three or four “computing” devices, creating challenges in keeping everything synchronized. Windows 8 helps somewhat by managing synchronization of key elements through Microsoft’s cloud based services.

Windows 8 also introduces a new online Microsoft “App” store, where users can purchase programs directly from Microsoft and other vendors. At launch there were just over 10,000 apps but this is expected to grow rapidly because of Microsoft’s market share.

In addition to the major stuff, Microsoft has also done a bunch of fine-tuning with various parts of Windows 8. It boots faster, has quicker text and graphics performance, surfs the web faster with better HTML5 (the next major Internet layout language) support, improves security and offers better battery life.

Some core Windows utilities such as the file manager also get enhancements, including the addition of the “ribbon” interface first introduced in Office 2007.

Hardware

To further confuse computer users, Windows 8 has two different versions based on two types of processor hardware.

The desktop version normally runs on computers using either Intel or AMD processors but tablets running Windows 8 will also be able to run on cheaper ARM-type processors.

Entry-level tablets will run Windows RT on ARM processors, while more expensive tablets, laptops and desktops will run the regular Windows 8.

Software will not be interchangeable between the two versions so users will need to shop carefully. Hopefully vendors will

ship both versions in the same box for the same price.

Also on the hardware side, Microsoft is getting into the computer hardware business by designing and selling its own Microsoft branded Windows Surface tablets in both RT and full Windows 8 versions.

Multi-touch enabled mice and touchpads have been announced by Microsoft, Logitech and other computer peripheral manufacturers. Touch enabled desktop monitors will likely flood the market as Windows 8 gains traction.

Transition OS

I strongly suspect Windows 8 will be a transitional product taking users away from the “traditional” Windows experience towards the all new Style interface designed for all form-factors.

Whether Microsoft and other major software vendors can complete the transition by the time Windows 9 arrives in three years or so remains to be seen.

Windows 8, once users get used to it, has the potential to be a decent product, especially when used on a touch-enabled device.

Until the end of January 2013, the upgrade package for current Windows users is only \$40. The full version is \$140.

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



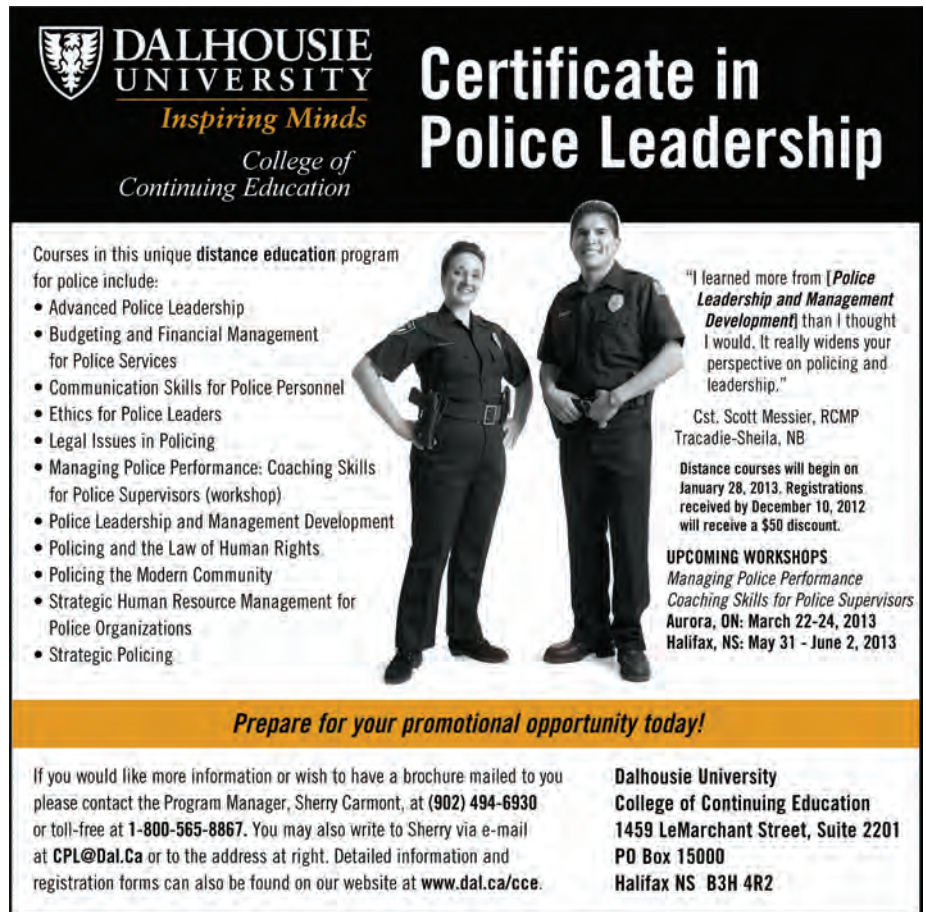
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The Rock's first female Mountie commanding officer

by Danette Dooley

For the first time in its history, the RCMP in Newfoundland and Labrador has a female at the helm.

A/Comm Tracy Hardy accepted command of B Division from RCMP Commissioner Robert Paulson during a change of command ceremony at RCMP headquarters in St. John's October 4.

Hardy takes over from outgoing commanding officer Bill Smith, who retired from the force in May.

Hardy joined the RCMP in 1981 and has policed in Saskatchewan, Northwest Territories, British Columbia and the Yukon. Before accepting her new position she served as commanding officer for Prince Edward Island.

Hardy said it's a privilege to be chosen. Like many police officers, she said, she joined the force to try and make a difference in people's lives.

"It will continue to be my priority to ensure that we are well trained and properly equipped, working under the best conditions given the nature of our work," Hardy said.

Hardy also gave accolades to RNC Chief Robert Johnston, who attended the ceremony.

"The strong commitment our employees have and the amazing working relationship that we have with the Royal Newfoundland Constabulary allows me to say, Bob (Johnston), that it is an honour to be partners with the oldest police force in North America."

Hardy said she's taking on a job that will be as challenging as it will be rewarding.

She thanked Smith for his leadership.

During his time as commanding officer, she said, Smith not only listened to but cared about



RCMP A/Comm Tracy Hardy, Comm Robert Paulson and outgoing A/Comm Bill Smith sign the transfer of command parchment.

his employees.

"His management team said his best quality was his common sense," she said.

After thanking his family for their support and Hardy for accepting the job, Smith had some words of advice for RCMP members.

"Always remember where you came from. In the end your family and friends are your greatest assets. Be fair and treat others as you would want to be treated. Do the right thing, always."

Newfoundland and Labrador Premier Kathy Dunderdale was among those on hand for the ceremony. Dunderdale – whose son Thomas Dunderdale is an RCMP officer in Bonavista, Newfoundland – described Hardy as a trailblazer, pioneer and role model for police officers and young women considering policing as a career. She is diligent, hardworking, thoughtful, down-to-earth

and extremely conscientious, Dunderdale said.

Hardy's collaborative leadership style will be beneficial in working with community groups, other police agencies and various levels of government, Dunderdale added.

"Her career of leadership within the RCMP makes her the ideal person to lead B Division."

Dunderdale said Smith showed a great affection for the people of Newfoundland and Labrador, establishing strong relationships with RCMP members and the people they serve.

"To be a police officer you must have a passion for helping others and love working and interacting with people. Your overall goal must be to serve the citizens of your community and to do your very best to ensure their safety and security," Dunderdale said.

The premier said Hardy has already shown she has the same, passion, drive and desire to work with people as her predecessor.

During a media scrum following the ceremony, the premier responded to a question about "troubled relations" within the RCMP.

There have been numerous news stories about harassment of female RCMP members by their male counterparts. That's something she discussed with the commissioner earlier in the day, the premier said.

"It's important to acknowledge when things in the past haven't been done correctly. When wrongs have happened, we need to acknowledge that – but we need to move on."

Paulson said, as a leader, Hardy brings with her a commitment to accountable policing.

"The work we do is very important. However, how we do it is perhaps ever more important. . . Tracy is the right person for this job. She lives our values and she will ensure that this division will continue to be led in an effective and ethical way," Paulson said.

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

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Teacher retains privacy interest in work-issued computer

Although a teacher's expectation of privacy in their work-issued computer was diminished, they nonetheless retained a privacy interest and a warrant was required to search it.

In *R. v. Cole*, 2012 SCC 53, the accused was a high-school teacher also responsible for policing student use of their networked laptops. He was supplied with a laptop owned by the school board and accorded domain administration rights on the school's network. This permitted him to access the hard drives of student laptops.

Cole's use of the work-issued laptop was governed by the school board's policy and procedures manual, which allowed for incidental personal use. The policy stipulated teachers' e-mail correspondence remained private, but subject to access by school administrators if specified conditions were met. It did not address privacy in other types of files but stated that "all data and messages generated on or handled by board equipment are considered to be the property of (the school board)."

The school's acceptable use policy – written for and signed by students – also applied to teachers. It not only restricted laptop uses but also warned users not to expect privacy in their files. While performing maintenance activities on Cole's laptop, a school board technician found a hidden folder containing nude and partially nude photographs of an underage female student and notified the principal, who directed him to copy the photos to a compact disc.

The principal seized the laptop and board technicians eventually gained access, making a compact disc containing his temporary Internet files, including pornographic images. A police officer went to the school and the board office the next day, seizing the laptop and CDs: one contained photographs of the student, the other Cole's temporary Internet files. The officer reviewed the contents at the police station and then sent the laptop away for forensic examination. A mirror image of the hard drive was created for that purpose.

In the Ontario Court of Justice Cole brought a pre-trial motion seeking exclusion of the computer evidence pursuant to s. 24(2) of the Charter. The trial judge found Cole had a reasonable expectation of privacy in the contents of his laptop hard drive. The warrantless search violated his s. 8 Charter rights and all of the computer evidence was excluded.

The Crown challenged the decision in the Ontario Superior Court of Justice. The appeal judge found Cole did not have a reasonable expectation of privacy in the contents of the drive. The Crown's appeal was allowed, the lower court's decision set aside and the matter remitted back for trial.

Cole challenged that ruling and the Ontario

Court of Appeal held he did have a reasonable expectation of privacy in the informational content of the laptop, but this expectation was "modified to the extent that (the accused) knew his employer's technician could and would access the laptop as part of his role in maintaining the technical integrity of the school's information network."

The technician's initial remote access wasn't a "search" for s. 8 purposes, but the examinations by the police, principal and school board (assuming the Charter applied) did engage it. However, the principal and board's search and seizure of the laptop was reasonable and authorized by law. The creation of the photograph disc wasn't unreasonable and, since Cole had no privacy interest in the photos, the police search and seizure of the disc did not breach s. 8. Cole, however, retained a continuing reasonable expectation of privacy in the laptop and the disc with his temporary Internet files.

Just because the seizure by school officials was reasonable, police were not endowed with the same authority. The school board could not consent to their search; police had no other lawful authority so the s. 8 breach was established.

The laptop and mirror drive image were excluded under s. 24(2) of the Charter, as was the disc containing the Internet files. The photo cd should have been ruled admissible and therefore a new trial was ordered.

The Crown appealed to the Supreme Court of Canada, again arguing Cole did not have a reasonable expectation of privacy in his employer-issued laptop and therefore its seizure and disc copying were not unreasonable.

Justice Fish, speaking for the entire court, noted that "Section 8 of the Charter guarantees the right of everyone in Canada to be secure against unreasonable search or seizure. An inspection is a search and a taking is a seizure, where a person has a reasonable privacy interest in the object or subject matter of the state action and the information to which it gives access."

He continued:

Privacy is a matter of reasonable expectations. An expectation of privacy will attract Charter protection if reasonable and informed people in the position of the accused would expect privacy

If the claimant has a reasonable expectation of privacy, s. 8 is engaged and the court must then determine whether the search or seizure was reasonable.

Where, as here, a search is carried out without a warrant, it is presumptively unreasonable. To establish reasonableness, the Crown must prove on the balance of probabilities (1) that the search was authorized by law, (2) that the authorizing law was itself reasonable and

(3) that the authority to conduct the search was exercised in a reasonable manner (references omitted, paras. 35-37).

Privacy

The test for determining whether a person has a reasonable expectation of privacy depends on the "totality of the circumstances," requiring a four part inquiry:

1. An examination of the subject matter of the alleged search: The court found the subject matter of the search wasn't the devices themselves but the informational content (data) on the laptop's hard drive, its mirror image and the Internet files disc (informational privacy).
2. A determination as to whether the claimant had a direct interest in the subject matter: This was inferred by Cole's use of the laptop and the storage of his personal information on the drive.
3. An inquiry into whether the claimant had a subjective expectation of privacy in the subject matter: The court found a subjective expectation of privacy could again be inferred from Cole's use of the laptop to browse the Internet and to store personal information on the drive.
4. An assessment as to whether this subjective expectation of privacy was objectively reasonable, having regard to the totality of the circumstances: Although there is no definitive list of factors to consider, the court found the subjective expectation of privacy was objectively reasonable because it involved highly revealing and meaningful information about an individual's personal life, even though it was a work-issued laptop and not a personal computer found in a private residence.

Cole did not own the computer, which was a relevant consideration but not determinative. There were factors pulling in opposite directions – some supporting the objective reasonableness of the search (he was permitted to use his work-issued laptop for personal purposes) and others against (he didn't own it, policy and practice and technology – others including technicians could access the contents of his drive when connected to the network).

Fish found Cole did have an objectively reasonable expectation of privacy, although it was diminished from what one might have in a personal computer in their home. Since he had a reasonable expectation of privacy in his Internet browsing history and the informational content of his work-issued laptop, any non-consensual examination by the police was a "search" and any taking, a "seizure."

The school search

Assuming school officials are state agents

for the purpose of the Charter (a decision left for another day), the principal had a statutory duty to maintain a safe school environment under Ontario's *Education Act*. Therefore, by necessary implication, it had a reasonable power to seize and search a board-issued laptop if the principal believed, on reasonable grounds, that the drive contained compromising photographs of a student.

The police search

The school's implied power of search and seizure, however, wasn't endowed to police.

The police may well have been authorized to take physical control of the laptop and CD temporarily and for the limited purpose of safeguarding potential evidence of a crime until a search warrant could be obtained. However, that is not what occurred here. Quite the contrary: The police seized the laptop and CD in order to search their contents for evidence of a crime without the consent of Mr. Cole and without prior judicial authorization...

In taking possession of the computer material and examining its contents, the police acted independently of the school board. The fact that the school board had acquired lawful possession of the laptop for its own administrative purposes did not vest in the police a delegated or derivative power to appropriate and search the computer for the purposes of a criminal investigation... Where a lower constitutional standard is applicable in an administrative context, as in this case, the police cannot invoke that standard to evade the prior judicial authorization that is

normally required for searches or seizures in the context of criminal investigations (references omitted, paras. 65-69).

Cole retained a reasonable and "continuous" expectation of privacy in the personal information on his work-issued laptop. The board was legally entitled to tell police what it discovered but it did not afford their warrantless access to the personal information contained within it. "This information remained subject, at all relevant times, to Mr. Cole's reasonable and subsisting expectation of privacy," said Fish. Police could have obtained a warrant to search it.

Nor could the employer, as a third party, validly consent to the warrantless search or seizure of a laptop issued to one of its employees.

"For consent to be valid, it must be both voluntary and informed. The adoption of a doctrine of third party consent in this country would imply that the police could interfere with an individual's privacy interests on the basis of a consent that is not voluntarily given by the rights holder and not necessarily based on sufficient information in his or her hands to make a meaningful choice," said Fish.

Admissibility – s. 24(2)

The six member majority would have admitted the evidence. The officer did not act negligently or in bad faith. The case law governing privacy expectations in work computers was still unsettled at the time. He believed "erroneously but understandably, that he had the power to search without a warrant."

The Charter breach was therefore not

egregious or high on the scale of seriousness. Cole had a diminished, but subsisting, expectation of privacy and the evidence was discoverable – police had reasonable grounds to obtain a warrant.

Finally, the laptop, mirror drive image and disc containing the temporary Internet files were all highly reliable and probative physical evidence. Excluding them would have a marked negative impact on the truth-seeking function of the criminal trial process and admitting them would not bring the administration of justice into disrepute.

The Crown's appeal was allowed, the Ontario Court of Appeal's exclusionary rule was set aside and a new trial ordered.

A different view on admissibility

Justice Abella, although agreeing there was a Charter breach, would have excluded the disc containing the temporary Internet files and the drive copy. In her view, the detective, an experienced officer with years of experience in investigating cyber-crime, failed to follow established Charter jurisprudence – a serious breach. His exclusive reliance on ownership to determine whether a warrant was required was unreasonable and could not be relied upon to establish good faith for the purposes of s. 24(2).

Moreover, there were no exigent circumstances or other legitimate reasons to proceed without a warrant. He had ample time to obtain one and reasonable grounds to do so. The search was highly intrusive, regardless of whether there is a diminished expectation of privacy, and the importance of the reliable evidence in this case was speculative at best.



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Care or control requires 'realistic risk' of danger



There must be a realistic risk of danger of setting a vehicle in motion before a conviction of impaired care or control will follow.

In *R. v. Boudreault*, 2012 SCC 56 the accused, inebriated and unfit to drive, decided to leave the apartment of a lady he had met earlier at a bar. He asked her to call for a taxi and it was expected that two drivers would attend – one to take him home and the other to drive his vehicle. He left the apartment into minus 15 degrees Celsius weather with blowing wind at 40 km/h, got into his truck – which was in a private driveway, on level terrain, in park – started the engine, turned on the heat and fell asleep.

The taxi driver arrived about 45 minutes after the first call and saw Boudreault sleeping in the driver's seat. Instead of waking him, the cabbie called police. Boudreault's ability to drive was manifestly impaired, he was arrested and subsequently provided two breathalyzer test samples of 250mg% and 242mg%. He was charged with impaired care or control and over 80mg% under s. 253(1) of the Criminal Code.

The Court of Quebec trial judge held there was no risk of Boudreault putting the vehicle in motion and therefore care or control within the meaning of s. 253(1) had not been established. Although Boudreault was intoxicated, he knew what he was doing, took all the necessary precautions and had a concrete and reliable plan to get home without driving,

which was thwarted when the very taxi driver he had summoned called police. Boudreault was acquitted of both counts.

The Crown's appeal was allowed. The Quebec Court of Appeal considered that an intention to drive wasn't an essential element to impaired care or control and the trial judge had therefore erred in considering a lack of intention to drive as proof that there was no risk of setting the vehicle in motion. In the Appeal Court's view, "there was such a risk given the (accused's) advanced state of intoxication, since his blood alcohol level was more than three times the legal limit and this might have greatly affected his judgment had he woken up." Convictions were entered.

Boudreault appealed to Canada's highest court seeking the restoration of his acquittals. The Crown countered, submitting that a risk of danger wasn't an essential element of the offence of care or control under s. 253(1). In the Crown's view, even where the presumption of "care or control" under s. 258(1)(a) is not engaged, it only needed to prove the voluntary consumption of alcohol beyond the legal limit or leading to impairment and "some use of the car or its fittings and equipment." Justice Fish, speaking for himself and five other justices, disagreed. In his view, a realistic risk of danger is an essential element of "care or control."

Risk of danger?

Justice Fish noted that Parliament's objective in enacting s. 253 was "to prevent a risk of danger to public safety." Thus, an accused's "conduct that presents no such risk falls outside the intended reach of the offence" because Parliament's intention was to criminalize only conduct that creates a realistic risk of danger.

The essential elements of "care or control" under the section are:

An intentional course of conduct associated with a motor vehicle by a person whose

ability to drive is impaired, or whose blood alcohol level exceeds the legal limit, in circumstances that create a realistic risk of danger to persons or property.

As noted, this risk of danger must be realistic and not just theoretically or remotely possible. However, the level of risk need not be probable, or even serious or substantial. Justice Fish stated:

To require that the risk be "realistic" is to establish a low threshold consistent with Parliament's intention to prevent a danger to public safety. To require only that the risk be "theoretically possible" is to adopt too low a threshold since it would criminalize unnecessarily a broad range of benign and inconsequential conduct (para. 35).

And further: *A realistic risk that the vehicle will be set in motion obviously constitutes a realistic risk of danger. Accordingly, an intention to set the vehicle in motion suffices in itself to create the risk of danger contemplated by the offence of care or control. On the other hand, an accused who satisfies the court that he or she had no intention to set the vehicle in motion will not necessarily escape conviction: An inebriated individual who is found behind the wheel and has a present ability to set the vehicle in motion – without intending at that moment to do so – may nevertheless present a realistic risk of danger.*

In the absence of a contemporaneous intention to drive, a realistic risk of danger may arise in at least three ways. First, an inebriated person who initially does not intend to drive may later, while still impaired, change his or her mind and proceed to do so; second, an inebriated person behind the wheel may unintentionally set the vehicle in motion; and third, through negligence, bad judgment or otherwise, a stationary or inoperable vehicle may endanger persons or property (paras. 41-42).

The six member majority held that "anyone



found inebriated and behind the wheel with a present ability to drive will – and should – almost invariably be convicted.” However, a conviction will not be “automatic” unless a realistic risk of danger (which is a finding of fact), in the particular circumstances of the case, is established by the Crown. This is a low threshold which will normally be established by impairment or an excessive blood alcohol ratio behind the wheel of a motor vehicle with nothing to stop an accused from setting it in motion, either intentionally or accidentally.

To avoid conviction, an accused will in practice face a tactical necessity of adducing credible and reliable evidence tending to prove that the inherent risk of danger is not

a realistic risk in the particular circumstances of the case. For example, an accused may escape conviction “by adducing evidence that the motor vehicle was inoperable or, on account of its location or placement, could, under no reasonably conceivable circumstances, pose a risk of danger. Likewise, use of the vehicle for a manifestly innocent purpose should not attract the stigma of a criminal conviction.”

Alternate plan

In this case, Boudreault had an “alternate plan” to ensure his safe transportation home. Its affect on the risk involved depends on two considerations. First, whether the accused’s plan was objectively concrete and reliable

and second, was it implemented? Justice Fish continued: *A plan may seem watertight, but the accused’s level of impairment, demeanour or actions may demonstrate that there was nevertheless a realistic risk that the plan would be abandoned before its implementation. Where judgment is impaired by alcohol, it cannot be lightly assumed that the actions of the accused when behind the wheel will accord with his or her intentions either then or afterward.*

For example, even where it is certain that the taxi will show up at some point, if the accused occupied the driver’s seat without a valid excuse or reasonable explanation, this alone may persuade the judge that “his judgment (was) so impaired that he (could not) foresee the possible consequences of his actions.” The converse, however, is not necessarily true.

Even where it is probable that the taxi will appear at some point and the accused occupied the driver’s seat with a valid excuse or reasonable explanation, the trial judge may nonetheless be satisfied beyond a reasonable doubt that there remained a realistic risk of danger in the circumstances (reference omitted, paras. 52-53).

In this case, the Crown only alleged that Boudreault would, at some point, intentionally set his vehicle in motion, thereby causing a risk of danger. The trial judge applied the correct legal test to the evidence and concluded there was no risk that he would at any point intentionally set the vehicle in motion.

He also correctly recognized that the absence of an intention to drive was only relevant to rebutting the presumption in s. 258(1)(a) and that a risk of danger was an essential element of care or control. Even if the trial judge’s findings of fact were viewed unsatisfactory or unreasonable to others, they were not reviewable on a Crown appeal.

Boudreault’s appeal was allowed, the judgment of the Quebec Court of Appeal set aside and the acquittals restored.

A different view

Justice Cromwell, delivering a dissenting judgment, was of the opinion that a risk of danger, whether realistic or otherwise, wasn’t an element of the offence of care or control. He found that such an interpretation would seriously undercut the provision’s preventive purpose. In his view, a person “is in care or control of a motor vehicle when one acts to assume the present ability to operate the vehicle or has its superintendence or management.”

Finally, even if the creation of a risk was an essential element of the offence, Justice Cromwell concluded that the trial judge erred in law by finding that it had not been proven in this case. He would have dismissed Boudreault’s appeal.



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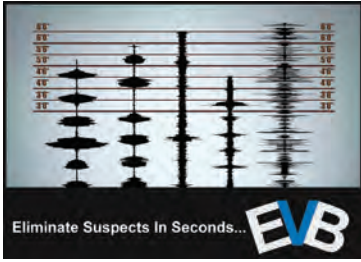
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DISPATCHES

Lincoln MacCauley Alexander, PC CC OOnt CD QC passed away on October 19, 2012. At the time of his passing he was the Honorary Chief of Police for Hamilton, Toronto and York Regional Police Services as well as Honorary Commissioner of the Ontario Provincial Police. He served as the 24th Lieutenant Governor of Ontario from 1985 to 1991. He was 91 years of age. Born in Toronto, Ontario, to West Indian immigrants, Lincoln Alexander first distinguished himself in the Royal Canadian Air Force during the Second World War. He later graduated from Osgoode Hall Law School in Toronto. In 1968, he was elected to the House of Commons becoming Canada's first black Member of Parliament. In 1985 Lincoln was appointed the 24th Lieutenant Governor of Ontario. In 1992, Alexander was awarded the Order of Ontario and became a Companion of the Order of Canada.



Amherst, Nova Scotia, Police Chief Charles Rushton has announced his retirement in October after 40 years of service. A native of Oxford, the 65-year-old police officer started his career in the early 1970s in Toronto. He came to Amherst in 1975. He became deputy chief in 1995 before taking over the town's top policing position in 1998 when then Chief Charles Parlee left to work for the provincial Justice Department. Rushton was active in the Nova Scotia Chiefs of Police Association, holding the presidency for several years. He is a recipient of the Police Exemplary Service Medal and the Queen Elizabeth Diamond Jubilee Medal. The police department underwent a number of changes including the implementation of a dispatch service, a major crimes unit and the creation of a the crime prevention officer's position. Deputy Chief Ian Naylor will take over as interim chief while the town seeks his permanent replacement.



Port Moody Police Chief Brad Parker is retiring effective June 1, 2013. The Mayor and police board member Mike Clay said the board hopes to have a new chief in place working on a transition before Parker leaves. Praised for his leadership skills Parker joined the force as chief in 2007. Parker said one of his main goals over the years was to increase the quality of work by the department. He pointed out the department is now being called on to look after investigations in other police forces. "It's a recognition around the province that we can certainly hold our own in criminal investigations," he said. Chief Parker has been Policing for over 30 years and has served with the RCMP, Vancouver Police, the Organized Crime Agency of BC, Delta Police and retires as the 7th Chief Constable of the Port Moody Police Department.



RCMP Constable Adrian Oliver, 26, died in a motorvehicle collision November 13 in Surrey BC. The officer was on duty and driving an unmarked police vehicle into the Surrey detachment when his vehicle collided with a semi-truck going in the opposite direction. The four-year member of the RCMP was born in British Columbia and raised in Ottawa with his twin brother, also a member of the RCMP. Oliver's father is also a member and stationed in Ottawa. "He was an outstanding police officer, with a great attitude and commitment to serve others," said Chief Supt. Bill Fordy, officer-in-charge of Surrey RCMP.



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An innovative Use of Force Framework

by Jean-Pierre Côté

Law enforcement agencies are all concerned by police interventions involving the use of force, regardless of the context. This is also the most highly publicized aspect of an intervention and the most closely studied by law enforcement agencies.

While most police departments provide basic, ongoing training to maintain capabilities, this remains a complex and often controversial area that is associated with disciplinary issues.

This is why Pierre Mathieu, Deputy Chief of Police for the City of Québec, has submitted a report asking police officers to take charge, under the leadership of first level supervisors, and to increase police department accountability through a process of self regulation.

The primary objectives are to:

- Reduce absenteeism due to injuries sustained during a physical intervention;
- Reduce the risks for police officers due to inadequate knowledge of tactical techniques and intervention philosophy;
- Ensure accountability to our members, City management and the Ministère de la sécurité publique;
- Continuously monitor best police practices;
- Increase empowerment and supervisors' capacity to intervene adequately in all aspects of the use of force;
- Increase organizational capacity aimed at excellence in its interventions.

Sergeant Julie Papineau, who is a qualified use of force instructor, stepped in to set up a program that members would get behind. After initially assessing numerous options, she tested follow-up tools, surveyed members and developed an approach that would be managed by and for police officers in the field.



Shown above left: Deputy Chief Pierre Mathieu, Quebec City Police Department. Above right: Quebec City Police Sgt. Julie Papineau receiving the 2012 International Conference for Police and Law Enforcement Executives Leadership Award from Mr Francis Gobeil, ADPQ president.

During this assessment period, she took a number of courses to distinguish the role of a use of force advisor and that of a use of force instructor, which is one of the strong underpinnings of this framework. The recruitment of future advisors, based on a structured interview and a day of simulation (APS), gave the advisor's role credibility with both agents and supervisors during risk assessment, establishing a perimeter or any other intervention situation.

Sergeant Papineau was recognized for her work at the 2012 International Conference for Police & Law Enforcement Executives.

Now in place for close to a year, the advantages of investing in this framework are increasingly apparent. It has been shown to:

- Promote best practices in terms of use of force and police tactics;

- Support supervisors and agents during the increasingly frequent follow-up meetings;
- Provide preventive analysis of situations;
- Take a proactive approach to accountability and the identification of training needs;
- Build openness to criticism while improving the quality of written reports.

A lieutenant works full-time co-ordinating the activities of advisors, who are an integral part of work teams. At no time are advisors contacted by senior officers for an opinion in disciplinary matters. A strict exchange of information process allows agents to learn from each other's experience in the field.

For more information concerning this innovative approach used by the Québec City Police Department, please contact Lieutenant Jean-Pierre Côté at: jean-pierre-b.cote@ville.quebec.qc.ca.

The "Third Way" is "No Way"

by Tom Stamatakis

I read October's article by Gregory Saville ("The third way forward" *Blue Line*, October 2012) with great interest, as issues relating to the economics of policing have been at core of the Canadian Police Association's activities, particularly during the past 18 months since I was elected as President of the Association.

During that time our members across the country have had the opportunity to participate with policing community stakeholders at all levels in a series of discussions related to many complex challenges we are faced with during these difficult economic times.

With all due respect to Mr. Saville and his partners, there has been no group that has done more to constructively influence the ongoing debate around the costs of policing in the 21st century than police associations in Canada. After all it is our front-line police men and women who require the adequate operating and training resources necessary in keeping our communities safe.

Unfortunately, I was disappointed in the conclusions that were put forward by Mr. Saville, who seems to have reduced the complex challenges facing governments, police services and communities to an over-simplified remedy. Such a remedy isn't grounded in evidence-based practice, or informed by best practices. In fact, while I have no doubt that the Civic Protection Institute (CPI) has the best of intentions, the fact remains that the proposals put forward in Mr. Saville's article are little more than a thinly veiled attempt to push for increased privatization of public policing.

I would note, perhaps most glaringly, that throughout an entire article regarding the sustainability of funding for policing, there is no definition of "sustainability" itself. Neither is there a definition of what "core policing" actually means. How are we supposed to accept that this new way forward is necessary, without being able to agree on the scope of the challenges we're currently facing?

Illustrative of the many inaccurate statements made in the article are those related to civilianization. It is stated, "Civilianization has also gleaned efficiencies. Civilians replaced sworn police officers for administrative duties."

What is meant by "gleaned efficiencies" is not defined. If it is being argued that civilianization in Canadian police services has reduced costs, then unfortunately, no evidence is presented.

Recruiting and retaining highly-specialized civilians who are doing more than "administrative duties" may, in the long-run, cost more than filling those positions with sworn officers. In fact, civilians are performing more than administrative duties in Canadian police services and, working in hybrid units with sworn members.

To be clear, I'm not trying to minimize the very real problem. Budgets are being squeezed, and front-line officers are being asked to do more and more, and to make the most of

reduced resources. This "third way forward", however, will not address the most significant strains on our policing capacity.

Mr. Saville correctly notes that each new piece of legislation and regulation requires increased processing time and paper work. Nobody is more aware of this fact than front-line patrol officers. They are now spending up to eight hours processing an impaired driving charge, rather than the hour he or she may have needed 10 years ago.

Add in other administrative burdens such as "Feeny" warrants or "McNeil" disclosure applications, inefficient court scheduling times and you'll quickly see why budgets are under pressure. Solving those concerns will not only result in better job quality for our officers (a very important consideration in my opinion), but will have the added benefit of saving taxpayer money.

A final note I'd like to make with regards to this "third way forward" is that it completely fails to take into account the vast changes in job descriptions our police officers have today. Our officers are not only responsible for community safety, but they're often called on to be mental health workers, guidance counsellors, addiction specialists, and any other need which must be filled in a particular community.

The result of these changes is that a police officer in Canada today is uniformly better trained, more professional and much more accountable than can reasonably be expected of a private security employee. We can (and should) be proud of the value that we add to our communities. Of course, this value comes at a cost.

I'd suggest it is impossible to measure the contributions our officers' make based solely against the salaries that they earn. There's absolutely no doubt that a private security entity can afford to pay much lower wages than would otherwise be paid to a police officer who's performing the same duties, but we also have to understand that savings come at a cost. That private security guard will not have the benefit of complex training that our officers have and will not be subject to the same level of public accountability.

If we look at past examples where this "third way forward" has been tried, most notably in the UK, we see a pattern of private security over-promising and under-delivering the communities they supposedly serve. While our police officers are always looking for ways to partner with other agencies to realize efficiencies private security simply does not have the training, experience, or statutory authority to conduct the kind of work that Mr. Saville is proposing.

Tom Stamatakis was elected President of the Canadian Police Association in May 2011. He also serves as the President of the British Columbia Police Association and the Vancouver Police Union. Mr. Stamatakis is a Constable with the Vancouver Police Department and has taken specialized training and has been an instructor in a number of areas including control tactics, crisis negotiations, surveillance, firearms and crowd control. He can be reached at tstamatakis@cpa-acp.ca.

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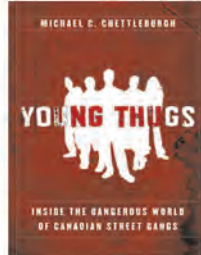
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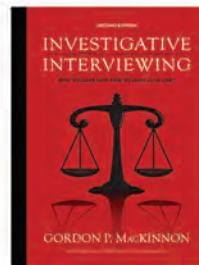
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