

Canada's independent national magazine produced by and for the law enforcement community

P A R T I C I P A C T I O N

*Tony Mouskos,
Hamilton Hoppers
Skipping Club,
Hamilton, Ontario*



Skipping is an excellent fitness activity — it's also fun! Tony Mouskos and his team members meet 3 times a week for practice that includes some amazing tricks. Most members (ages 7-15) of this world competitive team started with an active interest and learned the routines through practice. PARTICIpaction is proud to salute Tony and the Hamilton Hoppers.

*Eria Fachin,
Singer and Performer, Toronto, Ontario*



It takes a special kind of energy to live up to the rigours of promoting a hit album. Eria works at having that kind of energy by attending dance classes, practicing yoga and trampoline. Eria is careful to eat a nutritional diet.

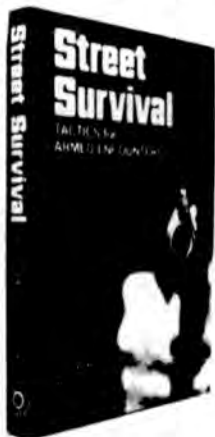
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We decided that the last cover of this, our first year of publication, should reflect the past year's efforts.

Blue Line Magazine is a success because of the support of its membership and contributors. As the editor of this magazine I must give thanks to the good Lord, my wife and my family. They have all put up with me and my crazy ideas for quite some time now.

Special thanks are in order to so many and with great trepidation we will attempt to name a few. Don O'Shaughnessy, our "miracle worker", has been a good doctor to Blue Line's birth. Thanks to our assignment writers, Louise Dueck and Al Porter, our columnists, Robert Hotston and Geoff Cates, our regional correspondents Daffydd Hermann and Craig MacMillan from the west coast, John Kidd (Barrie), Jeff Jones (London) and Richard Duplain (New Brunswick). Our Community College support group includes Cambrian College (Sudbury), Seneca College (Toronto region), Lambton College (Samia), Lethbridge Community College and Georgian College (Barrie).

We can never say enough about Tony MacKinnon. This guy has kept us laughing for the whole year. What else can we say but thanks Tony!

There are stills more to thank and we know we missed many. Thanks to those who have sent articles and to the many who have simply asked "How can I help". Just keep those cards and letters coming in.

This past year has been a rewarding experience for us all. We look upon each new and renewed subscription as a vote of support and encouragement. To one and all we wish a Merry Christmas, Happy Holidays and a Happy New Year.

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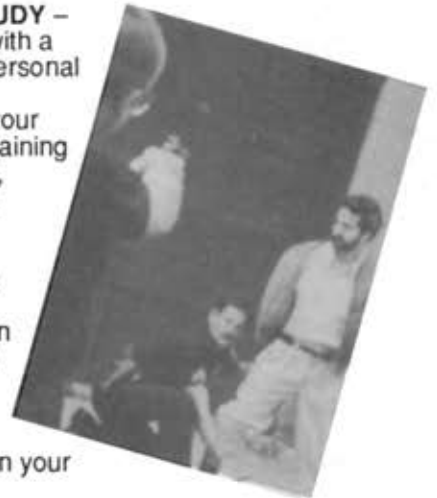
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Blue Line Magazine

Editorial

Have we slayed enough alligators?

There is an old analogy for people handling multiple problems at once. It says that when you're up to your rear end in alligators it is difficult to remember that your job was to drain the swamp. In the past year we here at Blue Line Magazine have become quite adept at slaying alligators. However in so doing we do not wish to lose sight of the initial task.

We have dedicated Blue Line Magazine to the law enforcement profession in Canada. Over the past 10 issues we have discovered many problems that had to be addressed and had not been anticipated when we thought this thing up. Our readers have been our biggest asset in this battle. You have kept us in line by giving us your viewpoints and input. We feel this feedback is most important.

We have been sending out "seed copies" of the magazine to every police station, unit and detachment in the country. The purpose of these magazines has been to encourage members to subscribe and help support this magazine. We would like to make it clear that this supply is volatile. We only guarantee our paid subscriptions. From time to time we may decide to restructure our "seed copies" in a manner that will better encourage our subscription base. For example in the new year we may alternate each province or postal code each month.

Many people had doubts that we were going to stick with it and therefore held back to see what happened. This caution is a typical Canadian characteristic that we well understand. We can only give you our assurance that Blue Line Magazine is here to stay. It will survive! But in what form it survives will be entirely up to you.

All police departments have budgets for magazines, periodicals and books. We would like to see every unit and de-

partment include us in that budget. We think we will service our readers far better than McLean's Magazine or Reader's Digest. American police publications do not even come close. In fact many are down right depressing and do little to help police officers understand their day to day tasks. (Mind you if your job involves daily gunfights perhaps we are not the best for you.)

We have heard from many spouses of police officers who have purchased subscriptions for their husbands and wives. We have found that our magazine, coming into the home, has helped many spouses to understand the job their mate is doing. Many have purchased subscriptions for relatives and friends as well.

We ain't fancy but we tell the story. Over the past 10 issues we have brought you 322 articles and feature stories related to the law enforcement profession. This included 34 articles of case law important to the officers in the field. We supplied 28 feature stories and gave you an introduction to 22 books of interest to law enforcement. We have explored with you the Charter of Rights and Freedoms, the "Judges Rules" and an in-depth study of the offence of Careless Driving. Furthermore it has been done in spare time because the editor is a full time front-line officer.

1990 is shaping up to be an exciting and challenging year. Your membership in this publication means we will have the resources to expand it and do more research necessary to get you all the facts. We will be able to increase the quality of the publication and its contents dramatically and improve communication across the country. With your membership subscriptions we will be less reliant upon advertising and this will give us a stable base to work from.

Won't you help us slay some more alligators?

Blue Line Magazine

So you think you can ride a motorcycle, do you???

- John Bates -

Back in 1986, officers Bruce Wilson and David Steele of the Los Angeles Police Department asked themselves that very question. They also wondered if there were other police officers pondering the same question. As we all know many riders do believe that they can ride better than the next person but they never put themselves to the test.

Well, Bruce and Dave set about to establish an event that would put each officer on an equal footing and provide a forum to determine who was the safest and fastest.

With the assistance and support of the California Police Athletic Federation, a non-profit corporation which is the governing body for the Police Olympics (State of California) and the World Police and Fire Games (World Wide), the Police Olympic Motorcycle Road Racing World Championships would become a reality.

Next came a location at which to hold the event. The owner of the Willow Springs International Raceway came forward and offered financial help along with the use of his track to get the event off the ground. Bruce and Dave had met Bill Huth on the many trips they made to the track to catch some of the best motorcycle racing on the west coast.

Willow Springs International Raceway is a four kilometer long, ten meter wide, asphalt racetrack with nine turns. The track is located in the high desert near Rosamond, California. Rosamond is approximately 100 kilometers north-east of Los Angeles near Edwards Air Force Base, the west coast home of the United States Space Shuttle program. Located where it is near the Mohave desert and on the side of the mountains makes the track exactly what it is. Beautifully fast and deceptively challenging.

Bruce and Dave weren't on the track yet though. What would the participants use to race? Keith Code of the California Super Bike School entered the picture and offered his assistance. Keith made available his fleet of identically prepared Kawasaki Ninja 600cc motorcycles used by his school. Keith also supplied instruction and classroom time for the less experienced riders. The entire California Super Bike School staff assisted in keeping the bikes in top shape and on the track and used school equipment to time the events.

With all the preparation work completed it was rewarding to have forty-two police officers from ten countries competing. This included one officer from Canada.

The format for the Police Olympic Motorcycle Roadracing World Championship would be relatively simple. Any number of officers may attend from a given country. Prior to the competition, countries must reduce their delegation to a team of three competitors. This is accomplished by having all competitors attend the California Superbike School and using lap times generated to choose a country's three fastest officers.

Once the teams are set, the competition begins with the "Kawasaki Open Pursuit Match." Loosely defined, it is a lap time competition wherein officers race, unencumbered, against the clock. The lap times from the Open Pursuit Match account for 90% of the scoring and medal awards.

The final event is the "California Superbike School Race of Nations." This is a ten lap head-to-head sprint race with each country's fastest rider competing. The Race of Nations lasts approximately twenty minutes. The lap times generated by the race leaders will be close to the lap record for the class of bike they will be riding. Most of the officers competing in this race will have previous racing experience.

The competition is always fast and close. The winner of the Race of Nations is crowned the "Police Olympics Motorcycle Roadracing World Championships Fastest Cop Alive."

The first race was a complete success, with the team championship in the "Kawasaki Open Pursuit Match" going to the United States team. Officer Rick Williams of the Arizona Highway Patrol was the first officer to win the "California Superbike School Race of Nations" competition.

Canada was unable to supply a complete team the first year but Detective Peter Ditchfield of the Vancouver Police Department placed well in the Race of Nations despite his lack of preparation time.

As the word spread, interest in the race grew and the second Police Olympic Motorcycle Roadracing World Championships were held at Willow Springs in October 1987.

The second race saw the number of competitors rise to eighty officers representing fifteen countries from Europe, North and South America, and Australia. At the 1987 event, Canada was able

Canada put on a good show at the 1989 Police Olympics Motorcycle Roadracing Championships, but with more officers involved here at home, the future could be even better.

to enter a complete three man team which consisted of Detective Peter Ditchfield of Vancouver, Constable Gord Schumacher of Winnipeg and Sergeant John Bates of Toronto with Constable Dave Stewart of Toronto as backup. The team captain was Staff Sergeant John Fournier.

Again the strong United States team overpowered the competition and took the top honours in the Open Pursuit Match with Rick Williams of the Arizona Highway Patrol retaining his Race of Nations title.

The third police Olympic Motorcycle Roadracing World Championship has just been completed at Willow Springs. It was held the week of September 27th through to October 1st 1989. This year's event saw 101 police officers representing fourteen countries. Unfortunately, Peru, Australia and Mexico were late scratches and unable to attend.

The biggest surprise was the attendance of a 14 man team from Norway, and a stronger than usual delegation from England, Scotland and Northern Ireland.

The 1989 version of "Team Canada" was confined, unfortunately, to officers from the Metro Toronto Police Force. They were the following officers; Constables Peter Benney and David Stewart, Sergeants Peter Howes and John Bates, and (Retired Staff Sergeant) John Fournier was called out of retirement to manage the team.

During the first day of qualifications, our team was turning in lap times in the low 1:53 range with an average speed of 78 mph. The fastest lap time on the day by a police officer was at 1:42 by Alister Nesbet of New Zealand with an average speed of 88 mph.

A team consisting of Benny, Howes and Stewart were selected to represent Canada in the Kawasaki Open Pursuit Match which was scheduled for the second day of racing.

During the Open Pursuit Match, our team turned in a great performance with average team lap times of 1:52. Peter Howes really started to get things rolling and came into the pits with the fastest team lap time of 1:50 and an average speed of 81 mph. However Team Canada still finished twelfth in the fourteen team field.

By virtue of his lap time, Peter Howes was selected as Canada's "Race of Nations" entrant.

The final day of racing started with the usual riders' breakfast meetings. If you have ever been to the California desert, you know that the mornings can be quite cool and this day would prove no different. The temperature is cool



enough to require a jacket or sweater in the morning and rises to be in the high 30s celsius by 10 a.m.

The Police Olympics Motorcycle Roadracing World Championship, Race of Nations was part of a full schedule of events and when the Police Championship got underway at around noon the temperature at the track was 35 degrees celsius.

When the flag dropped, the ten lap event was underway. Each officer was out to prove he was number one and to take home the silverware for his country and police department.

The four strongest riders moved into an early lead by the third turn and the rest of the pack was starting to spread out behind them. The lead would change a number of times between Julian Elliot of North Ireland, March Renie of France, Oscar Bellini of Italy and Bruce Reimer of the United States.

When the smoke cleared and the racers came down the front straight toward the finish line, it was Marc Grenie who received the checkered flag first with Julian Elliot close behind. Bruce Reimer and Oscar Bellini were close behind and received third and fourth respectively.

Peter Howes finished a respectable twelfth in the very fast fourteen man race. Peter has no previous race experience and would be considered a novice but he was able to improve his lap time by almost ten seconds, turning in laps as low as a 1:47 with an average speed of 84 mph. Great showing Peter!

As the riders made their way to the winners circle, a French television cameraman was on hand to record the event and send it back to France to be carried on national television.

A crew was also present from the syndicated television show "Auto Sport" to record the race and show it at a later date.

As the top riders took their places on the victory stand and received their well earned awards, the traditional champagne began to flow and most of the crowd welcomed the cool spray.

Later in the evening, at the awards banquet at the Essex House Hotel in Lancaster, California, the French team

of Marc Grenie, Thierry Cupillard and Francois Ciciliani received their well deserved team and individual awards.

The United States team placed in second place and the surprise third place winner was a team from Switzerland.

With this year's World Championships now completed what is there in the future? At present there are plans being formulated by Bruce Wilson and a California syndicate that may take the Championships to Japan for three years starting in 1990. More details should be forthcoming in the first part of the year. The French team captain has indicated to all the racers that they will try to work on a similar racing formula to be held in 1991 on the south of France if the Japanese project fail to materialize.

In Canada plans are being made by David Stewart to hold a Canadian Police Officers Motorcycle Championship at the F.A.S.T. motorcycle roadracing school in Shannonville, Ontario in July 1990. By doing this it is hoped that we can find younger, faster police officers who will represent Canada in future years at the World Championships. Officers from all Provinces and Territories who are interested in motorcycle roadracing are invited to apply. Although details are still being worked out it is hoped that transportation assistance will be available to encourage the officer to fly to Ontario.

The F.A.S.T. school, operated by motorcycle racer and chief instructor Michael Mercier, is similar to that of the California Superbike School except that F.A.S.T. uses FZ600 cc motorcycles from Yamaha. With the proper sponsorships it may be possible for a team of the "fastest Canadian Cops on two wheels" to receive free air transport to anywhere in the world where the Championships are being held. So come on out, learn to ride safely and you may indeed turn out to be one of Canada's representatives in the "Race of Nations."

Further details can be obtained from David Stewart by writing to 733 Leaside Street, Pickering, Ontario L1W 2X2 or by calling (416) 831-2013.

Top N.B. Mountie moves to Ottawa



Photo: Keith Minchen

Former New Brunswick RCMP Chief Superintendent Dennis Farrell has been posted to Ottawa and becomes the Director of Enforcement Services and Assistant Commissioner.

Superintendent Farrell has more than 30 years with the RCMP and has commanded officers of "J" Division in New Brunswick for the last three years.

As enforcement services director, he will direct policy for detachments across the country on contract and crime prevention. He will oversee the special emergency response teams, war crimes, special services, the national crime intelligence bureau, immigration and passport, federal enforcement, and customs and excise.

Born in Montreal, he joined the RCMP in 1957, serving first in "C" Division in Quebec. He became a Corporal in 1965 and a Sergeant in 1971. In 1984 he was promoted to Superintendent and in 1985 went to the National Defence College before inheriting command of the over 500 member New Brunswick "J" Division.

Superintendent Herman Beaulac, in charge of the criminal operations branch in Fredericton since July has been promoted to Farrell's old position.

Beaulac was posted to New Brunswick as a non-commissioned officer in the staffing and personnel section of New Brunswick Headquarters. He was also the commanding officer of the Bathurst subdivision in 1985 - 86.

The Vancouver Police Department is experiencing a manpower dilemma which has prompted an investigation by the Vancouver Police Union Executive.

A committee headed by Cst. Kim Rosmo has been struck to investigate the reason for an unusually high turnover rate of its members to other departments as well as to other careers. Economics and poor morale have been most commonly cited by resigned members, but whatever is causing this trend the union wants to find solutions to slow it to an acceptable level.

In 1986 the Vancouver Police Department lost 14 of its 1,000 member force to members quitting and taking early retirement. This was the beginning of what was to get worse as the years went on. By 1988 this number had jumped to 28 members leaving for other departments and careers. The resignations for this year may surpass those figures of last year. The count to date is 25 members as of October. Most of these officers have taken with them between seven and fifteen years of policing experience.

Constable Rosmo says that part of this study will consist of a confidential survey of resigned members to determine their reasons for leaving. Rosmo thinks that for every person that leaves the department, there may be two or three more thinking about it. "...And how many more are just unhappy, not thinking of leaving. This affects the member's welfare and performance." Rosmo adds, "We will be presenting the total results to Management, whatever the results. Management is interested too, but it's premature to predict what those results may be."

Rosmo hopes that this study will reveal the honest beliefs of the persons interviewed. The current practice of Management-conducted "exit" interviews may not be giving the department an accurate indication of reasons people are leaving. "They are concerned about burning bridges because they may want to come back," Rosmo adds.

Union President John DeHass says this study will be expanded to the membership at large in January or February of 1990. "I think it's a complex series of

issues from economics to stress and workload," says DeHass. "Some are just leaving for a quieter lifestyle for themselves and their families."

DeHass believes that the traditional "quasi military" system of management may have to change. "The members are higher educated now than they have ever been. There has to be more responsibility, accountability, and more decision making at the lower levels, (ranks)." DeHass recognizes that for a person to be satisfied in his or her chosen career, they have to be allowed to grow. "There won't be room for everyone to be promoted" he says.

Looking at this situation from an economic point of view, it is obvious that economics does play an important role in some officers' decisions to leave the force. Most officers resigning do so to continue in a policing career. Most who have left and have continued in policing, have gone to forces within British Columbia, but outside of the greater Vancouver region.

Affordable housing appears to be tops on the economic consideration scale. For \$130,000 in the Fraser Valley area you can get a newer average sized home on a few acres. Your home will probably be close to work on relatively quiet roads or highways.

In Vancouver, for around \$120,000, you will find yourself in a two bedroom condo, with a 20 minute or more drive to work in bumper to bumper traffic. You can live out in the

suburbs of Vancouver, but you are looking at around \$145,000 for a reasonable sized home and a one hour drive in heavy traffic. To buy a house inside Vancouver is out of the question for even a double income family unless they have \$150,000 down payment.

For some officers leaving the force, economics had very little to do with it. Rob Hannaford left the force after 14 years of service to the community. He says that he left the force because "...the attitude of the [Vancouver] department is that all men are expendable." He further stated that "most of the members are consumed with self preservation instead of the suppression of crime. Most of the talent is at the Constable level in Vancouver, but that talent is suppressed."

Hannaford recently became a realtor in the community of White Rock. He describes the wages of a constable as "pitiful" leaving the Vancouver force himself to an uncertain economic future.

In recent weeks, Chief Constable Bob Stewart has rejected morale as being a factor in the high turnover rate. In early October Stewart made representations to the City Council for an additional 92 officers to be added to next year's budget. City Manager Fritz Bowers countered this request, recommending an additional 25 members, further recommending service cuts be made.

Continued on Page 11

The Royal Canadian Mounted Police Musical Ride

- Morley Lyburner -

It has been over 100 years since the first Musical Ride was performed in Regina, Saskatchewan. Since then the flash of scarlet serge from ebony horseback has left many thousands the world over in admiration of this spectacle and the police force that it represents.

The origin of the Musical Ride is lost in history, but could probably be traced back to the development of early cavalry formations and their deployment during battle. This diver-
sionary form of cavalry drill was probably developed into its formal setting by British troops stationed in India. Although an emphasis is placed on Canadian appearances, Ride members also act as goodwill ambassadors for Canada throughout the world.

The Musical Ride is performed by a full complement of 32 riders and horses. It consists of the execution of a variety of intricate figures and movements, set to music of an appropriate tempo. Demanding utmost control, timing and coordination, these figures are formed by individual horses and riders, in twos, fours and eights at the trot and canter.

The 42 people and 36 horses of the Musical Ride begin their tour in early May and end in late November. Each member must have at least two

years minimum service in the RCMP before becoming eligible to apply as a member of the Ride. If they succeed they must commit themselves to a two-year tour. Each year 18 new members replace 18 outgoing members. In this fashion 50 per cent of

the Ride consists of experienced officers who can pass on their knowledge.

Each horse in the Musical Ride is a member of the Force from birth to death. The RCMP breed their own stock on a 345 acre ranch at Pakenham, Ontario. The development of the blood line parallels the Canadian Hunter and is derived from a thoroughbred stallion crossed with black mares of good conformation, size and quality. They commence their training at three years of age and it ends when they are five and a half years of

age. Each horse is trained - not broken - so that their innate spirit and character are retained.

The Force receives many favourable comments on its well disciplined horses. They accept all sorts of irregularities. They stand at attention during

long ceremonies and parades, and are able to cope with brass bands and an assortment of moving objects and strange noises. They are also noted for their quiet manner during loading and unloading. There is no special procedure to accustom them to this part of



their lives. It is achieved through the regular training program which is directed toward

instilling confidence and obedience.

The RCMP Musical Ride is seen as the last vestige of the word "mounted" in that police force's name. It is not to say that these officers can not put their experience to work. As an example some members of the RCMP have used horses recently to patrol vast range areas of Alberta for cattle rustlers. Their efforts have proven effective.

The skill, discipline and training required to perform this event is a reflection on that force and its history. The annual performances throughout the country do much toward enhancing the day to day operation of that force. It instills in the eyes of the public a sense of respect for the Force and its members.



For many people around the world, the RCMP Officer in scarlet tunic is synonymous with Canada. And when people think of the Mounties, many people's first thought is of the famous Musical Ride



Vancouver Police

Continued from Page 9

Whatever added strength may be authorized, it won't be realized for at least another year. The current process of recruiting and training takes the better part of a year, which leaves the force short this added manpower until the beginning of 1991. Police service in Vancouver may still have to be reduced to take up the slack for the steady increase of high priority calls. In the meantime the resignation trend is likely to continue.

The study by the Union will give an overview of economic difficulties encountered by its members, as well as identifying areas where departmental management could be improved. With economic conditions and opportunities improving in a wide range of other careers, it will be important for Vancouver to keep pace economically as well as managerially to keep its experienced members on staff. This may well be a project where union and management will have to work hand in hand to reach a goal to the benefit of everyone involved.

Introducing Blue Line's West Coast Correspondent

Daffyd Hermann is our new West Coast correspondent. He has ten years of police experience behind him. He currently works with the Matsqui Police Department and has previously worked for Delta and Vancouver Police Departments. As well as general police duties he has experience with police dog handling and is currently interested in flying. He is a member of the Vancouver Police Historical Society and is an avid camper and fisherman.

Members from the west coast area are invited to pass on news or information to Daffyd by writing to him at P.O. Box 2230, Vancouver, B.C. V6B 3W2.

“Notice to tender documents” not required in Alberta case (Regina Vs. Bimm)

A recent Alberta Court of Appeal case could bring some relief to Crown Attorneys and police alike. The ruling states basically that there is no requirement for the Crown to prove service of notices upon the accused for a Drive under Suspension charge.

In a September ruling, Madam Justice Mary Hetherington said the Crown did not have to give the seven day notice required under the Canada Evidence Act for a court ordered suspension because it was trying to prove an official copy of a document made under a court's seal.

At trial the accused admitted all facts surrounding his being stopped by

the police but denied the court ordered suspension. In proof of this the Crown attempted to admit in evidence the court documents that placed the accused under his suspension. The original court refused saying that the Crown did not first prove that the accused was given seven days notice that they intended to tender documents at his trial.

Upon appeal the Crown won its case by stating that the order could be tendered without notice as an “exemplification” under common law. The presiding Justice stated that due to a lack of rulings in the court system she was required to research the case from two books on the subject. In her conclusions

she cited J. Douglas Ewart's book entitled “Documentary Evidence in Canada” in which it states that “at common law, judicial documents must be proved by the production of the original record or an exemplification under the seal of the court to which the record belongs. No notice is required.”

The Justice further cited “Archbold on Pleading, Evidence and Practice in Criminal Cases”. This book supported the position of Ewart's book. The other two Justices agreed with Justice Hetherington in her decision.

This is a case worth watching and most certainly makes police investigations of suspended drivers much easier.



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Policing practices have incorporated profound and dramatic changes in the last few years, such as community oriented policing initiatives, crime prevention programs and crises training techniques. Even more recently, minority recruitment, language requirements and Charter of Rights decisions have impacted on the everyday operational affairs of police agencies. The purpose of this article is to reflect on what may be perceived by some as the perplexing trends that have developed in relation to the public review of police action.

Developments in the area of police accountability have created issues of significance for operational personnel, administrators and public alike. Opinions on the nature and role of the accountability process are diverse, usually reflecting the divergent interests of the agencies or individuals concerned.

The general purpose of the "complaints against the police" process is to provide an avenue for the public to address any grievances they may have regarding the actions of a department or an individual officer. Conceptually this appears sound, but one immediately becomes embroiled in the question about who should investigate these grievances. Also defining exactly what is a "valid", "unfounded" or "malicious" complaint is very difficult.

Law, by its very nature, sometimes creates conditions that require the police to operate in grey areas, with no clearly defined expectations, until such time as the judiciary, legislators or the public provides feedback. For example, one only has to reflect on the evolution of police procedures after the Charter of Rights, or policy developments with regards to high speed pursuits and domestic violence. Unfortunately, however, individual officers can be guilty of excesses and indiscretions that demand an investigation.

Until the last few years, usually individual police agencies were solely responsible for investigating complaints against employees. Complainants dissatisfied with the police investigation had several alternative routes in which to pursue their grievances, such as the Ombudsman, civil actions, private crimi-

nal informations or Human Rights Tribunals (depending on the province and laws of course).

In an effort to provide a more objective forum for police accountability investigations, the federal, provincial and local governments have been creating the "civilian" review board mechanism to deal with complaints against the police. These review boards have evolved in varying forms and are enshrined with the authority to investigate and render judgements about the actions of officers.

As a result of the implementation of these "Complaints Boards" clearly defined rules and regulations have similarly been issued to police departments outlining the steps to be completed during internal investigations; also stating where, when and how the board will act. Rigorous reporting and appeal procedures have also been defined, for both the public and officers.

Many concerns have been raised about the trend towards civilian review boards. Unfortunately these are too numerous to be properly discussed here. Regardless of one's opinion about the developments in the review process, it is a reality that must be dealt with and police officers must familiarize themselves with these changes.

The public is becoming better educated on the complaint process. Society's heightened awareness about the accountability mechanism is not necessarily bad, but will ultimately lead to more complaints being registered

against police officers. Substantiated or not, it is feasible that the new trends in police accountability could become abused by the public, leaving individual officers with little "effective" redress to protect themselves.

Has adequate consideration been given to the impact that the accountability review trends will have for officers? In particular, are adequate protective measures provided for officers to guard against malicious/vexatious complaints which are wholly unfounded? Should "chronic" complainers, whose grievances are not valid, be free from responsibility in the review process?

Some criminals have adopted the complaint process as a means of placing officers under internal and external pressure in an attempt to intimidate investigators. Several offenders have made it clear that they will complain against officers to "get the heat off." An investigator's diligence can be rewarded with a retaliatory malicious complaint, instituting an internal investigation.

What is the redress for the officer? Statutorily, criminal avenues exist (ie. public mischief), however departments may be hesitant to pursue criminal prosecutions, since it may intimidate valid complaints from coming forward. More importantly the elements of criminal offences are such that a finding of guilt is very difficult in these types of situations. Especially when the evidence may be completely reliant on the testimony of the participants. Enabling leg-

Continued on Page 15

Police Accountability

Who will protect those who protect?

- Craig S. MacMillan -

Third Police Divers Symposium big success

- Rick Rozoski -

Attendees at the third Police Diver Symposium, hosted by the Hamilton-Wentworth Police Scuba Club with the support of the Hamilton-Wentworth Police Association, saw representatives attend from across Canada, the United States, Scotland and Australia.

The event, held at the Canada Centre for Inland Waters on September 14 and 15, is the only one of its kind in Canada. It was organized by Constables Rick Rozoski and Cam Rumpel with some

much appreciated help from Constable Bill Wiley of the Niagara Regional Police Force and Patrolman Mike Wylie from Cincinnati Ohio.

The focus of the two days of seminars and demonstrations was an exchange of information and techniques related to search and recovery diving operations. Topics covered included lectures by Inspector John Young of the Strathclyde Police National Police Diving and Marine School in Scotland. He headed up the unenviable task of searching the many bodies of water surrounding Lockerbie after the tragic Pan Am air crash last December.

Young spoke of the stress involved in diving for 57 days through the Christmas and New Years seasons and the toll



it took on his divers. He assured the delegates that the culprits will be identified and brought to justice. He also compared training methods for divers from Scotland with those in North America.

Constable Kevin McNeil of the RCMP in Lower Sackville, Nova Scotia, detailed the necessary precautions involved in anti-terrorism and VIP security clearance diving procedures. With the growing world-wide threat to dignitaries he explained that his unit is kept busy for days before an official visit of any heads of state to the Maritimes.

Instructor John Martin, of the Ohio

Peace Officers Training Academy, described how to plan for a natural disaster, such as the recent bridge collapse in Ohio when a swollen river caused a washout, killing two people in a vehicle on the bridge. His presentation included actual footage of the diving carried out in this case.

Dr. George Harpur from the Tobermory Hyperbaric Facility, one of two lecturers invited back for the third time was, as usual, very entertaining and informative as he listed the steps to take when involved in a diving related autopsy. His slide presentation was graphic and helpful in describing the effects of embolisms.

Ontario Ministry of Labour diving specialist Don Farrow clarified a few details pertaining to the Ontario Dive regulations and how they affect search and recovery dive operations in the province. Except for a few exemptions he said that police divers are subject to these laws when conducting recovery operations.

Dr. Helge Koch, who is the Medical Director of Toronto General Hospital gave an enlightening lecture on diving in polluted waters and the health hazards encountered by divers who insist on diving

under these conditions. He described the symptoms and treatment of many of the ailments associated with polluted water.

The United States Air Force 914th Tactical Airlift Group from Niagara Falls New York, including Neil Nolf, Bill Baldwin, Dave Pasisz and Al Hornung provided information of procedures to follow if divers are ever involved in a military air crash investigation.

The benefits of using side scan sonar, operating from the surface, to locate an object underwater, were discussed by Ken McMillan of McQuest Marine Services. He attended the sym-

posium after assisting in the location of the Canadian Snowbirds jet crash in Lake Ontario during an air show at the Canadian National Exhibition.

Constable Bill Wiley and video specialist Jim Hayden, both from the Niagara Regional Police Force presented some examples of the videos which they made for training members of their dive unit. Niagara Regional Police are leaders in this field of video training.

Australian firefighters Troy Anglesey and Ken Dixon attended the symposium to give an overview of sport diving in the beautiful waters off the west coast of Australia. Police divers can only dream of diving in such crystal clean conditions.

Patrolman Mike Wylie from the Amberly Village Police Department in Ohio represented the International Association of Dive Rescue Specialists, providing information of many of the course outlines available through IARDS.

The highlight of the demonstration portion of the symposium was the simulated marine rescue conducted by the United States Coast Guard Dolphin

HH-65A helicopter from the Detroit base. The newest addition to the US Coast Guard fleet is capable of speeds up to 165 knots. It is utilized for drug interdiction, polar ice surveys and pollution control in addition to its excellent search and recovery capabilities.

The computerized flight management system and the state-of-the-art navigation equipment enables the pilot to dedicate more attention to the search and recovery duties.

The Ontario Provincial Police Underwater Recovery Team performed an underwater sledding demonstration for the delegates who watched from the rear dock area of the Canada Centre for Inland Waters during a steady down-pour.

The evening film night and social at the Hamilton-Wentworth Police Association hall featured Dr. Stephen Brooks and Ray Stewart, who spoke of their many exploratory dives to the wreck of the Empress of Ireland which sank 75 years ago in the St. Lawrence River, killing 1,012 people. The slide presentation included some of the artifacts which

have been recovered from the wreck.

The consensus of the approximately 100 divers who attended this Police Diver Symposium was that the event was not only worthwhile from an educational and entertainment view-point, but it was also valuable experience for any search and recovery diver.

Featured Writer

Rick Rozoski is a 17 year veteran of the Hamilton-Wentworth Regional Force. He has co-ordinated the three Police Diver Symposiums which have collectively attracted almost 300 divers from five countries.

Rick is also a graduate from the Law and Security Administration Program of Fanshawe College in London Ontario, and the Ontario Police College in Aylmer Ontario.

To be included on the mailing list for the next Police Diver Symposium should contact Rick at 555 Upper Wellington Street, Hamilton, Ontario, L9A 3P8. (416) 574-6044.

Who will protect

Continued from Page 13

isolation for civilian review boards and subsequent procedural guidelines will usually provide measures that permit the board to find a complaint unfounded, if it is determined to be malicious.

Civil suits are also available as an alternative to deal with vexatious complaints. By and large, departments leave civil actions to the individual officer. The problem, of course, is litigation is costly and in many cases the defendant will have insufficient resources to make the action worthwhile. Suing on "principle" when "the well is dry" is not really an effective alternative for an officer.

These comments are not to be taken as an argument for officers to institute civil or criminal action where any complaint is determined to be unfounded. Fortunately, the truly vexatious complaint is not common, yet present trends may demand a re-evaluation of legislation and departmental policy to ensure officers have been provided adequate measures to hold

malicious complainants responsible.

There seems to be something inherently contradictory in the fact that officers can be held accountable for their actions by both the department and a civilian review process, but may be left to their own devices to protect their individual interests. Perhaps the legal protections for officers have not kept pace with the recent trends in the accountability process. Should police associations be considering proposals and policy initiatives to clarify the position of officers for redressing malicious complaints? For instance, should funds be available for officers to pursue civil suits, with awards being used to benefit the respective police association? During a period of budgetary restraint, departments may consider civil action to recover the cost of resources expended while investigating a malicious complaint.

Whatever your opinion is on these issues, it is important that officers exercise the protection afforded them in administrative, criminal or civil law.

The current trends in police accountability will require departments and police representatives (eg. associations and unions) to more fully evaluate whether officers are provided effective protection against vexatious complaints. Most police accept that complaints will be made by the public, yet vexatious complaints, although they are ultimately determined to be unfounded, unnecessarily affect morale and create additional stress.

No conclusive answers are contained in this article. Hopefully some of the issues considered will encourage constructive discussion in the police community. If anything, it is important that officers acquaint themselves with the legislation and policy that exists (or is possibly under consideration) for dealing with public complaints in their respective departments. Measures are available for departments and officers to redress malicious complaints. Knowing and implementing them will assist in maintaining the necessary balance in police accountability.

Habitual speeder receives higher penalty

A 20-year-old Toronto man, convicted of two counts of Dangerous Driving Causing Death, has had his sentence increased from eight months to eighteen months in jail due to having three previous speeding convictions.

The young man had an argument with his girl friend and had left her house in a bad mood. He was driving his Camaro when he rounded a bend of a two way road and went left of centre. He struck a Dodge Omni going in the opposite direction and killed the two occupants of this car.

At the original trial the court heard that there was an element of speed involved in the collision and that it was a sunny morning. The court found the accused guilty and sentenced the accused to eight months in jail.

Upon appeal by the Crown the court decided that the original trial judge had not put enough importance of the accused's previous driving record. It consisted of three previous speeding infractions. One for 31 km/h over the limit, the second for 25 km/h over the limit and the third for 16 km/h over.

The appeal court ruled that the accused was an habitual speeder and that on this day he was not driving with the kind of conscious alertness that is required. Chief Justice William Howland stated, "Speeding, when it reaches the level of dangerous driving, poses a potential threat to the safety and lives of other motorists and their passengers." He further stated the original trial judge's sentence had not reflected the gravity of such actions. He then imposed two eighteen month sentences on the accused to be served concurrently.

Officers who habitually lower speeding tickets or do not put enough effort in this area should take note. Speed kills and only YOU can do something about

Idaho issues drug peddlers tax stamps

The state of Idaho is one of 14 U.S. states that have decided to tax drug peddlers as another source of revenue. The legislation is considered unique in that it sends out a message similar to the auto repair commercials. "You can pay me now... or pay me later."

The system requires anyone in the business of drug trafficking to obtain one of three types of stamps from the State's Revenue branch. Green stamps are for Marijuana, red and blue for various types of controlled substances. The applicant can fill out the application in person (if he is foolish enough) or he can mail in the application. The applicant is not required to identify himself on the application. This is against the Peddlers Constitutional Right against self incrimination as it is still illegal to have or traffic in these drugs.

The tax rate is \$3.50 per gram, with a minimum purchase of stamps for 42.5 grams. The minimum payment of \$148.75 must be made in cash. No cheques allowed. (Seeing how these guys make their money it makes sense).

How is it working out? Well not too

bad. Although they have only sold two orders for stamps the big bucks have come on penalties for failure to have the stamps. When police arrest a drug peddler the tax department is notified and when they find the druggo does not have a tax stamp for the stuff they bring action against him. Not a bad scam huh!

So far the Idaho State Tax Commission has assessed about \$470,000 on these unfortunates. They have been actively going around collecting as well. They so far have managed to garner \$14,000 in cash and another \$35,000 in assets such as cars and motorcycles.

Failure to pay the tax and penalty can also lead to the laying of criminal charges with a possible five year sentence. And all of this has nothing to do with what the police do to the traffickers. A State spokesman advises that all money received is put into drug treatment programs run by the state.

\$500 fine for airport gun joke

A woman who jokingly made reference to a gun in her husband's coat, while going through an airport security check, was fined \$500.00 in Saskatchewan Court of Queens Bench this last July.

FLASHES

by Tony MacKinnon

"I think he just read your memo. By the way... how does your old tunic fit?"



The woman received an absolute discharge from a Provincial Court Judge and this penalty was appealed to a higher court when the Crown felt the penalty was not sufficient.

Lois Morin and her husband went to the Regina Airport for a flight to Palm Springs. Mrs. Morin passed through the electronic metal detector with no problem. As her husband went through the scanner the alarm went off and Mrs. Morin shouted in a loud voice, "Take that gun out of your pocket."

The RCMP were immediately alerted and searched them but no weapons were found. All this time Mrs. Morin kept explaining that it was merely a joke. The officers later charged her with section 6.3(4) of the Aeronautics Act, which carries a maximum fine of \$5,000 and one year in jail.

In giving out the \$500.00 fine the court advised that the absolute discharge was not a sufficient deterrent to the public. It was also cited that these types of hoaxes were becoming far too frequent and causes considerable problems for airlines and their security staff.

Psychic told of impending crime

Saskatoon hotel owner Rudy Thurlow was recently found not guilty of dangerous use of a firearm when he blasted the radiator of a car driven by two thieves. The story was made more bizarre when it was revealed the man was waiting for the thieves because a psychic had forewarned him of the incident.

The psychic had told the hotel owner that a person who had previously broken into his hotel was going to return on the next Friday night at 4:10 A.M. with an accomplice to break-in again. Mr. Thurlow and some friends gathered to wait for the appointed hour. However the friends bowed out at around 3:00 A.M. leaving Mr. Thurlow alone.

True to the psychic's word a car approached the hotel with its lights out

at around 4:00 A.M. The two occupants got out and promptly broke into the hotel. Mr. Thurlow called police immediately. When he saw the men escaping out the rear door he loaded his 30-30 rifle and from an upstairs window yelled for the two men to "freeze".

He then fired two shots into the engine compartment of the car, striking the radiator and the alternator. The youths sped off but the car soon died on them and they were apprehended. Not only were the B&E boys charged but Mr. Thurlow was charged under section 86 of the Code for dangerous use of a firearm.

In dismissing the charge against Mr. Thurlow the judge stated that he "was very good in his handling of that gun and the reasons for why he did it." He added that Mr. Thurlow had good reason to load the gun because there were two men breaking into his hotel with intent to commit an indictable offence. He gave the men a chance to stop by yelling "freeze" and then proceeded to disable the car with the weapon. Shooting the car was far more preferable to shooting the people and Mr. Thurlow's judgement was good.

Brazil's police force nearly bankrupt

Brazil's federal police says it is so short of money that it is close to collapse.

"We are on the brink of chaos, with some units practically paralysed," a force spokesman told reporters in Brasilia.

Federal police, whose duties include fighting drug trafficking and fraud, are chronically under-manned and underfunded by Congress which has to approve all extra spending.

Marra's assistant, Francisco Neto, told Reuters news service that the federal police force was so poor that it was having difficulty paying its telephone bills and rent. Some units were short of fuel for their cars.

The 25-year-old force has roughly 5,000 men - for a country the size of the United States - and needed about 10 times more, Neto said.

The country has three police forces. Military police patrol streets and civil police investigate crimes such as murder which are routine in Brazil. Rio de Janeiro alone has about 20 murders a day.

Gunman wore vest

A Metro Toronto Police officer was surprised to find the life of a gunman he had just shot was spared by a bullet-proof vest he was wearing.

The incident began last August when police discovered a stolen car parked in a motel. The car was staked out and a male and female were seen getting into the car. Officers followed and confronted the suspect when it stopped and ordered the man out. The suspect spun around and fired one shot from a .38 caliber revolver at the officers and then fled. No officers were injured and the female suspect, who surrendered, was questioned.

It was discovered that the suspect was a parole violator out of Millhaven penitentiary and that he could be found at another motel in the area. Constable Rudi Besser, along with other officers, were assigned to staking out one of the rooms. At about 2:30 A.M. the officer, armed with a shotgun, heard a noise behind him. As the officer turned he heard a suspect say "You're dead."

The officer saw the suspect point a .38 caliber revolver at him and the officer fired one round from his shotgun. The blast struck the suspect in the chest and the force threw the man to the ground and dislodged the handgun.

Upon checking the suspect they found he received a flesh wound to his arm and massive bruising to the lower abdomen area where they found a bullet proof vest under his clothing.

If the bad guys are wearing them, you should too.

Bomb found near cruiser

A homemade bomb, found under a Metro Toronto Police cruiser last August, could have been left as a reprisal for a recent crackdown on drug trafficking in that city.

The MTPF Emergency Task Force Bomb Squad dismantled the gasoline bomb, which included a timer linked to an explosive device. The bomb had been placed in a duffel bag under a cruiser parked in a police station lot. An officer thought the bag belonged to a member of the unit and brought it into the station before he realized what it was.

Sgt. Tom Sharkey of the Emergency Task Force said that it could have very easily gone off. There was no doubt that it could have killed people.

Since mid-July the Metro Toronto Police have been making large numbers of drug related arrests in and around the city. The crackdown came as a result of an increased allotment of manpower this year which freed officers from field work to concentrate more heavily on the drug problems in the city.

Since the crackdown began Metro Toronto Police have experienced a 34% increase in charges over the previous year. In reprisal one officer has been stabbed and one police cruiser has been damaged by a gasoline bomb. This tactic has backfired on the druggies. It has made officers more determined than ever to attack the problem. It is a good indication of the mentality that drives the drug traffick trade in this country.

Machinegun dealer loses licence

A man dealing in machine guns was refused his licence and lost his appeal against the British Columbia Chief Firearms Officer. The dealer did not endear himself to anyone when he called the

C.F.O. a "Petty Hitler" among other things when his first licence was revoked.

Michael John Martinoff has had a thirteen year battle with the C.F.O. who insists that he has to apply for a licence each year. Last year the licence was not renewed and this caused Mr. Martinoff to write the following letter; "You are the most totalitarian, vindictive bureaucrat that I have heard of since the official end of the Third Reich. Why don't you go to live in Panama or Haiti? You'd fit right in. Noriega would like you; he'd give you all the power you need to keep the peasants in line. You wouldn't have to worry about the rule of law or the courts. With Mr. Gorbachev's reforms, even Russia may soon be too civilized for you."

He then applied to the B.C. Supreme court for an order to force the C.F.O. to restore the licence which he felt was his right forever. The Supreme court did not agree. They pointed out that section 110 of the Criminal Code states that each licence is only good for one year and can not be simply renewed. Each year the dealer in machine guns would have to re-apply and the C.F.O. would have the right to grant or reject the licence or put whatever restrictions on that licence that he deemed proper.

Manufacturers to stop tricycle ATV sales

- Ontario Traffic report -

The manufacturers of three-wheeled all-terrain vehicles have agreed to stop selling them in Canada, Federal Transport Minister John Crosbie announced last February.

The voluntary move by the Japanese manufacturers, at the urging of the federal government, follows prohibition of sales in the United States.

Last year, 3000 to 4000 of the

vehicles were sold in Canada, said Robert Ramsey, executive director of the Canadian All-Terrain Vehicle Distributors Council.



Photo: Gopher Dunes Inc.

The off-road vehicles, which have three large, balloon-like tires and handlebar steering, have been popular with youngsters. They are also used on farms and some can reach speeds of 80 km/h. Eight hospitals in Manitoba reported 375 admissions to hospital of patients under 17 from accidents on ATVs over a 7 year period. 21 of the children died and 46% of the children had multiple fractures.

A breakdown of the statistics indicated that 93 were hurt on minibikes, 72 were hurt on snowmobiles, and 59 were hurt on three-wheeled ATVs. The report also found that 12 of the children were under six years of age and were permitted to drive these vehicles.

"A high level of skill is necessary to operate these vehicles," said Dr. Alexander Pyper of the University of Manitoba's Health Sciences Centre. "Children often are not strong enough or educated enough to handle these machines. These are motorized vehicles which are large and operate at high speeds, and they can do as much damage as an automobile."

The best method to reduce ATV accidents is to take a course approved by the Canadian All-Terrain Vehicle Distributors Council. Pictured above are instructors and recent graduates of one such course held by Gopher Dunes Inc. of RR #2, Courtland Ont. For further information call Frank Schuster at (519) 842-2781.

CASE LAW:
Defence

Officer not to blame in motorist arrest

(Regina Vs. Ballantyne)

A novel defence to Impaired Care or Control was thrown out recently in Saskatchewan. The lawyer for the accused argued that the officer was to blame for the offence being committed because he had failed to keep a drunk driver from entering a car.

The incident arose when an RCMP officer received a radio call to watch for a grey Camaro with a female driver who was intoxicated. The officer found a car matching the description in a gas station and found a person in the passenger seat. The officer started to talk to the passenger and noted the keys to be in the ignition.

At the same time the accused female, who had been at a telephone booth, returned to the car past the officer and got behind the wheel. The officer spoke to the woman and deter-

mined that she was indeed intoxicated. He then noticed that the keys were missing from the ignition. He placed the woman under arrest for Impaired Care or Control. The keys were found to have been hidden in her brassiere.

Both the lower court and the Court of Queens Bench failed to understand the defence as given by the lawyer. Her argument was that the officer had a duty to prevent the commission of the offence and that he had failed to do so. Due to his neglect the woman should not be found guilty.

Mr. Justice Paul Hrabinsky said "I fail to see the logic of such reasoning if in fact there be logic in it." The Justice determined that the conviction was in order and that the accused did mount the vehicle for the purpose of putting it in motion.

Blue Line Magazine Flash Cards

The Judge's Rules

Number 9

"Any statement made in accordance with the 'Judges Rules' should, whenever possible, be taken down in writing and signed by the person making it after it has been read to him and/or by him and he has been invited to make any corrections he may wish."

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DISTRIBUTOR INQUIRIES WELCOME

We find the answers to your questions

Discretion

How much discretion does a police officer have in dealing with criminal matters? I have heard two sides of this issue from members of my own department. One states that ultimately you have no discretion and it is your duty to arrest and let the Crown make the final decision.

Another states that you have to keep the public in mind when making YOUR decision, from a cost factor to a public relations factor. (ie. refer to mediation/counseling) Which is right?
J.W.B. Winnipeg P.D.

Well you sure gave us a real sweet-heart to talk about. At the end of all this I doubt very much if we are going to be able to keep all the people happy all the time. Furthermore, if you expected a short answer you will be disappointed. You have hit the one question that cuts to the heart of policing and separates us from the military.

Officially there is no such thing as a legislated discretion. Police people like things written down and in plain language and due to this it is much easier to slap down a Criminal Code and say "Fry 'em up boys!" However officer discretion exists and is recognized by many to be the saving grace of our society.

It has been said that in no other bureaucracy is so much power given to its lowest ranking members than in the police profession. Due to this reverse pyramid of power situation the need for education, training, control, and guidance is of paramount importance.

To begin with let's start off with a definition of what discretion really is. I

will turn to my well used (copyright 1969) Webster's Dictionary to start. "DISCRETION - the quality of being discreet;" (are you enlightened yet?) Hang in there, there is more; "liberty to act according to one's judgement." This word is from the Latin word "discretus" which literally translates to mean separated and prudent. (Not bad for an old paperback dictionary.)

The definition of police is not as clear cut. The use of an encyclopedia can be of help. Funk & Wagnalls states: "POLICE - a department of government concerned with the preservation of public order and the prevention and detection of crime."

Within this same area we find an excellent definition of "Police Power" that is most helpful to us. "... A term used to designate the power exercised by governments to enact legislation regulating private interests for the protection of the health and morals of the people, the prevention of fraud and oppression, and the promotion of the public convenience, prosperity, and welfare." Therefore the precise scope of police power is difficult to define and in the same instant very broad.

Let us now take a walk through two other items. Your oath of office and your duties under the Provincial Police Acts. Both these items are fairly uniform across Canada and for my convenience I will quote Ontario's.

Oath of office "I do swear that I will well and truly serve Her Majesty the Queen in the office of Police Constable..., without favour or affection, malice or ill will, and that to the best of my power, I will cause the peace to be

kept and preserved, and prevent all offences against the persons and properties of Her Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully, according to law."

It should be noted that prevention is mentioned but arrest and apprehension are not specifically spelled out. The prevention of offences can be accomplished in many ways and only one of those ways is the apprehension and arrest of persons after they commit them. Area foot patrols, neighborhood watch programs, high visibility patrols are just a few methods that deter crimes in a community.

Duties under the Police Act

It is an officer's duty "to perform all duties that are assigned to constables in relation to the preservation of the peace, the prevention of crime and of offences against the laws in force in (the province) and the criminal laws of Canada and the apprehension of criminals and offenders and others who may be lawfully taken into custody."

There is that word "prevention" again. We now find our first introduction to the word "apprehension".

The key part of your question can be answered by simply turning to section 450(1) of the Criminal Code. It reads as follows "A peace officer MAY arrest without warrant...." Now this section has been much debated by many over the years. Some say that the usage of the word "MAY" introduces an element of choice to the officer. Of course again it has been said that it is a word that gives the officer permission to take action that must be taken. It is similar to a motorist stopped at a traffic light. When the light turns green the law says he MAY proceed. But what if he decides that he does not wish to proceed? He has not violated a green light has he? However if he has obstructed traffic flow he has committed another violation. If there is no traffic to obstruct then there is no violation.

In the same manner if an officer chooses not to arrest, and he is not harming anything or anybody, then he is permitted that discretion if he can still accomplish his duty and oath of office

by the use of this discretion.

Let us move to section 134(a) of the Criminal Code. "Every one who permits a person who he has in lawful custody to escape, by failing to perform a legal duty, . . . is guilty of an indictable offence and is liable to imprisonment for two years." Now I hear you mumbling to yourself that this guy is really throwing a monkey wrench into the works. Perhaps. This is the section that many people hold up to indicate that an officer has no discretion and must arrest and charge everyone he can.

Now let us have a little scenario to help us understand a little better. An officer on patrol sees a man yelling obscenities on the sidewalk at citizens who have stopped to watch him. The officer approaches this man. Does the officer say "Keep the noise down!" or "You're under arrest!" in response. One school of thought suggests the former while another suggests the latter.

If the officer chooses to initially caution the accused to calm him down is he violating section 134(a)? The officer, in attempting to caution first, may save this person from his own misadventure. Furthermore he will save the taxpayers the cost of arrest, incarceration and adjudication. If he is successful he will free his own time to investigate other matters. He will also probably find out why the man was causing the disturbance and thereby could resolve an ongoing problem that could involve other public agencies in future confrontations.

In the book entitled "Police Command", Brian A. Grosman, states; "A great deal of the discretion that [the police officer] exercises would be considered by many as illegal or, at best, of questionable legality." He continues "discretion is left with the police to use their resources on the basis of a set of priorities which are at best ill defined. There are no guidelines or principles for the exercise of such discretion in the enforcement of some laws and the non-enforcement of others."

Police discretion is quite often the mother of legislation. The Bail Reform Act is a prime example of legislated discretion. It came about from a fear by many that the police use of discretion regarding the release of persons charged

with minor offences was being, or could be, abused.

You have probably come to the conclusion that many superior officers do not like the sound of the word discretion. They all are fully aware that it is a fact of life but many would prefer to not talk about it. Many more supervisors today recognize the important role that discretion plays in the scheme of things. They also recognize that the control of discretion can only be attained by the proper screening and educating of the officers under their command. The ability to properly control discretion can only be accomplished through educating and giving full rationale to the decisions made to enforce, or not to enforce, a particular law.

For example. A chief of police may receive a suggestion from a medical group in the community that there are a lot of car accident injuries coming into the hospital which could have been prevented by the use of seat belts. As the Chief administrative police officer he is duty-bound to respond by informing his subordinates of this concern, that citizens are suffering and community resources are being extended too far by those who choose not to wear belts.

Now we see that the officers on the street must be motivated to enforce this law. Some supervisors would produce the Highway Traffic Act, the Oath of Office and the Police Act and say "go forth and multiply thy enforcement." This method is certainly easier on the supervisor in the short term but certainly can cause conflict later on.

Another approach is to share the information and rationale given at the top level and supply the officers with a full explanation. With this method it is not difficult for the officer to go into the field and explain this to the citizens who are, by the way, the same taxpayers, violators and victims of the previous use of discretion by the same officers.

So I would say yes, there is discretion. It lives in the hearts and minds of us all. It lives only because we live in a free and democratic society and the ability to think and rationalize has not been taken away from us. I would suggest that if any officer would like to know how to use discretion he should

watch carefully the senior members that he works with every day. Yes, you may see what he does as laziness but always take a second look and ask *why*. You may just find that his inaction is due to previous experience in such matters. You may find that his methods have a more lasting effect.

When an officer is thinking about using discretion these are a few of the questions he should ask himself: Has anyone been hurt or deprived? Will anyone be hurt or deprived if I do nothing? Will an arrest improve the situation or make it worse? Will this arrest have any effect on changing this person for the better? Is there any other resource available to better handle this problem? What are the wishes of the victim in this case? What are the wishes of the police force regarding this offence?

In our current series written by Chris Braiden he makes it clear that today's police force should recognize that the Criminal Justice system should be only one of our resources not our exclusive one. In this simple message is a powerful statement of truth that we have neglected for far too long.

I will leave the last word to Wayne LaFave in his book entitled "ARREST":
"It is obvious that in practice some discretion must be employed somewhere in the existing criminal justice system. The exercise of discretion in interpreting the legislative mandate is necessary because no legislature has succeeded in formulating a substantive criminal code which clearly excludes all other conduct. Poor draftsmanship and a failure to revise the criminal law to eliminate obsolete provisions have contributed to existing ambiguities. However, even where care has been taken, it has not been possible to draft substantive provisions which are entirely free from ambiguity. This is a result not only of limitations upon the effectiveness of language but also of the inability of a legislature to envisage all of the day-to-day law enforcement problems which may arise."

†Brian A. Grosman, 'Police Command' (Gage Publishing Co. 1970) †Wayne R. LaFave, 'ARREST' (Little Brown & Co. 1965)

Note: Both these books are out of print. Try looking in your local library. If you would like copies of your own, try Geoffrey Cates Books - 1268 Cedar St., Oshawa, Ontario L1J 3S2. He may be able to find a copy for you.

Hi-Tech shooting part of new O.P.P. facility

The dispatch was short and simple. "Thirty-four-o-one... attend the corner of Jefferson and Spruce Street. A report of a suspicious auto. One male occupant in a red Camaro."

revolver at the officer. Three shots are fired at the officer as he lunges to the right pulling his own revolver out. As the officer goes to the ground he returns five shots at the suspect. As the officer



FATS: deadly serious about deadly force

The officer suddenly observes the red car parked at the corner near the stop sign. The sole occupant of the vehicle is in the passenger side of the car. The officer notices that the Camaro is a "T bar" roof type with the top open. The officer passes in front of his police car and starts to walk to the passenger side of the car. Suddenly the occupant pops up over the roof and points a

rolls to the right he comes to a prone position on the ground by the sidewalk with his weapon poised and pointing in the direction of the offender.

Suddenly the action in front of the officer freezes. Luminous letters appear before his eyes. "GOOD JUDGEMENT - 2 Lethal hits - 3 Misses 1.767 seconds response." The officer has done everything right and has learned a few tactics

courtesy of Detroit Armor's Firearms Training Simulator. (FATS)

Blue Line Magazine was invited to view the firing range facilities at the new Ontario Provincial Police 5 District Headquarters in Aurora, Ontario. The new structure amalgamates the District Headquarters that was at Downsview, with the highway patrol unit from Oak Ridges.

Sgt. Bob Findley showed us around the building and introduced us to Sgt. Brian Anderson and Constable Bob Lewis, the District firearms instructors. They showed us the intricacies of their training section. The state-of-the-art firing range, the most modern in North America to date, reminds one of the Starship Enterprise. Complete with bridge and all the buttons and lights. Sgt. Anderson explained that the design was theirs while all the hardware was supplied by Detroit Armor. The instructors had a great deal of input while the building was being constructed. "The contractors were building things they had never built before," states Anderson, "It was nice to have that amount of input."

The main control room is situated behind slanted glass panels and affords a clear view of all activities on the range. Full control of all targets is accessible from this point and instructors need spend only minimal time on the firing line itself. This minimizes employee turnover due to high lead levels in the blood.

The 50 metre long range has the capability of taking a round up to .50 caliber in size; seven feet of concrete and insulation stops the sound from reaching the main work area above. Sgt. Anderson points out two red roof lights flashing on both sides of the range. "We wanted to duplicate the street down here as much as we could." Flashing roof lights can cause nighttime shooting to be quite confusing. "They might as well experience it here first," he adds.

The \$235,000 facility will be utilized heavily with over 900 officers qualifying a minimum of twice every year. In addition officers can reserve the range for practice firing during the day

or evening. To assist these officers each booth can remotely move, edge and face targets individually. Each officer in each booth can receive instructions through a voice activated intercom with the "Bridge." If any officer steps too far forward an alarm rings and all targets edge until the member returns to proper position.

Meanwhile - back at the FATS

The dispatch was short and simple. "Thirty-four-o-one... attend the corner of Jefferson and Spruce Street. A report of a suspicious auto. One male occupant in a red Camaro."

A second officer takes his turn at the screen. He approaches the right side of the car. He sees the person on the passenger side of the car lunge upward through the "T-Bar" roof. Instinctively the officer lunges to the right and fires three rounds. The action freezes and the luminous letters light up the screen. "BAD JUDGEMENT - 2 Lethal shots - 1 Miss - reaction time 1.275 seconds." The screen action, frozen in time before the officer's eyes, reveals a child smiling back at the officer where the bad guy once was.



Constable Lewis brings it into perspective. "Remember. We have to play by the rules. The bad guys don't." As he directs the officer to another scenario

he makes each officer know "When you leave here you *will* win. No one leaves here without winning." In another scenario the officer, a little wiser than before, does win.

CASE LAW: Roadside Testing

ALERT testing valid in Manitoba

(Regina Vs. Mosionier)

The use of Approved Screening devices in Manitoba received a vote of confidence recently from the Manitoba Court of Appeal. The ruling is in conflict with a similar case in Ontario in 1987.

The case began when two RCMP officers from Dauphin, Manitoba, stopped a motorcyclist for not wearing a helmet. The officers determined that the driver had consumed some alcohol and demanded that he supply samples of his breath into an Approved Screening Device which they had with them. The accused complied with the demand and subsequently failed. It was later determined that his blood alcohol level was well in excess of the legal limit.

In defence of the charge the accused's lawyer presented the argument similar to the Ontario ruling (Regina Vs. Frohman) that the roadside testing sec-

tion being proclaimed in one province but not in all, was discriminatory against the people of Manitoba.

In Ontario it was determined that a law that is not proclaimed in force throughout the country at once is in breach of section 15 of the Charter which guarantees "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law..." Therefore if the use of the Approved Screening device was valid in Ontario but not in Quebec or British Columbia then the citizens of one province do not have equal benefit of the law. It was therefore held that the law would be in conflict with the Charter and of no effect or power.

However the Manitoba decision was unanimous, and contrary to the Ontario

case. Mr. Justice Sterling Lyon stated; "Simply put, a province may 'opt out' of a constitutional amendment... even though the amendment applies in several other provinces." He continued his reasoning by stating that; "...it is hard to believe that Parliament intended that section 15 would override the specific provisions of the amending formula in section 38 of the Charter." He stated that the principle of phasing in federal legislation by separate proclamations in each province is specifically acknowledged by section 38.

It was noted further that this defence is of no effect as the Supreme Court of Canada recently brought down a ruling that was similar to the reasons stated by Justice Lyon.

Addressing the threat of contact diseases

The possibility of a police officer becoming contaminated with a contact disease by the bite from an arrestee has always been present. However, the AIDS epidemic has drawn serious attention to this problem. As a result, police agencies have begun to take a new look at protecting their officers from contact diseases.

Although everyone is concerned about AIDS, there are other common diseases that can be spread more readily, due to the bacteria that may be present in the mouth. One of these is hepatitis.

Emergency responders, such as police officers, should be aware that if they are exposed to a subject's blood, they must wash with antiseptic solution. Any officer who suffers a bite, puncture wound, scratch or shares body fluids to a mucus membrane should seek medical attention as soon as possible. Many police agencies provide their officers with rubber gloves or masks for use in possible physical encounters. **THEY SHOULD BE USED!** It may seem illogical to return to your cruiser to get your gloves or mask should you see someone

bleeding or not breathing, but with AIDS you only have to be contaminated once to receive a death sentence.

Protection during arrest

Officers bitten by arrestees are exposed to the possibility of contamination with a contact disease. Some officers now wear light-weight leather gloves during encounters with arrestees, or when they have contact with persons who are high-risk contact disease subjects. Although rubber gloves may serve

the dual purpose of also protecting the officer against a puncture wound.

A number of measures have been used in the past to address the problem of prisoners who bite or spit. These have varied from the application of a cloth gag and tape to the homemade hood. One inexpensive, convenient and safe remedy comes from the every-day, medium-sized paper shopping bag. This item, when loosely fitted over a prisoner's head and secured by means of a short piece of tape under the chin, provides a cheap, sanitary, and safe barrier to saliva or blood and impedes efforts at biting. Its composition is such



that little argument can be offered that the prisoner's safety was jeopardized. Breathing is not significantly impaired by the porous and open-ended bag and there is no real chance of strangulation, as the bag and tape are both weak enough to tear before any significant constriction can take place. Should vomiting occur, the fluid will not be trapped inside the bag. This avoids possible asphyxiation. Alternatively, it is a quick and easy process for the officer to rip the bag off if the need arises.

Police officer safety is now confronted with a new threat - contact disease. As with any problem, the solution lies with awareness and preparation - not fear and hysteria.

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In conventional policing, we have always tried to keep things nicely packaged and pigeon-holed; the process has overshadowed the task. You cannot do that with Community Policing. Depending upon the problem faced, it might just be all things to all people. In my view, Community Policing does have a solitary definition, a single philosophy. Once again we must look to the past to enlighten our present. It can be found in item seven of Peel's principles:

"To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police. The police being only members of the public that are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence."

I believe that when this passage is analyzed for its total message, it is the most accurate, concise, definitive statement of Community Policing. For sure it is the earliest.

Most people are familiar with the trite statement, "The police are the public and the public are the police." That is incomplete by itself. It is also misunderstood. For most, it seems to mean that cops are just ordinary people like everyone else. It is presumed to be talking about the status of the people involved when in fact it is speaking about the work they do. It is the second part of the principle that gives full meaning to the statement and qualifies what Peel had in mind for his day.

I would submit that while the community Peel speaks of changes and reshapes itself from time to time, the fundamental rationale and philosophy of the message remain constant. I believe that what Peel intended was to position the new police as social catalytic agent, not the aloof, law enforcement, trade-craft journeymen we have fashioned ourselves into.

Peel's Community Police

To understand Peel's thinking and his reasons for forming the new police in the first place, we need to know a little about what London was like in his time. The Industrial Revolution was in full swing. This created a whole new stra-

tum of society: the factory worker. The person who was paid in cash for his weekly work was a recent thing. Barter wasn't far in the past. Gin hit the streets and people had money to buy it. For the first time in history the masses had money in their pockets.

The Industrial Revolution also brought very rapid, uncontrolled growth to the cities. Riots and public disorder were common. This sociological phenomenon was the main reason Peel formed the police in the first place: to control this widespread public disorder.

For further proof of his perceptions and mindset, we must look at where Peel found his first batch of recruits. As he said, "I want men not of gentlemanly standing." He intentionally drew his original complement of police officers right from the very stratum of the community that would be most directly affected by his new policing. Indeed, in the first decade 3,000 were fired! He wanted his police to be of the people, for the people. He wanted the community, literally, to police itself with certain members paid to do it full time in uniform while the rest did it part-time as they went about their daily work.

Peel's concepts in a modern perspective

George Kelling and others captured Peel's thought in modern terms: "Assigning the police responsibility for the maintenance of order, the prevention of crime and the apprehension of criminals constitutes far too great a burden on far too few. Primary responsibility rests with families, the community and its individual members. The

police can only facilitate and assist members of the community in the maintenance of order, and no more."

Central to my proposition that item seven of Peel's principles is the original statement of Community Policing, is the last phrase of the passage, "in the interests of community welfare and existence."

Peel's thinking was clearly not limited to crime, criminals, criminal investigations or law enforcement. On the contrary, his phrase embraces the myriad of social issues that surround, and are inextricably linked with, policing - poverty, illiteracy, greed, racism, narcissism, etc.

Let me use the medical profession to illustrate this point more clearly. For a long time, it was thought that doctors controlled health. We now know that doctors have very little control over health. For sure they have some control over sickness and disease, but these things happen only after health has broken down. History has taught us that such non-medical things as diet, lifestyle and heredity, all of which have nothing to do with doctors, have a much greater impact on health than the entire medical profession and its gadgetry. This is the same type of broad perspective that must find a central place in our thinking on the evolution of policing.

We must police in the interests of community welfare and existence. We must look to the total community around us for early signs of problems and then act as community team leaders to seek and apply solutions. Indeed, the original dictionary definition of policing is

embarrassingly simple and revealing. It describes policing as, "A better state of society." I have no doubt that this is the definition that was guiding Peel's thinking as he put the Metropolitan Police together 160 years ago.

It is my contention, then, that what Peel was describing in 1829 has come to be known today as "Community Policing". In his day, the only descriptive term used was "Policing". Nothing else was necessary. But in our time, we have gone through a litany of double-barrelled terms that could be referred to collectively as "Adjective Policing". We've had team policing, zone policing, proactive policing and reactive policing, hard policing and soft policing. The list goes on. I think all of those terms have served only to confuse most of us (certainly me). If not for these previous adjectives, we wouldn't have to use the word "Community" to isolate what we're talking about. In fact, policing has not changed; only our perception of what it should be has.

The only question facing today's

police leaders and governing bodies, such as police commissions, is whether we want to stay with policing as it has come to be or return to policing as it was intended to be while embracing all of the changes that have taken place in society in the interim. If the decision is to return to Peel's philosophy, then that happens to be called Community Policing in today's vernacular. I believe that Peel's principles and Community Policing mean exactly the same thing. They are interchangeable. So, indeed, there is nothing new under the sun. And I'm sticking with that argument until somebody gives me a better one

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Blue Line Magazine

In the wee hours of December 18, 1988, Police Officer Pat DeBottis of the Hamburg Township Police Department was dispatched to a home break-in in this south central Michigan community. The woman at the residence had confronted an intruder at her door. The suspect fled.

DeBottis found tracks in the fresh snow and waited for his backup, officer Brian Denoyer to arrive. The trackers then set out on their quest, which would take most of the night and cover most of the geography of Hamburg Township.

The officers followed the tracks throughout the Tamarack sub-division and discovered that they were on the trail of someone who was out for a night's work. Two more break-ins and two attempts were discovered.

After more than an hour on the trail they had their first visual sighting of their quarry. According to DeBottis, "We got to an open lake and could see him about half way across."

They continued in the trail, at times breaking into a run and calling for assistance on their radios. The suspect was alerted and as is common in police work, Murphy's Law was invoked. The ther-

We are in pursuit

- Al Porter -

Southwest Ontario Correspondent

mometer was stuck at the plus three degree mark and according to DeBottis, "somebody had to leave a bike outside and he stole the bike."

His hope for freedom was short-lived as other units began blocking his escape route. The suspect abandoned his vehicle and the chase resumed.

At one point, the officers were confronted with a waist deep river, but according to DeBottis, the trackers were determined to run their prey to ground. "The adrenaline was flowing and we waded right across the river."

The suspect, Kevin Queen, a 20-year-old escapee from the state's correctional system then ran for cover at the home of some people he knew.

The occupants of the home greeted

the trackers at the door to their home and invited them inside where Queen was apprehended. DeBottis and Denoyer then went to a hospital to be checked for hypothermia and frostbite.

The chase lasted for more than five hours and although some accounts give the distance as in excess of 20 miles, DeBottis disagrees. "I'd guess that it was every bit of 12 to 15 miles."

DeBottis has taken some good natured ribbing from his fellow officers but feels it was worth the effort.

Hypothermia is a serious consideration for officers beginning their shifts. It is hard to consider what duties you may be called upon to perform over the course of a tour. Remember to dress according to the weather conditions.

CASE LAW: Evidence

Supervisor at station guilty of assault

(Regina Vs. Nixon)

An officer-in-charge of the lockup of a police station has been found guilty of aggravated assault even though it could not be proved that he actually struck a prisoner.

On September 30th, 1983, Michael Jacobsen was found to be a passenger in a car stopped by police. The officers found Jacobsen in such a state of intoxication that they brought him to the station for being drunk and for his own protection. Throughout this incident the prisoner kept giving false names to the officers.

After arriving at the station the man was brought before Corporal Brian Nixon, the officer-in-charge of the lockup, and it was during this period that an altercation took place that resulted in Jacobsen suffering a broken knee cap. The injury re-

quired several operations and Jacobsen now has a permanent disability.

During the evidence at trial it could not be determined who the officers were who actually assaulted the victim. Evidence from another person in the cells was somewhat confusing and contradicted evidence by the victim. However all evidence put together could not place Nixon as the person who assaulted the victim.

In finding Corporal Nixon guilty, Madame Justice Proudfoot stated, "As a police officer, Nixon, under the Police Act and its Regulations, has a statutory duty to enforce the laws of the country, keep the peace and protect its citizens." She continued; "If Nixon was not the assailant then he had the duty to stop whoever it was. Nixon was the officer-in-

charge... It was incumbent upon him to protect those people in the lock-up." She continued, "Nixon had a duty and he failed miserably in exercising that duty."

The Judge cited section 21 of the Criminal Code that states that Nixon could be found guilty as a party to the offence due to his presence and his inaction in a place where he could and should have made a difference.

In her summations Madame Justice Proudfoot added; "...several persons were involved. The others have not been identified. What we don't know is why it happened. The silence in this case has been deafening."

As of press time it was not known if a further appeal was forthcoming and there had been no sentence handed down.

Presents:
The R.I.D.E. Team

By Tony MacKinnon



"He's acting pretty strange, but I can't smell anything on his breath!"



"And I want a mini-mag light, and..."



"I wonder where everybody is tonight?"



"I don't know what to get the wife this Christmas. I hate to see her using that old pushmower, but she does need a new snowshovel!"

"...♪ you better not pout I'm tellin' you why...♪
Santa Claus is comin'...♪"



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The Ghost Squad

- Geoff Cates Books -

Right after the Second World War, there was an increase in crime in Britain due to the number of men coming back from overseas and a lack of jobs. Due to the training they had in the armed forces, this created a new and more dangerous breed of criminal.

To offset this crime wave, a new squad was created by Scotland Yard. It was originally called the Special Duty Squad, but soon earned the more glamorous title of "The Ghost Squad."

Originally the squad was made up of four men, two Detective Inspectors and two Detective Sergeants. They were picked for their reputation as "thief catchers", for their knowledge of the criminal element, their integrity and, perhaps most important, their contacts with informants.

This special squad had no set hours, did not sign on or off duty, had their own office and were not questioned about the source of their informants. Once they had received information, they were to pass this on to the "Flying Squad" or one of the local Investigative Units.

This squad started in early 1945. One of the Detective Sergeants, John Gosling, has written a fascinating account of their work in his book titled, oddly enough, "The Ghost Squad".

It is my opinion that police work down the years changes little. Most of the changes are cosmetic and technical, but the basis remains the same. I would like to quote Mr. Gosling's book. Remember, this was written in 1959 and he was talking about the years from 1945 to 1949.

"In Britain we don't like sneaks, we don't like crooks, and we detest the very whiff of anything resembling secret police." "We believe in being fair to the accused person and so the policeman is hedged about by rules and regulations to

govern his procedure in obtaining evidence, making a search or an arrest and in taking evidence..." "If we make a wrong move we can find ourselves on the carpet, or our deeds the subject of a question in Parliament from some M.P. sensitive to the people's right."

Even more fascinating I found the following: "Yet if every policeman worked to rule – and a great many of them do – I reckon that less than ten per cent of the crime committed in Great Britain would remain unsolved."

He goes on to talk about how the police must have informants, then he adds; "In short, the detective moves in a half-world, a sort of legal no man's land strewn with mines which may be touched off by either the legal or illegal."

It was because crime was getting out of hand and the conventional methods were not working that the Ghost Squad was set up. It is interesting to note that, three years and nine months after being set up, the Ghost Squad was disbanded. Their record of arrests made and goods recovered and occurrences cleared was astounding. Eventually crime returned to normal and it was decided to carry on fighting crime using the more traditional methods.

Mr. Gosling has a last word to say regarding informants; "Once again the use of informers is not encouraged and when a man is not encouraged, he often prefers to play it safe. In the dangerous world of crime, it is easy for a policeman to put a foot wrong and if he does it means curtains to his career... Yet, despite all the scientific advances achieved in the realms of thief taking, the use of the informer in the detection of crime remains as vital as ever."

Mr. Gosling deals with many of his cases and shows how interesting, as well as often boring, police work can be.

SANTA PASSES

- Edgar A. Guest -

The following is a piece written by Edgar A. Guest many years ago. It has to be one of the more powerful realities of Christmas I have ever read. I hope you enjoy and cherish it as much as I do. - ML

I don't know as I was entirely happy that last Christmas. We have had Santa Claus with us as a real and genuine saint all down through the years, but I suspect that he has come to us now for the last time.

It happens to every family, I suppose. Christmas from now on, of course, will be as happy as possible, but it will be different. By the time the boy was ready to say good-bye to Santa, little Janet was ready to welcome him, and so we carried on. There is no baby in our house now, and when Janet dismisses him, the jolly old fellow will have to look elsewhere for welcome. I shall miss him, I think, because his visits have meant so much fun. I have enjoyed telling about him as much as Janet has enjoyed hearing about him. He has been a part of our family life. His comings have been looked forward to and planned for.

But this year I have noticed that upon that little mind has fallen the seed of doubt. Those eyes of hers have learned a subtle wink. I think she and her brother have a secret confidence. Wisdom has begun its work. She has begun to mistrust where once she wholeheartedly believed, and I am sorry that it is so. From now on, only the deadly, dull, dry fact will be hers. The delights of illusion and fancy will be no more.

This is called growing old. I am sure she is giving up Santa Claus, but I hope that to the end of her life she will retain the love that made his visits possible.

David H. Tsubouchi

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