

# Blue Line

June 1993

Volume 5 No. 6



Canada's National Law Enforcement Magazine



*Show Guide to the 42nd Annual Conference*  
**Ontario Association Of Chiefs Of Police**

# FOR THE TACTICAL EDGE ...

## Defending Drinking and Driving Cases

Alan D. Gold

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This month we present you with information regarding the Trade Show of the Ontario Association of Chiefs of Police. The OACP has the largest regional trade show for police products and in recent years has grown to the approximate same size as the Canadian Chiefs Conference Trade Show. All police personnel have complete access to the exhibits of the OACP for the entire three days the show is on. This is the perfect opportunity to see what is new and what is planned for policing today and in the future.

This year the OACP conference is hosted by the Ontario Provincial Police. A great deal of work has gone into this event and it shows. Hope to see you there. Blue Line will be found in Booth Number 1.

We haven't ignored the rest of the country. This issue you will find a variety of stories and items of interest. Gary Miller is back with the third part of his commentary on "Equality". We have some interesting news about equipping your police car. One story is a seat designed to reduce back problems and the other is a "Head Up" Display for your MDT. Also on the technological front we present a story about how a small police service managed to automate its arrest processing.

We also have the inside story on the new OPP Headquarters facilities at Orillia and an update on Blue Line's Canadian Tactical Training Seminar and show scheduled for late September.

Speaking of September that will be our next regular issue, but we will be putting out a "Supply and Services Guide" in July. Have a nice summer.

## Out Of The Blue

David Bluestein

*First in the scout cars... now this!*





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**Commentary:** By Gary Miller

**The Demise Of Equality (Part III)**

Canada is ruled by a tyranny of minorities. Mainstream Canadians have been increasingly marginalized and disenfranchised. Each major party has its solid core of voters and, having been assured of that support, each party appears ready to do whatever is necessary to carry favour with minority and special interests, while all but ignoring the wishes of the majority. But it was not always so. Canada was once headed for greatness.

With the arrival of the seventies, mischievous, self serving politicians learned they could gain power by dividing groups within a single society and stressing their group identities as fundamental to their well being. Then by funding their racial and cultural customs (including education in their own language) with tax dollars, they could place a monetary value on groups staying outside the Canadian context.

This has created a financial and political imperative to stay within their own social, ethnic or racial groups. It assures that they will never assimilate into the Canadian milieu. Legislators of all stripes have since used the political ploy of "Divide and Rule" rather than taking the more courageous and infinitely more difficult path of uniting and leading the people in a common cause.

**Multiculturalism**

The perfectly honourable ideal of multiculturalism (honouring one's heritage) has been corrupted and now divides the people into groups instead of uniting them. There is a suggestion that if you prefer being Canadian to being "multicultural" you are a racist. Even worse, the preference of a single Canadian identity over a hyphenated one has been compared in some circles to the first stirrings of Nazism. Now that should silence the patriotic among us.

**A Question of Fairness**

Judy Rebick, the departing president of the National Action Committee on the Status of Women was nothing if not forthright when she said:

"...employment equity legislation (is) designed to do away with the advantage enjoyed by white, able bodied men in the workplace. This may indeed provoke a

backlash, but it is fair."

Fair? Thousands of white, able bodied men know that the only "advantage" to be done away with is equal treatment. With the enactment of employment equity laws, fit, white males are subject to legal discrimination. They will be turned down for employment or advancement solely because of their colour, gender and fitness. Tell them about "fair".

In Ontario it will be illegal for employers NOT to discriminate against able white males. That discrimination is under way right now, even before the law's enactment. Our "disadvantaged" friends who succeed in the workplace will henceforth never know if their success was due to personal achievement or legislated bias.

**The Score - Equity 10, Equality 0**

Somehow this severe code of "Equity" laws does not offend our amazing Charter of Rights and Freedoms even though it is anathema to our Common Law traditions. All of the Charter's fine and lofty words regarding equality collapse in the face of special deals for "disadvantaged individuals" as outlined by section 15(2). All Canadians need to be deeply suspicious any time their legislators initiate any act mentioning either rights or freedoms. In recent times such Acts have meant an overall reduction of both!

Arnold deSilva, a respected senior researcher with the Economic Council of Canada has concluded in a recent study that there are "no significant economic disparities attributable to race or racism." Employment equity will only legitimize, formalize and institutionalize racism and discrimination against white males, because every disadvantaged group will have first preference.

One becomes weary of being told ad nauseam by a succession of ideologically driven legislators from all parties and special interest advocates that, in this most fair and tolerant of societies;

(a) our society is sexist, racist and discriminatory, and

(b) draconian "employment equity" laws which are clearly sexist, racist and discriminatory are needed to correct it.

Don't believe it. It is simply not true.

# New Concept In Police Car Seating Reduces Claims

Based on tests that began in early fall of 1992, the Grafton, Wisconsin police department is expanding its use of a new squad car seat that Chief Howard L. Thiede believes will dramatically reduce his department's worker's compensation claims and protect the health and safety of his 19 officers.

Grafton, a community of 10,000 resident 25 minutes north of Milwaukee, was the first department in the nation to install the new seat.

The seat was developed by a former police officer with the assistance of Brooke Stevens Design, industrial designers for over 50 years, to solve seating problems he had experienced on the job. It includes a fixed-back, heavy-gauge steel frame and

a low-density polyethylene shell that follows the natural curve of the spine. This provides proper orthopedic support for an officer's lower back.

Based on the successful testing, the department has ordered a second seat and has planned eventually to install the seats in all of its patrol vehicles. Thiede is optimistic: "Our police department experienced increases of worker's compensation claims and higher payroll costs because of back related problems," says Thiede. "This seat is an option we think will help us both control costs and enhance the health of our officers."

In the last five years, lower-back pain has caused six of Thiede's 19 officers to visit either chiropractors or doctors on a regular basis

## Officer Reaction

The test seat - then a prototype and now in mass production - was kept in one squad car, and the ranking officer on each of the department's three shifts was given priority to use that car.

"I have arthritis in my back," says Sergeant David Smukowski, a first shift, 21-year veteran on Grafton's police force. "For a guy who gets out of his car 50 times a shift to check locks at night, it makes life a lot easier. My back used to ache and my

legs would have a tingling sensation for hours after a shift. Now, nothing."

Smukowski and the other officers who use the seat speak of the "old days" when some would place rolled-up towels between their lower backs and the seats to gain additional support.



"The seat is tapered to provide ample room for a gun belt. That helps prevent a weapon from being repositioned or poking into your back," says David Podewils, a 18-year veteran and juvenile officer for the village. He is also a frequent user of the seat.

Patrolman Dan Palkovic, a 18-year veteran and another user, "The seat is much firmer than ordinary seats, and it holds you in a more upright position. It takes a couple hours at first to get used to, but you really notice the difference at the end of the shift. Your back and legs, don't ache."

## Lower Back Problems And Police Officers

Thiede took a personal interest in lower-back injuries 25 years ago when he first experienced pain in his own back. He later learned that his discomfort was caused by "an improper seat posture" and that it was very common among police officers.

The overwhelming majority of lower-back problems can be attributed to repetitive overuse and not from one-time occurrences.

"Ordinary car seats weren't built for police officers who sit in them for eight hours at a time," says Thiede. "Most seats

were built for the general public. A squad car is our office."

Like most other departments around the country, Grafton has several officers who have been forced to miss time as a result of lower back pain, including Thiede. In extreme cases, officers have taken early retirement because they can no longer perform their duties. Forty-one percent of all worker's compensation claims relate to back injuries.

"Departments can face sufficient increases in insurance premiums, worker's comp claims, and payroll and administrative costs when they repeatedly have officers taking early retirement or sick time because of back injuries," says Thiede. "Our limited funds are more effectively spent preventing injuries rather than treating them."

Hourly pay for officers of Grafton's police force is considered average for Wisconsin. However, that amount more than doubles

if an officer misses time due to a work-related injury. "And, I imagine that increase, which includes salaries, insurance and administrative costs, is similar for most departments around the country," adds Thiede.

Missed time also creates scheduling nightmares for departments. "Unlike a factory, we have to replace a hurt officer in order to provide the same level of service that our taxpayers have been receiving, and that typically means paying overtime," says Thiede.

## Reduces Maintenance Costs

Since ordinary OEM seats are constructed primarily of foam and springs, departments typically need to rebuild or restuff the seats with foam periodically to maintain an acceptable level of comfort.

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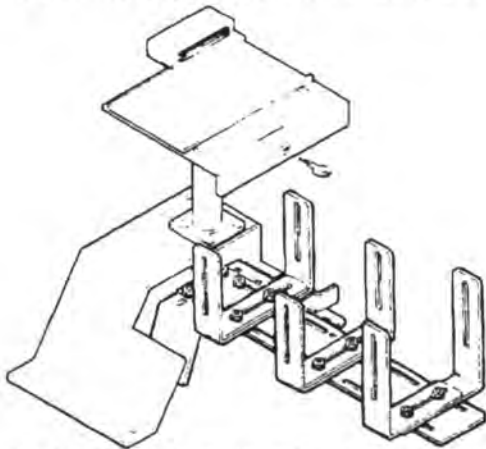
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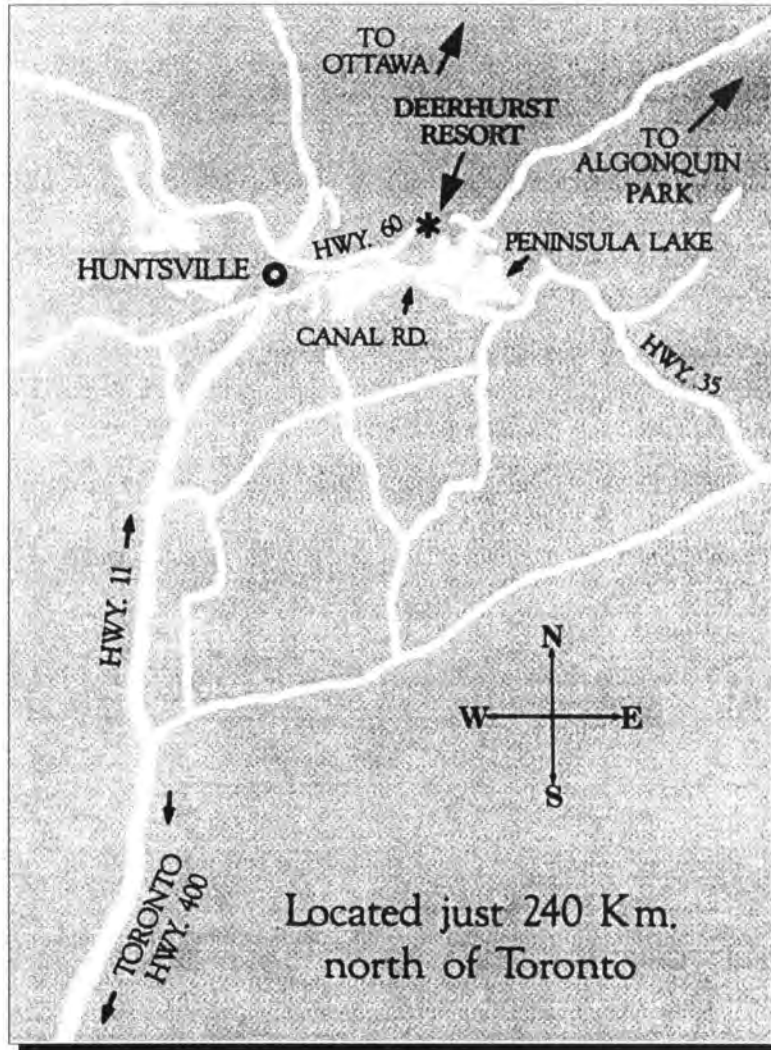


# You Are Invited

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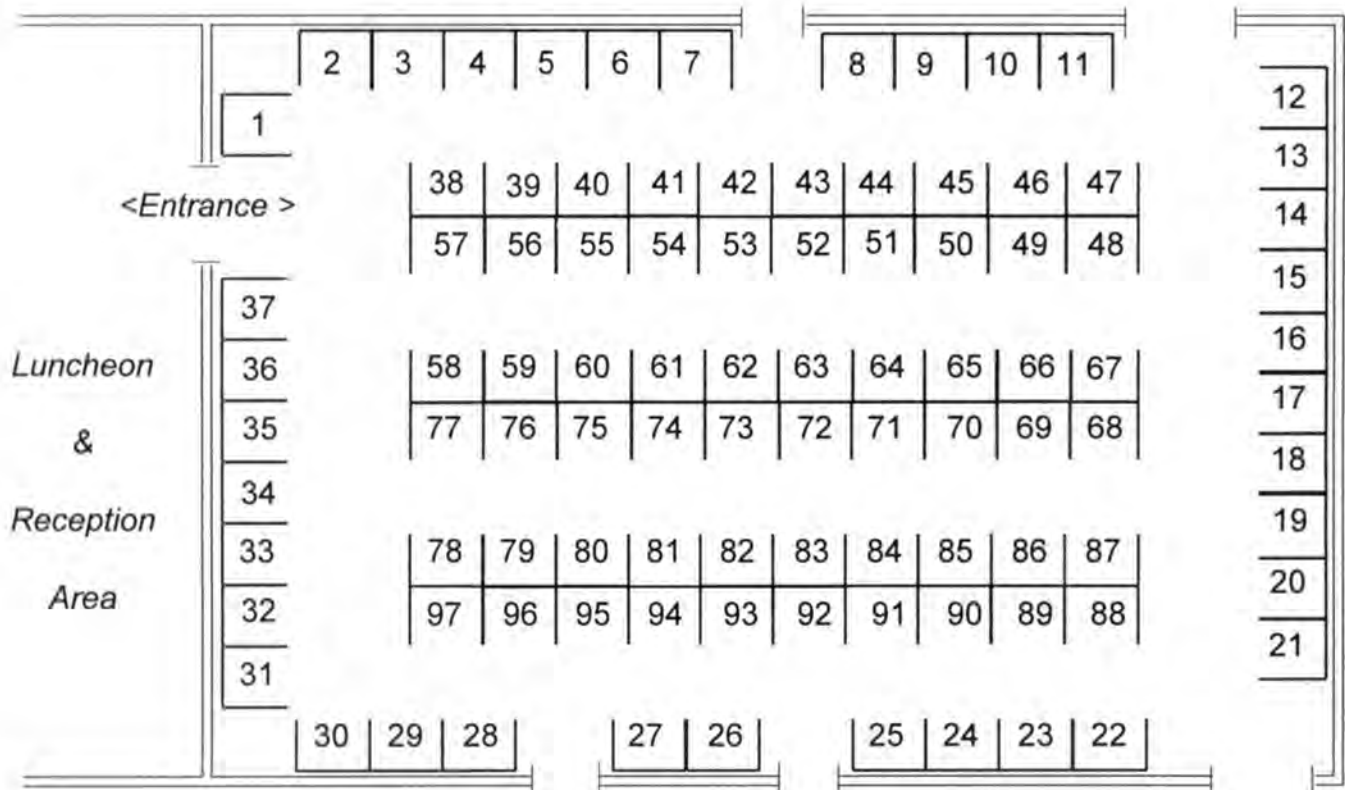
**Monday & Tuesday 8:00 A.M. to 5:00 P.M. (Wednesday to 3:00 P.M.)**



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Ontario Association Of Chiefs Of Police



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29. Barrday
30. Artcal Graphics

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33. 34. Motorola
35. Stokes Cap & Regalia
36. Dawkins & Associates
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**See Advertisement Page 38**

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**See Advertisement Page 36**

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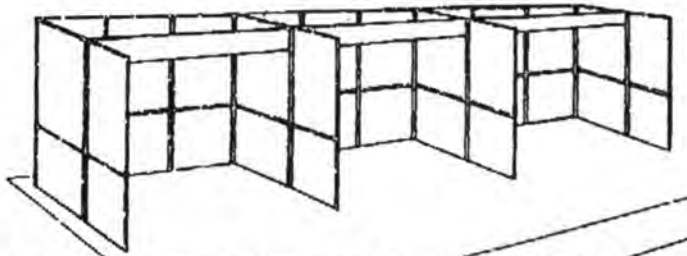
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(Continued Page 12)

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**See Advertisement Page 33**

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**See Advertisement Page 2**

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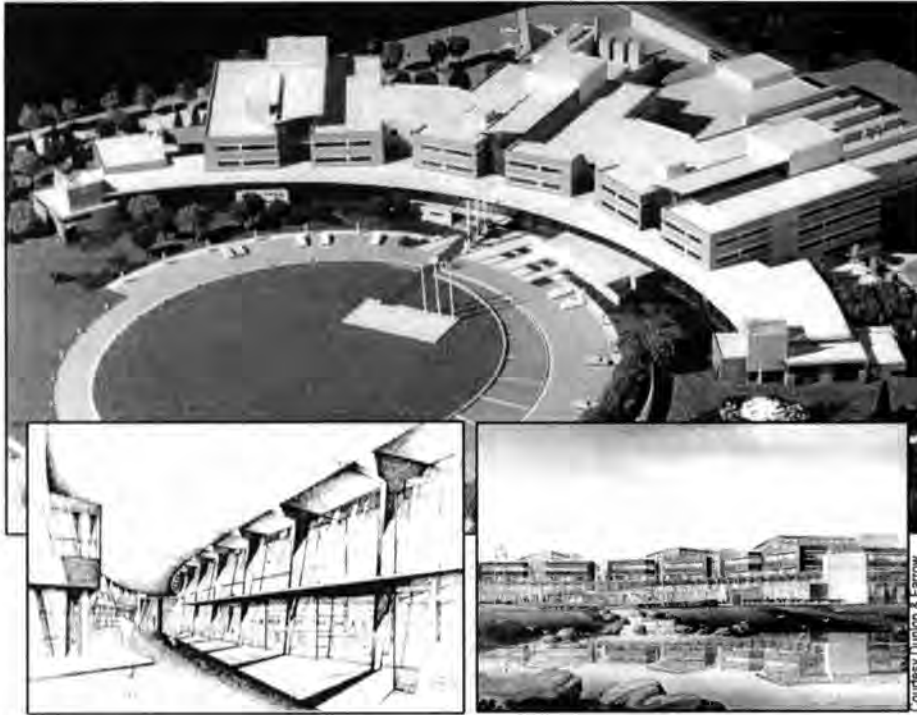
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# Police And Architects

## Partners in planning

By Andrew Lunau Smith



*Police forces increasingly use public relations campaigns to connect with their communities. The Ontario Provincial Police are going one step further. When relocating their headquarters became a reality, the OPP decided it was time to reaffirm their image as well, and began an intensive process of cooperation between two disciplines - law enforcement and architecture.*

venture of Dunlop Farrow Inc. Architects in Toronto and W.M. Salter and Associates Inc. in Barrie. Selected through a competition of about 150 Ontario design firms, the Joint Venture assembled a team of more than 25 consultants to assist in the successful evolution of the project.

Within the Joint Venture, three teams of architects then embarked on designing three different concepts for the new facility, identifying total costs for mechanical and electrical systems. The client then chose one design that best combined the needs of a police facility, with respect for the OPP philosophy of community openness.

After the remarkably short period of 12 months, a ground-breaking ceremony launched the development last summer, and construction of the buildings is now underway.

"Our Relocation Team tells me that Orillia is the geographic centre of the province. It seems only fitting that it should be the centre of provincial police operations," OPP Commissioner Thomas O'Grady said at the ground-breaking ceremony, while explaining the benefits of the project for the local economy. A large number of construction-related jobs are expected, and more than 900 people will work at the new facility once it opens in the summer of 1995, bringing an annual payroll of \$40-million to the community.

### The Design Process

Co-operation between the architects and the police was essential during the design process.

"The Joint Venture worked closely with the OPP to produce this design," says Michael Moxam, a senior design partner with Dunlop Farrow Inc. "While each group brought its own philosophies to the process, we united them within the new plan."

The OPP relocation team, led by Brian Jewitt, contributed ideas such as maintaining their history, promoting an image of close ties to the community, and establishing a feeling of openness and invitation, which reflect the OPP motto of community-oriented service predicated on community involvement and education. These ideas were met by the architects' own thoughts that the OPP philosophy should be visible to people when they enter the facility.



Police forces have to contend with the difficult image problem of how to present themselves with authority, yet still promote ties of understanding to the community. Police buildings are sometimes of no help - imposing cold structures with few welcoming features, and where the security can be intimidating to the average citizen.

So now police and architects are working together - the new Ontario Provincial Police headquarters in Orillia, Ontario, is a perfect example. The OPP wanted their new complex to be a place where the community will feel welcome. This called for important choices, such as where should the new facility be located, and how could the new facility improve and contribute to the OPP image?

The Ontario Provincial Police take pride in their service, dating back to 1909. Their first headquarters was located in the

provincial parliament buildings in Toronto. But today, Toronto is a city where OPP jurisdiction is not extensive.

A 50-acre site in Orillia was selected. Known as the gateway to Northern Ontario, Orillia is located on Ontario's famous Highway 11, about 120 km north of Toronto. Lying in a narrow stretch between Lake Simcoe and Lake Couchiching, the City of Orillia epitomizes the heart of rural agricultural Ontario, while remaining competitive in a complex economy.

The new 600,000-square-foot facility in Orillia will replace the outdated and overcrowded OPP headquarters, now scattered in eight locations throughout Toronto.

The beauty of the new location is phenomenal. The challenge, of course, was how to reflect this rural feeling in a new police headquarters.

In July, 1991, the Ontario government's Management Board Secretariat, and their project manager Dan Plamondon, awarded this project to the skilled joint



The results are evident. To give a feeling of welcome through the architectural design, the plans call for a building designed as a sweeping arc curved around a central lawn. As you approach the site there are views of wildflower meadows with groves of trees and ponds to reflect the rural character of the area. In contrast, the central lawn will be more traditional, and will be manicured for ceremonies and official functions.

As visitors approach on a circular driveway around the lawn, they are introduced to the structure gradually - first by low stone walls along the roadway, then by a daycare area and a two-storey glass enclosed "public street", and finally by the public entrance canopy.

Inside, the "street" follows the curve of the building, where members of the public will be free to walk and gain access to the OPP museum, insignia shop, library, cafeteria and auditorium. The daycare services will be available to the community as well as employees of the facility.

The public street will also feature store-front services such as Freedom of Information and human resources. A reception desk to greet visitors is located just inside the front door.

Perhaps the most attractive part of the public street will be the way people can feel welcomed. The reception desk will offer help to anyone needing direction, but visitors may come and go as they please in the public areas. The curved corridor will have windows from one end to the other, overlooking the central lawn.

"This design allows the street to mediate between being outside and inside," Moxam adds. "It's a sort of neutral avenue between the community and the functioning facility."

Beyond the public places, the facility consists of three four-storey office pods, each distinguished by a skylight atrium to allow more natural light into the working spaces, and a vehicle/marine storage compound and garage workshop covering nearly nine acres of land.

This sense of openness has been achieved without compromising the security of officers and employees, however, and any access to the facility beyond the "public street" is restricted. The reception desk is located at the centre of the curved street, and has a clear view of visitors in either direction. Meanwhile, what is known

as "visual access" is permitted, as visitors are able to look from the street into the three skylight atria through glass walls. Visitors feel a sense of being included, while employees can work comfortably in their secure areas.

Beyond the underlying philosophy, the architects and the OPP needed to discuss specific everyday details as well.

"The police were also involved in identifying the precise requirements for the new facility," says design architect Christian Klemt of Dunlop Farrow. "The OPP's specific needs were identified through a process of thorough interviews."

Some of those specifics included a 450-foot telecommunications tower, a new helicopter landing pad and hangar facility that will be shared with the Ministry of Health, a huge vehicle storage compound, and a garage where new vehicles will be equipped and where motorcycles and marine equipment will be stored.

These needs were uniquely met with the architects' expertise in adapting the building to the site. For example, the telecommunications tower is located at the highest point on the property, to maximize its effectiveness, but it is still positioned far away from the flight path of the helicopters.

The new helipad is situated where the land slopes downward to the north-west, taking advantage of the site's topography and making take-off and landing easier. This permits a flight path where helicopters will not have to fly directly over the building.

The site's slope also provided a natural location for the large vehicle parking compound and storage garage, which is at the back of the building. The garage is at the same level as the building's basement, but easily accessible at grade since the land slopes from front to back. A security controlled driveway leads around the back of the complex, separate from the main public entrance. The curved building and the slope of the land, in effect, hide what is behind the facility.

The OPP canine unit will be relocated here as well, and the architects designed a separate building farther back on the property, adjacent to the wooded area.

The effect of Ontario's climate was also a major factor in the design process. Orillia is "ski country", and a snow and wind consultant conducted tests on scale models of the facility. This allowed the

architects to see snow drifting and wind effects on their designs, and to make alterations to control these uncomfortable conditions.

A state-of-the-art "intelligent building," the complex will have computer monitored lighting and climate control for improved energy efficiency. As technology plays an expanding role in everyday life, the computer needs for the facility required a complex network of cabling. The architects responded to this need by running the cables under a system of raised floors, making it easier to deal with changes in future technology.

A firing range also presented some unusual requirements. At the OPP's present location on Harbour Street in Toronto, the echo of ballistics tests can be heard throughout the building. To ensure this doesn't happen at the new facility, an acoustics consultant worked with the architects to design the range as a separate "room within a room". A double concrete wall and an independent heating and air conditioning system are just two of the steps taken to reduce the noise emitted from the range.

"Our subsidiary, Interior Design Collaborative Inc., produced volumes of material identifying the needs of the people who will be using the building," says the Joint Venture's managing partner, Doug Neville of Dunlop Farrow. "The space and furniture for each person working in the facility was carefully designed and incorporated in the plans."

Through this concentrated period of interviewing to identify needs, and then transferring these needs to the drawings, Neville expects that the finished buildings will be a design model for future police facilities.

Building a new headquarters is an opportunity for police to renew commitments and visions. By recognizing the contribution that architecture makes to their image, the OPP and Ministry of the Solicitor General will be able to clearly show their commitment to cooperation with the Ontario community.

Specifically, this new facility is expected to become a hub of activity for the OPP, as the site for future conventions, graduation ceremonies, and public tours including extensive use of the library and museum services. Pay them a visit once they're open in 1995, you're sure to be welcome.

***Never before seen in Canada***

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Registration for the seminar is limited to the first 130 applicants. The registration fee of \$450.00 will include all meals and accommodation. *(This may be tax deductible for some registrants. Check with your accountant.)* Attendees will receive books, literature and a certificate upon completion. There will be competitions, prizes and awards presented on the last day. *(A valid FAC will be required to qualify for some prizes)*

Applications will be held in strict confidence. CFB Borden is located in Central Ontario, close to major transportation links, one hour drive to Toronto Pearson International Airport. Complete directions will be supplied upon application approval.

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For further information and registration use our 24-hour FAX Line at

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# The Firing Line

By Jim Dalueg

Three months from now we will be presenting Canada's first Tactical Training Seminar at CFB Borden. We have tightened up some of the loose ends and are happy to report everything is on target.

We have had a large number of inquiries and I would suggest the application forms be submitted ASAP to ensure a place at the seminar.

There are some questions which keep coming up and I hope to answer them this month. To begin with I should point out that when we use the word "tactical" we mean just that. Using your noodle to prepare for an event before you arrive and knowing what to do if certain situations arise. As such the CTTS will not be teaching you how to clear a building or extricate an armed gunman. It will teach you what type of mindset you should

have and how to best secure your own safety in calls involving firearms. It will also introduce you to weapons you have probably never used before and teach you a different concept in firearms training. We have a 12-page outline we can mail out to you.

We have been fortunate to be gaining the assistance of some ammunition companies to off-set the number of bullets required. Negotiations are still continuing and we will keep attendees notified. If officers need to purchase extra bullets they will be available.

On the last day of the seminar a course will be provided which will qualify attendees in the use of OC Sprays. This course will be presented by John Propper of the Toronto based Canadian Law Enforcement Products. He will be assisted by Craig Best of the Montreal branch

of CP police.

Other changes include Thursday afternoon will see a demonstration from Berretta firearms instead of Team Smith & Wesson.

The Trade Fair will be held on Wednesday and Thursday and will be open to all police officers. This includes reserve and auxiliary members. The show will be limited to 20 booths. This select group of companies promise to display products which will be on the cutting edge of technology in the Tactical Response field.

In conjunction with the Trade Show we have allotted range time for companies to demonstrate their weapons on Friday after the show. Any one interested in trying out the weapons may do so by making arrangements with the company taking advantage of this option.

Interest level is very high and persons wishing to participate should get their applications in ASAP. As of this writing reservations have gone past the half-way mark. As soon as you contact us your inquiry will reserve you a position so don't delay.



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## Organized Crime Moving To Counterfeit Cheques

The director of the Forensic Accounting firm of Peat Marwick Thorne (KPMG) recently announced that Canadian companies are about to get hit hard with a massive counterfeit cheque scam.

"Canadian companies are almost defenceless against it," said Robert Chambers, national director of Forensic and Investigative Accounting of KPMG.

U.S.-based criminal groups began counterfeiting cheques in Canada just last fall, but it's already a bigger problem than bank robberies which cost more than \$3 million a year, Chambers said in releasing the information.

Chambers predicts the crime will be the fastest-growing fraud in Canada within the next 12 months. "Corporations are in for a tremendous surprise this year."

The information released indicate that certain groups, particularly Asian gangs, use desktop publishing equipment cost-

ing about \$15,000 to manufacture cheques identical to the one used by big corporations.

The criminals use the cheques to cash in their own names. Some of the names are fictitious and the contents of the accounts are withdrawn before the scam is discovered.

The cheques clear the bank and are sent to the company, which doesn't realize they are fake until it reconciles its bank accounts at the end of the month. By then the criminals have disappeared.

The counterfeit cheques are typically made out for \$20,000 to \$100,000, Chambers said.

In the Peat Marwick survey, 291 respondents reported losses to various types of fraud of more than \$50 million last year. "This is the tip of the iceberg," Chambers added.

The firm estimates that fraud losses would total billions if other firms, government departments and agencies like charities and hospitals were included.

The costliest fraud reported in the survey was false financial statements - for example, a company using false statements to get loans it wouldn't otherwise get - with an average loss of \$468,000.

Chambers said that banks are aware of the bogus cheque scam and said firms can fight cheque counterfeiting by making their cheques difficult to copy and by reconciling their bank accounts daily. That

way, the fake cheque would be spotted before the money is paid out.

It is believed the crime is more common than reported as many corporations do not wish the public to know.

## Counterfeit Postage Stamps

High-quality counterfeit postage stamps are being sold in Toronto variety stores, a stamp dealer complained to police.

The phonies were spotted by a stamp collector on five envelopes he got from downtown businesses, the unnamed dealer told the Toronto Sun newspaper.

A sixth was found by another collector in Montreal. All bear postmarks from Mississauga's mail sorting facility.

The bogus stamps have no gum on the back and are not packaged. They are slightly darker in colour than the genuine, olive-coloured, steel-engraved stamps sold only in post office rolls. The counterfeits also lack the raised print feel of the genuine stamps.

Canada Post reports other problems with the stamps are that the words CANADA and the number 43 are not as sharply defined on the counterfeits. (Editor's Note: One suggestion to stop the use of the bogus stamps could be to raise the price of postage!!!)

## Man Charged With Public Show Of Porn Movies From Front Window

Waterloo Regional Police were called to a Kitchener residence last month on a complaint about a man who took his exhibitionism seriously. The man placed a television set in his front window and began showing pornographic films for everyone walking by.

Staff Sergeant Charlie McLaughlin said someone called early in the morning to complain a man was showing pornographic films from his front window, facing traffic.

When the man refused to let police in, officers placed a blanket over his window, McLaughlin said. The man then moved his television set so people could still see the movies.

Police were forced to finally break down the door and arrest the man on charges of corrupting the morals of children and breaching his probation.

*Blue Line*

### **FLASHES**

By Tony MacKinnon

*"You make real good lemonade kid! Can you break a twenty, it's all I've got?"*

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# Legislation Will Change Sharing Of Proceeds Of Crime

The Attorney General of Canada, tabled a bill in the House of Commons in April which is aimed at promoting cooperation between all levels of law enforcement especially when dealing with drug trafficking and smuggling. The proposed legislation, entitled "*Seized Property Management Act*", will establish a federal program to share forfeited proceeds of crime with other jurisdictions involved in federal drug and other criminal prosecutions.

The legislative proposals will also establish an office within the Department of Supply and Services to manage seized and restrained assets that are the subject of forfeiture in proceeds of crime cases prosecuted by the Attorney General of Canada. The office would also be available to advise law enforcement agencies on the seizure and restraint of property believed to be the proceeds of crime.

Canada's proceeds of crime legislation came into force in 1989. As part of Canada's Drug Strategy, its purpose was to attack the illicit drug and money laundering trades by permitting the seizure and forfeiture of assets that are the proceeds of criminal activity. At present, all proceeds forfeited as a result of federally initiated forfeiture proceedings are retained by the federal government.

To date, approximately \$60 million of assets have been seized as a result of the legislation, and that amount is expected to increase as law enforcement and government agencies become more adept at using the legislation. It has been clearly established as an important tool in

the fight against organized crime, particularly the illicit drug industry.

Experience with the proceeds of crime legislation has, however, shown that the cost of managing seized or restrained assets can be prohibitive.

Last year, the federal government pledged to look into ways to increase the use of the proceeds of crime legislation by law enforcement agencies. At the same time, it recognized the need to investigate better ways to manage and distribute those assets seized and forfeited under the legislation.

## The Proposed Legislation

The proposed legislation contains two key components:

◆**Shared proceeds of crime:** The legislation would commit the federal government to sharing with the appropriate government jurisdiction, including foreign governments, assets forfeited as a result of cases prosecuted by the Attorney General of Canada. Consultations have been completed with the provinces, national police organizations and the Federation of Canadian Municipalities to determine how proceeds will be shared. The details of how the funds will be shared are still under review. The asset sharing formula will be developed and will come into force at a later date.

Significantly, the legislation would only apply to federal prosecutions. Given this, the proposed legislation will amend existing laws to ensure that, in Quebec and New Brunswick where provincial Attorneys General conduct drug prosecutions,

they have the authority to dispose of forfeited property.

The legislation would also now allow Canada to share forfeited proceeds with reciprocating foreign governments when they have been involved in the investigation of cases within Canada. Last year, Canada benefitted from such U.S. legislation when it received almost \$1 million for its part in the seizure of more than \$2.4 million in drug money in the United States. This proposal clearly recognizes the importance of international cooperation as a key element in combatting cross-border crime.

◆**Assets management office:** The legislation would establish an asset management office within the Department of Supply and Services. Its mandate would be to provide management services in relation to proceeds of crime seized or forfeited as a result of criminal proceedings brought by or on behalf of the Attorney General of Canada. It would also provide advice on the seizure or restraint of proceeds of crime to law enforcement agencies, and would be responsible for the disposal of forfeited property and the administration of the proceeds sharing program.

## Canada's Drug Strategy

Canada's Drug Strategy, originally launched in 1987, was renewed last year. The strategy recognizes that the best way to deter drug trafficking is to make it a money-losing proposition.

This proposed legislation is viewed as another significant step in the process. It is intended to improve public protection by deterring crime through the increased use of legislation that makes it unprofitable, and by strengthening the crime-fighting partnership between governments and law enforcement agencies both within and outside Canada.



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# LETTERS

## To The Editor

Given the fact you have printed a number of Chris Braiden's articles, I know, that you know, that calling your publication "Canada's Law Enforcement Magazine" is rapidly falling behind the times as virtually every Canadian Police agency acknowledges that our work must be community-based, not "law enforcement" based.

Come on guys, in 1993 we are much more than law enforcement types. As Police agencies from Vancouver Island to the Grand Banks search for ways to affect community problems that do not utilize the Criminal Justice System, you could show leadership in the police publication field by dropping the "law enforcement" handle. How about "Canada's Community Policing Publication"?

Think before you discard the thought!

Tony Harder  
Edmonton, Alberta

## Response: Morley Lymburner

I could take the easy way out on this question by saying Blue Line Magazine was not designed for just police officers. But I won't stop there. (Did you really think I would?)

Our readership is primarily police officers and accounts for over 90 per cent of our 8,000 per month print run. Due to this fact I think this question is very important to address both by myself and all our readers. I would, therefore, like to hear your response to this question as well.

My argument, and therefore objection, to using the phrase "community policing" is that the term is quite redundant and also damaging when over played in the media. I also feel, much the same as Chris Braiden, that the concept of "community policing" is more of a mindset of the officer than a branch of a police agency. That the true concept is not simply "community policing" as much as community "oriented" policing. Both the concept and function of modern day police incorporates the notion of community and has been so ever since Sir

Robert Peel turned the verb "police" into the noun "police." As such "community policing" is nothing new and has been practiced for over 153 years. Let me explain more in detail.

Before 1840, when Sir Robert Peel started his modern day style of protecting the public, the word "police" was mainly used as a verb. As such my Gauge Canadian Dictionary describes the function of "policing" as to "guard or keep order in; to police the streets, to police an army camp."

Before the creation of the "Bobby" there was no agency or profession which called themselves "police". My main argument here, therefore, is that the word "Police" in the modern context includes the concept of "Community Policing" without spelling it out.

Before Peel's time the function of protecting the public order fell mainly upon mayors and reeves of towns. If things got out of control they could call in the army to restore order.

By the time Peel came along crime in London was rampant. It became abundantly clear that an occupying army was not going to effectively change things because the members were too detached from the community to really know, or even care, what was going on there. Their two main functions were simply seen as one of strict apprehension of any disorderlies that may alarm the public and to scare the bejeepers out of everyone in general just to keep the lid on.

Peel's radical idea was to make a civilian "army" which knew and understood the community and its people. This agency would work with and draw help from the community and seek their cooperation to prevent crimes. Ultimately to capture and hold accountable those who actually commit the crimes was seen as secondary to intimidating them into not committing crimes in the first place.

Peel knew that the preventative aspects of policing required the community to respect the officer in particular and fear his authority in general. To this end he created the noun "Police Force." He did not stop with just a name however. He gave the officers a pretty blue suit to hide in the dark and gain respect (also known by many as "credibility blue"). He hired them tall and heavy and gave them tall hats to increase their size even more (intimidation) and then gave them a trun-

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cheon for self defence and assist in apprehensions. He then gave them the cloaking responsibility, authority and protection of the law.

Peel was a very astute person. He made it clear from the outset that his police force was a standing group of persons who would be duty bound to do, on a full time basis, that which is really required of every citizen. To obey the laws of the land and to deter others from doing otherwise.

In a modern society there is no cause more noble. It is more important than the jobs of doctors, lawyers, judges, teachers or social workers. It is the job that is the difference between social order and anarchy. It is the basis on which all other occupations and professions can safely go about their business and to thrive.

I agree that the sound of the phrase "law enforcement" is intimidating. I too have struggled with the question of the enforcement aspects of my job over the years and came to realize that it is an integral part of what I do and what the public expects I should do.

I feel that the public's awareness of my job should be that of a person who has the ability to bring down sanctions on those who choose to disregard the rules set out by the community. After all if the public do not envision the officer doing this function then who do they see as doing it? Is it better for them to feel the officer is the nice guy who will always look the other way to ensure his popularity? Or is it better the public view him as an iron fist with a velvet glove?

I have said many times before that 90 per cent of your job is simply keeping people from their own misadventure. You took on the job of life's referee and you can't shirk that responsibility in favour of being popular.

Tony is absolutely right about one concept. And that is to search for ways to affect community problems that do not utilize the Criminal Justice System. This is precisely what happens when officers are put back on the street in close quarters with the public. By their presence they deter crime and they gather intelligence about criminals and their activity.

All officers can tell stories of people who changed bad habits or lifestyle without being put into the judicial system. It is far too costly and the adversarial approach of the court system seeks fault,

responsibility and accountability with the end consequence of punishment for wrong doing. It should only be used as a last resort.

In Canada we are fortunate enough to afford the hiring of police officers with a higher degree of intelligence. We now must ensure the utilization of those creative minds to the benefit of society. But "law enforcement" is the necessary stick that looms in the background of all this activity. Therefore it is not a choice, nor

should we be forced to make a choice, between "Community-Based" policing and "law enforcement-based" policing. We should not require a regimented one-sided policy or the appearance of a radical shift of philosophy. What we do need is a departmental structure which encourages the creative juices to flow.

I have often admired the York Regional Police Force's motto on the side of every cruiser. "Deeds Speak". Short, concise, to the point and most of all... true.

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# Automation With Limited Resources

How does a small police service face the challenge?

By Brent Henry



Photo: Roger Silver - Innisfil Police Service



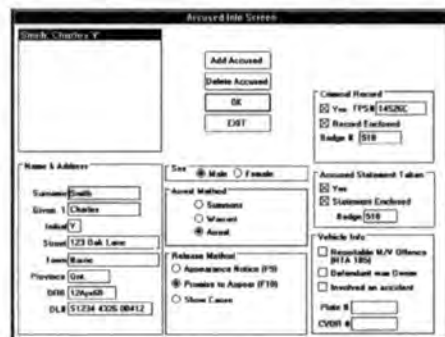
Innisfil Police Service may be small in size compared to other police agencies, but they realize the necessity of computerization to increase the productivity of their 32 officers.

Innisfil has implemented a Local Area Network (LAN) at their headquarters in Stroud, Ontario. The 286 and 386 personal computers attached to the LAN, run DOS based records management, computer aided dispatch, and word processing applications.

When Chief Mike Pearson and Deputy Chief Bruce Davis attended the 1992 Ontario Association of Chiefs of Police (OACP) Conference, they saw an opportunity to further enhance officer productivity by adding to their arsenal of PC based software.

While touring the trade show, they saw the newly released "Enterpol" Crown Folder Documentation System (CFDS) being demonstrated in the Strohn Systems Inc. booth.

"Enterpol" CFDS is a program that quickly and efficiently captures information required to complete the various forms necessary to prepare a case for



*Windows compatibility makes the Enterpol system a true state-of-the-art tool.*

court. A series of data entry screens prompt the user for information about the accused, witnesses and offences. This data is then merged with electronic forms which include standard Criminal Code forms, such as the Information and Promise To Appear, as well as notices, show cause reports, and case summary reports. The forms print on a laser printer



and come out looking exactly like their pre-printed versions.

Standard Criminal Code wordings are kept in a database. CFDS users select offences from a list of charges that were valid on the offence date.

"Enterpol" CFDS was developed over a two year period by Brian and Brent Henry. Brian was an officer with the York Regional Police Force who, like most officers, was frustrated with the time spent typing the same information on the multitude of forms that are required for court cases. "An officer's reward for making an arrest was to be sentenced to hours of paperwork, with no time off for good behavior" says Brian. "I knew there was a better way". Brent's background was in software application development and together they began designing a solution. Their effort culminated in the public launch of the product at the 1992 OACP Conference.

Innisfil Police Service was an ideal pilot site because they had most of the necessary hardware in place and "Enterpol" CFDS was ideally suited to their automation plans.

"Our initial goal in testing this program, was to realize a more cost effective way of preparing a standardized, professional, Crown brief document, with a limited amount of 'officer down time'. This way we can have the officer on the street where he or she is required most" says Deputy Davis. "We feel that this has been accomplished".

Training was initially targeted at civilian records clerks and dispatchers. A large part of the training was educating users on the Microsoft Windows graphical user interface and the operation of a mouse.

Part way through the pilot, several officers indicated a desire to use the system and a second training session was arranged. "The biggest misconception that may result from the purchase of such

Print Options

Accused  
Smith, Charles Y

Print These Forms  
Case Form  
Criminal Information [1]  
Crown Exhibit [1]  
Arrest [1]

Smith, Charles Y: Promise to Appear #10

Select From These Case Forms  
Crown Exhibit  
Criminal Information  
Case Summary Report

Select From These Individual Forms  
Use Cases Menu  
Underlying arrest by a Justice or a Judge (P12)  
Notice - CIA Events  
Notice of Intention to Produce Certificate (Chemical Analysis)  
Notice of Intention to Produce Certificate (Drug/Paraphernalia)  
Notice of Intention to Produce Certificate (Threat/Proceedings within 5 years)  
Notice of Documentary Evidence (In Search of Probation)  
Notice in Accused Appearing in Provincial Court (Legal Aid Application Procedures)

Information #1

Accused  
SMITH, CHARLES Y

Offense # 33-1234 Save Change DE  
Offense Date 13Apr93 L001  
Arrest Date 13Apr93

Charge List Location (Town of Innisfil) [1]

Information Wording Substitute [1]

Charge Wording  
25(3) Drive While Operation CC-Drug  
25(1) Fail to stop after accident CC-Drug  
25(3) Impaired Operation CC-Drug  
25(3) Impaired Care on Control CC-Drug  
25(3) Drive While Operation CC-Drug  
25(3) Drive While Case in Control CC-Drug  
25(3) Failure to Stop at Red Light CC-Drug  
25(3) Failure to Stop at Stop Sign CC-Drug  
25(3) Failure to Stop at Stop Sign CC-Drug

A "Promise to Appear" release form and a typed Information ready for court.

a program, is that you pay the bill and the program does the rest," says Davis. "Training the personnel is what will make your use of the system most productive. As with any aspect of police work, without the proper commitment to training, problems will occur."

The success of the pilot made the purchase decision an easy one for Innisfil. "The time saved preparing a typical Crown brief is forty-five minutes. More complex cases, such as multiple accused being held for bail hearings, realize an even greater savings," says the Chief. "The officers find the system easy to use, even the non-typists, and the quality of the documentation has been highly praised by the Crown's office."

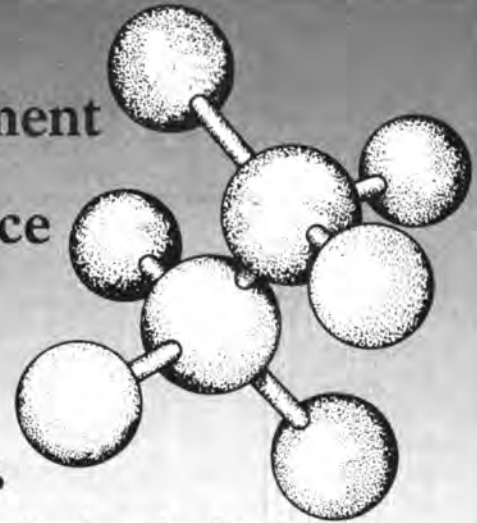
Future plans for the "Enterpol" CFDS system at Innisfil, include a tighter integration to the records management system, so that basic information such as name and address, do not have to be keyed separately into the two systems.

So, how does a small police service face the challenge of automation?

If the success at Innisfil is any indication, then the return on investment can be maximized by having a long term strategy, choosing your applications carefully, and understanding the importance of training.

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## Up-Coming Events

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Shannonville - Ontario  
This annual event will be held at the Shannonville Race Track with the assistance of the FAST Racing School. This year will be a Canadians only race and members of Canadian Forces are encouraged to compete as the winners will go on to the international series. Contact Dave Stewart (416) 831-2013.

### June 28 - 30, 1993 O.A.C.P. Trade Show

Huntsville - Ontario  
The Ontario Association of Chiefs of Police present their annual Trade Show. This annual show is associated with their annual conference. The Trade Show is open to all law enforcement personnel and consists of over 80 companies showing a wide array of products and services of specific interest to law enforcement personnel. For further details call (416) 965-6429.

### July 12 - 16, 1993 1993 C.I.S. Conference

Vancouver - British Columbia  
The Canadian Identification Society will be holding its annual convention at the Vancouver Ramada Renaissance Hotel. Its theme this year is "Tenacity and Technology." A number of distinguished experts will be speaking. For further details contact Hugh Waterton (604) 665-5089 or FAX (604) 665-2171.

### July 28 - 31, 1993 Commission On Accreditation for Law Enforcement Agencies Conference

Edmonton - Alberta  
The Edmonton Police Service is proud to host the first C.A.L.E.A. Conference to be held outside the United States, with several Canadian and American Police agencies seeking accreditation status, and the E.P.S. striving to be re-accredited at the meeting. The conference will include seminars, workshops and displays. For further details contact Insp. Roger Simms (403) 421-2297 or FAX (403) 425-9963.

### August 29 - 31, 1993 C.A.C.P. Trade Show

Halifax - Nova Scotia  
The Canadian Association of Chiefs of Police will present their Trade Show which will feature over 90 companies displaying products and services of interest to the law enforcement community. The Trade Fair is open to all law enforcement officers on the last day of the event only. For further information contact Sgt. R. O'Neill at (902) 421-6854.

### September 21 - 26, 1993 Profile 2000-Sex Crimes Conference

Toronto - Ontario  
The Metro Toronto Police Sexual Assault Squad is hosting its 3rd annual sex crimes conference at the Sky Dome in Toronto, home of the 1992 World Series Toronto Blue Jays. Mark this date in your calendar (The Jays will be in town). For more information contact Det. Wendy Lever or Det. Cst. Terry Green (416) 324-6060 or FAX (416) 324-0697.

### September 20 - 24, 1993 Canadian Tactical Training Seminar

C.F.B. Borden - Ontario  
Blue Line Magazine presents its first annual Tactical Training Seminar. The seminar is limited to 130 applicants. This Seminar will present the latest in weapons training techniques and is suited to those interested in or involved with tactical weapons and response. Guest speakers will present demonstrations and lectures on a variety of issues. For further details or to register Phone (416) 567-4094, Fax (416) 640-7547 or write Blue Line Magazine.

### September 22 - 23 1993 Canadian Tactical Trade Show

C.F.B. Borden - Ontario  
Blue Line Magazine will be holding Canada's first ever Trade Show dedicated to law enforcement tactical equipment, services and supplies. This two day event is open to all law enforcement and military personnel and will feature the latest technology in weapons and equipment of interest to tactical weapons response units. Attendees may reserve range times for Friday Sept. 24 to test fire weapons displayed. For further details call (416) 294-5502 or use our 24-hour FAX line at (416) 294-8952.

### September 24 - 26, 1993 International Police Diver Symposium

Hamilton - Ontario  
Once again the Hamilton Wentworth Regional Police will host the 5th Annual Police Diver Symposium. This has become the largest symposium of its kind in the world and guest speakers are scheduled from New Zealand, Ireland, Great Britain and the U.S. For further details contact Rick Rozoski - Phone/Fax (416) 575-1434.

### September 28 - 30, 1993 Manitoba Women Peace Officers Conference

Hecla Island - Manitoba  
Manitoba Women in Law Enforcement Inc. (M.W.L.E.) will be hosting their second annual Training Conference to be held at the Gull Harbour Resort & Conference Centre. For further details call Linda Turner (204) 986-2974 or Carole Ohan (204) 983-5470.

### October 6 - 9, 1993 Versadex Users Conference

Fredericton - New Brunswick  
The first international conference for users of the Versadex III System to meet and exchange information. Registration is limited to fifty persons. The conference will address issues of concern to small and large police forces regarding police reporting and administration. For further details contact Roger Clowater (506) 453-2471.

### October 31 - November 5, 1993 International Association of Women Police Conference

Vancouver - British Columbia  
The Canadian Branch of the I.A.W.P. will be hosting the 31st annual training conference to be held in the Hotel Vancouver. The theme of the session will be "Global Policing: A spirit of unity." For further details call (604) 681-5226 or FAX (604) 681-2503.

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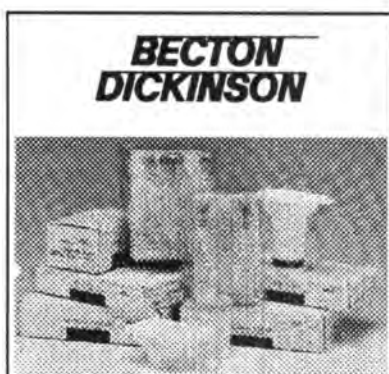
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# Over Managed And Underled

by Anthony J. Schembri

"Leadership" is a word on everyone's lips. The young attack it and the old grow wistful for it. Parents have lost it and police seek it. Experts claim it. Commissions investigate it and prosecutors indict it. The subject of leadership seems to gather a mist that discussion serves only to thicken. If there was ever a moment in history when a comprehensive strategic



view of leadership was needed, it is now. It is the pivotal force behind successful organizations.

Decades of academic analysis have given us a plethora of definitions of

leadership. Leadership skills were once thought a matter of birth. Leaders were born, not made. They were summoned to their calling by some unfathomable process. Like love, leadership continues

to be something everyone knows exists but nobody can define. It is something that can be learned by anyone, taught to everyone, denied to no one.

In my opinion, passion makes leaders. You can't find anything that has happened anywhere - from an experimental course to a new clinic to a great police department - that has not had a passionate person behind it. Former Secretary of Education James Garner once said, "The older I get the more I respect enthusiasm." Today, if anything, we teach

the suppression of it - if you smile on the job today it is almost unAmerican.

All leaders I know have an agenda, an unparalleled concern with outcome. Leaders are the most result-oriented



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individuals in the world, and results get attention. They change the basic metabolism of their organizations. A good leader's visions or intentions are compelling and pull people toward them.

Intensity coupled with commitment is magnetic. Intense personalities do not have to coerce people to pay attention; they are so intent in what they are doing, they draw others in. They induce enthusiasm and commitment in others. Leaders are people who create new ideas, new policies, new methodologies.

This conflicts with the strongest force in government inertia. There is an inappropriate animosity within government and policing to new ideas. At times it seems that government fears an unwelcome revelation, and we may soon see a sign that says, "A wastepaper basket for ideas is provided for in the lobby." We are doing the wrong things with greater conviction. This does not have to continue.

One out of every four job holders say they are currently working at full potential; 75 percent say they could be significantly more effective than they presently are. People talk about the decline of the work ethic. Where are their leaders?

Any organization can be made better. In fact there is an unlimited ability to improve the quality of anything. It takes a turned-on team. We have accepted the fact that service stinks, and we can't do anything about it. We need to encourage passion in people and get them excited about their jobs. A turned-on team can improve an organization as much as 800 percent. But there is a step before that.

### Teaching Ethics and Leadership

Power is the basic energy to initiate and sustain action - translating intention into reality and sustaining it - the quality without which leaders cannot lead. Leadership is the wise use of this power, but we see too often an abuse of power. Some recent examples:

➤ A County Commissioner charged with fixing a drug case and losing his gun; A police chief charged with stealing \$58,000 from a narcotic fund;

➤ A police chief stealing and using drugs from his evidence room.

Thus, before we can develop leadership, we must look at ethics. The most

important thing facing society and commerce today are ethics and leadership.

Those who call for leadership must also call for ethics. The task, however, may prove as arduous as cleaning the Augean stables. A center on leadership is needed, a suggestion I made to Governor Cuomo of New York several years ago. Today Lee Brown is working toward such a center.

It could be the mission of the center to improve the practice of leadership

and ethics in commerce, government, education and public service. The mission of government at times is conflicting, with its roles as regulator and service provider. This Centre would examine creative problem solving and the essential techniques for fostering creative solutions.

Ideally, the institute should be housed at an educational institution. The institute would have the support of both  
(Continued Page 32)

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governments and large corporations. They would join forces in an effort to fund this effort to study creativity and to use the knowledge gained to create tools, procedures, techniques and training programs that would improve the quality of creative leadership.

The research would look at the creative leadership process by examining great leaders. For example, a study of Nobel prize winners indicates they have peasant toughness, a streak of brutality and are good finishers. Patton and Montgomery taught their soldiers that they were winners. Thomas Edison gave the impression that he would succeed no matter what the obstacle.

The best leaders are apt to be found among those executives who have a strong commitment to unorthodoxy in their character. Instead of resisting an innovation, they symbolize it.

Yet we in policing suffer from "group think." When we get together, the majority are often more interested in gaining the approval of others rather than devising creative solutions.

### Cross Fertilization

Often the best ideas come from cutting across disciplinary boundaries and looking to other fields for new ideas. Many significant advances in art, business, education, entertainment, politics and science have come about through cross fertilization of ideas.

Many good ideas have been discovered because someone poked around in an outside industry and applied what he found to his own field. Football coach Knute Rockne got the idea for his four horsemen backfield shift by watching a burlesque chorus team. In the face of this I see my own colleagues who don't want to be contaminated by civilians.

Finally, what can organizations do to make the workplace a breeding ground for new ideas? Is the workplace a climate that nurtures and makes

heroes of experimenters and champions'? Does it free the team from needless restrictions on performance?

We must begin by losing the inhibitions created by the fear of making mistakes. Perhaps it is linguistic; we don't have a good word for a reasonable try that didn't come off. A good idea can be traced back to a bad one. Edison made 200 mistakes in developing the light bulb. Everyone of those mistakes taught him something.

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# Alternative Response Policing

By Elizabeth Holton



In its first year of implementation, Nepean Police Service's alternative response policing system has proven itself to be extremely successful.

The aims of the new system include responding more effectively to the public's calls for service, ensuring the public knows what response is being taken, and increasing the interaction between the police and the community.

Alternative response policing is a way of getting officers out to where they are needed the most. It means not sending officers to where they are not needed, and it means redirecting some of the calls received at the police station to other agencies or to Nepean's two community police centres.

Police services no longer have the resources to send patrol cars to every type of call. There are several alternatives. In some cases, such as stolen cars and harassing

phone calls, complaints can be taken over the phone. The calls can be taken by a variety of people including volunteers at the community police centres, auxiliary police officers, volunteers at the main station's front desk, or officers at the station.

In other cases, police officers can limit the time spent at a crime scene. For example after a shoplifting incident, store security personnel, who have been specially trained by the police, complete General Occurrence Reports and court folders. This reduces the time an officer has to spend at the store.

In other instances, patrol officers are only sent to the scene when other action has failed. This is the case with noisy parties. Now when such complaints are received, they are evaluated by Communications staff. When possible, they call the residence and advise the owner to stop the noise. If the noise continues, then officers are sent to the scene.

Many of the calls received at the police station can be handled by other agencies

such as the Bylaw officers or the Children's Aid Society.

One of the Service's fears during the early discussion of the system was that the public would be unsatisfied and would see it as a reduction in police service. Public reaction, however, has been positive. Much of the success in the eyes of the public depends on the dispatcher who answers their calls. In terms of public satisfaction, the dispatcher is extremely important. The dispatcher explains to the caller how their call will be responded to and why.

The system has freed up a great deal of time for police officers. During the trial period, 25 percent of the calls for service were redirected from patrol units.

This system leaves Nepean's officers more time to do proactive policing.

The Nepean Police service has developed an easy to follow manual which explains how every type of a call is to be responded to. Not only does this simplify things for those taking calls, but it also ensures some degree of consistency in the manner in which occurrences are handled.

Alternative response policing means that police officers are sent to the calls where they can be of the most help.



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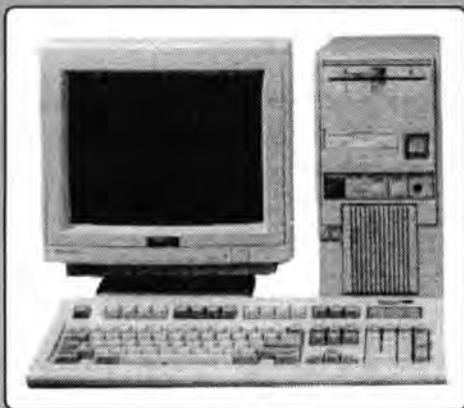
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Gino Arcaro

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By Gino Arcaro

### Question

A motorist is stopped and subsequently given an Approved Screening Device (ASD) demand. The motorist then indicates that due to an illness he is unable to provide a sample into the ASD. The officer is convinced that this person is just trying to avoid the sample. However a doctor is willing to back up the suspects claim. Once the ASD demand is made and the officer encounters this problem what course of action should he pursue. -P.Y (Newfoundland)

### Answer

The question can best be answered as follows: Reasonable excuse to fail to comply with an ASD breath demand includes circumstances that are "likely to involve substantial risk to the health of the person on who the demand is made" [R vs Nadeau (1974), 19 ccc (2d) 199 (N.B.C.A)].

No specific, "all-inclusive" definition of reasonable excuse exists. The proper test that a judge would follow is somewhere between a justified refusal on physical grounds and what would be considered reasonable under the circumstances. (R vs Phinney (1979), 49 ccc (2d) 81 (N.S.C.A.) (Reference: Tremere's Criminal Code 1993)

### Recommendation:

According to your scenario, the officer is "convinced" that the person is trying to avoid providing an ASD breath sample. This implies that no unreasonable circumstances exist or no likely substantial risk to the driver's health exists. If your evidence indicates no risk and the driver refuses, charge him for refusing to give the ASD test.

### Question

What constitutes an unreasonable delay in administering the screening device tests. It seems to me a court ruled on this and the ruling was printed in Blue Line but I can't find it. Some officers believe that unless you have the screening device with you, you cannot make the demand. Others believe if you can get the device to your location within a reasonable time, (ie. have someone go to the station, pick it up and deliver it to your location) there would be no problem in court.

J.D. (Ontario)

### Answer

Section 254(2) requires that a person provide a sample of breath forthwith after a demand to provide a sample into an approved screening device (ASD). Two cases clarify this topic.

☞ R vs Grant (1991), 67 ccc (3d) 268 (S.C.C.). A police officer, who did not have an instrument, made a demand to a motorist. An ASD arrived 30 minutes later. The accused refused to give breath samples. The Supreme Court of Canada ruled that 30 minutes was not forthwith,



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## Criminal Code of Canada

### Section 254 (2)

*Where a peace officer reasonably suspects that a person who is operating a motor vehicle or vessel or operating or assisting in the operation of an aircraft or of railway equipment or who has the care or control of a motor vehicle, vessel, aircraft or railway equipment, whether it is in motion or not, has alcohol in the person's body, the peace officer may, by demand made to that person, require the person to provide forthwith such a sample of breath as in the opinion of the peace officer is necessary to enable a proper analysis of the breath to be made by means of an approved screening device and, where necessary, to accompany the peace officer for the purpose of enabling such a sample of breath to be taken*

### Section 254 (5)

*Everyone commits an offence who, without reasonable excuse, fails or refuses to comply with a demand made to him by a peace officer under this section.*

making the demand invalid in this case. However, no ruling was made in this case regarding the exact number of minutes that would constitute "forthwith". The court accepted the dictionary meaning of "forthwith" as being immediately.

☞. R vs. Cote (unreported, January 7, 1992) A police officer, who did not have an ASD with him, made an ASD demand to a motorist and had to transport the motorist to the police station. The delay between time of demand and time the device was available was 14 minutes. The Ontario Court of Appeal ruled that the demand was invalid for two reasons.

(A) forthwith or immediately means that the sample must be provided "very shortly" after the demand.

(B) the breath sample must be provided "at the side of the road or in the immediate vicinity." (Reference: 1993 Martin's Criminal Code)

A Nova Scotia Court of Appeal ruling in R vs. MacKinnon (1989) 48 ccc(3d), 442, emphasized that no requirement exists for an ASD test to be administered exclusively at a roadside.

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# Product News and Views

## From Jet Fighter To Police Car



GM Hughes Electronics, which pioneered head-up display technology for some of the world's most advanced military jets, has developed the "DataVision HUD" currently being tested by the Ottawa Police Force.

"We've joined forces with some of the leading companies in the public safety communications field to move defence technology from jet fighters to crime fight-

ers," said Joseph Smalanskas, marketing manager for the "DataVision HUD." An aircraft head-up display presents information crucial to a pilot's survival, such as radar data, on a transparent view screen (called a combiner) so pilots don't have to look down to read their instruments.

"Looking down for information can cause a momentary loss of visual contact with the outside world, which can be changing very rapidly," he said. "The pilot's survival depends on maintaining that contact with his environment.

"In the same way, public safety officers need to be aware of the constantly changing situation outside their vehicles while, at the same time, making use of the new tools technology has made available," he added.

Public safety agencies are increasingly using new communications, surveillance, and computer technologies in their vehicles, Smalanskas pointed out.

The Canadian reseller marketing the HUD is Anderson Auto Radio of London, Ontario.

"The HUD can provide drivers with information from the vehicle's computer, mobile data terminal, radar, surveillance camera, or other sensors, displayed on a combiner mounted on the windshield where they can read it without taking their eyes off the road or a suspect," Smalanskas said. "The HUD readily interfaces with most data terminals used by public safety agencies all over the world."

Among the companies working with GMHE are Coded Communications of Carlsbad, Calif. and ElectroCom Communications Systems of Arlington, Texas, both leading manufacturers of mobile data computers who will be marketing the DataVision HUD separately as well as in conjunction with their equipment. Also involved are PRC of McLean, Va., a leading system integrator in the law enforcement field and CrimTec Systems Inc. of Livonia, Mich., a manufacturer of surveillance video equipment.

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