

Blue Line Magazine

December 1990



Canada's National Law Enforcement Magazine



When you're on
the street you
need answers
you can count
on ... fast

The Pocket Criminal Code. Completely updated for 1991

Canada's most popular Criminal Code has been completely updated for 1991. This handy pocket book gives you the full text of the Criminal Code plus the eleven related statutes which together form Canada's criminal law. These include • *Canada Evidence Act* • Canadian Bill of Rights • *Criminal Records Act* • Extradition Act • *Food and Drug Act* • *Identification of Criminals Act* • *Interpretation Act* • *Motor Vehicle Transport Act* • *Narcotics Control Act* • *Young Offenders Act* •

Canadian Charter of Rights and Freedoms.

This handy reference book is indexed for fast access to the information you need. The convenient size puts the Criminal Code right in your pocket.

L459-35091 November 1990 788 pp.
softcover 4½" x 7" \$15.95
(Discount available on 5 copies or more)

UNDERSTANDING CRIMINAL OFFENCES 2nd Edition

by *Barrie J. Saxton and Ronald T. Stansfield*

Understanding Criminal Offences provides a practical examination of over 200 Criminal Code offences as they're applied by the police and the courts. You get a detailed explanation of what specifically constitutes an offence, the elements of an offence and the penalties. This 2nd edition is fully revised to include extensive changes made to the Criminal Code since the original edition.

"...it is a welcome text in an area which is weak in the amount of literature available. It's an ideal textbook for students in Law and Security programs. As well, it will make an excellent book for both recruit police officers in training, and service police officers involved in professional upgrading..."

W.I. James Harding

Chief of Police, Halton Regional Police

L459-34193 August 1990 408 pp. softcover \$30.00

THE POLICE OFFICER'S MANUAL, 11th Edition by *Gary P. Rodrigues*

Arranges the criminal law of Canada in a convenient dictionary format. Includes statements of offences, forms of charges and an outline of evidence. Also provides the section numbers of the *Revised Statutes of Canada 1985* with the old numbers they replace.

L459-37560 1989 834 pp. softcover 4½" x 7" \$19.95

Yours Free!

Carswell Police News is Canada's fastest growing newsletter for law enforcement professionals. Published 6 times each year *Carswell Police News* presents articles, case comments, book reviews, new techniques being used by police forces in other countries and other items of interest to members of Canada's police force. Complimentary subscriptions are available to all law enforcement professionals. Request your free subscription today!

REPLY FORM

30-Day Risk-Free Examination

- Please send me the following books for a 30-day risk-free examination. At the end of 30 days, I will either pay the invoice or return the books with no further obligation. If my payment is enclosed now I save postage and handling charges.
- POCKET CRIMINAL CODE 1991 (L459-35091) \$15.95
- UNDERSTANDING CRIMINAL OFFENCES 2nd Edition (L459-34193) \$30.00
- THE POLICE OFFICER'S MANUAL (L459-37560) \$19.95
- THE POLICE NEWS FREE
- Payment enclosed (save postage and handling)
- Bill me Bill my firm

Name _____

Address _____

City/Town _____ Province _____

Postal/Zip Code _____ Phone No. _____

Law Publishers since 1864

CARSWELL

Toronto • Calgary • Vancouver • Ottawa • Montreal

3 EASY WAYS TO ORDER

CALL TOLL FREE:

In North America: 1-800-387-5164 (8:00 a.m. to 8:00 p.m. Eastern Standard Time)

IN TORONTO CALL: (416) 609-3800

FAX: (416) 298-5094 (24 hours)

WRITE: Corporate Plaza, 2075 Kennedy Road
Scarborough, Ontario M1T 3V4

Prices subject to change without notice. 11/90

IN THIS ISSUE**FEATURES:**

Editor's Notes	3
Letters to the Editor	4
Editorial - About Christmas	5
Video Cameras on Patrol - Morley Lymburner	6
The R.I.D.E. Team - Tony MacKinnon	8
A Christmas Quarrel - Madderthan Dickens	9
Old Technology Recycled for Police of Today	11
Blue Line Alert	12
Rap With Rock	15
Up-Coming Events	17
Preventing Police Burnout - Part 2 - Ron Hoath	21
Profile	22
Blue Line Alert	23
A Personal View - Part 3 - Chris Braiden	26
Product News	28
Blue Line Word Search	30

NEWS:

Federal Judges Ask For Guns in U.S.	16
Police Chief Jailed For Theft of Drugs	16
Speeding Ticket Beats Out Criminal Charges	16
Nova Scotia Licence Prohibition Tossed Out	17

CASE LAW:

Tribunal Says Nurses and Police Are Equal	10
Drunkenness No Defense	10
Must Tell Accused Polygraph Can't Be Used	12
Officers Prohibited From Carrying Firearms	14
Supervisor at Station Guilty of Assault	18
No Toilet, No Conviction	19
Evidence Admissible After Charter Breach	20
Police Can't Search on Anonymous Tip Alone	23
Officer Not Liable for Drunks Actions	24
Driver May Insist on Blood Test	24

Editor's Notes

This month marks the second complete year of Blue Line Magazine. We have come a long way in two years. It has been a real struggle in a lot of ways but we are happy to say that it has been gratifying to see how much the magazine has been accepted by the law enforcement and academic community.

In the past year we have brought you a total of 276 stories. This breaks down into 72 news stories, 148 feature articles, and 56 pieces of case law. And if statistics really turn you on we have printed 51,500 copies of this magazine and this means a total of 1,536,000 pages.

For those of you who subscribe to this magazine it has cost you a mere \$2.00 per month to have each issue of this magazine come to you. This is less than half a pack of cigarettes, or a couple of losing tickets on your favorite lottery. It is probably less than the tip you leave the waitress at your favorite restaurant.

Your loyalty has been appreciated and your interest in this magazine is shown by the high rate of renewals we receive.

1991 will be a year of particular concern for us. We will be hit by the G.S.T. and a whopping increase in postal rates unless we can increase our paid subscriptions and reduce our free promotional copies. To offset these increases we will be forced to increase our subscriptions to \$25.00 starting in January. We feel we have a proven product and track record and we will be working harder in the new year to encourage more people to subscribe.

Letters to the Editor

With reference to Rock Dueck's column in the October 90 issue of Blue Line Magazine, (Vol.2 No.8 "Who's Next") was it not our Prime Minister who pronounced the R.C.M.P. uniform a "COSTUME".

(John Doe)
RCMP Alberta

...

I suggest your proof reader failed to take time to enjoy doing the puzzle.

All the officers at Kaladar OPP Detachment enjoy and look forward to reading your magazine. Keep up the good work. We forgive your puzzle error, as it actually made it more interesting.

G.B. Price
O.P.P. Kaladar, Ontario

...

The elves in the typesetting room seem to have the same problem as a lot of people. In your October word-search, a police force from VICTORIA is nowhere to be found. In its stead is a place called "UIC"toria, perhaps in honour of those people who put in the required number of weeks and then join other retiree's enjoying the weather in lotus land.

On the other hand, is it possible you were simply testing your readership's powers of observation?

R.L. Miles Chief Constable
Central Saanich Police Dept.
Saanichton, B.C.

...

Editor's Note: Now you did it! Ever since the first cave man fell off a rolling log and invented the wheel this problem has existed. Jim Kelly (my graphic design person) and I have been spending the whole month pointing fingers at each other. Now that we came up with a positive use for this mistake we both want to take credit.

We decided to intentionally build in mistakes in the puzzle this month and offer a prize for the first five new

subscribers who mail in the correct puzzle. In the future we will see what we can do with other puzzles.

Since I'm the editor I guess I can get the last word... (Heh, Heh)... IT WAS JIM'S MISTAKE!

(Hi! The Editor is wrong again! It's the Graphic Design people who see the copy just before press time. So we get the REAL last word.... IT WAS MORLEY'S MISTAKE!)

...

I have found that your magazine is one of the most informative publications in the law enforcement field and have enjoyed reading the copies I found at the RCMP Training Academy in Regina. Please start my subscription right away.

Looking forward to reading more.
P. Adams
Winnipeg, Manitoba

...

I enjoy receiving this magazine. However, I notice that the office is still receiving a free copy, which I might add is read by just about everybody here, (18 members). Maybe this detachment should be taken off the free list so more guys will pay up!!!!

(John Doe)
RCMP Saskatchewan

Editor's Note: Their days are numbered. Yours are not. Read page three this issue.

...

I enjoy your book review portion of your magazine, as I have always found it difficult to find quality investigational reading material. Most RCMP detachments provide little material for those who wish to excell in a given area of investigation. Therefore, we rely on magazine's like Blue Line for new ideas.

In the "Book Review" section of your magazine however I recently read your review of "Sexual Homicide" and wish to add it to my library. However your publication gives no info on where I can order it. Could you please send me something on this.

Ian Ross
Stoney Plain, Alberta

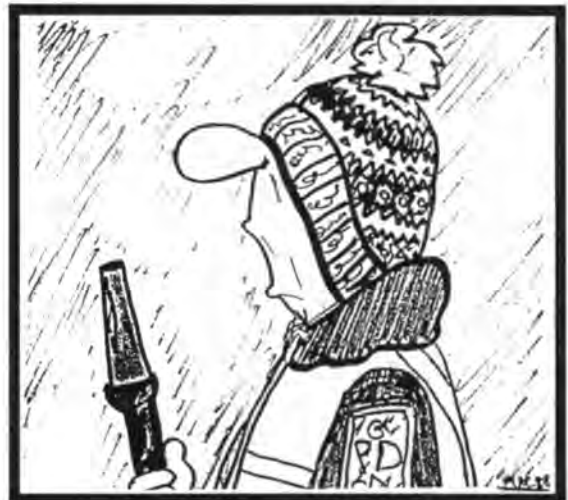
...

Editor's Note: If you wish to order any book, (and I mean any) you may phone (416) 294-4773 or FAX us at (416) 293-0526. Supply your credit card number and it will be mailed out to you. Please give the title and author and the publisher if known.

Blue Line

FLASHES
by Tony MacKinnon

"If you must know! My dog ate my fur hat."



Blue Line
Magazine

- EDITOR/PUBLISHER -

Morley Lymburner

- EDITORIAL ADVISORS -

- David H. Tsubouchi, LL.B.
- Edward Gunraj (P.O.A. Consultant)
- Mary Lymburner B.A. M.Ed.
- Gerald A. Oxman I.C.I.A.
- Jaan Schaer B.A. (Metro Police E.A.P.)
- Tom Dykes (Halton Region Police)
- Robert Hotston B.A. M.Crim.
- Rick Patrick (Lambton College)

The Editorial Advisors are persons from whom this publication seeks out advice and guidance. The use of their names is merely for recognition of their assistance and ongoing support.

- ADVERTISING -

Allan W. Stiver

- CONTRIBUTING WRITERS -

- Lucy Becker • Louise Dueck
- Al Porter • Richard Duplain
- Daffydd Hermann • Craig McMillan
- T. Richard Colledge • Murray E. Milligan
- Rock Dueck • Geoff Cates • Robert Hotston

- ILLUSTRATION -

Tony MacKinnon • Bette Clark
Dave Sills

- DESIGN AND PRODUCTION -

Jim Kelly
Camelot Graphic Design
97 Sir Lancelot Drive
Markham, Ontario L3P 2J3

Business Office: (416) 294-4773

Editorial: (416) 293-2631 Fax: (416) 293-0526


Advertising: (416) 294-5502 Fax: (416) 294-8952


Production: (416) 471-0303 Fax: (416) 471-0305

Blue Line Magazine is published monthly, ten times per year by Blue Line Magazine Incorporated with head office at 118 Main Street North, Markham, Ontario Canada, L3P 1Y1. Editorial and copy is considered to be completely separate from advertising sales. No commitment for editorial coverage can form any part of a sale agreement. All articles are protected by copyright. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording, or by any information storage or retrieval system without permission from the publisher.

The authors, advisors and publisher accept no liability whatsoever for any injuries to person or property resulting from the application or adoption of any of the procedures, tactics or considerations presented in this magazine. Readers are cautioned and advised that articles presented herein are edited and supplied for your personal awareness and should not be referred to for further action until appropriate advice and guidance is received from a supervising officer or the advice of a Crown Attorney.

Blue Line Magazine is an independant publication designed to educate and upgrade the skills of those involved in the law enforcement profession. It has no direct control from a law enforcement agency and its opinions and articles do not necessarily reflect the opinions of any government agency or police force. Blue Line Magazine is Printed in Canada by Johanns Graphics. The sole authorized distributor of Blue Line Magazine is Green Gables Book Shop, Markham, Ontario.

 Associate member, National Association of Police Planners

 Member, Periodical Publishers Exchange

ISSN #0847 8538

Second class mail registration No. 8242

About Christmas

December is a month that somehow never feels too cold. November conjures up a chilly feeling in our mind's eye but December never seems to evoke that same feeling.

It is a time of year when we are probably too busy to think about the temperature. There is shopping and preparations to be made for the Christmas holiday. There are warm feelings of Christmases gone by and the infectious enthusiasm of our children that takes the chill away.

Christmas is a wondrous time of year that transforms strangers into neighbours and neighbours into friends. For the average citizen it is all too short a season.

I remember thinking, when I was a young and single officer, that Christmas Eve would be a pretty easy shift. Every one would be home with their families and the radio would be quiet. I was rudely surprised to find this shift to be one of the wildest in my short career. Domestic complaints in the housing projects abounded. For some reason the domestics appeared to be more violent than normal. I

seldom volunteered to work Christmas Eve after that.

The Christmas Season places such high expectations upon everyone that if you live in an atmosphere that can never achieve those expectations Christmas can be a big let down. Quite often this realization can cause depression and violence.

Through all the glitz, glamour, realities and action of this season we should never forget that Christmas is a celebration. This day we celebrate the birth of the Prince of Peace nearly 2,000 years ago.

His birth was predicted by many in the Old Testament. When his birth was announced many felt that he had come to conquer the ruling Roman army and return Israel to its former glory. His true purpose was to teach. His purpose was to tell the world about peace and forgiveness. He was to give us hope that no matter how bad we felt about ourselves we will be forgiven with no more effort than saying "I BELIEVE."

We here at Blue Line Magazine wish you and your family all the joys and wonders of the Christmas season.

YES! I want to subscribe to *Blue Line Magazine*

Name: _____

Address: _____

Postal Code: _____ Province: _____

- Enter my subscription for the next 10 issues of *Blue Line Magazine* (\$25.00)
- I want a bulk subscription of _____ copies sent each month
(5-20 copies \$20.00 each; 21 or more \$15.00 each G.S.T. Included)
- Bill me with my first issue (Your subscription begins with the next issue)
- Blue Line Magazine will gladly charge your subscription to your
MasterCard or VISA. _____ Exp. / _____

Signature: _____

(Green Gables Book Shop is the sole distributor of Blue Line Magazine)

Video Cameras on Patrol

- Morley Lymburner -

What value can Canadian police put on video cameras installed in cruisers?

Wayne Carlisle of the Georgia State Patrol was puzzled by the sudden change of attitude of the speeder he had been following for about 6km.

"When I first pulled him over he got out and he was cussing and wanted to know why I stopped him," Carlisle said. The trooper went to his car momentarily and returned to find the man acting as nice as he could. Carlisle later found out why. Upon reviewing the tape from his dash mounted camera he found that the man had seen the camera lense in the car and leaned over the hood to get a closer look. When he realized he was being taped his attitude became self correcting.

Carlisle was one of 27 officers back in 1988 to try out an experimental project that saw video cameras installed in their cruisers. The project was so successful that the state patrol has started to equip almost every patrol car with cameras.

To date one particular company, Triangle Technologies of Markham, Ontario, has demonstrated and tested cameras in seven Canadian police forces and boasts over 500 systems installed in some 55 police agencies across the United States.

Operation And Use

The units come in a wide variety of configurations and most use a standard VHS tape cassette. There appears to be two different mounting styles. One places the full unit, tape recorder and camera lens, in the window. The second style places only the lens portion in the window and the recorder is kept in the trunk of the police vehicle. The second type appears to be more popular because it does not restrict driving vision and removes the recording mechanism and tape from the hands of vandals or criminals.

The many uses and advantages of these instruments have been well documented. One agency uses them strictly for drinking driver spot checks. This has increased the number of guilty pleas brought before the courts and has reduced officer overtime in courts.

The use of the cameras has been helpful in aiding courts in determining the validity of suspect vehicle searches and in many cases has verified an officer's contention that he had done nothing wrong on a routine stop. Of course the advantage for the officer is that he knows the recording is taking place.

Video Evidence in Canada

The validity of using such tapes as evidence in Canada is still not tested to the level that Canadian law enforcement agencies feel comfortable. One ruling, the Duarte decision released by the Supreme Court of Canada last February, (See Volume 2 No.4, Page 18) determined that evidence obtained by means of electronic surveillance was an unreasonable search and seizure under the Charter of Rights and Freedoms.

However the Duarte decision did not follow the same concepts as police vehicle stops. The Duarte decision was one where microphones and video cameras were concealed in an informants apartment on the consent of the informant but not known to the suspect. The recordings were made in what a suspect would feel was a private environment.

The vehicle-stop recordings, however, are in a public place and rulings in the past have indicated that no person should have a reasonable expectation of privacy in a public setting. (See stories Vol.1 No.3, Page 16 and Vol.2 No.1, Page 12). One interesting ruling from a Guelph, Ontario, court determined that tapes of homosexual acts in a public washroom was admissible.

Canadian Police agencies must also consider the effect of section 1 of the Charter of Rights and Freedoms. This section is known as the "exception section" and states that the Charter guarantees certain rights but that these rights are subject to "such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." The courts have ruled that a persons' rights may be breached to some degree, for instance while investigating a drinking driving incident, and the evidence will not

be excluded. The courts have ruled that the public good and safety in some matters over-ride the individuals rights to some degree.

Value Beyond Money

The variety of evidentiary value for instruments such as the Docucam has been found to be overwhelming. From police chases to obtaining the plate numbers of vehicles going the opposite way from alarm calls, the units have more than paid for themselves in many jurisdictions. Other benefits have been for officers to view their own approaches to vehicles and methods of interviewing people. It has been found to be an invaluable tool for training.

Making the units pay for themselves has been an ongoing strategy of the Georgia State Patrol since the units were first installed. The Patrol is using the proceeds of drug arrests to help finance the purchase of these units. This strategy in Canada is severely limited, however, as the Proceeds of Crime legislation does not presently incorporate the transfer of money seized to the police agencies making the arrests. There are some negotiations to this effect however that may change this somewhat in the future.

Conclusion

Until a hard ruling comes down from the Supreme Court it would appear

that many Canadian Police agencies will remain cautious. Some forces however have decided to purchase or lease a few of the instruments for such things as crime scene reconstruction and some limited road stops to test the limits of Canadian law on this new technology. As one police spokesman stated, "Nothing ventured, nothing gained. If we don't take the first step we will never find out if we can be as successful as the Americans."

We will give the last word to Constable John Kiss of the Nepean Police Force who tested one of the units. "When I played the tape back afterwards, I thought I was being too overbearing and pushy (on vehicle stops). I've also learned to tuck in my shirt." 🐾



Photo: Courtesy of Triangle Technologies

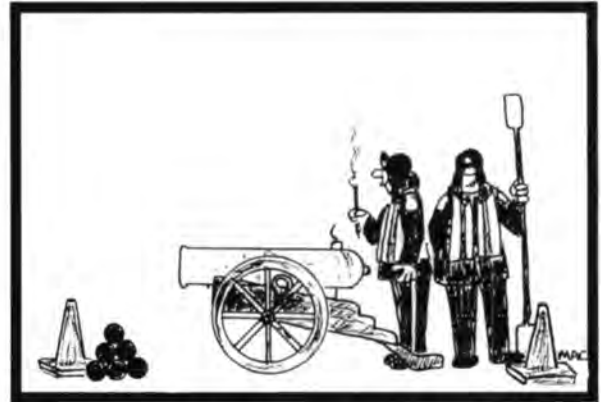
Blue Line
Magazine

THE R.I.D.E. TEAM

by Tony MacKinnon



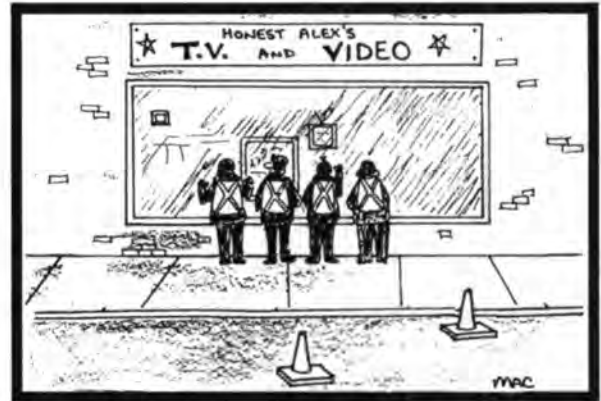
"BLAAAAAAAAAGGH!"



"It may look old fashioned, but boy does it ever slow them down!"



"Accommodations? Yea there's a Holiday INN two miles ahead. By the way, you and the missus could use some lights on your donkey!"



"If this game goes on much longer we'll be on overtime!"



"If you ask me, we should have changed locations a good two hours ago!"



"There is a God! The ignorant one here has an expired licence!"

A CHRISTMAS QUARREL

- By Madderthan Dickens -

Dear Cops: all my life I've tried
The law most strictly to abide.
My attitude toward you has been
So far one purely of esteem.
Despite of this, I didn't get
The kid glove treatment, you can bet!

Last week, two oafs from this Division,
In a debatable decision,
Tore off the plates of my trusty Bess.
Believe it, guys, I love you less.

Well, here's the ticket, take my dough,
I cannot fight you, that I know.
You grounded me, and had the right,
But not to be so nasty, quite,
'Cause besides the Letter, there's the Spirit
Especially when it's Christmas, dammit.

It needn't have been just you against me,
You could have sent Bessie to the D.O.T.
But no, you turned me out in the slush,
The rest of my way on foot to mush;
An I swore, as I sank in up to my knees,
"You boys haven't heard the last from me!"
So I'm sending you all a Merry Christmas
And a couple of friendly Season's wishes:

Oh, may the snow seep down your necks
While the traffic you direct.
May your consciences you rack
An your sergeants ride your back.

May they put you through your paces -
"Men, it's Straight Commission basis."
May you thus be set to run
One day in the streets, for fun

May you then, from first to last,
Go all month without arrest.

May, returning to your lairs,
You find the Sugar Plum Fairy there,
Each cruiser's tank, for a festive treat,
Filling with honey and syrup sweet.

May your new mounts be proposed,
Dancer, and Prancer,
and Rudolf the Nosed;
With radios, too - but oh, what a fright -
May all they'll raise be "Silent Night."
See a host of Santa's elves
Swarm your cop shop storage shelves;
Box on box of pens, just think -
Refilled with disappearing ink!

Now as I'm almost through this letter,
I must admit I feel much better.
If you've learned from this, I hope it be,
Nevermore to pick on a helpless lady;
For men, when you hit'em,
may make a din,
But, by gum, we'll get the last word in!
So, to all you Big Men down at Forty-One:
"Here's mud in your eyes!"...
...- a pedestrian.

...

Editor's Note: I don't know the author
but I know who was the inspiration.
It was brought into a Metro Toronto
police station many years ago. I really
don't know why I save this stuff!



DocuCam™

Gets it all!

**The In-Car Camera System
that Enables Officers to
Video Tape Violations**

*A New Era
in Law Enforcement*



A Complete In-Car Camera
Recording System to Enhance
your
Law Enforcement Requirements

- contributes to increased convictions
- for real-time accounts of traffic violations
- impaired offences
 - felony arrests
- surveillance and drug interdictions

**Call Today for a
FREE 30 day Trial!**



**TRIANGLE
TECHNOLOGIES**

24 Canning Court
Markham, Ontario L3P 4J3
Telephone: (416) 479-7543

**NEW LOWER PRICED
SYSTEM AVAILABLE!**

CASE LAW:

Ruling

Tribunal says nurses and police are equal

(1023-003 + 934-025)

An Ontario Court of Appeal decision last September concluded that under the Provincial Pay Equity Act health nurses performed a similar job to police officers and that their income should reflect this. The decision will bring 52 health nurses employed by the Municipality of Haldimand-Norfolk from \$37,000 per year to about \$47,500.

The decision went to court when the association representing the nurses went to court to determine what the proper pay should be for

nurses. The Provincial Pay Equity law states that women are entitled to pay for services equal to men. The problem arose when the public health nurses were all female and there was no male counterpart job that they could use to determine pay levels within the medical profession. The legislation states that if this situation exists then the tribunal can make a comparison between other jobs and categories within the employer's establishment.

The association determined, and

the Court of Appeal agreed, that the level of skill required and the type of service rendered to the public was very similar to that of a police officer. The court also agreed that both the public health nurses and the police officers were employed by the Regional Municipality of Haldimand-Norfolk.

It is anticipated the ruling will help many low-paid public sector employees bargain for wage increases.

CASE LAW:

Ruling

Drunkenness no defense to ability impaired charge

Regina Vs. Penno (1025-009 57 Pages)

"That a person should be too impaired to be convicted of impaired driving strikes most people as ridiculous. It represents, in short, a contradiction in terms."

These were the words of Supreme Court of Canada Madam Justice McLachlin in a 57 page judgement that dismissed an appeal of a conviction on a charge of Driving While Ability Impaired. The ruling was unanimously agreed to by the Supreme Court of Canada in the October decision.

The incident began in 1985 when a Michipicoten, Ontario, police officer found a man reversing a stolen car a few feet and decided to investigate him further. The officer found the driver to be extremely impaired and in fact described as drunk. The officer arrested the man for driving while his ability was impaired by alcohol.

At the original trial the accused testified that he was so drunk that he could not remember anything from a

few hours before the arrest to a few hours after it. His defence council argued that the accused was too drunk to appreciate the offence he was committing. He argued that there was no doubt the officer caught his client in the act (*actus rea*) but that due to the accused's condition the Crown could not prove that his client had intended to drive. (*Mens Rea*)

The original trial judge bought this defence and dismissed the case. Upon appeal to the Ontario Court of Appeal the decision was reversed and a conviction registered. The accused's counsel then appealed to the Supreme Court of Canada.

In her summations Madam Justice McLachlin wrote, "Even if the accused is too drunk to know that he or she is assuming care or control of the motor vehicle, that does not matter, since the mental element of the offence lies in voluntarily becoming intoxicated."

Justice McLachlin continued,

"Failure to recognize the inherent contradiction involved in the proposition... leads to absurdity. It leads, for example, to the conclusion that the more impaired a person is, the more likely he or she is to be acquitted of the offence of impaired driving."

In separate rulings Madam Justice Bertha Wilson agreed with her colleague stating, "I remain of the view that intoxication falling short of insanity or automatism is not a defence to crimes of general intent."

"General Intent" crimes were those violations that require only minimal *mens rea*.

Chief Justice Antonio Lamer dismissed the appeal as well but for different reasons. In his judgement the accused's right to the defence was justifiable under the Charter of Rights. He concluded, however, by stating that under Section 1 of the Charter of Rights it was a justifiable restriction on the accused's rights.

Old Technology Recycled For Police of Today

Many police forces in Canada are looking back in time to come up with a new idea for modern policing. And the latest move to police bicycle patrols is sure to gain the imagination of every school child.

Bicycles are the latest tool to come on stream as a method to combat crime and also as a good public relations concept. Many urban areas in Canada suffer from similar problems. These include vast areas of park land, river ravines, power line beltways and congested road ways. This type of terrain is just perfect for the use of bicycles.

The side benefits of bicycle patrols include healthier police officers, reduced crime in areas previously untouched by police, and easier mobility in heavily populated areas.

Calgary City police recently created a nine member squad and outfitted them with 21 speed mountain bikes built by a local company called Cycletech. These sturdy vehicles patrol bicycle paths and parks and are on the constant lookout for drug traffickers and muggers.

The force has found the vehicles to be particularly good at curbing pedestrian violations and a big part of patrol duties include areas of heavy pedestrian traffic.

The Metro Toronto Police Force began a two pronged version of the same bicycle patrol concept. One project was started in the police Traffic Units as a method to control the high number of professional bicycle courier services that have sprung up in the downtown core. These radio equipped couriers were of particular concern as they would use sidewalks illegally and disobey all traffic controls in order to make speedy deliveries of

letters and parcels in the heavily congested financial sections. Using the same mode of transportation is seen as an effective way to curb and control such activity.

The second version consisted of an experiment in the west end of the city where there was a high number of crimes occurring in parks and beltways. In order to help finance this project the police made contact with community organizations and received monetary support from several service clubs. The officers indicated that the bicycle was an excellent method to approach suspected

criminal activity. The officers did not draw attention to themselves and they could approach in relative silence. In several circumstances the officers managed to be right on top of a suspect before he knew they were around.

The concept of the bicycle patrols can be summed up by Sgt. Brendan Kapuscinski, in charge of the Calgary Police Bicycle patrol. "When undesirables are not on the street we feel they may be in fact congregating in the park system." What better method to keep tabs on this element of society then by bicycle patrols.



Must tell accused polygraph can't be used in court

Regina Vs. Daly (1023-016 34 Pages)

Police polygraphists must advise a suspect that the tests they perform can not be used in court against them. This decision came down in September when evidence showed the officer administering the test took a statement of confession after telling a person they failed the Polygraph test.

In the decision, held before Ontario Justice E.J. Houston, it was stated that the Ontario Provincial Police Sergeant administered an almost text book perfect test upon the subject. The court advised that the officer had informed the suspect of everything that was to be done and built up a good rapport with her before and during the testing.

The court went on to say that the officer "Had a positive obligation to explain carefully to the accused that the polygraph test results were not

admissible in evidence, and clearly they could not be used against her."

The accused, a 19 year-old female, had been charged with stealing and using a friend's bank card. Upon arresting the accused after it was used twice, the accused denied any involvement and offered to undergo a Polygraph test to prove it. When confronted with the failed test results the officer convinced the accused to tell the whole truth. The accused did confess and later signed a statement that she had taken the card and used the proceeds to finance a holiday.

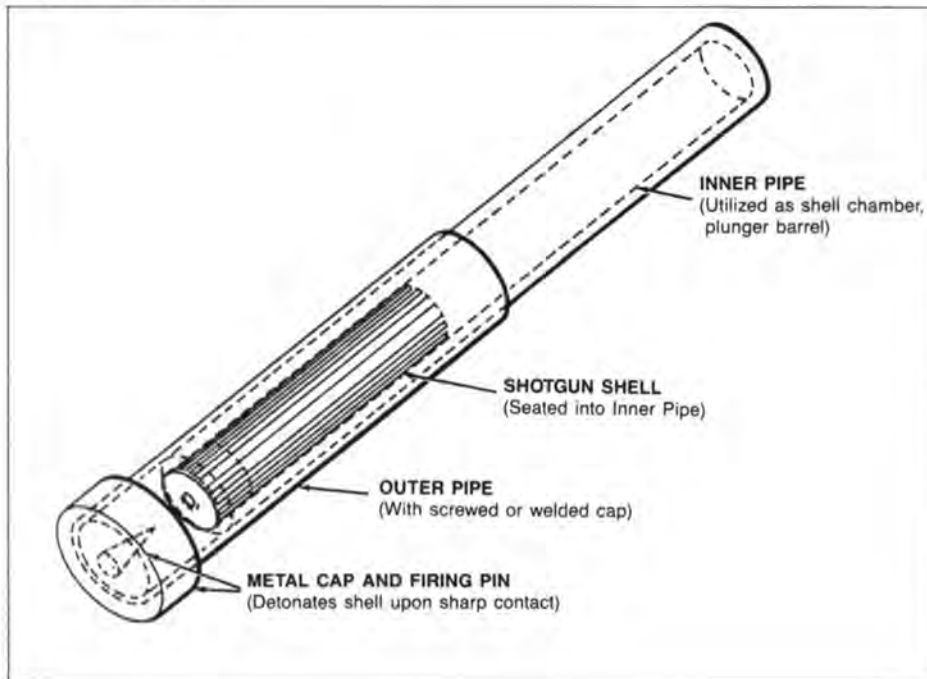
At trial the defence asked that the statement be held inadmissible because the information supplied to the accused that she had failed the Polygraph was an inducement.

Mr. Justice Houston, in summation, stated that the Polygraphist had produced a psychological induce-

ment. He continued; "In this circumstance, a further caution should have been administered to clearly delineate to the individual that the polygraph portion is now complete in its entirety, (you have not been telling us the truth) and now we wish to make further inquiry."

He continued; "It would, as well, have been preferable, having confronted her with the information that she had failed the polygraph test, to remind her again of her rights to counsel at that point. I do not think this is going too far or imposing undue technical requirements in law. The written statement which she ultimately gave, although prefixed by a caution, was clearly a continuum of the verbal admissions which she had made in the post-polygraph stage."

Blue Line



ALERT!

HIGHWAY FLARE SHOTGUN

The highway flare shotgun could easily be mistaken for the normal highway flare that many people carry in the trunks of their vehicles. Although the device is wrapped in red paper, like an authentic highway flare, the paper in this device is of a slightly different texture. The size is also somewhat larger than an authentic highway flare. The weapon is fired by placing the outer section of the pipe against an object, such as a leg or the side of a vehicle, while the inner pipe is held and plunged back against the nail or pin, which strikes the primer of the shotgun shell.

POWER to PRODUCE

•Track witnesses
•Archive statements

•File exhibits
•Store correspondence

•Find memos

CaseManager

Designed by Investigators for Investigators, this program combines the ease of word processing* with the power of a sophisticated database to help you easily track witnesses, statements, exhibits, memos and correspondence.

Completely user friendly and menu driven - requires minimum training.

Runs on all IBM® or compatible computers with a minimum of 640 kilobytes of memory. May be customized to your agency's needs.

Introduce the future to *your* investigative office.

A product of
Gaderian Incorporated

72 Orchard Park Blvd., Toronto, Ontario M4L 3E2
(416) 699-4369 - BBS 698-3466

*Requires WordPerfect® 4.2

Why you need The Five Minute Policeman:

Terry Barker has made common sense something that can actually be grasped and identified.

You'll not only learn a new system, and see how and why it works, but you'll be able to identify how and why some of your own methods have worked in the past.

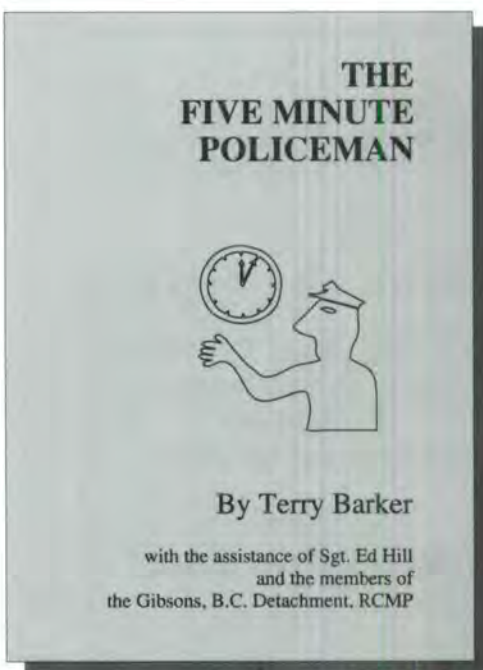
Terry gives you The System - the tools with which you can achieve results by design.

Even experienced policemen feel a new confidence, and we all know that confidence coupled with experience and ability means a polished and professional job

The Five Minute Policeman - \$12.95

Available from
Green Gables Book Shop

118 Main Street North, Markham, Ontario L3P 1Y1



(416) 294-4773

VISA - MasterCard - American Express
Accepted

Officers prohibited from carrying firearms

Regina Vs. Kelly (1022-024 36 Pages)

Two Toronto area police officers have lost their arguments against a court ordered prohibition from carrying firearms for five years. The Ontario Court of Appeal ruled that the prohibition should be included in their sentences even though it could cost the officers their jobs.

The officers were convicted of assault causing bodily harm and received a \$1500.00 fine and one day probation. The two officers and a third party got involved, while off-duty, in a dispute with a fourth man and the resulting scuffle left the man with broken glasses, cuts and bruises as well as a broken denture plate.

The Crown appealed the sentence and sought the further five year prohibition against carrying firearms citing section 100(1) of the Criminal Code which lays out the mandatory penalty.

The officers' defence council pointed out the fact that the penalty for their conviction could mean the end of their jobs while the penalty for the third party who was not a police officer would be merely an inconvenience. Their argument was that this constituted cruel and unusual punishment under the Charter of Rights and they would seek constitutional exemption from the enforcement of this section.

Ontario Appeal Court Justice George Finlayson allowed the Crown's appeal stating that he understood that the penalty did fall upon the two officers with greater severity than the average person.

"But there is nothing unusual about this," stated the Justice, "An impaired driving conviction may mean more to a truck driver than to an irrespon-

sible teenager and even more to a public official. The prohibition we are dealing with is narrowly focussed. It is directed against persons who have committed violent crimes against the person and are in consequence the very persons who should not be in possession of instruments of violence."

The Judge stated that previous case law clearly states that the constitution does not protect the economic rights of individuals nor does it include a constitutional right to bear arms.

The judge concluded that the mandatory five year suspension from possessing firearms was one that the court had no discretion in limiting. He then ordered the prohibition to take effect to the date of the officer's convictions.

Blue Line
Magazine

Beat the GST

Buy a two year subscription
now and save on
the January
subscription increase.

Subscribe Now!

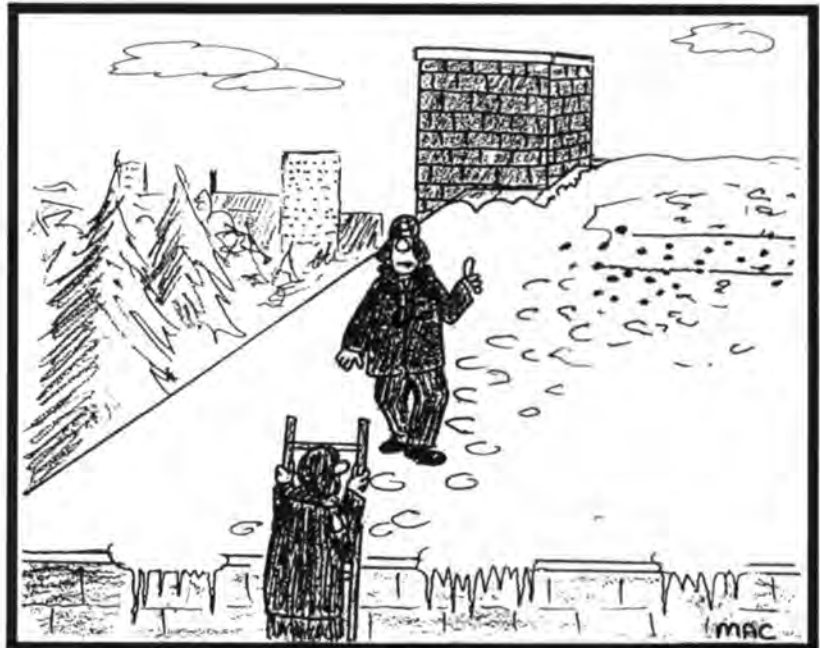
(Use your Visa/MasterCard)

Phone: (416) 294-4773

Fax: (416) 293-0526

Blue Line

FLASHES
by Tony MacKinnon



"There was definitely something on this lady's roof last night.
There are sleigh marks and loads of poop!"

Blue Line
Magazine

Rap With Rock

- Rock Dueck -

Just in time for Christmas

It's finally here! The perfect gift for that hard to buy for person on your list; the person you believe is just a waste of space anyway. Perhaps it's your favorite neighbourhood criminal, your mother-in-law, or as in my case, an ex-wife. This is the ideal gift for them; the gift that keeps on giving and will as it turns out, last them for the rest of their lives! It's the all new, revolutionary "Death Kit"!

Introduced by Dr. Jack Kevorkian of Michigan, this clever device will help almost any half-wit commit suicide successfully on their very first attempt. They may need just a little bit of assistance to start the in-

travenous, but other than that, it's simple enough for any weak-mind to use.

Once hooked up, all the person has to do is push the magic button when they are ready to quit living. The button releases a "coma inducing" drug followed by potassium chloride which will stop the heart in only minutes! The user will not be disturbed by the heart failure because they enter a coma within seconds. And Dr. Kevorkian says it's totally painless ... although I'm not exactly sure how he would know.

Just think, no more waiting in line on tall buildings or putting shot guns

in your mouths! And from a police officer's point of view; there will be no more difficulty with identification caused by the usual trauma and, best of all, no more searching through blood and tissue soaked clothing for the deceased's personal documents!

The "Death Kit" is clean, quiet and with our society changing as it is, will no doubt be marketed by some company. Or maybe they could put some lights and bells on it and retail it as the "Ultimate Video Game". This appears to be just what we've all been waiting for ... now, if we can only get the right people to use it! (Are you listening, Mr. Ng?)

Identification seminar presented by Toronto Police

This past October the Metro Toronto Police Force was host to a two day seminar for Forensic Identification Officers in Ontario. The seminars, held on October 17th and 18th, saw a series of demonstrations and guest speakers including Forensic pathologists and Deputy Crown Attorneys.

The seminar was opened by Metro Toronto Deputy Chief Peter Scott who pointed out that Forensic Identification is entering a milestone era. "You are starting into an era," said Scott, "that you probably have never seen before. Technological advancements are multitudinous."

Scott pointed out such new advancements as the Automated Fingerprint Identification System, Computerized photographic enhancement technology, new uses of lasers and vacuum tanks as examples of the future that is available today.

The deputy pointed out that all this technology is used to catch 10 per cent of the people who commit 90 per cent of the crime. He concluded by advising the 100 persons in attendance, "I can give you the technology, but I can't give you the pride and dedication. That comes from within." He advised the gathering that Identification personnel are similar to a big family of dedicated individuals that are quick to lend each other a hand.



GET IT?

It's yours for the asking:
a magazine, free of charge
to peace officers.

The PEACEMAKER is published quarterly by the Canadian Fellowship of Christian Peace Officers (CFCPO), a federal non-profit corporation which encourages peace officers locally, nationally and internationally to join in fellowship. The express purpose is to reach out to officers and their families with the power of the Gospel of Life. If you would like to be placed ON OUR MAILING LIST or would like to receive INFORMATION ABOUT THE CFCPO, MEMBERSHIP APPLICATION, or "PEACE OFFICER SURVIVAL KIT," please send your request with your NAME, ADDRESS (including postal code), TELEPHONE NUMBER AND OCCUPATION to:

**CANADIAN FCPO PEACEMAKER,
P.O. BOX 520, STATION "A",
SCARBOROUGH, ONTARIO
CANADA M1K 5C3**

SHARING THE WAY AND THE TRUTH
AND THE LIFE: OUR LORD AND
SAVIOR JESUS CHRIST

Federal Judges Ask For Guns In U.S.

Federal Court Judges in the United States have asked Congress to approve their wearing of guns. This has come about after an alarming increase in threats and the killings of two judges in the past two years.

In 1988, U.S. District Judge Richard Daronco, was shot and killed in front of his house in New York State by the father of a man he had jailed. In a second incident Federal Judge Robert Vance was killed when he opened a parcel bomb sent to his house in Alabama.

In addition the U.S. Marshals Service has reported an alarming increase in threats sent to Federal Court Judges. Up to September 1990 over 473 threats were reported.

The service indicated the worst areas for threats appear to be along the east coast and Texas border towns. These areas are where the most federal narcotics charges are heard.

The statement to Congress states, "It is anticipated that few judges actually would carry weapons, but such legislation would pre-empt state laws that judges might violate by crossing municipal or state boundaries."

Police Chief Jailed For Theft Of Drugs

The former Police Chief of Brockton, Massachusetts, was sentenced last June to over two years in jail for theft of cocaine and cash from the Department's drug repository.

Evidence revealed that former Chief Richard J. Sproules had acquired a five year cocaine habit after

trying samples he used for anti-drug lectures.

Authorities said that since 1984 Sproule had stolen about \$170,000 in cash from the evidence room and had taken enough cocaine evidence to cause the dismissal of some 380 cases from Plymouth Superior Court. It was described as the loss of over two years of work.

In addition to pleading guilty to the thefts and drug possession charges, Sproule also pled guilty to two counts of intimidating witnesses.

Speeding Ticket Beats Out Criminal Charges

A man involved in a motor vehicle collision in Maryland, that killed one person, beat the District Attorneys to the punch by paying a traffic ticket.

Upon investigating the collision the officer issued a \$45.00 ticket for careless driving upon the accused. The officer advised, however, that he would be taking the evidence before the District Attorney to determine if

more serious criminal charges should be laid.

The accused took the \$45.00 ticket to the court house and paid the fine and subsequently discovered he was charged criminally with manslaughter. The accused appealed the case to State Supreme Court saying it was double jeopardy.

The District Attorney argued that since the accused had paid the ticket he had never been tried by a court on any charges before the Manslaughter charge was laid.

The Maryland court ruled, however, that the accused had in effect plead guilty by proxy to the violation in the accident and that the more serious charges could not be proceeded with.



Blue Line

FLASHES
by Tony MacKinnon



*"The drunk yells,
Look out honey
I'm King of the
Road. So I
crowned him
with my stick!"*

MAC

Blue Line
Magazine

Nova Scotia Licence Prohibition Tossed Out

The Nova Scotia Supreme Court threw out Provincial legislation that prohibits people with diabetes from having anything other than a basic operator's licence.

Mr. Justice John M. Davison struck down the legislation saying that it was arbitrary and overreaching and the law had no rational connection to the objectives of highway safety.

The ruling now permits people suffering from diabetes to hold truck driving licences and permits them to make a living from the use of their licences. The appeal was helped in part by funds supplied by the Canadian Diabetes Foundation.

Expert evidence was heard from several sources and the court concluded that not only was the threat to the public minimal but that the need for preventing diabetics from driving commercially was not really all that

pressing to the Province in the first place. The court pointed out that the regulation was brought into force in 1984 but had included a "Grandfather" clause that permitted persons licenced prior to 1982 but suffering from diabetes to continue driving.

In a similar case from British Columbia the B.C. Council of Human Rights ordered the provincial government to stop its practice of automatically cancelling commercial licences held by insulin-dependent diabetics. The policy in that province goes back over 30 years.

*Blue Line
Magazine*

**Can you afford to miss
even one issue?**

Subscribe Now!

Use your Visa /MasterCard

Phone (416)294-4773

Fax (416)293-0526

Blue Line

ALERT!

Large Sack



Jolly Old Elf

Seasonally spotted in all areas. This jolly old elf is usually dressed in red, has white hair and beard and is never far away from a pack of large antlered animals (which may be some sort of transportation). Jolly in appearance, he carries a large sack. Although he does enter premises under the cover of night, he deposits items rather than removing them. Use **caution** not to startle subject or you may end up with only reindeer pellets in your stocking!

UP-COMING EVENTS

January 16-18

EMEX '91 - Las Vegas, Nevada
This is the trade show for emergency and disaster preparedness that features products and services for protection, relief and recovery from natural and manmade disasters. This years show will be held at the Sands Expo and Convention Center in Las Vegas. The show also includes a series of keynote speakers and plenary sessions. For further information contact phone (617) 449-8938 or FAX (617) 449-2674.

May 6-9, 1991

Prince Albert, Saskatchewan
The Prince Albert City Police Department will be sponsoring a four day seminar on "Sexual Abuse Development Dynamics & Profiles. This four day seminar will involve several speakers including consultants Peter M. Welsh and Brent W. Warberg. Topics will include understanding the development of juvenile sexual offenders and the issues in treating both the offender and the victim. Registration is \$175.00 for three days or \$50.00 for a single day. This seminar is limited to 200 persons. For further information contact: Chief of Police, Prince Albert City Police Department,

45-15th Street West, Prince Albert, Saskatchewan, S6V 3P4. Phone 922-4441.

June 17-21

Sudbury, Ontario
Ontario Chiefs Convention in Sudbury, Ontario. For further information contact: Detective O'Brien (705) 675-9171 ext. 284

August 26-30, 1991

London, Ontario
Canadian Association of Chiefs of Police annual convention will be hosted by the City of London, Ontario. For further information contact: Superintendent Elgin Austin (519) 661-5677 Fax: 438-7230

CASE LAW:
Ruling

Supervisor at station guilty of assault

Regina Vs. Nixon (1015-016 33 Pages)

An officer-in-charge of the lockup of a police station has had his conviction of aggravated assault upheld by the B.C. court of appeal even though it could not be proved that he actually struck a prisoner.

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

After arriving at the station the man was brought before Corporal Brian Nixon, the officer-in-charge of the lockup, and it was during this period that an altercation took place that resulted in Jacobsen receiving a broken knee cap. The injury required several operations and Jacobsen now has a permanent disability.

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

In finding Corporal Nixon guilty, Madam Justice Proudfoot stated, "As a police officer, Nixon, under the Police Act and its Regulations, has a statutory duty to enforce the laws of the country, keep the peace and protect its citizens." She continued, "If Nixon was not the assailant then he had the duty to stop whoever it was. Nixon was the officer-in-charge... It was incumbent upon him to protect those people in the lock-up." She continued, "Nixon had a duty and he failed miserably in exercising that duty."

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

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

B.C. Appeal Court Judge Hugh Legg agreed with this decision adding, "an accused who is present at the scene of an offence and who carries out no overt acts to aid or encourage the commission of the offence may nonetheless be convicted as a party if his purpose in failing to act was to aid in the commission of the offence." The appeal was dismissed.



YES! I want to subscribe to *Blue Line Magazine*

Name: _____

Address: _____

Postal Code: _____ Province: _____

- Enter my subscription for the next 10 issues of *Blue Line Magazine* (\$25.00)
- I want a bulk subscription of _____ copies sent each month
(5-20 copies \$20.00 each; 21 or more \$15.00 each G.S.T. Included)
- Bill me with my first issue (Your subscription begins with the next issue)
- Blue Line Magazine* will gladly charge your subscription to your
MasterCard or VISA _____ Exp. ____/____

Signature: _____

(Green Gables Book Shop is the sole distributor of *Blue Line Magazine*)

CASE LAW:
Rights

No toilet, no conviction

Regina Vs. Reynolds (1019-010 8 pages)

A St.Thomas police officer breached a suspected impaired driver's Charter Rights by not permitting him to use the bathroom before a Breathalyzer Test. Due to this breach the charges were dismissed.

The case involved a man who was arrested for the drinking and driving violation and was taken before the breath technician at the St.Thomas Police station. When he was given his Charter Rights he advised the officer that he wished to use the washroom and indicated he was in pain. The

officer advised the man he could go after he supplied his first sample. The man complied and was then taken to the washroom.

The man was convicted of driving over the legal limit at a Provincial Court and upon appeal to the County Court the conviction was dismissed. The court advised that the officers had breached the man's section 10(b) rights because there was no value to calling a lawyer after he had supplied his breath. In this case the man was caught between a choice of calling a

lawyer, supplying his breath and going to the washroom.

In his summations the judge stated, "There was no sense of urgency and when the (suspect), who had co-operated with the police, and had not caused any problems at the scene or at the station, made a reasonable request, it ought to have been granted. The denial of the request to use the washroom in the circumstances of this case was, in my view, unreasonable."

Case Law Order Form

Name: _____ Agency: _____

Address: _____ Phone/Fax # _____

City: _____ Province: _____ Postal Code: _____

FAX Number - (416) 293-0526

Telephone Orders Accepted For Subscribers ONLY - (416) 293-2631

(Please quote Subscriber Number)

The full text of any Case Law articles in *Blue Line Magazine* may be ordered at a cost of \$1.00 per page with a minimum charge of \$10.00 per order. You may have your judgements sent via Fax at a cost of \$2.00 per page with a minimum order of \$20.00. Please enclose a cheque or Credit Card Number with your order.

Only Subscribers may order case law by invoice

Please Send Case Law by:

- Mail to Address Above
 Fax Direct To My Attention

Visa / MasterCard

Case Law Number

Number of Pages

□□□□-□□□□ _____

□□□□-□□□□ _____

Office use only

Total Amount : \$ _____

Evidence admissible even after charter breach

Regina Vs. Hatiras (1009-029 10 Pages)

Evidence obtained by a police officer who breached an accused's Charter Rights is admissible in evidence. This was the decision of a British Columbia County Court Judge who stated that the officer was still acting in good faith when the accused's rights were breached.

The case involved an officer who stopped a suspect in a high crime area where several prostitutes had been murdered. The officer found out that the suspect was on probation for aggravated assault and was not to have weapons in his possession. The officer advised the court he was further suspicious of the suspect because in four years of patrolling the area he had never seen anyone in that park-

ing lot at that hour.

The officer approached the suspect and asked him to open the trunk to his car. After initially refusing the suspect did open the trunk and the officer found a razor knife and a quantity of ammunition.

At the initial trial the court would not admit the knife or the ammunition after the trial judge stated that to admit the evidence would bring the administration of justice into disrepute.

The appeal court judge, Stuart Leggatt, disagreed with the original trial judge. He agreed that the suspect's Charter Rights had been infringed but stated that the principle issue the trial judge should have considered was

whether the evidence should have been disregarded under Section 24(2) of the Charter.

Judge Leggatt directed a new trial after stating that the detention of the suspect was "borderline" at best and that "it is equally apparent that the officer believed that in all the circumstances he had reasonable grounds to look into the (suspect's) trunk."

The Appeal Court found that the officer was working in good faith and with an honest concern for the safety of the public and property in the area when he breached the suspect's Section 8 Charter Rights.

Two of the most important books ever written for those involved in law enforcement



STREET SURVIVAL Tactics for Armed Encounters

Positive tactics designed to master real-life situations. 403 pages of photos, diagrams, and the hard lessons of real experience.
\$44.95

THE TACTICAL EDGE Surviving High Risk Patrol

Advanced material ideal for academy and departmental training programs and all law enforcement professionals. 544 pages with over 750 photos and drawings.
\$56.95



Available in Canada from
GREEN GABLES BOOK SHOP
118 Main Street North, Markham Ont

(416) 294-4773

VISA - MasterCard
American Express
Accepted

Preventing Police Burnout High Stress Assignments

– Ron C. Hoath –

Chief of Police Port Hope Police Service

Police administrators should be aware of the pitfalls of leaving an officer in a high stress assignment for too long. The drug squad is one such area that officers should be rotated in and out of after two or three years. The officers themselves may not realize that the effects of dealing with the dregs of society are gradually transforming them into cynical individuals.

It becomes too easy for the officer to view the world as one giant cesspool of drugs and crime, if all that you are dealing with on a daily basis are criminals and drug addicts. A reassignment to community services, traffic, or general patrol will pay large dividends for both the officer and the police force.

It is important that officers be given every opportunity to attend refresher courses at a training facility that has been designed to inject a strong positive motivational factor as well as academic upgrading. Sales organizations have long recognized the importance of sending their people to courses where they will learn how to cope with the negatives that they face in their daily routines.

Officers can also take several steps themselves to prevent burnout. The very first thing that I would recommend, is to develop a positive mental attitude. At this point, I can hear many of you saying "boy this is a little far fetched", but I can't stress enough that this is one of the best ways to learn to cope with the negative stressors that you face on a

daily basis.

Motivational material such as books, videos, and audio tapes will help you to adopt a totally different perspective toward your work. This principle is well known to sales motivators and it is only recently that the merits of positive thinking have been understood by the law enforcement community.

I have also found that taking upgrading courses on your own time can be of great benefit. You will find yourself associating with people outside of your profession and begin to see things in a wider perspective. We in the police field, because of the secrecy factor, tend to have fewer and fewer associates outside of law enforcement and often develop a very narrow focus. Courses such as psychology and sociology help you to obtain a better understanding of human behaviour. When you are later confronted with an irate citizen, you will find yourself much better equipped to understand the dynamics that are taking place. It is not long before you realize that the anger that is being directed at you is not personal, but that you are a symbol and represent something that has upset the person, even something as remote as being a government representative; perhaps the only one that is available at three in the morning.

Taking courses will improve your work performance and will help enable you to perform your job with greater ease. You will be able to obtain statements that stand up in court

with a minimum of effort when you understand the "criminal mind" and reasons why this person might want to confess their crime to you.

Peer influences are very strong in most professions, but are particularly so in policing. I do not think there are many other professions in which you depend as much on your fellow workers to assist you in what are literally life and death situations. It is for this reason that you soon become very aware of the need for peer cooperation.

I would suggest that you try to associate with the positive thinkers and achievers on your platoon. If your force is large enough for you to work with a steady partner, make sure that you work with someone who enjoys the job as much as you do and your work will take on a whole new perspective.

Attempt to develop new techniques that will reduce crime in your sector of responsibility; such challenges will make your day speed by and will be rewarded by a much higher arrest record. Take a close look at the crime patterns in your area and it will not be long before you can anticipate a problem before it develops. If you can prevent a crime from occurring, You have been able to accomplish the best that an officer can hope for.

If we as police officers in the nineties are to remain effective throughout our careers we must recognize the factors which cause burnout and take positive steps to prevent it from happening.

Sergeant Heather Hodgson:

Peel Region Police

– Thomas Vares –

"I'm there for you. I feel your pain. Though you don't know my name"

– *Suit of Blue*

These lines of poetry express the compassion most officers bring to the job. The author is Sergeant Heather Hodgson, a sixteen year police veteran who is currently the traffic program coordinator at Peel Region Police. "I chose policing as a career because I really wanted to make a difference in the community," she explains.

Hodgson has a Bachelor of Arts Degree in Psychology from York University and feels that it has helped prepare her for entering policing. She feels that as a recruit it helped her to have an open mind-set for training and that it brought a different specialty to her policing career. Hodgson has used her previous experience in the development of many safety programs.

During her career with Peel Regional Police, she has been actively involved in safety program research, development, implementation and presentation. Her first project was to develop a traffic safety officer program and a drug education program for kindergarten to Grade 3 children. She developed support materials including a character called "Mr. Wobble-U," who wobbled when confronted by bad situations. "I enjoyed using my creative energy promoting drug education and this was the first opportunity to establish a community network of friends and contacts."

She has also co-ordinated the development and implementation of the 1984 High School Accident Reduction Program and, on behalf of the Peel Region Police Force, promoted this program nationally, provincially and locally.

She received awards for her work from the Ontario Association of Chiefs of Police Drug Abuse Committee and the Canadian Association of Chiefs of Police, the Solicitor General of Ontario, the local police commission, and many community groups.



Sergeant Heather Hodgson: Peel Region Police

Sergeant Hodgson has represented her police force as a program consultant at the Ontario Association of Chiefs of Police Drug Abuse Committee since 1981 and has also served as a resource to the Canadian Association of Chiefs of Police Drug Abuse Committee. Her work in promoting safety and drug abuse education has not only made a difference in her local community, but has had an important impact on the development

of educational programs across Canada and in Europe.

Hodgson made the first ever police presentation to the International Council on Alcohol and Addiction held in Berlin, Germany, this year. She presented an historical overview of how the role of Ontario police officers has evolved to become drug educators; starting with safety promotion in the 1940s to drug education in the 1990s. Her perspective was enthusiastically received by more than 700 doctors scientists and health professionals.

At home, Heather shares her policing dedication with her husband who is a Sergeant in Halton Region to the west of Peel. They are the parents of two small children.

"I draw on my creative energy to add to both the quality of my promotional work and to help me unwind off the job." Sergeant Hodgson is known as the unofficial poet of the Peel Region Force.

Last spring she composed "Police Week 1990", a rap song for the Ministry of the Solicitor General. It served as a public service announcement for radio and television across the Province. "The idea behind the song was to show the positive side of policing the community and police working together as a team", explains Hodgson.

While off duty she continues to pursue a literary career. Hodgson has written six children's stories, fables that have happy endings and show how good triumphs over evil.

Since joining the police force in 1974 she says she has enjoyed the

challenge of being close to people when they needed help the most. She hopes to go back to general patrol for a stint and not lose touch with the ever changing needs of the community.

As expressed in her poetry, Heather is a strong advocate of community policing. "My involvement in

promoting safety has shown me that we can make a difference working together with the community. The opportunity to work face to face with people and to make their lives better is what makes my job what it is."

When talking about future plans, Heather smiles and suggests that as well as going for a degree in health

promotion, being a published author might not seem that far away.

We will give the last words to Heather Hodgson's poetic talents;

*"The future holds a warming dawn.
Though there is pain, we still go on.
A shining badge, a suit of blue.
There is something we can do."*

- *Suit of Blue*

CASE LAW: Rights

Police can't search on anonymous tip alone

Regina Vs. T.L. (1012-037 10 Pages)

Port Hope, Ontario, police officers breached a teenager's Charter Rights when they searched him and found hash oil and a stolen wallet. Due to this the evidence was excluded at appeal to District Court and the conviction dismissed.

In his July decision Judge J.G. Kerr determined that the officers had no other information than an anonymous phone tip to rely upon when they searched a youth for narcotics. The judge advised in his

decision that this type of activity by the police is precisely what the Charter of Rights was created for.

The court decision makes it clear that officers can not act upon anonymous tips such as those in a Crime Stoppers program to search people. Officers are expected to use this information as an investigative pointer to enhance future or past investigations of suspects. It is not adequate for the basis of depriving citizens of their rights.

"A malicious or mischievous informant," said Kerr, "could well create havoc with the rights and reputation of a wellrespected, honest, average citizen."

It is clear that officers must use a lot of common sense when dealing with anonymous tips. When receiving such information officers should check into the credibility of the information and do background investigations to determine if the tip is consistent with known facts.

Blue Line

ALERT!

RATTLESNAKE SKIN BRACELET KNIFE

When removed from the wrist, the bracelet can be straightened into a knife. This device is a product of Mexico.



Second Chance

SOFT BODY ARMOUR

The Industry Leader

(sold only to law enforcement officers)

For further details, please write and ask about the new Prison Guard Series

Distributed by:

Karon Distributors Ltd.

Box 180, Birdshill, Man R0E 0H0 • Phone (204) 661-4868

CASE LAW: Liability

Officers not liable for drunk's actions

Lafleur Vs. Maryniuk (1018-018 78 Pages)

Three members of the RCMP near Mission, British Columbia, have been found not at fault for the injuries sustained by a drunken motorcyclist they had cautioned not to drive.

The case involved a 25 year-old male who had been drinking heavily at a tavern and then rode his Harley Davidson to a private party after the tavern closed. While at this party the man drank considerably more alcohol and then mounted his motorcycle and started riding around the property of the host.

Neighbours concerned about the noise at 4:00 A.M. contacted police and three officers attended the party to quieten it down. When they arrived the man was no longer riding his motorcycle and the officers advised him to sleep it off and not

to drive home.

Shortly after the police left the man again mounted the motorcycle and hit the road to his house. On his journey he crossed the centre line and struck a truck's left side. The impact tore off the man's left leg and left him in a coma for four months.

Permanently disabled the man launched a civil action against the three officers for not fulfilling their responsibility of protecting him from his own deteriorated condition and against the truck driver for not paying attention to his motorcycle wandering over the centre line.

In his judgement B.C. Supreme Court Justice James Gow stated that he found "absolutely no evidence" that the man relied on the police for protection and indeed was quite

happy to see them leave so that he could get back on his Harley Davidson.

The judgement went on to say that the court found it difficult to accept that "an affirmative duty of care be owed to a self-indulgent, grown man... who deliberately ignored repeated warnings not to drive, who spurned the reasonable and practical suggestion to sleep it off, who, intent on self-gratification, was heedless of any danger to himself or others."

The judgement added that the police had done nothing to increase the danger to the man that was not otherwise present. The court concluded that due to this the man had no case against the three police officers nor the truck driver. All actions were dismissed.

CASE LAW: Rights

Driver may insist on blood test

Regina Vs. Lewis (1018-015 12 Pages)

In an August Supreme Court decision out of British Columbia it was decided that a suspected drinking driver has the right to ask for a blood test rather than take the standard breath test.

In this case the suspect was stopped by police and after determining that his ability was impaired by alcohol the officers took the suspect to their police station. Upon being taken before the Breathalyzer Technician the suspect refused to supply his breath because he did not feel the instrument was accurate.

The suspect advised the officer that

he would undergo a blood test instead. After consultation with the officer in charge of the station the man was refused this request and he was subsequently charged with refusing a breath test.

The B.C. Supreme Court stated in its judgement that the suspect should have been permitted the opportunity. The court ruling stated however that the request by the suspect can only be valid if there is a bonafide belief on the part of the suspect that the readings would not be accurate. The court advised that if it was viewed as a deliberate attempt to avoid

prosecution or to obstruct the carrying out of the provisions of the Criminal Code than it would be viewed as a refusal.

In the case heard it was determined that the police officers felt that the man was sincere in his lack of faith in the Breathalyzer and the hospital where the blood would be taken was only a few blocks from the station. In view of this the court dismissed the charge of refusing the breath test.

This is the highest court to date to rule on this matter and it is under appeal to the Supreme Court of Canada.

The idea of sending data through the air has always been good. We just perfected it.



Throughout history, people have needed to deliver information over great distances.

But smoke was a little slow and everybody knew what you were saying.

Things have progressed since then. Today there's Cantel MOBITEX™, the exceptional new mobile data communications system with optional voice capabilities. Now available in major centres across Canada.

Fast, accurate... MOBITEX goes far beyond voice communications. At the touch of a button you can access text, data or dispatch information, staying on top of every situation as it unfolds.

It's a great idea you shouldn't let go up in smoke. Talk to us today about Cantel MOBITEX. Data communication for people on the move. Call toll free 1-800-267-DATA.

CANTEL

Part 3

A Personal View

Apathy at the Front End

– Chris Braiden –

There is apathy at the front level of policing today. The work of the front end has become dull, boring, unimaginative. I wonder why policing has become a law enforcement tradecraft journeyman function. We do it because it has to be done, get it over with as quickly as possible, and get ready for the next call and hope we don't get the next call.

When Sir Robert Peel was responsible for starting the first police, policing by consent as we know it today), that's not, what he had in mind. He had more of a community catalyst role in mind for the police; to get involved in a much broader spectrum of things for a much deeper reason. There was not a mention of crime fighting and he emphatically militated against any court work.

I believe that quite apart from what the community might need in terms of its policing, I think WE in policing need community policing, to revitalize us and our work, to put the juices back in that was squeezed out in our quest for a professional crime fighting role.

The fact is we have never, in reality, been able to control our product because so long as we are only a telephone call away from people who need our help, and we don't charge user fees, and we're available twenty-four hours a day, seven days a week, we never will control our product. The customer on the other end of the telephone, however, will have control. They will decide what our work is and they will decide how good we are at it.

Figures Policing Vs. Perceptions Policing

Quality is in the eye of the beholder. This is what I refer to as "Perceptions Policing" as opposed to "Figures Policing." Policing is what people perceive it to be, not what we the cops want it to be. The biggest change we have to make is to admit that we provide a service to customers who must be satisfied with that service.



If we look back at policing over the last hundred and fifty years, there are about six or seven distinct periods of change. Never once did we control the changes. They were controlled by things outside of our sphere of control.

Let us just think back to the last few years. Let's think back to Britain, and

the coal miner's strike, which the police had no control over, and the impact that strike had on policing in Britain. The police had to react to it and do the best that they could. In the meantime they had to introduce community policing while cast in a confrontational role.

In western Canada today, think of the fluctuating price of oil. Think of the impact that this has on policing and of course it supposedly has got nothing to do with policing. In Alberta the impact of oil prices on police budgets is quite dramatic. When the price of oil drops significantly, people begin to lose their houses and their businesses. The social problems this creates causes many to pick up the telephone and call the police with their problems. Our problem arises when we find we will have to do something about these calls at a time when our own resources are cut to a minimum. But these particular types of problems are not reflected in "Figures Policing", the report card we use today to measure police success or failure.

Quantifying Policing

We've never been able to quantify true policing. We've tried to quantify it. We've tried to write descriptions but we have never succeeded. The last effort I came across had so many descriptives, the only person I know who could qualify was crucified 2,000 years ago.

I don't think we should even try to quantify policing. Because it seems to me that true policing defies separation from all of the other social illnesses of our society. Crime is a symptom of something else.

True policing cannot be divorced from poverty and family break-up.

The flight to the suburbs has left most cities with core slums. Money still talks, and the poor are the overwhelming favorite to become either criminals or victims of violent crime. Not all poor people are street criminals, but all street criminals are poor.

One-third of Canadian children live with one parent, usually the mother. Teenage suicide has increased a staggering 800% in the past 30 years; a period when we have never been wealthier, healthier or better educated. We, the police, end up dealing with the realities of these things.

I'm not sure we are getting the help from the rest of society that we should. The Bar and the Bench have much soul searching to do. The police, traditionally, have been one of the quietest and the most obedient bodies in Canadian society. We don't speak our minds, we don't make our feelings known, we are certainly not political. There are so many things about our system that only we know, and if we don't make them known the people in the community will never know about those things.

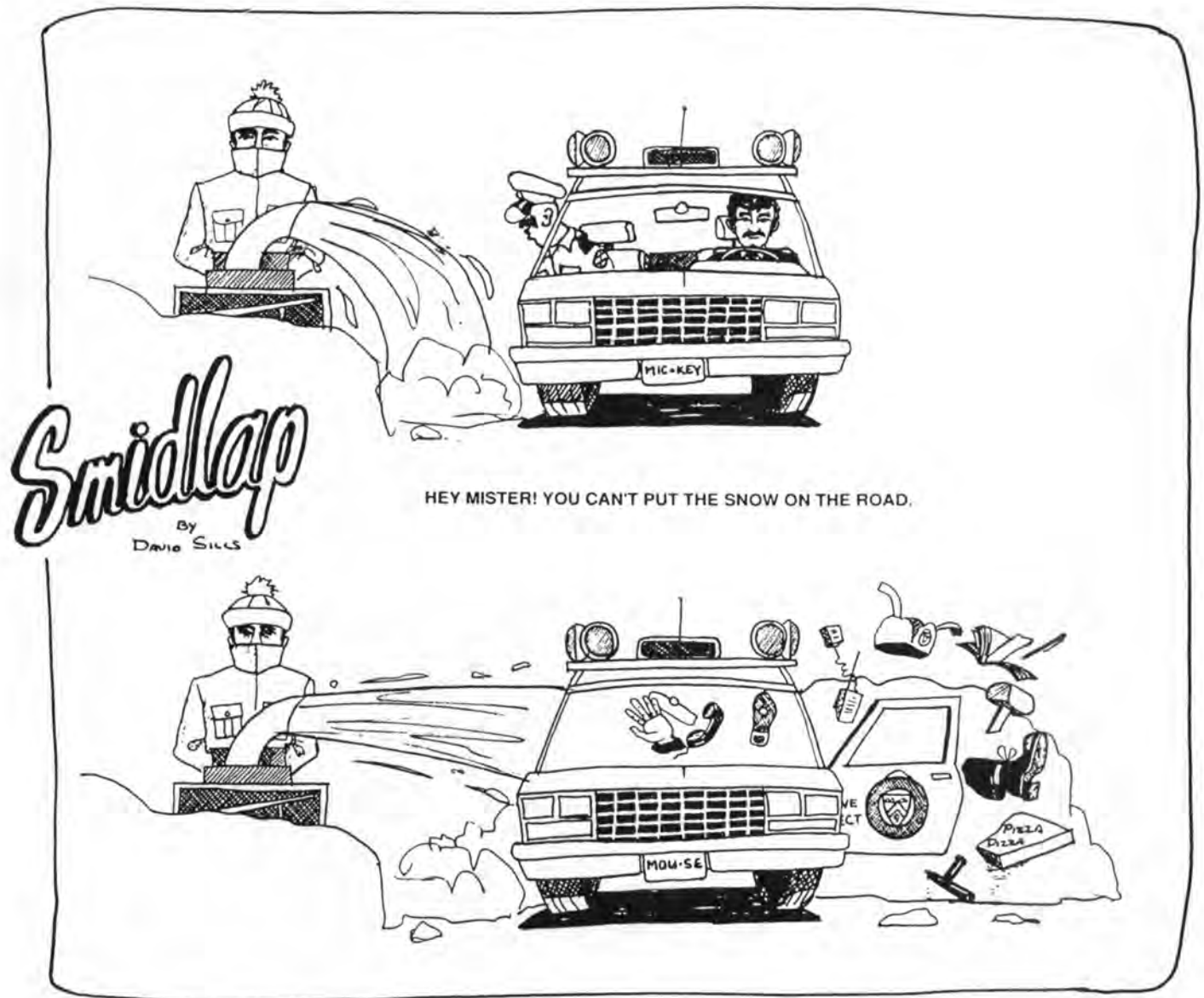
Bureaucracies on the public dollar rarely change themselves, they only

react to outside stimulation. The criminal justice system is shamelessly expensive and inefficient. The public has a right to know these things. The main problem with the entire system is that it has a monopoly. Where do people go if they are unhappy with the service? Imagine what kind of cars we would be driving today if only Ford made them?

NEXT MONTH:

Policing at a Crossroads

- A Personal View by Chris Braiden



HEY MISTER! YOU CAN'T PUT THE SNOW ON THE ROAD.

Ultra Thin Security Card

A thin, credit-card-size security card forms the basis of access control systems available from a British company.

The 'Ultra Thin 928 Card' from Cotag International is designed to be worn by staff: doors open automatically where access is authorized, without the need to key in a code or to pass a card through a reader slot.

The 928 Card is only 2.85 mm thick, but as well as a space for the user's photograph, it incorporates a microchip and a miniature radio. The chip is programmed with data about the user and his authorized access.

The card is scanned by reading heads located near a secure entrance, and the door will open only if the data on the card is valid for entry at that point. The handsfree method of operation offers an ideal combination of security and convenience.

The card is used in conjunction with many access control systems manufactured by the company with an effective range of 70 cm. The range can be extended with loop antennas to control the access of vehicles as well as people. The 928 Card is also compatible with conventional 'swipe card' systems, and can be thus used to update existing security installations.

Further information contact: Nedco, 5600 Keaton Crescent, Mississauga, Ontario, L5R 3G4. Phone (416) 568-2976.



New Light-Weight Infrared Camera

A new infrared camera, only slightly larger than a 35 mm camera and weighing just over 3 pounds, is available for covert military and law enforcement surveillance operations from AGEMA Infrared Systems in Burlington, Ontario.

The "Thermovision 210" is reported to be sensitive to infrared thermal radiation in the 2 to 5.6 microns range, meaning it can be used to detect heat-generating sources invisible to the naked eye under any ambient light conditions and without external illumination at distances as far as 1500 feet.

The company reports that only six controls are needed to operate the "210", which runs continuously for up to four hours on its rechargeable battery. The unit also has a freeze frame

control that is situated on the back of the unit for the convenience of the operator.

The unit can be linked into a television monitor and thereby can be recorded onto videotape.

The company reports that field tests on the "210" have clearly shown that they can considerably extend opera-

tional capability for observation and searches under adverse search conditions in rural areas.

For more information on the Thermovision 210, contact Dianna Oakes, AGEMA Infrared Systems, 5230 South Service Rd., Burlington, Ontario, L7L 5K2.



Technology Catching up to Car Thieves

- Morley Lymburner -

Imagine your brand new car standing in a parking lot while two thieves manage to hot wire the ignition. They win the prize of the day at your expense. Several days later the police see the vehicle being driven and get involved in a high speed pursuit. Two pedestrians are injured and another motorist is killed by the pursuing police officer. The thieves win again. Then two more days later they find your car abandoned in a warehouse district with all useful parts stolen. They win once more.

Not a pretty picture. However statistics in the United States indicate that a car is stolen every 22 seconds. In 1988 alone thieves stole 1.4 million motor vehicles.

Code-Alarm Incorporated from Madison Heights, Michigan, have recently announced the ultimate auto theft alarm system. The best way to describe what this little marvel will do is to repeat the same scenario and see what occurs with this little baby installed.

You park your car in a parking lot but as you leave your car the alarm system is automatically activated. Now our thieves enter the scene and select your car. They "Gyp" the window (slang term for using a piece of porcelain from a spark plug to break the glass silently) and enter the car. As soon as they sit on the seat the silent alarm system notifies Code-Alarm's monitoring station by activating a locating beacon in the trunk.

The station begins to monitor the

activity of the car by using the cellular telephone system's frequency. The interior of the car shows no indication of this warning. The thieves decide to disconnect the Cellular phone system but this does not affect the monitoring system which is by now focusing in on co-ordinates to locate the vehicle. This coordinating system is the same system set up by the United States Coast Guard called "Loren C" and is designed to locate emergency transmitters installed in vessels within plus or minus 200 feet.

The monitoring station determines that the entry is unauthorized and the co-ordinates of the car is located and the police in that jurisdiction are called to attend.

The first police car on the scene observes the vehicle leaving the parking lot and activates his emergency equipment. The vehicle begins to accelerate away and the chase is on. The officer radios that he has the vehicle in view and requests intercepting units to block off an intersection about one mile down the road.

Three cruisers attend and completely block the street and reroute traffic around the area. As the pursued and pursuing police car approach the road block the pursuing officer radios into the dispatcher to contact the alarm company with orders to kill the engine on the vehicle being chased. The order is received and the stolen car comes to a slow stop and the thieves are captured. Damage to the car is minimal.

Sounds pretty good and it is available right now in the Detroit area. Code-Alarm advises that they will be

expanding the system further across North America as the market grows.

The system, known as "Intercept" is the first stolen vehicle recovery system to include a complete security package. Its alarm system features include: remote arm/disarm, remote panic, starter kill, remote two car, or one car and home security operation, remote door lock, flashing light output, dome light supervision, remote trunk release, flashing LED indicator, audible status, trip identification, valet mode, emergency override, Lite-Touch Shock sensor and many more other options.

The system requires a hookup with a cellular telephone system. Therefore it would be only available in those areas that would have this available. Estimated cost of the system is \$995.00 when hooked up to an existing cellular phone system. Thereafter the system costs around \$20.00 per month to maintain.

Police forces may wish to consider this type of system if their cars are already connected to cellular and would like to use the system as a locating device for the police cars in an emergency. Another use would be for setting up certain vehicles in an area of high thefts as decoys to capture thieves.

Other people who may consider such devices would be tractor trailer units carrying high value commodities and armored car companies.

Interested persons can obtain further information by calling 1-800-421-3209 or Suzanne Berschback (313) 583-9620

Blue Line Magazine – Word Search

Words Used In Police Reports



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.

- ABRASION
- ACCOST
- ASPHYXIATE
- BAILIFF
- BUREAU
- CALIBRE
- CORONER
- CORPSE
- ENDEAVOUR
- EXTENUATING
- FORCABLE
- GUAGE
- GRIEVOUS
- HEIGHT
- HOMICIDE
- MARIJUANA

CONTEST:

We decided to have a little more fun with this puzzle and perhaps test your gambling spirit as well. This puzzle has three problems that you must solve in addition to just finding the words.

- one word in the list is incorrect but spelled right in the puzzle,

- one word is incorrect in the puzzle but spelled right in the list,

- one word in the list will be spelled properly in the puzzle and spelled differently but also correctly in the list. (Words used are standard English/Canadian spelling only)

If you have thought about subscrib-

ing to Blue Line Magazine but have held off here is your chance. We will give away a free subscription to the first five correct puzzles received by mail. We will print the names of the winners next month. Losers will be sent the normal invoice. So if you are the gambling type, and wanted to subscribe anyway, why not give it a try.



Best Wishes
 For A Safe And Happy
 Holiday Season
 From



Blue Line Magazine

Seeing eye to eye with you is the first step in responsive support.

At MBB, we make it our business to know as much as we can about you and your operation. Because understanding your business gives us the perspective we need to shape our customer service organization to be responsive to your needs.

Understanding means responding directly to your day-to-day needs with the full range of services you expect. From North American-based parts support to field service to warranties — resourceful services that hold downtime to a minimum, and work to increase productivity and cost effectiveness.

It means regular visits from MBB technical representatives who evaluate BO 105 and BK 117 performance in actual field operations.

It means responding with long-range programs

and ongoing design improvements, such as reduced inspection items and TBO and TCI extensions, that enhance performance, reduce maintenance, and lower direct operating costs.

And it means hosting customer service mini-conferences at convenient locations so the maximum number of operator personnel can attend, strengthening the important communications link between MBB and the maintenance technicians.

If your helicopter company isn't seeing eye to eye with you on the support services it takes to keep you operational and profitable, fly with one that does. The one that makes customer service its number one priority. MBB.

Innovations at work.

MBB



MBB Helicopter Corporation, 900 Airport Road, P.O. Box 2349, West Chester, PA 19380, USA, (215) 431-4150

MBB Helicopter Canada Limited, Gilmore Road, P.O. Box 250, Fort Erie, Ontario L2A 5M9, Canada, (416) 871-7772

Messerschmitt-Bölkow-Blohm GmbH, Helicopter and Military Aircraft Group, P.O. Box 80 11 60, 8000 Munich 80, West Germany

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

Most motorcycle manufacturers put their engineering skill to work getting you going. At BMW we put our best minds to work getting you stopped. Safely.

Anti-lock braking systems (ABS) have been used for years on aircraft and high performance cars. Now, BMW has integrated this state of the art technology into our motorcycles, including the K100LT Police model.

HOW IT WORKS

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.



**RESPONSIBILITY
MEANS NO
COMPROMISE**