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November 1990



Canada's National Law Enforcement Magazine

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### Editor's Notes

**I**t has been said that a cops real job is to work his way out of work. This statement can be easily misinterpreted but the true meaning is that if every citizen was truly certain that they would be apprehended when they broke the law there would be no need for cops. However the reality is that not every citizen believes this and the true miracle is that there are so many good citizens out there in spite of what they know. (You will probably have to read this paragraph over a few times before you get my drift.) There are many programs designed to get the police and the community together. These programs drive home to the citizens that crime is not a police problem but everyone's problem. This month we have stories about Ontario's Crime Prevention Week and an Ontario initiative in crime prevention. These stories are enhanced by a profile on PC COPS, the computer program that is designed to bring people and the police together. This issue we bring you three of our semi-regular columnists. Geoff Cates with his True Crime, Chris Braiden's Personal View and Robert Hotston returns with a chilling lesson. Our guest writer this month is Chief Ron Hoath of the Port Hope, Ontario, Police Force with a profile on preventing police burnout. Finally we bring you a profile on two products that would be of particular interest to police managers. The first is a fully automated occurrence system that is growing rapidly in Ontario and the second is a computer system designed to track and record citizen complaints against police. (I think I can hear some complaints already) We have enough here to keep you going but here is a thought to keep you thinking; 'If you find a good solution and become attached to it, the solution may become your next problem.'

## Letters to the Editor

### THANKS FOR THE HELP AT EDCON '90

On the 14th and 15th of August, 1990, the Joint Forces Association of Explosive Disposal Units hosted an International Conference. Over 100 Police and Military Explosives experts from across Canada and the United States came to Brampton and attended what was described as a very informative, worthwhile conference.

Blue Line Magazine's support was greatly appreciated and contributed to the success of this conference which will now become a biannual event.

R. Shering  
Peel Region Police Force  
Secretary Treasurer  
Joint Forces Association  
Explosive Disposal Units

### ERROR IN STORY

Please be advised that there is an error in your September 1990 article regarding the Model 1000 Security Holster. The Policing Services Division of the Ontario Ministry of the Solicitor General has NOT approved this particular holster for use in Ontario. By separate letter, we have notified Shieldcorp that this information is erroneous and requested that they refrain from misrepresenting the situation.

Carl R. Johnston  
Assistant Deputy Minister,  
Policing Services Division

•••

*Editor's Notes: Shieldcorp did not misrepresent this fact to us. It was MY mistake. Upon checking my notes on this matter I found that*

*Shieldcorp had told me (in June) that they were presently seeking approval from the Policing Services Division and were expecting a decision shortly. I wrote the review in June shortly after trying the holster and made a note for a follow-up inquiry before press time. Therefore it was my mistake and not the company. For that mistake I would wish to apologise for any embarrassment caused to the Policing Services Division or Shieldcorp. I still stand by my belief that they got a good product. If there are differing opinions I would be glad to hear about them.*

•••

### GOOD WORK

Please keep up the good work. I enjoy your magazine and can't wait until I receive the next issue. As a reader of some American police publications it is nice to see a Canadian magazine that can be just as good.

Peter Garvey  
Brampton, Ontario



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## Computers and Community Based Policing

### The Winning Combination

Christopher Raymond, the adventurous president of the I.M.P.A.C.T. Group announced last month that the PC COPS network was expanding like an invisible net throughout the country and in many areas already had sufficient coverage to seriously deter criminals. "Successful apprehensions must be spreading the word," he said from his office in Toronto.

In Ottawa, PC COPS recently helped police serve a Canada-wide warrant after determining where the suspect was by calling all the hotels in the area.

In Sudbury, a suspected rapist was apprehended after a voice blast through a neighbourhood.


"The success of the PC COPS program is built on the ingenuity of the crime prevention officers," said Mr. Raymond. "The IMPACT Group is dedicated to this program and is currently revamping the data base and

putting the finishing touches on the FAX option. The success of the police working with the people is about to be further magnified," he said after bench testing the new equipment.

The dissemination of information useful in the prevention of crime is one of the most difficult and time consuming aspects of police work. PC COPS takes the job on with a casual effectiveness. Able to make over 400 calls an hour when necessary the system frees the police from the repetitive telephone work and lets them concentrate on strategy.

Each police department tailor makes their system to suit the needs of the community. Drug stores and body shops are a common feature on their call lists so that they can quickly investigate thefts and hit and runs. Maple Ridge RCMP have had success using the machine as an investigative tool. They recently traced an unidentified corpse through dental records

*Continued on page 9*

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# People Power Preventing Crime

— Lucy Becker —

**J**oan Leffler, the City of London Ontario's Crime Prevention Co-ordinator, believes that a working partnership between the police and the community it serves is an important element in preventing crime. "It's the community which sees crime in action and reports it if they are properly trained," says Joan Leffler.

Leffler is also the Co-Chair of Crime Prevention Ontario (CPO) which was created last spring as a working group of community and police members dedicated to preventing crime. Its goal is to foster resource sharing, co-ordination and marketing of programs and revitalization of crime prevention endeavors. Other benefits to creating such an organization include cost effectiveness, in-service educational packages, and a support mechanism for a wider sphere of influence with government agencies.

Most police forces in Ontario have officers working in crime prevention, whether it is directly in a crime prevention or community relations unit. Most also have Crime Prevention programs such as Neighbourhood Watch, Block Parents, drug education and bicycle safety. What we in Crime Prevention Ontario do is share our resources. We are asking our members to share their resources such as program videos, literature and other materials, to help cut down the cost of duplication. The money saved could therefore, be used so officers can concentrate on

specific programs and areas," explains Leffler.

She further explains that many problems faced by individuals working in crime prevention training, time and expertise, and a poor understanding of crime prevention.



*Chief of Police Larry D. Hardy*

CPO has approximately 300 members across Ontario and its steering committee consists of representatives from various municipal police services, the Ontario Provincial Police and community crime prevention individuals. An executive committee has been established and consists of police officers and civilians "working diligently to provide Ontario with the best in crime prevention and network sharing," explains Smiths Falls Police

Chief and CPO Co-Chairman Larry Hardy.

"We have a good cross section of individuals involved in crime prevention and we expect this to help us in dealing with the changing nature of crime in our neighbourhoods," describes Chief Hardy.

"Crime Prevention Ontario is another example of the police co-operating with the community in an organized manner to ensure the safety and security of all."

Chief Hardy was among a "grass roots" group of police officers across Ontario who in 1989 developed the basic theory for the creation of a province-wide crime prevention resource/sharing organization. Several meetings, which included members from the public, were held during the year and a formal proposal was taken to the Ministry of the Solicitor General, the Ontario Association of Chiefs of Police and the Municipal Police Authorities. The green light was given. Now, the organization is in the process of becoming incorporated and hopes to soon receive its charitable status.

Although the organization still has much to accomplish, Chief Hardy says "We believe Crime Prevention Ontario has come a long way in a short time." When describing all the work accomplished by the group thus far, he calls the achievements "landmark steps forward in crime prevention in Ontario."

"Hospital Watch", which consists of a crime prevention binder, video and training program is among these steps, and something which had been the focus of discussion for some time. Hospital Watch is based on a program developed by a group of hospitals and the police (a committee) in the Region of Hamilton-Wentworth, which received a Crime Prevention Award from the Ministry in 1989. It is a strategy aimed at reducing crime, improving safety and heightening loss

prevention awareness within the hospital environment. With assistance from the Ministry of the Solicitor General, a lesson plan binder has been developed and distributed to all police forces in Ontario. Training packages, which include the video, have also been produced and distributed to all police as well as all hospitals in Ontario.

In addition, Chief Hardy cites the future development of newsletters as an important step for the organization. These newsletters will further help CPO in its goal of resource-sharing. These newsletters, as with other resource materials, will be distributed to all nine designated zones whose representatives will be expected to further distribute to those working in crime prevention in their geographical regions. These zones include: Kenora, Thunder Bay, Cochrane/Timmins, Sault Ste. Marie/Sudbury, North Bay, Eastern Ontario, Central Ontario, Halton/Hamilton/Niagara, Western Ontario and Southwestern Ontario. Some meetings are held as deemed necessary.

The Ontario Ministry of the Solicitor General provided a \$21,000 start-up grant for Crime Prevention Ontario. This funding has been used to pay expenses to bring the zone representatives from across Ontario to an executive meeting. The Ministry also footed the bill for the cost of operating the organization during its first two years, as well as for the production of the Hospital Watch video.

Chief Hardy also points out that the group is currently seeking corporate sponsorship to help fund initiatives such as Hospital Watch. He believes it is important to involve the private sector, just as it is to involve the community in crime prevention. He credits CPO with what it has done to date, to the "dedication of the community members and police officers who work and belong to this organization." He also recognizes the support and

funding provided by the Ministry of the Solicitor General and the assistance the group has received from the policing community at large.

Two elected representatives from each zone are delegated to serve on the executive. Although it is not necessary, it is preferred to have one police officer and one civilian from each zone. Joan Leffler explains that it is important to have representatives from the community "working as a liaison between the citizens of their municipality and their local crime prevention police."

Joan Leffler was hired by the City of London to work on crime prevention programs. Although she works with the crime prevention officer of the local police, she remains

from other countries, it can be frightening to go to a police station, whereas it is much easier to go to the crime prevention office at city hall.

Chief Hardy also recognized the importance of establishing a partnership between the community and the police. In fact, he points out that when discussing community-based policing, crime prevention and drug education, "We tend to see them as separate identities. Yet there is a great deal of overlap. Drug education becomes crime prevention through social development. Community policing is based along the same lines."

It is the community and the police working together that makes Crime Prevention Ontario accomplish its base. "I believe that when you analyze



Photo by: David Robson

autonomous in her location at City Hall. "You become the people's person working out of the people's building," she says.

Joan Leffler believes it is important to be physically removed from the police station and says it helps with ensuring communication between the police and the public. She says that for many people, especially those

what we've done, one of the important factors is community involvement. The community deserves a lot of credit. The majority of these people work at other jobs and donate their time and efforts."

Anyone wishing further information about CPO can contact Chief Hardy at (613) 283-4142 or Joan Leffler at (519) 661-4533. 🐾

# Handling and Transporting Prisoners

## The Colour Of Pity

- Robert Hotston -

On November 13, 1989, murder suspect, Stoney Harrison, 25, being driven on a busy highway to a New York City jail, pulled out a gun and fired from the back seat at two New York City Police detectives, killing them both. The detectives had driven Harrison from jail to the District Attorney's office to discuss a plea bargain and were returning him when the incident occurred.

The supervision and control of prisoners is a regular police task which should never be considered or treated as routine. The fact that such activity is treated as "routine" creates an urgent problem in policing. Transporting prisoners presents untold dangers to all officers involved as well as to suspects. In short, NO prisoner should ever be left unsupervised until he or she is secure in the cell.

The solution to incidents like that involving the two New York City detectives lies in better training designed to regularize and habitualize the pre-transportation search of prisoners. Moreover, written procedures regarding searches and prisoner transport should be produced and made mandatory reading for all officers, both during and following recruit training. Training which covers the techniques of apprehending, searching and transporting prisoners should be ongoing and deal with current and proper procedures for approaching, handcuffing and transporting prisoners. The training should be precise and detailed.

Officers must be taught to closely scrutinize items, which to most people, are harmless, normal items. Such possessions as a belt buckle, "rat-tail" comb or ball point pen could disguise or themselves become a potentially dangerous weapon. The RCMP,

Canada Customs and other law enforcement agencies regularly disseminate information about the latest in covert weaponry. Blue Line Magazine regularly places these items in its weapons "ALERT!" section. Officers should be aware that a belt buckle might be the handle of a knife, such as the "Constant Companion" that has a blade hidden by the belt. The comb or pen could be used as a stabbing instrument.



*Courtesy of: MTPF Photo Unit*

Ideally, the hands of each prisoner should be restrained so that any attempt to assault a transporting officer would be unusually awkward, if not impossible. In addition, the transporting officer, if he or she did not conduct the initial search, should routinely re-search the prisoner. Stoney Harrison had not been searched by the two detectives when they escorted him from the jail nor from the District Attorney's office. Both officers paid for this mistake with their lives. Handcuffs, and where necessary, other restraining devices,

should be used according to prescribed standards. Never think that a handcuffed prisoner is harmless! Some prisoners can slip handcuffs. I can personally attest to that!

Department policy may specify the circumstances which call for handcuffs, but the final decision is up to the arresting officer. The decision should be based upon the officer's perception and assessment of the situation and his responsibility to protect himself, other officers, the public and the prisoner. A prisoner may be cooperative or docile at the time of the arrest, but that is no guarantee that there will not be a concerted attempt to assault the officer or escape if an opportunity presents itself. Many prisoners appear docile or nonviolent. However, once in the police vehicle and enroute to the station, they may react violently. Therefore an officer should never try to second guess the prisoner's nature and on that basis decide not to restrain him. Finally, once having booked in and secured the prisoner in a cell, the transporting officer should check the vehicle for contraband, such as weapons, the prisoner may have hidden there.

The proper handling and transporting of prisoners requires mental discipline. You have to concentrate on what you're doing. Suspects may try to "con" you by attempting to make you look foolish or by playing on your sympathies. Under no circumstances should you permit a prisoner to move out of your immediate control, even if denying him a request seems harsh.

There's not a lot that we can learn about safe and proper police work from television shows and movies. But Clint Eastwood, in his role as tough cop "Dirty Harry" did have a pertinent piece of dialogue in one of his films. Commenting on a fellow officer who'd been killed because he relaxed his alertness toward a prisoner out of sympathy, Eastwood said, "The colour of pity is red — blood red." It's a line worth remembering when you're trying to maintain firm control over someone who may have the will and means to harm you. 🐾



using the system after a five hour phone inquiry had come up with nothing. The system alerted 50 people in forty minutes and came up with the dental records.

An unfriendly reporter in Ottawa published an article critical of the police for failing to inform the public of the movements of a band of gypsies who were pulling off numerous scams in the area. The police had in fact used PC COPS to notify the public to be on their guard for these people and printed out a list of the thousands of calls the system had made. This was enough for the editor of the paper to promptly print an apology.

PC COPS is the brain child of the IMPACT Group and depends on its data base for its effectiveness. The police enter data received from individuals in the community who wish to be informed when they can help. This data is then accessible by street or neighbourhood so that a particular program can begin. A new data base is in development which will allow further coding of the data base to include specifications particular to the needs of different areas. One example would be to include bicycle serial numbers in the file and then search the data base in the event a bike is found. This could also be used for personal property marked with the owner's social insurance number.

Further enhancements include the implementation of an inbound extension of the system. Working in conjunction with PC COPS this added system could answer the crime prevention line 24 hours a day and take messages for the officers. In the event of an urgent message the system could be set to call the officer at home. Each mailbox would be individually coded and could relieve the central switchboard of all personal calls.

In addition this system is able to dispense information to the caller through an application called Audiotex. This is a voice bulletin

board that the caller can search through using his phone to guide him. This system could be loaded with crime prevention tips, the PC COPS messages as well as other data appropriate to the education of the public.

Many forces are anxiously awaiting the new FAX application as well. This new feature of PC COPS will enhance the business watch system and make it possible to send documentation and pictures to different business locations in a matter of minutes. Examples of bad cheques or pictures of suspects will reach the business community in time to make a difference. All the FAX numbers will be loaded into the system and then a document will be scanned or sent directly from Word Perfect through a FAX board out to the desired FAX machines.

The history of PC COPS runs parallel with the history of crime prevention in Canada. One of the unique features of the system is that in almost all cases the money used to buy the equipment has been raised from the public by neighbourhood watch groups. PC COPS is then given as a gift from the people to the police. This initial gesture is symbolic of the whole program and may in many ways be part of its success.

### A Proven Track Record

PC COPS (an acronym for PC Community Organizational and Prevention System) has produced an impressive clientele within the Canadian and American Police community since 1986. It is presently used in the following police programs and departments;

- Sudbury Regional Police (October 1986)
- Metropolitan Toronto Police — 22 Division (December 1986)
- Sun Youth/Operation Tandem — Montreal (May 1987)
- London Police Force (September 1987)
- St.Thomas Police Force (January 1988)

- Olmstead County — Minnesota (February 1988)
- Windsor Police Force (May 1988)
- Oxnard County Police — California (June 1988)
- RCMP Coquitlam (August 1988)
- RCMP Surrey (September 1988)
- Waterloo Region Police (December 1988)
- Ottawa Police Force (December 1988)
- Regina Police Services (April 1989)
- Thunder Bay Police Force (June 1989)
- York Region Police Force — Vaughan (June 1989)
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- Metro Toronto Police — 21 Division (January 1990)
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## CASE LAW:

### Ruling

## Prostitution laws survive Supreme Court scrutiny

Reference re CC ss. 193 & 195 (1010-015 38 Pages) (1010-016 19 Pages) (1010-017 138 Pages)

A six judge ruling from the Supreme Court of Canada ruled in May that Canada's prostitution laws are a justifiable limit on a citizen's Charter Rights.

In a unanimous decision it was determined that the law that prohibits the keeping of a common bawdy house or being an inmate found in one, does not violate the Charter right to liberty and freedom of expression.

In another section of the same series of rulings the Supreme Court ruled that communicating or attempting to communicate in public for the purposes of buying or selling sexual services did infringe on a persons right to freedom of expression but that this law was a reasonable limitation on that right.

The majority ruling indicated that

the law was justifiable because it was preventing the nuisances caused by the public purchase and sale of sex.

In his ruling Chief Justice Dickson said that the law was drafted to eradicate the various forms of social nuisance, particularly in urban neighborhoods, arising from the public display of the sale of sex, including street congestion and noise, as well as its effect on non-participants and children. The ruling stated that the law was "taking solicitation for the purposes of prostitution off the streets and out of public view." The ruling also added that this form of communication does not even come close to the guarantee of freedom of expression.

The rulings stated that there was also a rational connection between

the prohibition of street solicitation and the prevention of the aggravations caused by the public display of the sale of sex.

One of the defence arguments was that the criminal code does not criminalize sex for sale but instead it criminalizes all activities by which it can be obtained. The argument was that this was contrary to the principles of fundamental justice.

Chief Justice Dickson rejected this argument by stating that the fact that the sale of sex for money is not a criminal act does not mean that Parliament must refrain from using the law to express society's dislike for street solicitation or endure the nuisance of the activity on law abiding citizens.

## CASE LAW:

### Ruling

## Police must take care where they buy drugs

Regina Vs. Schieman (1018-021 10 Pages)

In a September ruling from an Ottawa area court it was determined that if drug squad officers are going to make random buys of drugs they have to be prepared to explain why to the courts in order to get a conviction. The ruling further stated that the area had better not be too wide an area.

In the case ruled upon the court heard evidence that a man had been walking down a Vanier, Ontario, street when he was approached by undercover drug squad officers and asked where they might buy some drugs. The man was picked out at random and the officers had no previous contact or leads. The suspect took the officers to a residence where he entered and then returned with 4.6 grams of hashish. The officers purchased the drugs and later charged

the man with trafficking.

At trial the court was told by one officer that the area was well known to police for drug trafficking. The arresting officer advised the court that she had made two other purchases in the area and that about 12 search warrants had been executed under the Narcotic Control Act in the vicinity.

The defence was that of entrapment and that the officers had been testing the virtue of the citizens in the area. The judge agreed with this by stating the officers had been rather vague in their testimony about the type of on-going investigations they had been doing in the area. The previous drug buys were not explained in sufficient detail and there was no evidence as to whether the search

warrants executed in the area produced drugs.

"A distinction," stated Judge Fontana, "must be drawn between certain specific areas which are capable of very precise definition such as a particular shopping centre, a particular arcade, a particular park in a city or a particular location in a city. But the net is cast in this case far too widely and it is far too ill-defined. Before an entire neighbourhood of the city is characterized as falling within the purview of the 'Mack' decision, some fairly detailed, cogent evidence must be presented."

In the Regina Vs. Mack case the Supreme Court ruled that it is not a proper use of police power to simply go out and test the virtue of people on a random basis.

# The Wit and Wisdom of Tacky Burns

## Nok, Nok, Who's There? - Terry Barker -

Telling the next of kin that their dearly beloved has departed isn't a five minute job. It can take an hour or more. But it's the first five minutes of the interview that count.

I remember one time when a call came in that a Wilhelm Adolf Holtz had been killed in an MVA in a neighbouring jurisdiction. I was detailed to inform his only daughter, Wilhelmina.

In those days I hadn't learned to spend enough time in checking things out. I just assumed that the member who gave me the information was on the bit.

So off I go to Wilhelmina's place. She's having a party. I knock at her door and she looks blearily at me and says, "Ossifer, are we making too much noise?"

And I say "Are you Wilhelmina Holts?"

"Yup," she says. "That's me, little Willy."

"May I talk to you?" I say. She takes me through the living room into the kitchen. There I tell her gently that her father has died in an auto accident.

She laughs!

"Not my dad," she says. "You got the wrong party. My dad's been dead for five years."

So I ask to use her phone. I call the dummy who gave me the information in the first place, and he says, "Oh, sorry about that. Did I say father? I meant brother."

Since then I always ask a lot of questions, and check back to make sure I got it all straight.

There are eight steps in doing a professional NOK:

**1. RESEARCH.** Make sure you got all the facts, and that you got them straight. How did the person die? Where? When? Be ready to answer their natural questions. And find out if there's any close friend or pastor who can come with you and stay with the bereaved after you've gone.

**2. ALLIES.** If the close friend or pastor is known to you, and 100% responsible, you can delegate the task. Let them do it instead of you. But at least see who you can get to go with you.

**3. GET INSIDE.** Don't try to talk on the porch or through a screen door. Above all, don't do it on the phone ("Hello, is this the Widow Brown?" Yes, but I'm not a widow." "You are now!")

How do you get in? Simple. Just ask. Say, "Mrs. Brown, I'm Constable Sympathy. I have an important matter to discuss with you, May I come in?"

**4. SIT DOWN.** Don't loom over the poor soul. You're six foot seven and she's five foot two. Get on the same eye-level to reduce your impact.

**5. TELL THEM.** You have to figure the other person out to see what's the best way of spilling the bad news.

If they ask you outright to give it to them, do it. "Mrs. Brown, I'm sorry to have to tell you that your husband, John, was fatally injured in an auto accident."

But if they want to beat around the bush, respect their wish. Let them lead the conversation till they ask you why you're there.

**6. BE PREPARED.** People are unpredictable under the stress of high emotions. I've had people run out into the night, try to shoot themselves, put their hands over their ears so as not to hear what I have to say, and even offer to beat me up. It's the old story of the king's messenger — if you don't like his message, off with his head. Be ready for anything. And C.Y.A.

**7. ADVISE.** They may ask you what they should do next. You should be able to tell them.

**8. EXIT.** Don't leave till the situation is under control. Make sure that friends or neighbours are there to support the bereaved person.

The fact is that there are hardly any cases where people have complained about us for doing an insensitive job on an NOK. But that doesn't mean that we should be careless about it.

I mean, after all, we do have to sleep nights... right?

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Part 2

## A Personal View

### Police Professionalism

— Chris Braiden —

**F**or as long as I've been involved in policing, the word professionalism has always been there. It's been in the reports, it's been talked about, and I never fully understood what it meant. I still don't fully understand what professionalism means. I'm not sure whether it means that if I go into a particular job I become a professional by my bringing certain talents to it.

My belief is that policing is a 'calling'. Wherever that fits between a profession and an occupation, I don't know, but when I think of the good cops that I know, they're first and foremost fundamentally first class human beings. If you look into their families, if you look into their backgrounds, if you look into their private lives, they're givers. They end up as hockey coaches or soccer coaches, but they end up as givers. Doing things for other people.

Now if you or I were to suggest to them that they are akin to a priest or a minister they would laugh at us because they're so busy giving to others and looking outside of themselves that they don't sit down and pat themselves on the back. I wonder if maybe that's the sort of thing that management should be doing a little more of.

Words that I heard over the last couple of years which I strongly dislike, are 'stroking' and 'massaging', so as to motivate people. I know what they mean but they're condescending and they're wrong. Supervisors shouldn't stroke people. They

shouldn't massage people. Because if those people ever find out why they're stroking or massaging them, they're in trouble.

Common wisdom is that managers need to motivate others. This is nonsense. People bring their own motivation. That door is locked from the inside. What management needs to do is liberate that talent and motivation. Our past record in police management shows that we have suppressed and stultified it.

Management has striven so hard in policing to become a profession and to find a niche for themselves equal to the other professions that I think at times they have passed over a narrow little line that becomes elitism. Elitism seems to bring with it self-praise, arrogance, aloofness and isolation. It's a very indefinite line. But I think management can strive so hard to become professional and take on all of the trappings of professionalism that perhaps they have passed over that line and becomes a profession of form rather than substance; they have become process oriented rather than task oriented and they have lost touch with the people who produce the product, the constable, and the people who consume it, the citizens.

Policing was a very undefined job to start with but we cleaned the edges so as to make it measurable and in the process, squeezed many of the juices out of it. Everything was measured by a criminal or civil, police or family stick. Only the former were considered police work.

I can always remember as I walked the streets as a constable when I went to complaints, the first things that I banged into my head, is this a criminal matter or is this a civil matter? If I could convince myself it was a civil matter, which often meant I didn't know, a little thing would turn off in my head and I would decide, this is just a very basic little report — fill in two or three lines, names, address, telephone number — and get the hell out of there. I really wasn't interested in what went on because only criminal matters concerned me.

Another measuring stick that I used subconsciously was, is it a police issue or is it a family issue? If it was a family issue then I wasn't that terribly interested in it. The reason that I share these things with you is not because I read them in some report, because I didn't. I lived them in my first ten years in policing. I didn't see anything wrong with them, although there'd be some little niggly questions at the back of my head all the time. What purpose am I serving. What am I achieving here? Consequently I found myself looking for easy answers.

I always think back to a little situation I had in 1968, when I was a constable. I got a call to a shoplifter in one of the large department stores in Edmonton. And it was a clear-cut shoplifting case, no question. It was around Christmas time and a woman with two little kids, single parent, had stolen a bunch of stuff. She was in the manager's office. It should have been a perfunctory thing — open and shut. And I didn't know at the time why I handled it the way I did. I know now, I think, but I didn't know then.

I asked a few questions and I found out, of course, she's a single parent, on welfare, didn't have much money, the kids are watching television, see these toys on television, she's in the store shopping for other things, the

kids see these toys in the store and they want the toys. The mother hasn't got the money to give them the toys so she looks around and swipes them and was caught.

However, what was very important to me was she didn't steal for herself, she stole for the kids. She had no other criminal record. I spend an hour with the manager of the store, who had his own problems, a huge problem of shoplifting. I spend an hour talking him out of charging her with shoplifting, and I wasn't even sure of what in the hell I was doing. Maybe it was to get out of the paperwork because if I charged her I'd have to

write more reports, if I didn't I'd have to write a short report. I remember agonizing after because I thought, what happens of this fellow phone tin to complain.

This is the frontline entrepreneurship that George Kelling talked about but often it must be exercised covertly and one must bunch the system to do it. The constables of today experience that same fear, because the policy manual emphasizes the process and not the end product.

So these are the agonizing things that I went through that I presume many of the constables that are working the streets today are going through

as well. We haven't given them much fundamental guidance on these things, that it is alright not to charge somebody with a crime where a de facto crime exists, so long as you're doing it for the right reasons.

Our management style has been one of restraint rather than inspiration. It has rewarded conformity rather than creativity. The manual is the bible. And you innovate at your peril.

#### **NEXT MONTH:**

*Apathy At The Front End Of Policing  
- A Personal View By Chris Braiden*

### **CASE LAW: Ruling**

## **Supreme Court eases hearsay rules**

**Regina Vs. Khan (1022-023 27 Pages)**

The Supreme Court of Canada, in a September ruling, has supported a stand to be more flexible with a previously inflexible hearsay rule.

In the case spoken to a five member panel declared that hearsay statements by child victims should be admitted in criminal prosecutions provided the statements meet tests of "necessity" and "reliability."

In her summation Supreme Court Justice Beverley McLachlin ruled that a child victim's hearsay statement given to her mother should be admitted in a sexual assault prosecution, even though the statement would be inadmissible under the normal hearsay rules.

The case involved a three-year-old child who was taken to a doctor for a routine immunization needle. The mother left the child with the doctor. About a half hour after the visit the girl told her mother that the doctor had asked her if she wanted some candy and then put his penis in her mouth. Later examination of the child's clothing showed it consisted of a mixture of semen and saliva.

At the original trial the judge invoked the hearsay rule and would not

permit the mother to give the evidence of what her daughter had said to her and that the girl was not competent to give unsworn evidence. The court went further and stated the evidence could not be admissible under the spontaneous declaration exception of the rule because it wasn't made soon enough after the alleged offence. He concluded that regardless of how suspicious he was of the accused he could not register a conviction.

The Supreme Court of Canada determined that the judge had properly considered the law but that the traditional hearsay rule, with its set categories of exceptions, has "proved unduly inflexible in dealing with new situations and new needs in the law."

"The first question", stated Justice McLachlin, "should be whether reception of the hearsay statement is necessary. Necessity for these purposes must be interpreted as 'reasonably necessary.' The inadmissibility of the child's evidence might be one basis for a finding of necessity. "But sound evidence based on psychological assessments that

testimony in court might be traumatic... might also serve.

"The next question should be whether the evidence is reliable. Many considerations such as timing, demeanor, the personality of the child, the intelligence and understanding of the child, and the absence of any reason to expect fabrication in the statement may be relevant on the issue of reliability."

In the case at hand the Justice determined that the statements were necessary because the trial judge had ruled the child could not give oral evidence. Secondly the statement was reliable because the child had no motive to falsify her story, the fact she couldn't be expected to have knowledge of the sexual act she described, and the statement was corroborated by physical evidence.

On a second motion the Justice was asked to determine if the original trial judge erred by not permitting the child to give evidence. The court ruled that the child was competent to give unsworn testimony. As a result the court granted the appeal by the Crown and ordered a new trial.

# Information Sharing With "OMPPAC"

## How Inter-Police Force Cooperation Managed to Slay the High Cost of Technology.

**T**he sharing of information among police agencies has long been recognized as vital to effective policing. In a world where criminal activities often span across jurisdictional boundaries, police agencies cannot operate in isolation. Effective communications can provide improved safety measures for the public and police officers on duty as well as increase the efficiency of criminal investigations.

In Ontario there are 118 municipal police forces and 187 detachments of the Ontario Provincial Police. The members of these forces and detachments protect a province of over 9 million people over an area of almost 1 million square kilometers. It is clear to see that information sharing among all police agencies is a necessity in crime fighting. It is easy to see that an integrated police information and records management system could help make a significant difference.

### The OMPPAC System

Between September 1987 and April 1988, six Ontario municipal police forces and two OPP detachments were participants in the pilot implementation of a new system developed under a joint venture with the Ontario Ministry of the Solicitor General. The system was named the Ontario Municipal and Provincial Police Automation Cooperative. (OMPPAC)

As of April 1990, the system was fully operational in 23 municipal police forces and 82 OPP detachments. Implementation is progressing on schedule at a rapid pace, and the expectation is that it will be installed at over 200 police facilities in the next two years.

With the OMPPAC system, each user location runs on a local area network of personal computers (PCs) which are linked via data communication lines to a centralized database on a "Tandem" mainframe computer in Toronto.

According to Brian Chan, Executive Director, Information Technology Division, this system architecture is ideal for effective information sharing. "With information centralized in one location, a single query request will provide a consolidated response across all participating jurisdictions within seconds. If the information were distributed and stored across individual jurisdictions, it would require a separate request to each location in the network to collect all the information required for the response. Even with very high speed communication lines, it would be impossible to provide a consolidated response within seconds.

"OMPPAC is not the only system designed this way," says Chan. "The Canadian Police Information Center (CPIC) system developed by the RCMP has a Canada-wide information network that has been operating

for many years. What we are doing is extending the scope of information sharing beyond what is provided by the CPIC system under the RCMP's mandate."

"What an information sharing system such as OMPPAC does is provide a more efficient means for the criminal investigators to gather information for a case," says Chan. "The time the officers save from not having to make numerous phone calls to request information from other police agencies can be used to focus on analyzing the information retrieved and in solving a crime."

The system is unique in its application, offering a viable and cost-effective alternative to standalone systems. As a cooperative venture, police forces can realize significant cost savings in almost all areas of operations by the economies of scale and collective purchasing power achieved via the size of the cooperative, as well as sharing operating expenditures among the participating police agencies. For example, the OMPPAC system is centrally operated by data processing professionals 24 hours a day, seven days a week.

Chan points out that if each of the participating agencies were to install its own standalone system, the software licensing fees incurred collectively would be a lot more than the Ministry's total investment in developing the software.

Chan advises that another benefit is that the OMPPAC participants do not have to worry about the cost of employing a team of data processing professionals to maintain and enhance the system. As an example Chan points out that a police force operating a standalone system would have to employ at least eight computer operators at a cost of \$280,000 in salaries alone.

More savings are realized because the Ontario Ministry of the Solicitor

General absorbs the cost of initial training and implementation support when the system is installed at a police station in the province.

### A Full Range of Function

As a fully integrated system, the OMPPAC system has over 1,000 functions in support of operational policing. Major components include:

- The Incident Capture and Computer-aided Dispatch (CAD) component which allows calls for service to be recorded from any police location including extended service offices. The recorded calls for service can then be prioritized and dispatched;
- The Occurrence Reporting and Records Management component that records and manages the large volume of information generated by occurrence reports and police investigations; and
- The Assignment Tracking and Case Management component that keeps track of investigation assignments, allows reports to be reviewed and approved, and provides activity logs and case load analysis reports that are

essential tools in managing a police operation.

The OMPPAC system also provides a wide range of management reports, such as crime statistics, call for service analysis, etc. It is also connected to the RCMP's CPIC system. The electronic messaging function also improves communications within the police force as well as between police forces.

### A System For Growth

The system is currently running on a complex of eight Tandem VLX processors. The system hardware is fully expandable for future growth. "This incremental growth feature," Chan explains, "is crucial in maintaining the performance and responsiveness that a police information system such as OMPPAC demands."

"Because of the individual sizes of the police agencies we serve, there is a somewhat misled perception that the OMPPAC system is built for smaller police forces only," Chan adds. "In fact, with a user community of over 8,600 police personnel and

the extensive geographical area these police agencies are serving, the magnitude of this system is considerably bigger than a lot of police information systems in North America. The OMPPAC system has been designed to handle that capacity and much more."

Chan points out that the reason the system is so successful is that it is a truly "user-driven" system. Front line police personnel provide the knowledge of police operations necessary for the designing of the system and ensure that it will meet their needs. The systems development maximizes user participation through out the developmental stages from requirements definition to user acceptance testing. In other words the system does not demand the officers be remolded into the computer programmer's way of thinking.

The users also determine the priority in which enhancements to the system are developed. A committee of user representatives meets regularly to address such issues.

Chief Rick Zanibbi of the Sudbury Regional Police finds it difficult to contain his enthusiasm for the system. "The nicest feature for us is that OMPPAC will allow us to share databases and that information is readily available in a timely fashion. That's very important from an investigative and crime prevention standpoint. We now have the ability to analyze incidents in a more detailed fashion much more quickly. It's especially helpful for a community-based policing concept such as ours where we have seven satellite stations."

"Acceptance of the system," adds Chief Zanibbi, "has been phenomenal. In fact, the interest has grown to the extent that we underestimated our need for terminals. People have been so receptive to the system, that they're wanting more and more access to the information. I think that's indicative of the success we've had with OMPPAC." Further information may be obtained from Brian Chan at (416) 965-5127.



Photo by: A.R. Lunau Smith

## Director Appointed To New Special Investigations Unit

The Honourable John Harty Osler has been named Director of the newly-created Special Investigations Unit (SIU) under the Ontario Police Services Act, the Ministry of the Solicitor General announced last September. The appointment will be for a one year period.

Mr. Osler is a former Justice of the Supreme Court of Ontario. The Toronto resident is a graduate of Osgoode Hall and practiced labour relations and trade union law prior to his appointment to the bench.

The SIU is permanently established under the provisions of Part VII of the Police Services Act, which received Royal Assent on June 28th. This portion was the only part of the new act that was proclaimed before the demise of the Liberal Party in the September election. The remaining portions of the Act are unproclaimed and the new NDP Premier, Bob Rae, has announced his intentions to make some changes to the Act before proclaiming the rest.

The SIU will investigate incidents involving the police in which serious injury or death has occurred. The legislation dictates that the Director of the SIU cannot be a current or former police officer.

A team of investigators, who cannot be serving police officers, will be appointed under the "Public Service Act" in the near future. Under the provisions of the legislation, investigators may not participate in an investigation which relates to members of a police force of which they were former members.

The Director can, when reasonable grounds exist, and independently of any other actions the Solicitor General

might take, initiate criminal charges against police officers and refer them to the Crown Attorney for prosecution.

## Video Pirate Gets Nine Months In Jail

Last September a Toronto area man received a nine month jail term for distributing illegal copies of videocassettes. The man had plead guilty on three counts of fraud over \$1,000, forgery of trademarks and possession of obscene material.

Mr. Victor Serpa was charged after police executed a search warrant on his residence and turned up 680 videotapes and five interconnected recorders. In addition to the nine month jail term, Mr. Serpa was placed on a two year probation with conditions that he not be in possession of video tapes for either sale or rent.

This was the latest in a long series of arrests and convictions across the country involving the illegal copying and distribution of tapes. Most charges are investigated by the RCMP with the assistance of the Film/Video Security Office (F/VSO) of the Canadian Motion Picture Distributors Association.

Since the F/VSO was established in 1983 about 135,000 illegal tapes have been seized in Canada. Some

of the biggest seizures have occurred over this past year. One of the biggest being the seizure of 1,350 tapes from four Bandito Video stores in the Windsor, Ontario, area.

## Hollywood Chase Was For Real

Ocie McClure will never forget the day his criminal act ended in a show down with a cab driver with an act of his own.

The ill-fated McClure saw a woman walking down the street and decided to make his fortune by kicking her in the stomach and running away with her purse.

Enter our hero, cab-driver Charles Hollom, who observes the dirty deed taking place. Driving his cab after the hoodlum, Hollom followed the thief for several blocks and radioed for the police. Then he mounted the sidewalk and used the bumper of his cab to pin the suspect to a wall until police arrived.

McClure sustained a broken leg out of the incident and later found out that his pursuer was a professional pursuer. Charles Hollom is a stunt driver and has performed his automotive gymnastics in such movies as "Bullitt" and "The Blues Brothers."

*Blue Line*

### ALERT!

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## Ontario Celebrates Crime Prevention Week

"You Don't Need a Uniform to Join Our Team" is the theme of this year's Crime Prevention Week, which will be celebrated across Ontario from November 4 to 10.

Each year, the Ontario Ministry of the Solicitor General presents awards during Crime Prevention Week to citizens or groups who have made outstanding contributions to crime prevention programs.

"These people are the backbone of our crime prevention efforts in Ontario," says S.K. Lal, Ontario Deputy Solicitor General. "They represent the hundreds of volunteers in municipalities across the province who help make our communities safer and more secure."

"Crime Prevention Week allows us the opportunity to recognize and pay tribute to members of the community — everyone from private citizens to police officers striving towards a common goal," stated Mr. Lal. "We all can become partners for a better community, after all, you don't need to wear a uniform to be a part of our team."

During Crime Prevention Week, the Ministry, together with local municipal police services and Ontario Provincial Police detachments, sponsors a two-part seminar and awards ceremony on community participation and crime prevention programs in various Ontario communities. This year, seminars are being held in Kemptville, Guelph and Sault Ste. Marie to kick off a year-long crime prevention awareness campaign. Further seminars and awards presentations will be conducted throughout the year in different locations. Topics

of discussion during these seminars vary from substance abuse to perseverance in community programming.

"Crime prevention is a priority for the Ontario Ministry of the Solicitor General," says John Bell, the Ministry's Crime Prevention Project Manager. "Although we recognize its importance in a formal way only once a year, the benefits and effects of crime prevention continue all year long. The individuals and groups we recognize during Crime Prevention Week are representative of the many thousands who volunteer their time and efforts to making our communities better places to live all year long."

"There are other benefits," states Mr. Bell, "The links these individuals, organizations and corporations establish between the police and the community are vital to attaining our goal of a partnership between the two groups."

This year, the Ministry is working closely with Crime Prevention Ontario (CPO), a newly-created provincial working group of community and police members dedicated to preventing crime. Its goal is to foster resource sharing, coordination and marketing of programs and revitalization of crime prevention endeavours.

The Ministry of the Solicitor General provided a \$21,000 start-up grant to the organization and is continuing its support with additional funds and resources during its first two years of operation.

Crime Prevention Week has been celebrated both nationally and provincially since 1984.

10-20

Blue Line Magazine would like to put out an APB for the following persons who have gone AWOL from our mailing list. If your name appears here please notify us of your new address so we can send any back issues you have missed.

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Joyce McLORN - Tweed, Ontario  
John WATKINSON - Craik, Saskatchewan  
Thomas WATT - Burlington, Ontario  
Dino COSTELLO - Winnipeg, Manitoba

## Four Texas Lawyers Charged

While most lawyers try to avoid the ambulance-chasing image, several Texans are doing their best to keep the stereotype alive.

Four lawyers and a legal secretary were recently charged with "Barratry" (stirring up lawsuits) for their overzealous efforts to solicit business among the relatives of 20 car-crash victims.

The lawyers are accused of sending agents to the scene of an accident involving a delivery truck and a school bus to pick up clients. One of the lawyers was charged after attempting to convince the families of the dead victims to join him in a suit against the soft drink company that owned the truck that hit the bus.

The County District Attorney said his office has received numerous complaints from relatives of those killed in the accident who say they are being harassed by lawyers. He added that more indictments were possible.

## Are You Tiptoeing Through Life To Make It Safely To Death?

- Murray Milligan -  
Manitoba Correspondent

**A**h!... The dog days of Summer! As I write this, my first of many articles, I am sitting over looking the banks of the Assiniboine River in Winnipeg. The August sun is hazy and warm and makes me feel that I now understand why cats like laying in the sun so much. And since you are probably reading this in the chilly Autumn you will probably understand more about magazine deadlines.

This month, I'd like to share with you some of my experiences. I do this because I want to lay the ground work for a series of articles that I have been chomping at the bit to write about.

My experiences in Winnipeg have been checkered to say the least. It is from these experiences, my education both formal and informal, and interviews with experts in the field that I will draw my material for my articles.

Presently, I am a school liaison officer with the Winnipeg Police Community Relations Unit. In my position, along with two other very capable fellow officers, we visit over 42,000 students in over 150 junior and senior high schools in the Winnipeg area annually.

We speak to the students about a wide range of topics that are not only timely but necessary for today's young people. Topics such as theft and shoplifting, the YOA, drug abuse, sexual assault and date rape are just an example of the varied subjects discussed.

Since becoming a member of the unit, 18 months ago, I started on a trek to investigate something that at first I didn't realize I was consciously understanding. In the course of my

research, my curiosity became increasingly aroused.

As in any investigation, the more clues I uncovered the more I wanted to dig further and understand more.

The two topics I am referring to are domestic violence and child abuse. These two subjects are as enmeshed with each other as we, the police, are enmeshed with them. As well drug abuse is so inter-woven with these matters that a thorough examination of the subject is warranted.

This brings me to my modus operandi for this month's article. I want to share with our readers some of the things I have unearthed in my own personal quest for knowledge.

I do not wish to overwhelm you with details, but one of the most important things I have learned, both on and off the job, is that the subject of abuse, sexual, physical and emotional, plays such an integral part of our lives that the more information we have at our disposal, the better our decisions can be.

In speaking with thousands of students and their parents, in my observations and experiences both on and off the job, there seems to be a thread of commonality that works its way through the lives of almost all of us. In my quest to learn and understand what this common thread was, I uncovered and learned a lot about myself. In doing so, I was able to also realize that I have an opportunity to assist my brothers and sisters in blue.

Over the next several months, I shall be writing a series of articles dealing with topics of dysfunctional families, alcoholism, sexual infidelity

and other compulsive disorders. I make no apologies if I cause some of the readers to become upset or make them feel uncomfortable. If that is happening to you, then consider it to be a good sign. Perhaps we will be approaching a core issue in your life. I hope this will motivate you to start your own personal trek out of the dark into the light.

I shall also be reporting on the findings of the Manitoba Aboriginal Justice Inquiry and their ramifications on our profession.

I would like to leave you with this parting quote from Helen Keller. "Life is an adventure, or it is nothing at all!"

Think about it!

### Our Manitoba Correspondent

Murray Milligan brings with him 18 years of experience in law enforcement. He is currently employed by the Winnipeg Police Department in the Police Community Relations Unit and is currently studying journalism and public relations at the University of Winnipeg. He has been featured on television and radio programs dealing with drug abuse and other related topics.

Murray will be writing regular feature articles for Blue Line Magazine and will be our Manitoba correspondent. Our Manitoba readers may pass along newsworthy items to Murray by writing him at Box 3074, Winnipeg, Manitoba, R3C 4E5. If your news is of a more urgent nature feel free to call Blue Line's Editorial Line at (416) 293-2631 or FAX 293-0526.

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## Preventing Police Burnout

# Chipping Away The Hard Shell

– Ron Hoath –

Chief of Police Port Hope Police Service

Not long ago, I attended a graduation ceremony at the Ontario Police College and watched several hundred recruits about to embark on a career in law enforcement. The recruits all had an obvious desire to get out into the real world after ten weeks of classes. Their mothers and fathers were proud of their sons and daughters, but while talking with them, you could sense a certain apprehension about the dangers that would lie in the path of their loved ones. My mind drifted back to my own graduation over twenty years ago and to the thoughts of entering the world of policing.

The new recruits and myself alike believed that the most dangerous part of policing would be the potential of being shot while answering a bank holdup call or of having your throat slit by a drug-crazed addict. Although these fears are very real, many of the recruits will become victims of another danger, burnout. I believe that burnout, which is caused by an accumulation of negative stressors, is one of the greatest problems facing the police community today.

During a tour of duty, an officer will typically give out traffic and parking tickets, be subject to verbal abuse, handle sudden death as a routine call, try to sooth victims of crime and process what at times comes to be seen as a parade of one criminal after another. There are very few professions in which the forces of negativism are as strong as those that face the

police officer on a daily basis; these negative forces continue each and every shift of an officers career until retirement, resignation, or death, and can over time, erode an officers' effectiveness.

The results of burnout can be devastating with both the officer and the police agency suffering the consequences. The officer may resort to any number of things once burnout has set in; one of the most common effects is that the officer simply just stops working. They usually continue to pick up their pay cheque, but go out of their way to avoid taking radio calls, turn a blind eye to offences, take longer and longer to clear from a call and in general, become ineffective. In the worst cases the officer will resort to alcohol abuse, drug abuse, or even suicide.

In spite of the dismal picture I have just painted, there are a number of things that both the officer and his police force can do to prevent burnout from occurring.

One of the first factors that leads to burnout occurs shortly after we join the force. At the police academy and among our peers the concept of the "hard shell stainless steel" officer is the norm. We are expected to investigate the drowning of a young child or the shooting of an elderly variety store clerk and do it without outward signs of emotion. We must be the one who remains cool and calm when everyone else becomes hysterical. We are the ones who must prepare the

reports that will have to stand up in court months or even years later under the severe cross examination of a top defence lawyer all the while ensuring that the accused is given his full rights under the Charter of Rights and Freedoms.

If the officer is to continue to perform under these pressures and remain productive until retirement we must make sure that the officer receives the proper support. One of the first support programs that I feel an officer should have available is stress counseling.

There is a strong consensus that counseling should be made mandatory in order to overcome negative peer pressure that can result when an officer goes for counseling. Many of the older officers will consider the officer weak if he attends counseling on his own.

Experts in the area of critical incident stress have found that if the entire group receives counseling shortly after a traumatic incident, the result can be very effective. It has also been discovered that many persons who have undergone a traumatic experience need only a brief period of counseling.

The early recruit training period of our police career is very important and proper training must be available if we are to dispel the myth that police officers can handle any incident without help. Experience has proven to us that this concept has resulted in many police officers becoming burnt out who otherwise might have gone on to productive careers. If you are saying to yourself that available counseling is just too expensive, compare the cost of a few hours of counseling to the cost of placing an officer on disability and recruiting another to take his place.

Community policing was the only way that we performed the function of law enforcement up until the early sixties when the pressures to become mobile and to provide faster response to calls for service took officers away from the citizens and placed them in

patrol cars responding to call after call. The "cop on the beat" who was seen as a friend in most neighbourhoods was replaced by a nameless uniform who only came to us when there was trouble.

Today, progressive police agencies realize that we must return to community policing and the concept of providing a service to our citizens. We must use "area foot patrol" and "sector policing" which is viewed as a plus by both the citizen and the officer. The officer gets to know the shopkeepers and area children by their first names and will have numerous positive interactions long before a crisis develops. When a traumatic incident does occur, the previous positive con-

tact will significantly lower the negative stressors for both the officer and the citizen.

**NEXT MONTH:**  
*Part 2 - High Stress Assignments*

### Featured Writer

Ron Hoath is presently Chief of Police of the Port Hope, Ontario, Police Service. He began his police career in 1968 with the Metropolitan Toronto Police and was later appointed Chief of Police of the Harriston Police Force in 1983.

Chief Hoath is a graduate of the Ontario and Canadian Police Colleges and the Law Enforcement Program at Seneca College, North York, Ontario.



Chief Ron Hoath Photo by: David Robson

## CASE LAW: Ruling

### Murder more tightly defined

(1022-001 75 Pages) (1022-002 28 Pages) (1022-003 18 Pages)  
(1022-004 40 Pages) (1022-005 32 Pages)

The Supreme Court of Canada came down with significant changes in the offence of homicide last September. In a group of five separate rulings the Supreme Court re-classified unintentional killings and redefined criminal intent.

In the rulings the top court stated that an unintended murder could not be classified as homicide. The court ruled that only a pre-meditated murder could be defined as homicide. For instance if a death resulted while another criminal act was being committed then another charge, such as manslaughter, would have to be considered.

It was made clear that if a homicide conviction was to stand then it was up to the Crown to prove beyond a reasonable doubt that death was planned or that due to the type of harm that was planned that death could likely result.

In his summation Supreme Court Justice Antonio Lamer stated, "Murder has long been recognized as

the worst and most heinous of peacetime crimes. It is, therefore, essential that to satisfy the principles of fundamental justice, the stigma and punishment attached to a murder conviction must be reserved for those who either intend to cause death or who intend to cause bodily harm that they know will likely cause death."

The court also pointed out that the classification of murder was merely for the purposes of sentencing. "The distinction," stated Mr. Justice Lamer, "between first and second degree murder only comes into play when it has first been proven beyond a reasonable doubt that the offender is guilty of murder."

In response to another defence argument the top court of the land rejected the idea that a mandatory 25-year sentence for first degree murder was not cruel and unusual punishment. "These sections," stated Lamer, "provide for punishment of the most serious crime in our criminal law, that of first degree murder. This

is a crime that carries with it the most serious level of moral blame-worthiness, namely subjective foresight of death. The penalty is severe and deservedly so."

Madam Justice Claire L'Heureux-Dube was the sole dissenting Justice. In a stinging rebuttal to the majority she stated that the Supreme Court must stop short of creating its own legislation. She concluded that the majority decision comes dangerously close to doing just that. She stated that the rights of the collectivity must take some priority over the Charter's protection of individual rights.

Justice L'Heureux-Dube stated that Mr. Justice Lamer's concern about the social stigma attached to a murder conviction was completely inappropriate. "The concern that these offenders not endure the Mark of Cain is, in my view, an (extremely flagrant) example of misplaced compassion," she stated.

## Rock Video Big Hit With Canadian Cops

In the June issue of Blue Line Magazine we presented a story entitled "Rock Video Packs Big Punch For Students." (See Volume 2 No.6 Page 12) We advised at the end of the article that any inquiries regarding the Rock Video "Missing You" could be made to Inspector Hutt of the Metropolitan Toronto Police Force. This Inspector now has writers cramp, a numb left ear from the telephone and a healthier respect for the power of the press in general and Blue Line Magazine in particular.

The response was so large that Devin Kealey, the police officer who helped produce the rock video, made further contacts with Billy Joel, Kenny Loggins, Kim Mitchell and Chris DeBurgh to see if they would consider waiving royalties to the music used in the Video for distribution to all police forces in the country. All the entertainers and their agents quickly granted permission. The one stipulation being that no profit be made from the distribution or use of the videos.

Kealey received the support of his own Chief of Police, William McCormack, and then gained the support of the Canadian Association of Chiefs of Police in August at their annual convention held in St. John's Newfoundland. The C.A.C.P. passed a motion to financially underwrite the cost of reproducing the Video for distribution nationally.

In the brochure to be distributed with the video Kealey points out that when the video is shown there are three simple rules that should be followed for the best impact possible.

- As it is a rock video, play it at top volume so there can be no conversation during the showing and use the best quality video equipment you can find. (The bigger the picture the better the impact)

- Take a victim survivor or relative of a fatally injured person to follow up in an "after the fact" discussion of how a drunk driver has seriously altered their lives.

- The group most responsive to this approach are Senior High School students. A showing on Prom day or a similar social event works very well.

Constable Kealey points out that "Missing You" is only one attempt at combatting the problem of drinking and driving. "This video," Kealey states, "is not THE answer in making young people aware of the tragedies resulting from mixing alcohol and the

operation of motor vehicles, but it has been very effective in the Metro Toronto region. We are pleased to be able to share it with other officers across the country."

Officers considering obtaining a copy of the video are asked to first check with their respective police agency to determine if a copy has already been obtained. If one is not available one may be obtained by contacting Eric Conroy of Mark Plan Inc., 643 Queen Street East, Toronto, Ontario M4M 1G4 or phone (416) 778-8727.



*Insp. Dan Hutt (l) and Cst. Devin Kealey (c) present Billy Joel with a plaque of appreciation from Metro Toronto Police and the P.R.I.D.E. organization for his support in producing the rock video "Missing You".*

*Blue Line Magazine*

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## Long distance calls for lawyers

(Regina Vs. David) 1010-001 6 Pages

Police are duty bound to permit a person to make a long distance call to contact a lawyer. The person so making the call is duty bound to pay for the call unless he can't afford to. This was the ruling of British Columbia County Court Judge Michael Catliff in the first recent ruling on the matter.

The accused, Mr. Daniel David, was arrested by officers from the Gibsons Detachment of the RCMP with driving while his ability was impaired. The officers read him his rights and took him to the detachment for a breathalyzer test.

When they arrived the accused was offered the use of the telephone to contact a lawyer. The accused indicated he wished to speak to his lawyer in Vancouver. It was pointed out that the accused could do so but would have to reverse the charges, bill the call to his own telephone, or speak to a local lawyer.

The accused indicated that he did not wish to avail himself of any of these options but that he still wanted to speak to his lawyer in Vancouver. The officers pointed out a policy that forbade the use of the phone by prisoners to make long distance calls unless it was paid for by the accused.

The accused argued at trial that his Section 10(b) right to counsel had been denied by the officers refusal. The trial judge convicted the accused but the accused appealed to the County Court.

Judge Catliff determined that the police had no right to advise the accused that he should reverse the charge to his lawyer as this would place the accused's rights in the hands of a third party's willingness to grant him the right by accepting or denying the long distance fees.

The remaining arguments dealt with speaking to local counsel, billing the call to the accused's home phone or the police accepting the bill.

The judge stated in his findings that the refusal by police to permit the long distance call was reasonable because the accused made no indication why he could not pay for the call himself. "If an accused detained at Gibsons is prevented from speaking to his lawyer in Vancouver by telephone because of his inability to charge his own number with the cost of the call or to place it collect then his section 10(b) rights will have been infringed," Judge Catliff stated. "But there was no evidence in this case," the judge continued, "that the accused was unable to charge his own number. He simply declined to do so or attempt to do so." The appeal was dismissed and the conviction confirmed in this case.

This ruling would suggest, however, that police forces should review their

policies with regard to long distance phone calls by prisoners. An accused stating to court that he could not afford a phone call, or perhaps that he did not have a phone number to charge the call to, could mean the dismissal of the case. The ruling did not state exactly when or what type of argument the accused must present upon arrest to get a free phone call. However police would be duty bound to accept almost any excuse or else jeopardize the case to the higher courts.

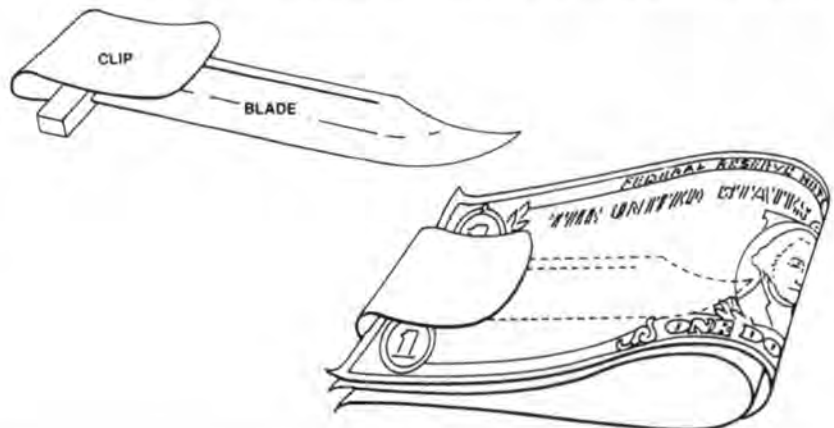
Given this ruling it would be suggested that a proper policy should include the suggestion of billing the calls to an accused home phone number but never suggest billing reverse charges to lawyers. If an accused refuses to accept these conditions then the policy should permit the reasonable use of the phone paid for by the police unit.

*Blue Line*

**ALERT!**

### MONEY CLIP KNIFE

The money clip knife could be overlooked in a hasty personal search.





## THE R.I.D.E. TEAM

by Tony MacKinnon



"Great news! I see they've got YOU slated on this for the next six weeks!"



"Somebody forgot to order batteries."



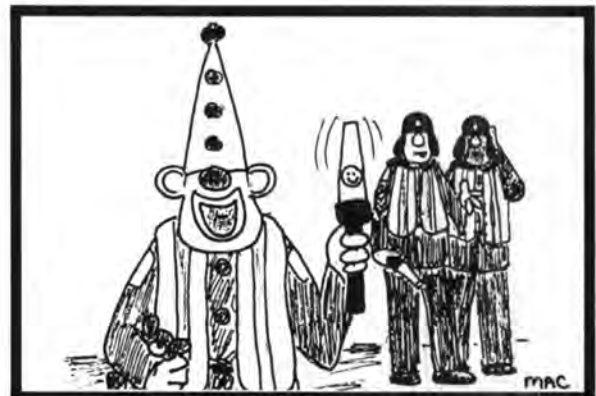
"I think you'd better stop laughing at their licence photos!"



"First of all, you little twerp, I'm not your Baby!"



"Apparently last evening just as he was passing a R.I.D.E. checkpoint, the Mayor's car was struck with several snowballs!"



"Somebody seemed to think it would be soothing, in case we had an impaired youthful offender... I think I need a drink!"

## The Shepherd of the Moors

– Geoff Cates –

**D**artmoor was known as being the most formidable and depressing of the prisons in Britain. This situation was even more pronounced during the period between the two world wars, where the amenities of prison life were even fewer than today.

Set in the moor country of southern England, Dartmoor prison was a desolate place. Many days the fog would come rolling in off the ocean and engulf the whole countryside. On these days visibility would be cut to just a few feet and the dampness would add a chilling effect. To compound this atmosphere, there was the not talking rule in effect in Dartmoor. This was why many of the ex-cons, when released from prison, would still talk out of the side of their mouths just from habit of sneaking some conversation while in prison. The days were long, the work was hard and the food monotonous. All this combined with the iron discipline, were hardly conducive to anyone wanting to serve a day longer than necessary.

However, even as today, there were always those convicts that had become "institutionalized". They were so used to prison surroundings, they could not adapt to life on the outside. Such a one was George Davies, known as the "Shepherd of the Moors." He wished for nothing more than to spend his days in Dartmoor prison and worked industriously towards this end each time he was released. Davies was a Welshman, raised on a farm and who knew all about raising sheep. In his younger days he was a poor man, and once in desperate circumstances, having

nothing to eat, broke into a church poor box and stole the money. Now it may seem paradoxical that a man should be sentenced to prison for stealing from a source placed there explicitly for the purpose of providing for the needs of the poor, but in the eyes of the law, theft was theft. There was little flexibility in the law then. Probation was rarely used and there were some judges who did not hesitate to mete out severe penalties for, what today, would be relatively minor infractions.

Thus George Davies was sent to Dartmoor to serve the first of many sentences. His talents for working with sheep were soon discovered and put to good use. He went out every morning at 6:00 A.M. with the farm party to work on the prison estate. He became a model prisoner and after a time was left to his own devices. He never abused his privileges and his main concern was the tending and raising of the sheep on the prison farm.

The inevitable occurred as it does with all sentences. George served his time and was released. There was little to look forward to in the outside world. Pay for farm labourers was poor, the work hard and the treatment could be very pedestrian indeed.

George soon resorted to a tried and true method to improve his lot in life. He again broke into the local poor box and took great pains to ensure that his arrest was, as they say in the Police vernacular, "imminent." He plead guilty the first chance and was soon returned to Dartmoor. After a number of these convictions and sentences, he would be greeted like an old friend

by the warders. In a day when iron discipline and utmost respect was demanded and got, he was called by his Christian name and was on a first name basis with many of the warders.

As time went on Davies time in penal servitude amounted to almost 30 years. He was always a curious and weird old man, understood better by sheep and a few warders than his fellow companions. It was often said the best thing for him was to give him a small cottage on the prison estate and leave him to care for the sheep, rather than have him gain entrance to the prison through the courts. However, this never materialized. There was on memorable day when the prison was visited by two very distinguished members of the government, Winston Churchill and Lloyd George. On their visit they heard of the old "Shepherd" and asked to talk with him. Davies was greatly honoured and was especially thrilled to meet a fellow countryman in Lloyd George. They took pity on the old man because of the amount of time he had spent in prison and it was arranged later that Davies was given a release on compassionate grounds. No doubt their intentions were good, but it was devastating to old George as he was now separated from his beloved sheep.

Once out he wasted no time getting caught for a theft and was soon back home in Dartmoor. Now to many it may be seen as ingratitude on the part of George Davies after the consideration shown to him by two esteemed leaders. The truth of the matter was that Dartmoor was now his home and when out he became home-sick.

Davies attitude towards his fellow prisoners was a curious one. He was never condescending, but he viewed himself in a different category. He could never understand why they

should want to steal and commit all manner of crimes when there was plenty of work to do on the farm.

It may be said by many that George Davies was incorrigible criminal who, even after being shown kindness of an early release, could not make it on the outside doing honest work. There may be much truth to this. It is not possible to dissect someones mind to find out why there is a twist in his character in what was otherwise a

rational outlook on life. The ending was a sad on for George. Some months before his death, the prison doctors ruled he was unfit to stand the rigours of prison life as found in Dartmoor. He was subsequently transferred to Parkhurst prison. It broke the old man's heart being away from the sheep and the work he loved so much. He died away from his sheep. An enigma to most, but a gently and trustworthy soul. 🐑

*Geoffrey Cates - Books*

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*Blue Line  
Magazine*

**BOOK REVIEW**

# **Drug Abuse And Your Family**

**- Norman Panzica -  
Toronto Sun Publishing Corp. Ltd.**

*Reviewed by: Al Armstrong*

Don't allow the simple cover of this book fool you. At first glance I wondered what Norman Panzica was up to, but quickly discovered the book is a well written, very comprehensive guide on drug abuse for parents and children.

The book is divided into three main sections: Section 1, The Drug Abuser; Section 2, An Ounce of Prevention; and Section 3, Drug Crisis in Your Home.

The Drug Abuser (Section 1) explains in detail symptoms and expected responses parents should be aware of when the parent suspects there may be a drug problem in the family. Some of the language Panzica uses in this section is somewhat intimidating, however in most cases

the author recovers well by explaining in lay terms the main points he is attempting to make for the reader.

An Ounce of Prevention (Section 2) leads the reader into drug abuse and some of parenting issues which are bound to erupt as a result. Panzica suggests ways the concerned parent can cajole teenagers towards a better life and provides much food for thought in the process. Police personnel will appreciate the theories presented as arguments in parenting which re-enforce the family as a unit and hold the law in high regard. You will learn things you probably didn't want to know about yourself and your teenagers, all of which are very helpful.

The author finally leads the reader

through Section 3 — The Drug Crisis in Your Home. Section 3 gives the unsuspecting parent many approaches to the drug abuser in crises while at home. Panzica relies heavily on the family as a unit to support the abuser and shies away for the immediate approach to therapy, even though he is a therapist by profession.

The glossary at the rear of the book is worth the \$4.95 price tag to the police reader. Police personnel will enjoy the book's concepts on drug abuse and find it an excellent resource for lecture material. Even the cop on the street will appreciate a read between the covers when he or she finds himself/herself explaining to an overwrought parent the hows and whys of drug abuse.

## A Computer Program That Tracks Complaints

The "Public Complaints System" was designed by Dartek Systems Inc. with the co-operation of the Ontario Office of the Public Complaints Commissioner and the Metropolitan Toronto Police Force. Dartek is the first company to attempt automating the public complaints system and comes at a time when this field is growing at a rapid pace. The result is a shining example of what can be accomplished when public agencies co-operate with private industry.

Dartek states the purpose of the "Public Complaints System" is to support the management and investigation of complaints made against police officers by tracking the investigation process on computers and to provide the appropriate information for statistics and routine operational reporting.

Dartek claims it has created a powerful user interface that meets the requirements of a broad range of users from novice to expert. Being easy to use, they state it accepts one of only four types of input and, moving from field to field on the displayed form, the user fills in the blanks. In most cases using only a single key.

Help is widely available throughout the system and more general help is available at any time by simply depressing the "F1" key.

Available in "Stand Alone" (single user) and "Networked" (multi-user) versions it is claimed that the system supports both "Desk Top" and "Laptop" computers. Development has been accomplished using a high level 4th generation programming

language and relational data base system. The system is said to run under a variety of industry standard computer systems including DOS and UNIX. All transactions are date, time, and user Id stamped and a complete history and audit trail is maintained.

The minimum hardware required to run the system is an "AT" or 100% compatible desktop or laptop computer running MS-DOS version 3.0 or higher along with 2MB of RAM (1MB standard and 1MB extended), 40MB hard disk, a 3.5 inch micro diskette. 1.44 MB capacity, a Monochrome (or VGA) monitor, and an industry standard printer.

In case you think that Dartek is taking sides with the public complaints people you should also be aware that they also created a computer program designed for on-site incident reporting that front line officers can use on laptop computers in their police cars. They claim the system was designed with a high level of input from street cops and uses conventional standard police language. (Now there's a real challenge!)

For more information contact: Dartek Systems Inc., 25 Valleywood Drive, Ste. 18, Markham, Ontario, L3R 5L9 or Phone (416) 474-9592.

## "RAIN-X" Back In Canada

RAIN-X, "The invisible windshield wiper", is now back in Canada. This product is an ultra-thin, absolutely invisible non-stick coating that can be easily and quickly applied to windshields, windows, lights and mirrors just like polish to make them water, soil, and stain repellant.

The distributors claim that it keeps

water from filming and dirt from sticking. It makes rain, sleet, and snow "bead" and roll off (almost like mercury). They claim it also prevents the adhesion and build-up of bugs, mud dust and road grime — for improved visibility, safety, and driving comfort.

RAIN-X is used in the world of motorsport racing, and is also in the trucking industry. For product or dealer information contact the Canadian distributor, Plate Partners Inc., P.O. Box 1195, 17 Wellington St., St.Catherines, Ontario, L2R 7A7 or phone (416) 684-7762, or FAX (416) 688-9907.

## Laptop With Built-In Mouse

GRiD Systems Canada has recently introduced the GRiDCASE 1550sx, the first PC-compatible laptop computer to incorporate a built-in pointing device. The "Isopoint" pointing device enables mobile users to take full advantage of Microsoft Windows 3.0 and other productivity-enhancing graphical software without compromising portability.

In addition the company claims the new laptop features the fastest hard disk drives ever used in a laptop and its microprocessor is 25 percent faster than comparable processors using the same 386sx technology.

The computer comes standard with Microsoft Windows version 3.0 and a 60 megabyte hard drive built in. This hard drive is expandable to a 120 megabyte drive giving it the largest storage capacity of any laptop computer. The computer also comes standard with a rugged magnesium casing that is claimed to make them the most durable commercial laptops on the market.

# P R O D U C T • N E W S

Another enhancement to the unit is an uninterruptable power source that permits the battery to be replaced without interrupting the current work on the screen. Very useful on those days when one forgets when the battery was last recharged.

For you computer "techys" here is some of the statistics as given by the company;

The dual-drive, 12-pound laptop, comes standard with a 20 MHz 386 processor, Isopoint control bar, 2MB or RAM, 60MB hard disk drive, 3.5 inch 1.44MB floppy diskette drive, AT-compatible keyboard, VGA backlit LCD screen, and Microsoft Windows version 3.0. Basic selling price \$8,813 Canadian. The unit can be enhanced with a 2400 baud internal modem. Thats a lot of power in one laptop.

For further information contact; Toronto (416) 445-1555, Vancouver (604) 683-1330, Calgary (403) 262-8755, Ottawa (613) 7252521, Montreal (514) 844-4743. or FAX (416) 446-6136.

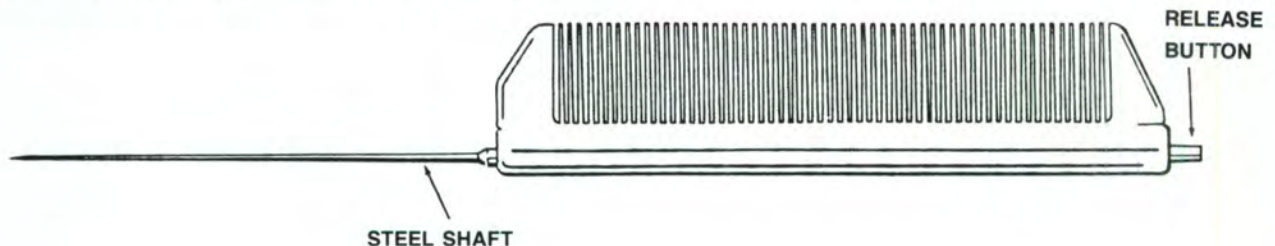


*Blue Line*

## ALERT!

### POCKET COMB WEAPON

The pocket comb weapon resembles an ice pick. The needle portion of the weapon, which measures 10 cm (4"), is released by pushing a button which protrudes from the opposite end of the comb. When the button is pushed, the needle is released through the force of gravity. Marketed commercially as "The Defender", this weapon comes in a red or black case.



## Blue Line Magazine – Word Search Words That Are Used In Law



**INSTRUCTIONS:** Words will share letters. Words will appear horizontally, vertically, diagonally and backwards. Words showing spaces on list will appear in Word Search without spaces.

- ABEYANCE
- ADDENDUM
- BIGAMY
- BONA FIDE
- CANON
- CONTRAVENTION
- CORPUS DELICTI
- DISCLAIMER
- EVIDENTIARY
- FORUM
- HYPOTHESIS
- INDICTMENT
- PAYER
- RECOURSE
- REMISE
- SEVERANCE
- SLANDER
- TORT
- VENUE
- WAIVER



- Track witnesses
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- Find memos

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# BMW SPELLS SAFETY ON THE JOB IN JUST THREE LETTERS: ABS

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The ABS system uses an on board computer to monitor front and rear wheel brakes. When ABS senses the brakes are about to lock, it reduces pressure in the wheel brake cylinder up to 7 times a second, and continues to do so until the risk of lock-up has been eliminated.



Front and rear toothed sensors are constantly monitored by an electronic control unit to determine when intervention by ABS is necessary.

From the officer's perspective, the only change in sensation is an incredible increase in straight line stopping ability. Even applying full brakes in an emergency straight line stop, full control of the motorcycle can be maintained.

BMW motorcycles are in active use by police departments in 100 countries around the world. We know what you're facing on the streets in congested traffic areas, and what unexpected demands are put on you and your machine.

On rain-slick city streets, BMW can provide that additional edge. And in normal traffic conditions, ABS will give you the confidence to stop consistently in the shortest possible distance.



The BMW K100LT: The police motorcycle incorporates the ABS system designed to give the officer more control in any road conditions, from dry pavement to rain, sleet, sand or oil patches.



The outrigger-equipped motorcycle, without ABS, has locked up the wheels and lost stability during hard braking on wet pavement (right). The ABS-equipped bike remains upright and controllable under the same conditions (left).



BMW's System Helmet II: a unique front-opening design ideal for police use.

## WE HAVE WHAT YOU NEED TO GET HOME SAFELY

BMW Police motorcycles and equipment are designed to meet the challenges you face on the job. The BMW System Helmet II has been positively accepted by major Canadian police forces. BMW protective suits, cold weather and rainwear all meet the toughest on the job challenges.

Your job is tough enough. BMW wants to help you make it a bit safer.

Contact Tony Fletcher at BMW Canada Inc., 920 Champlain Court, Whitby Ontario L1N 6K9 or call (416) 683-1200.



## ABS

### RESPONSIBILITY MEANS NO COMPROMISE