

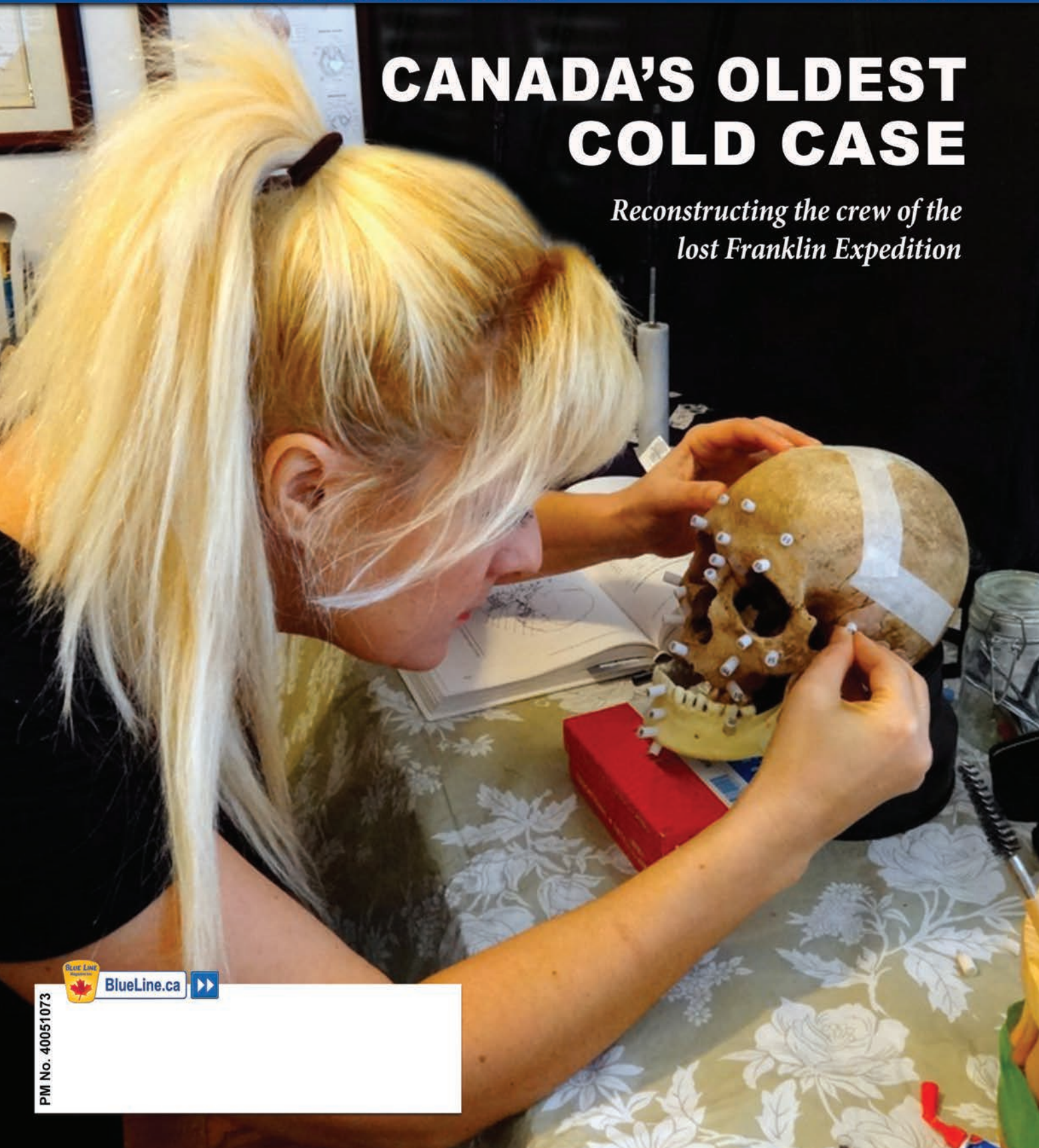
# BLUE LINE

Canada's Law Enforcement Information Specialists

March 2016

## CANADA'S OLDEST COLD CASE

*Reconstructing the crew of the  
lost Franklin Expedition*



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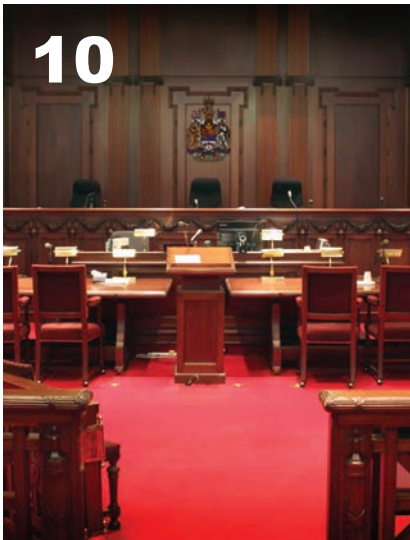
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March 2016 Volume 28 Number 3



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by Morley Lymburner



# Trumping rights with responsibilities

Cops are hired to do a rather nasty job for society; a society that bewilderingly feels cops don't have to get nasty to do their job. Thanks to cell phone video, people are beginning to see more of what officers see everyday. Arrests can look inelegant to the uninitiated but they have to be done.

If a cop tells a bad guy to come along and the reply is "Oh yeah!... make me," what happens next? If the officer simply told the person nearby holding the camera, "I need assistance arresting this guy. Drop that camera and come hither," what would the citizen do? More importantly, what *must* the citizen do?

Rather than police always lending the community a hand why not have the community lend police a hand? For this to happen the community must be willing to help and, most importantly, police must be willing to let them.

In my usual style here's an anecdote to make my point. A friend of mine was chief of a small town police service. When you are a cop in a two-member service you quickly learn that uniform backup is rarely at hand when things go sideways.

Someone called his house early one morning to report that the front door of the bank had been kicked in. Throwing on dungarees and a police shirt, he ran out the door, shotgun in hand, while his wife called the other officer for help.

Arriving at the scene, the chief saw a little movement inside the broken door but couldn't tell how many people were inside. He didn't have a radio or cell phone and, due to the hour, no one else was around to ask for help.

While considering his next step, he was alarmed to hear a pickup truck screaming down the empty main street. His heart raced. Is this the getaway car? The truck screeched to a halt and the chief was relieved to see John, the local barber, scramble from the cab grasping his hunting rifle. They were joined in short order by Cliff the plumber and Reg the hardware store owner.

The chief's wife had called John when she couldn't raise the other officer and John called the other two. The four men carefully approached the broken door, weapons at the ready, only to find a young drunk man sleeping inside. It was a very cold night and, given his diminished frontal lobe, this had seemed to him a rational way to escape the frigid temperature.

Cops, courts and lawyers do a good job of informing citizens of their rights. They

are not good at, or interested in, telling them about their responsibilities. Cops are not encouraged by training — or popular TV shows and movies — to ask for help. Some rookies have the mind set that they are the Sheriff in town and in control of everything. They can swagger a little and lower their voice an octave or two and the illusion of control and respect is complete. Others find security by dressing for combat. There's nothing like an exterior flak suit for that look of omnipotence.

After some street time most officers become much more realistic about their place within the big machine — but too often that experience leads to cynicism and the feeling there's no use asking citizens for help.

I remember watching an officer trying to control a violent drunk and realizing he needed help. He didn't know me but asked politely if I would help put the drunk in his car, which I was about to do anyway (you can take the man from the job but not the job from the man). I grabbed an arm and struggled to help get him caged. With a simple thanks the officer was into his car and gone. I felt a little better and walked a little lighter that night.

Now, with great trepidation, I quote *section 129(b)* of the Criminal Code:

*Everyone who... omits, without reasonable excuse, to assist a public officer or peace officer in the execution of his duty in arresting a person or in preserving the peace, after having reasonable notice that he is required to do so... is guilty of (a dual procedure offence).*

I am not suggesting that every citizen is capable or equipped to assist in an arrest, nor that officers use this section unless their back is really up against the wall — but it does make it clear that police do not do their jobs in a vacuum.

Citizens do have buy-in and it behooves officers to let them know, from time to time, that their assistance is welcome, appreciated, and yes, even required by law. Moreover, it would be nice to let the community know their duty to assist the police is just as compelling as those rights society has taught them to cherish.



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# CANADA'S OLDEST COLD CASE

## Rebuilding faces from the 1845 lost Franklin Expedition

by Diana P. Trepkov

It's one of Canada's oldest missing persons cases. Two members of Sir John Franklin's expedition sailed to the Arctic in 1845 and died in the attempt to traverse the last un navigated section of the Northwest Passage — but who were they?

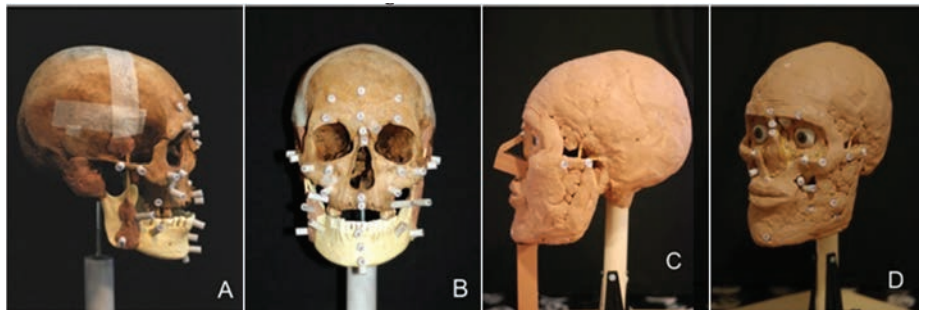
I was asked to help answer that question by completing forensic facial reconstructions on the unidentified skulls. Discovered in 1993 by a team of archaeologists led by Douglas Stenton, Nunavut's Director of Heritage and Culture, the skulls were in fairly good condition.

### Building the face of skull #1

*Figure 1:* The procedure of developing a complete 3D facial reconstruction from the skull without the original mandible.

- A:** Lateral skull with a careful distinguished mandible and tissue depth markers attached.
- B:** Frontal skull with tissue depth markers attached to landmarks.
- C:** Lateral view showing clay, wooden splints, angled block for nose and block of clay to secure mandible.
- D:** The oil base clay reconstruction showing tissue depth markers and prosthetic eyes. The anthropological assessment was that

Fig 1. Building the Face on Unidentified Skull #1



the first skull had only the cranium and was that of a male. His estimated age of death was between 21 and 42 years old.

The cranium and mandible were connected in a normal resting position (*Fig. 1, A and B*). The width of the mouth is established by measuring the front six teeth. Clay is then added to form the mouth. Cotton balls are used to protect the orbits and nasal aperture.

The widest point of the nasal aperture is measured to determine the width of the nose. The anterior nasal spine on the skull shows that the nose would project with a slight upward lift as shown in (*Fig. 1C*). The progress of the clay reconstruction is shown in (*Fig. 1, C and D*).

*Figure 2:* Process shows the 2D and 3D facial reconstruction of the cranium.

- A:** The tissue-depth markers overlying anatomical landmarks placed on the lateral view of skull with face illustrated.
- B:** Final drawing of the 2D lateral view, showing the slight upturned nasal spine, slight bump on nose and high forehead.
- C:** Tissue depth markers overlying anatomical landmarks placed on the frontal view skull with full face illustrated.
- D:** The finished 2D converted into a frontal portrait style drawing, showing approximation of craniofacial relationships in hypothetical case where the entire mandible is missing.



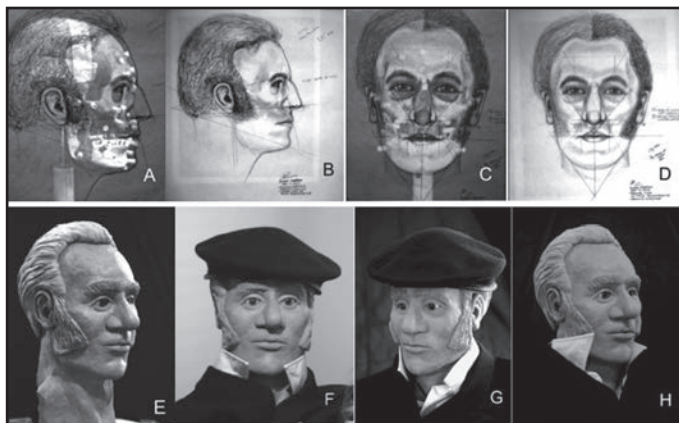


Fig 2. Process showing 2D and 3D facial reconstruction of skull #1

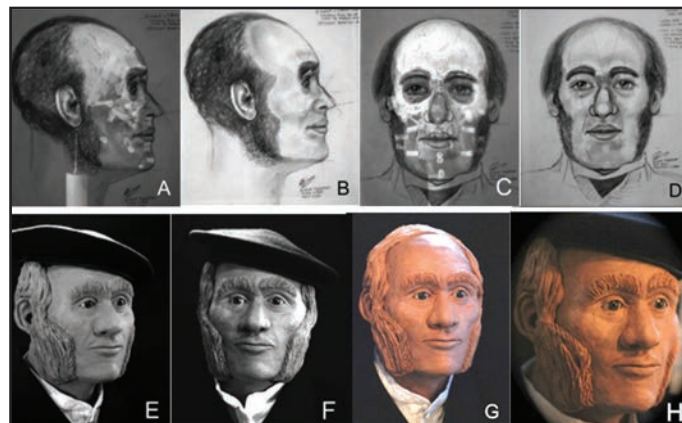


Fig 5. Process showing 2D and 3D facial reconstruction of skull #2

**E:** The 3D facial reconstruction image from original full skull without hat and clothing.

**F:** Completion of 3D frontal view facial reconstruction.

**G:** 3D image of facial reconstruction wearing hat and clothing.

**H:** Final 3D facial reconstruction, side view, with tissue depth markers covered by oil base clay to represent muscle, hair and skin.

Since many teeth were lost from their sockets post-mortem, clay was used to fill in the space. Highest quality prosthetic eyes were used and fit over the orbit and under the eyelid of the facial reconstruction (Fig. 2 E, F, G and H). The clothing was based on fashion research from the era. Final facial reconstruction sculpture (Fig. 2 F, G and H).

### Building the second skull

Figure 3: The procedure of developing a complete 3D facial reconstruction from skull with original mandible.

**A:** Lateral skull, with matching mandible and tissue depth markers attached.

**B:** Frontal skull view before 3D clay facial reconstruction.

**C:** Lateral view showing clay, wooden splints, prosthetic eyes and clearly visible tissue depths to match skin thickness.

**D:** Oil base clay covering full skull showing the beginning stages of a male face.

Figure 4: Process showing the 2D and 3D facial reconstruction of the second skull with original mandible.

**A:** The tissue-depth markers overlying anatomical landmarks placed on the lateral view of skull with face illustrated.

**B:** Final drawing of the 2D lateral view, also showing the Russian method of lateral nose projection with an upturned nasal spine.

**C:** Tissue depth markers overlying anatomical landmarks placed on the frontal view skull with face illustrated.

**D:** The finished 2D converted into a frontal portrait style drawing showing a broad jaw and unique forehead.

**E:** The 3D facial reconstruction image from original full skull.

**F:** Completion of 3D frontal view facial reconstruction with hat and clothing

**G:** Angled view of finished face without navy hat

**H:** Final close up 3D facial reconstruction, with tissue depth markers covered by oil base clay to represent skin. His eyes appeared to have a certain glaze, such as being in a daze.

The surface crania and buried mandible were in good shape considering the age of the skull.

The anthropological assessment was that the skull was of a male of American Caucasoids-European ancestry. His estimated age at death was 28 to 52 years old.

This skull is uneven, resulting in slanted features such as eyes, eyebrows, bridge of nose (where it is pinched), upturned nose and uneven nostrils and corners of the mouth (Fig. 4C, D, F, G, H). The bridge of the nose, between the eyes, is very pinched, therefore the skin is thinner and the shape in that area had a slight bump, which would have been apparent and so is reflected in the reconstruction (Fig. 5A, B, C, D, F).

The nasal bone has a bumpy ridge on the left side (Fig. 5 B and D), and is very narrow in the middle (Fig. 5 B, F and H). The nasal opening is slightly uneven as the nostrils vary and are crooked, as the left nostril is higher than the right (Fig. 5 C, D and F). He has a broad jaw and high cheekbones. The forehead appears to be unique, rounded at the sides and a slant-flat look in the middle (Fig. 5 B and G).

The hairstyle and sideburns were popular in 1845. The eyebrows were sculpted accordingly and lined up following his brow bridge on the crania. Ears on both facial reconstructions were created as generic and sit behind the angle of the jaw; ears are usually estimated to be equal in length of the nose on a face.

To finish the face, the clay would be smoothed out. Forensic art is 75-80 per cent science and 20-25 per cent artistic ability.

A forensic facial reconstruction is a way for the public to recognize a face from unidentified skeletal remains. Fortunately, the skull gives many clues for individualization. I was excited to see the finished result as I slowly rebuilt these two faces step-by-step.

Facial reconstructions are used as an investigative tool that can help identify the unknown, along with confirming future identification arising from DNA analysis.

Who were these Franklin Expedition members? I hope we will soon find that out, as everyone deserves to be identified.

Diana P. Trepkov is a forensic artist, author and lecturer. Visit [www.forensicsbydiana.com](http://www.forensicsbydiana.com) to learn more or contact her at [dianatrepkov@rogers.com](mailto:dianatrepkov@rogers.com) or 647 522-9660. Visit Diana at EXPO 2016 for more information visit [www.blueline.ca/EXPO](http://www.blueline.ca/EXPO)

Fig 3. Building the Face on Unidentified Skull #2





# THE QUEST FOR THE FRANKLIN SHIPS

*“To find the hand of Franklin reaching for the Beaufort Sea”*

Northwest Passage · Stan Rogers



John Wilson Carmichael's painting of the perils of the Franklin expedition's HMS Erebus and Terror

Two sailors who went missing during the ill-fated Franklin expedition could be about to be identified — 170 years after they and their crew vanished.

In 1993 two skulls found near where the crew of HMS Erebus died in 1845, were given over to renowned forensic artist Diana Trepkov. She reconstructed the dead men's faces using pioneering techniques she has honed over 20 years. One bears an uncanny resemblance to a photo of crewman James Reid. Now scientists have issued an appeal to Reid's descendants to come forward for DNA tests that will prove whether it is him or not.

Ice Master Reid was part of an expedition of 130 men who disappeared while searching for the fabled Northwest Passage in the icy wastes off northern Canada in 1845. He was a famed whaler of his time, was part of an elite unit who set off from England on two naval ships, HMS Erebus and HMS Terror. But the expedition — led by the decorated war hero John Franklin — ended in disaster when the ships became stranded in thick pack ice after a year into its journey.

The crew was never seen again with reports they turned to cannibalism to try to survive after abandoning the ships and attempting to walk to the mainland. None of their remains have ever been identified. Their story and fate have been much publicized in books, paintings, movies and song. It has also been the source of much speculation regarding the cause of their demise. Some pointing to predation, hypothermia and others to diet and lead poisoning.

On September 7, 2014 Erebus was finally discovered near King William Island in the eastern Queen Maud Gulf using a remotely operated underwater vehicle. Two months later the ship's bell was recovered from the

wreckage. The remains were found near to where they perished trying to trek to safety.

Anthropologist Dr. Anne Keenleyside gave the two skulls to Trepkov on behalf of Dr. Douglas Stenton, the Director of Heritage for the Territory of Nunavut Department of Culture and Heritage, as part of a project funded by the Nunavut government. The purpose was to complete facial reconstructions so they can help lead to an identification of the crew members.

Trepkov's work has been published in the leading academic journal the *Polar Record* and featured in newspaper reports across Great Britain.

Dr. Stenton has led archaeological digs on sites associated with the 1845 failed expedition, said it could prove to be a breakthrough.

“We are not entirely sure what happened to the crew or where the rest of the bodies are,” Stenton said to a reporter from London's *Daily Mail*.

“But, it is reasonable to suggest these two skulls were crew members. There are no guarantees Reid will be identified but it is very exciting. It would be great if his descendants came forward. It means we could carry out DNA tests that could be matched to the samples we have taken from one of the skulls.”

The other skull looks similar to Lt. Graham Gore but that has been brought into doubt because Gore died long before the crew began the trek to safety.

Dr Stenton says he got hooked on the calamitous expedition while at school and has spent years trying to piece together what happened.

The two state-of-the-art ships were heralded as ‘unstoppable’ when they embarked in 1845 under Sir John's command. The experienced sailor had previously led expeditions to Australia and had fought at Trafalgar.

He hoped to discover a lucrative sea-route that linked the Atlantic to the Pacific via the Canadian Arctic Archipelago.

After a freezing winter locked the ships to the vast ice floes, the crew are believed to have slowly succumbed to disease and starvation. Native Inuit hunters told tales of starving white men spotted in the freezing wilderness over the following months and years.

Letters from Reid, a former harpooner, to his wife in the lead-up to the voyage were published by National Museum in Adelaide in the early 1900s. In them Reid says he may be gone, ‘two years - it may be three or four,’ and it will be his last voyage. He adds: ‘A number of people think it strange of me going but they would go if they knew as much about ice as I know.’

He added he had insured his life for 100 pounds.

Pressed by Franklin's wife, Lady Franklin, and others, the British Admiralty launched a search for the missing expedition in 1848. Prompted in part by Franklin's fame and the Admiralty's offer of a finder's reward of 20,000 pounds, many subsequent expeditions joined the hunt, which at one point in 1850 involved eleven British and two American ships.

Several of these ships converged off the east coast of Beechey Island, where the first relics of the expedition were found, including the graves of three crewmen. The broad circumstances of the expedition's fate were first revealed when Hudson's Bay Company doctor John Rae collected artifacts and testimony from local Inuit in 1853. Later expeditions up to 1866 confirmed these reports.

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Sourced and edited from files supplied by the *Daily Mail* — London, Parks Canada — Ottawa, *The Polar Record*, Diana Trepkov and *Blue Line Magazine*.

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# FLUSHING THE FEAR

## Top ten tips for testifying in court

by Jason Pilon

Testifying in court can be a difficult and nerve-wracking process, even for the most experienced police officer and seasoned “professional witness.” The courtroom remains a strange and mysterious realm that few wish to venture into and even fewer ever truly understand.

Just like other aspects of policing, however, training is key and often obtained on the job as much as in the classroom. What follows are a series of anecdotal tips and suggestions from a prosecutor designed to help you prepare for and perform your best in the courtroom.

After prosecuting a variety of offences in various locations over the last 18 years, I’ve seen my fair share of strange things and unusual interactions with people involved in the criminal justice system. One particularly regular instance stands out – not only due to its relative frequency but also because of the way it always seems to present itself. Invariably, it goes something like this.

I have an upcoming trial (the nature and number of the charges are unimportant). I’m told that a police witness wishes to speak with me (often urgently) “about the file” – no further details are provided.

I’m always struck by how worried and concerned the officer looks when I engage them in informal chit chat to: i) try putting them at ease and ii) attempt to dispel the “dark clouds” that followed them into my office. The obligatory and brief off-topic discussions is followed by apologies for “bothering me” because they know that I’m a “busy man.” I assure them it’s absolutely no bother to me and part of my job to meet with witnesses, then immediately ask the obvious and necessary question: “So, what’s up?”

Next comes the loss of eye contact coupled with a deep breath, followed by a long sigh as the officer drops all pretences and defences, lays themselves bare, opens their soul, and, in one salient and cathartic moment blurts out their deep, dark secret to me. “Well... the thing is... that... I’ve never testified before...”

I had to learn to resist smiling at this moment, but not because I found the revelation funny or the officer’s obvious distress in any way even mildly amusing. It’s the juxtaposition of the moment that always causes me to smile (now, only inwardly).

There sits the officer, instinctively possessed of that unique character which promotes an innate sense of right over wrong, enabling them to run directly towards danger when the rest of us run frantically away. He/she is usually bestowed with many of the attributes most people envy and aspire to (e.g.: youth, physical size and strength, intelligence, energy, etc.), supplemented by years of training and an ever-increasing array of tools of the trade.

In short, despite possessing every trait necessary to handle whatever may come their way in their unusual and dangerous work – and despite appearing absolutely impervious to any form of challenge to them or their authority — there they sit uneasily in one of my client chairs, weighed down by their size, numerous use of force options and the stress of having ‘confessed’ to me their ‘virginal innocence’ in the world of courts and testifying.

I immediately try to lighten the mood, invite them to raise their weary head and assure them that: i) I’ve never testified either (and hope never to have to); ii) testifying is a normal and expected part of policing; iii) everything will be all right; and iv) I’ll try to

be as gentle as I can since it’s their first time.

Now I must confess to long having trouble reconciling how this apparently fearless and omnipotent individual, so well equipped and trained, could possibly be, even for a moment, afraid of anything – let alone something as ‘insignificant’ as a courtroom. The risk of harm is significantly less than that accompanying other ‘mundane’ tasks in their job – anything from a ‘simple’ traffic stop to kicking down the door of a drug house.

That was my thinking – at least until I remembered one thing and experienced another. I too have been nervous and/or scared going to court, despite numerous appearances, and simply learned to manage that fear and apprehension by adopting techniques which boiled down to a combination of experience and preparation.

I also remembered my first ride-along and how scared I was just being alongside police officers in their ‘office.’ Watching them dealing with shady characters in dark alleys, I wondered how they could be so calm. They are scared, I was told, but have found a way to function in that milieu by also relying upon a combination of training and experience.

With all that in mind, I offer the following list of ten things officers can do before, during and after testifying to make them better witnesses and, by extension, improve the prosecution’s presentation of the case.

### Before

**Adopt the proper mindset:** As with anything else in life, the best way to start something is to begin with the correct mindset. Officers need to not only accept the inevitability of



court but embrace it as they would any other less than enjoyable aspect of the job. Accept that the matter will eventually make its way to court.

Appreciate that your duty may include testifying about your role in the investigation and prosecution of the file. Adopt a mindset that it's 'our file' and not 'the Crown's file.' Realize that you may be criticized as a necessary adjunct to the process of 'searching for the truth.' Resolve to guard yourself against being criticized in areas where you can avoid scrutiny.

Remember that preparation is key and starts at the scene. When the dust has settled, it's time to properly record the many observations you've made for posterity's sake. The more effort you put into your notes at the forefront of the investigation, the better you will be able to testify (several months or even years down the road) to what you did and didn't do and why.

**Courtrooms are classrooms:** When the consequences of failure outweigh the benefits of learning to do things on your own, watch someone else before trying it – especially the first time. I'm a big believer in learning from my own mistakes and (even more) learning from the mistakes of others.

Watch colleagues testify every chance you get. Learn the difference between direct and cross examination and the mechanics and logistics of how evidence is adduced in court. Get comfortable in your future surroundings. The 'bad news' is that lawyers have a language, procedure, and forum that is foreign to the untrained legal eye and ear. The 'good news' is that free classrooms are open to the public in courtrooms across the country.

Rather than sit in the officers' lounge telling (and re-telling) war stories, spend that time watching colleagues and other witnesses endure a "trial by fire" so that when their time comes, you'll know how to 'dance between the flames.'

**Review your notes often:** Always remember, they are YOUR notes. Take pride in that fact and make sure you review them thoroughly and often. You should know them inside and out and NOBODY should EVER know them better than you. Nothing is worse than a befuddled or confused officer blindly flipping through notes (obviously for the first time in court), searching hopelessly for the answer only to be directed to it by the Crown or (even worse) defence counsel. Remember: first impressions also matter in court.

**Critically review your notes:** This is a necessary adjunct to the preceding tip but involves a separate consideration. Simply put, not only must you review your notes to assist in remembering the events in question, you should look for weaknesses where you are susceptible to criticism and prepare yourself accordingly.

Lawyers are trained to look for and exploit 'chinks in the armour' of witnesses. There's no reason why an officer can't do the same thing in reverse by identifying those same areas before testifying and mentally reinforce those 'weaknesses' in anticipation of the inevitable attack. You wouldn't ignore a fault in your body armour so don't ignore problems in your notes and hope no one will notice. In court,

just as in life, anticipating the other side's next move is the best way to stay in the lead.

**Meet with the Crown:** As a witness who may be needed to testify on several different things, it's essential to know precisely why you're being called to testify so that you can properly focus your pre-trial preparation/review of your notes. In other words, as an essential link in the chain or piece in the (proverbial) puzzle, it's always important to meet with the prosecutor beforehand to learn what 'verse you're expected to contribute to the play.'

This should not be confused with 'wood shedding' (otherwise known as 'impermissibly coaching of a witness'). Knowing the areas you're expected to testify on is not the same thing as 'telling you what to say' in relation to those areas. The former is permissible and a proper exercise of pre-trial preparation; the latter is highly inappropriate.

Finally, don't be late for court. Show up early and demonstrate your eagerness to be part of the process that you started.

### During

**Tell the truth:** Many witnesses have asked me (always in hypotheticals) what they "should" say in response to certain questions. My answer has always been (and always will be): "Tell the truth." Normally, this elicits a little laughter to preface what they think I will say next but I have nothing else to say. The truth is always the right answer.

If the truth is yes, say yes; if no, say no. If

the truth requires more than a simple yes or no, then elaborate as necessary. 'I don't know' or 'I don't remember' (if true) are also perfectly acceptable answers. No witness (even a police officer) is expected to know and/or remember everything. All witnesses are assessed on a combination of reliability (AKA accuracy) and credibility (AKA truthfulness).

While a reliable witness must also be honest, a credible witness is not necessarily always accurate in what they say. What's important to take from this is that your credibility is the most important thing you have going for you. It is hard to obtain, very easily lost and, once lost, is unrecoverable. No one case is worth any witness being 'loose with the truth.'

**Answer the question and respond to the suggestion:** Reliability and credibility often separates a good witness from a bad witness. Most questions are asked for a reason and with a certain expected response. The reason is to advance and/or sustain a particular point the advocate is trying to make.

While a witness is required to answer the question, they must also be alert to the suggestion that is or will try to be made. Answering questions is one thing, being blindly lead 'down the primrose path' towards calamity is quite another.

If the suggestion is correct and naturally follows from the answers to the questions, then the witness should follow along with gusto. If, however, the suggestion or impression is not correct in the opinion of the witness who experienced the events first hand, he/she should

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be equally quick to correct the impression wrongly being made to the trier of fact.

**Remember the three little pigs:** I always remind police during training of this well-known fairy tale, along with my own slight retelling, to establish the point I'm trying to make. In short, if you present yourself as a 'straw house' in court (e.g.: wishy-washy, non-committal, easily swayed, etc.), lawyers will no doubt try to 'blow you down.'

On the other hand, if you present yourself as a 'brick house' (e.g.: intractable, obstinate, unyielding to any suggestion), lawyers will have no difficulty "blowing past" you as you stand still. Either way, the trier of fact will be unwilling or unable to place any weight on anything you say. A witness should strive to be the testimonial equivalent to a 'stick house,' firm in their foundation but able to sway with the prevailing winds of reason and common sense.

**Stay for the whole trial:** Just as in life, you should do your best to finish what you started when you're in court. The importance of knowing your piece will only be amplified when you can see the finished puzzle. Too often, I see officers come and go as quickly as possible and then lament the result without knowing how and why things did not go as planned. Once a mistake is caught, it's much easier to avoid it happening again.

Judges will often indicate in their decisions how the officer could conduct themselves better

the next time. Unfortunately, not being present for those instructions and/or hearing them second hand, days/weeks/months later does not lead to overall improvement. Improvement translates into greater job satisfaction in what can be an otherwise thankless job.

Finally, victims and witnesses who are truly involved in the process invariably appreciate officers who stay with them from complaint to completion of the trial.

#### After

**Debrief with the Crown:** Medical professionals conduct 'Morbidity and Mortality Conferences,' which are designed to be non-punitive peer reviews of mistakes that occurred during patient care. The goal is to create an environment where doctors and other practitioners can learn from each other's mistakes and modify their practice with a view toward preventing these errors from happening again. This improves the system and process as a whole.

Early on, I instituted a similar informal conference with officers after a trial to discuss 'the good, the bad, and the ugly' with a view toward improving my and their performance. These have always been beneficial to me and extremely well-received by police. The best way to keep doing the right things and stop doing the wrong things starts with identifying which is which, followed by knowing how to do the right thing the right way in the future.

#### Final analysis

Whenever I get nervous or scared about my next day in court, I take solace from the words of Field Marshall Bernard Montgomery (a professional soldier who often faced danger during his long career with the British Army):

"Discipline strengthens the mind so that it becomes impervious to the corroding influence of fear".

I also remember a quote from Mark Twain: "Courage is resistance to fear, mastery of fear — not absence of fear".

In the final analysis, testifying in court, just like other important aspects of policing, is a discipline that can only be mastered by a combination of proper preparation coupled with the right amount of experience.

#### Disclaimer

The opinions expressed are those of the author alone and do not necessarily represent the position of the Ministry of the Attorney General.

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Jason Pilon, B.A., LL.B., is an assistant Crown Attorney for the United Counties of Stormont, Dundas & Glengarry. He has presented block training to several police forces and has presented at the Crown Summer School Homicide Course for the past four years. Contact: [jbcpilon@gmail.com](mailto:jbcpilon@gmail.com)

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# THE JUDGES' RULES

## *Passing the test of time and technology*

The Rules were first issued in 1912 by the judges of the King's Bench to give English police forces guidance on the procedures that they should follow in detaining and questioning suspects. The Home Secretary had requested the judges to explain how an investigation should be conducted to avoid the resulting evidence being ruled inadmissible in court. The rules were intended to halt a divergence in practice that had developed among different police forces.

The Judges' Rules were not rules of law, but rather rules of practice for the guidance of the police, setting out the kinds of conduct that could cause a judge to exercise discretion to exclude evidence, in the interests of a fair trial.

These Rules do not affect the following basic principles:

- (a) That citizens have a duty to help a police officer to discover and apprehend offenders;
- (b) That police officers, otherwise than by arrest, cannot compel any person against his will to come to or remain in any police station;
- (c) That every person at any stage of an investigation should be able to communicate and to consult privately with a solicitor. This is so even if he is in custody provided that in such a case no unreasonable delay or hindrance is caused to the processes of investigation or the administration of justice by his doing so;
- (d) That when a police officer who is making enquiries of any person about an offence has enough evidence to prefer a charge against that person for the offence, he should without delay cause that person to be charged or informed that he may be prosecuted for the offence;
- (e) That it is a fundamental condition of the admissibility in evidence against any person, equally of any oral answer given by that person to a question put by a police officer and of any statement made by that person, that it shall have been voluntary, in the sense that it has not been obtained from him by fear or prejudice or hope of advantage, exercised or held out by a person in authority, or by oppression.

The principle set out in paragraph (e) above is overriding and applicable in all cases.

Within these principles the following Rules were put forward as a guide to police officers conducting investigations. Non-conformity with these Rules may render answers and statements liable to be excluded from evidence.

### **Rule Number 1**

"When a police officer is trying to discover whether, or by whom, an offence has been committed he is entitled to question any person, whether suspected or not, from whom he thinks that useful information may be obtained."

This is so whether or not the person in

question has been taken into custody so long as he has not been charged with the offence or informed that he may be prosecuted for it.

### **Rule Number 2**

"Whenever a police officer has made up his mind to charge a person with a crime, he should first caution such person before asking him any questions, or further questions, as the case may be."

This generally means that when an officer concludes that a person is to be charged with an offence then he is required to advise the person that he has the right to remain silent etc. If the officer ignores the giving of the caution he is open to judicial review as to when he should have made the caution.

### **Rule Number 3**

"Persons in custody should not be questioned without the usual caution being first administered."

No questions should be put to a person after his arrest until he has been given his caution. With this common law rule we now have to add the Charter of Rights and Freedoms. As well as cautioning a person in custody it is incumbent upon each officer to further advise the person they have a right to counsel and that if they cannot afford a lawyer one can be provided free of charge. A further duty is placed on the officer in that he is required to assist the accused in obtaining counsel if the accused so wishes to have one.

### **Rule Number 4**

"If a prisoner wishes to volunteer any statement, the usual caution should be administered. It is desirable that the caution end with the words, 'be given in evidence.'"

If a person were to approach you and state that he had just murdered someone you would be required to caution him immediately before he continued on. If he had been previously interviewed by another officer you would have to give the secondary caution.

### **Rule Number 5**

The caution to be given should be in a form similar to the following; "Do you wish to say anything in answer to the charge? You are not obliged to say anything unless you wish to do so, but whatever you say may be given in evidence."

### **Rule Number 6**

"A statement made by a person before there is time to caution him is not rendered inadmissible in evidence merely by reason of no caution having been given, but in such a case, he should be cautioned as soon as is possible."

In other words a statement blurted before there is time to caution (spontaneous utterance) is admissible.

### **Rule Number 7**

"A prisoner making a voluntary statement must not be cross-examined and no question should be put to him about it except for the purpose of removing ambiguity in what he actually said."

For instance, if he mentioned an hour without indicating the date, he may be questioned sufficiently to clear the point.

### **Rule Number 8**

"When two or more are charged with the same offence and statements are taken separately from the persons charged, the police should not read these statements to the other persons charged, but each of such persons should be furnished by the police with a copy of such statements and nothing should be said or done by the police to invite a reply. If the person charge desires to make a statement in reply, the usual caution should be administered."

### **Rule Number 9**

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

### **The Modern Era**

Video recording can greatly assist the trier of fact in assessing a confession. They provide a means for the court to enforce safeguards, it evaluates interrogation methods and deters improper tactics. It certainly eliminates the tediousness of reducing verbal confessions to paper and ensures the free flow of dialogue.

A statement that was not recorded does not automatically render it inadmissible. The same goes for incomplete recordings.

The lack of recording, however, can enhance concerns of voluntariness. Where the accused is in custody in a location equipped to record a statement but it was not used, the non-recorded statement is inherently suspect.

Where the statement was not recorded or only partially recorded, the statement may be excluded where the absence of a record results in the inability to determine if the statement was voluntary. Thus, situations where the summarizing notes are too short to capture the whole statement may raise an issue on voluntariness.

Similarly, statements that are non-video or audio recorded, it is not necessarily inadmissible. In all cases, the crown must prove there is a sufficient record of the interaction between the accused and police. Thus, the judge must determine whether a sufficient substitute has been provided to prove voluntariness beyond a reasonable doubt.

[en.wikibooks.org/wiki/Canadian\\_Criminal\\_Evidence/Admissions\\_and\\_Confessions/Voluntariness](http://en.wikibooks.org/wiki/Canadian_Criminal_Evidence/Admissions_and_Confessions/Voluntariness)

## Off the wall in Miramichi



Morley...earlier in the year you were so kind to feature (and to make enhancement suggestions) for our “through the wall” car front project in an edition of *Blue Line Magazine*. Well now for the rest of the story.

Encouraged by the positive feedback received from *Blue Line Magazine* readers and from visitors to our office, we have now added the rear deck of one of our parked Dodge Charger’s to the opposite side of this wall, which is at the back of our briefing room.

Our vehicle equipment installer, as he did for the front end, has ensured that the lights

are functional. Young office visitors can press buttons for tail lights, brake lights and back up lights. One of the more noticeable features of Dodge Chargers is the distance away that you can see the rear tail lights.

As to what’s next, we will await the feedback! But, in the mean time, the office joke is that our interview room is between these two displays. We are ready for back seat confessions.

**Bob Bruce**  
*Miramichi Police Service*

## Beyond the line of fire

There is a segment of society that goes to work every day to do things for the good of all the people and their society. These people are practically invisible until there is a problem that no one else can or will deal with; among these people are police officers.

This next statement may sound cold and harsh but never the less it has to be said. After an officer is killed in the line of duty, his family will be looked after for a short term but will eventually be put aside by the police community until the next time an officer is killed. At that time there will once again be a short reaching out to the families of the slain officers.

This occurs due to the nature of the job these people perform. The role of a police officer requires them to face and do things that most people could not imagine in their worst nightmares. In order to perform a lot of these duties, officers must be able to put aside their personal feelings, shut down their emotions, face their own mortality and plunge deep into situations that would make other people not only cringe but run. When an officer is killed, it is a blatant reminder to all officers of their own mortality. This is one of the biggest reasons they unconsciously push the reminders of fallen officers and their families aside.

This is also the case for officers injured in the line of duty. They will be “looked” after by their respective departments in the manner set out by individual department policy. Some are far better cared for than others. Regardless though, and depending on the severity of the injury, the officer in question will be ostracized

at some level. If able to return to duty they will be welcomed back into the fold. If the injury allows them to perform light duties, they will be back but usually in a less visible role, again so other officers will not have the constant reminder of their own vulnerability.

Severely injured officers will be shunned and more often than not, treated as a pariah. These particular injured officers will find it very difficult if not impossible to remain active in the police community. Policing is a way of life, with a strong feeling of camaraderie amongst all police officers worldwide. Considering the severity of their injury plus the stress created by the treatment/feelings that they no longer belong, the likelihood of them finding any fulfilling employment is poor at best.

This is just my opinion but given the fact that I am the son of a police officer that was killed in the line of duty and then later on in my own police career I was injured in the line of duty, I’ve experience this first hand. An injury that not only cost me: my career, my mobility, my benefits, my pension but worst of all my ability to earn a living to support my wife and children.

I know the importance of keeping your edge on the streets; it is detrimental to self preservation. This was not written with the intent to criticize how officers face their mortality, but better to help others understand why it is treated in this manner. As much as this may be unusual and unfair it is the way things are and will most likely remain in order to protect the active police officers still serving.

**Mike Irwin**  
*Wilberforce, ON*

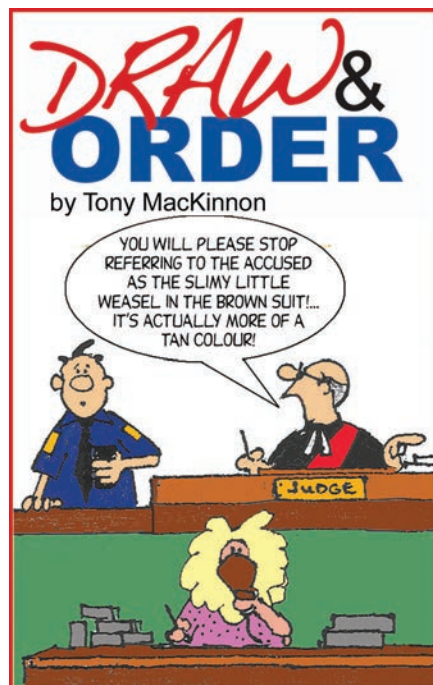


I have always had the utmost respect for police, firefighters, paramedics, and every other person involved in emergency services. I have always seen paramedics and firefighters as the life savers and the police the ones who arrest the bad people and protect the community.

Recently, I saw a picture in the news of one incident that had happened not too long ago which struck something in me, changed my perspective on police, and made me feel the need to write this letter. It shows a police officer comforting and helping a girl who was injured along with a firefighter. After thinking for a while about the picture, I figured out that on most incidents where police are needed like car accidents, police are the first ones there.

I then realized that police do way more than just enforce the law, they also save peoples lives by being the first on scene, helping and comforting people until paramedics or fire fighters can arrive. Police don’t usually get all the credit that most other life savers do, and get more negative feedback than others do. I thought this letter was needed to show you all that people do see all the good things you do, even if not many people say it.

**Kisa Lanctot**  
*Cornwall, ON*





# On the hunt for electronic fingerprints

Fingerprints and DNA are key evidence in identifying criminals, but crime scene investigators of the future may add Wi-Fi to their toolkit for tracking down lawbreakers.

If police were able to seize Wi-Fi devices at the scene of a crime, they could have access to vital information which could place people at the scene at the time an incident took place.

Dan Blackman, a PhD candidate at Edith Cowan University in Australia, and technical adviser to Western Australia Police, thinks police are missing out by not using this key source of information.

Routers, for example, capture 'chatter' from smartphones, tablets and wearables, including successful and failed attempts to log onto a network, as well as the time they attempted to connect.

In addition, routers capture a media access

control (MAC) address from mobile devices, which are unique identifiers for each phone, laptop or tablet that try to connect to the network.

Mr Blackman described the information from Wi-Fi devices as 'gold' in terms of evidence for court.

Speaking to Science Network WA, he said: 'These devices could hold a lot of information, but we're not capturing it.'

'If we were to look at it from a purely legal perspective, we might be able to place a specific person at a specific location at a specific time.'

However, one of the limiting factors is the often short window of time in which investigators have to secure the information.

Many devices store a limited amount of information and have limited memory capacity.

For older routers, this may be as little as a few hundred kilobytes of data — the equivalent of a few hundred paragraphs of text.

As storing logs isn't a primary necessity for routers, even more modern devices may fill up within minutes.

And for detectives on the scene looking to freeze the data capture process, switching off the device could cause havoc.

'If we power off the Wi-Fi device we lose a heck of a lot of data, which causes issues with seizure,' explained Mr Blackman.

One more pitfall awaits once the device is switched off.

As they often contain internal and external antennae for communication, switching off the power can cause the input to switch from one to the other.

'So the moment you disconnect the external aerial, [the internal] fires up, and you still have connectivity to the device,' he added.

(UK Daily Mail)



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# POLICE JUDO

## PART ONE

*A new martial art is born*

by *Al Arsenault*

Police Judo is a new martial art created by and for police. The police careers of the authors have spanned more than half a century, much of it spent patrolling “skid road,” and we spent more than 70 years studying various martial arts.

Our training hall was located at the old police station gym by Main and Hastings (‘Pain and Wastings’) squarely within this festering and squalid neighbourhood. Our police gym was a sterile and clinical setting amidst a cesspool of crime, drug and alcohol addiction, mental illness, poverty and general depravity that almost defies human imagination.

With personal arrest rates topping 1,100 per year (not including picking up drunks), this physically tough beat proved at times to be a highly volatile crucible of carnage and chaos. Superior control tactics were a necessity in this horribly depressed neighbourhood, a shark-infested gutter of atrocities and anti-police activism. The decent and downtrodden constantly fight to exist and police help them to do so under very trying and challenging circumstances.

Police judo was not created as a type of fighting per se but as a means to take resistive and combative people into custody using as little brute force as possible. The practical and innovative assimilation and fusion of ancient Judo techniques (grabbing, unbalancing, throwing/tripping, etc.) with modern police arrest and control tactics (joint locks, takedowns and throws) assists the handcuffing process.

Some of the techniques are new but most have been altered and modified from existing

martial arts specifically for police use. Students do not learn a martial art that must be adapted for use on the street. We strive to keep all vestiges of sporting applications, convention and traditionalism out of our training, as ‘street’ and ‘sport’ do not safely mix. Police Judo is a street-proofed martial art designed to ethically control those being arrested with minimal risk to all parties involved.

### The need for Police Judo

According to StatsCan (2008), 70 per cent of assaults against peace officers typically involved other offences like obstruction of a peace officer (36 per cent), level one assault (21 per cent), uttering threats (18 per cent), mischief (14 per cent), failure to comply with a disposition (11 per cent) and breach of probation (nine per cent). Only 14 per cent of these assaults involved a weapon and only one per cent of all assaults resulted in the officer needing medical attention.

There were about 3,600 cases of assault against peace officers in adult court in 2006/2007, so impactful assaults are not rare events.

We introduced all Washington state police use-of-force trainers to Police Judo in May 2014. A US border agent laughed when we explained the purpose of our trip, noting that that’s why they carry guns and pepper spray; he essentially felt that hands-on training was redundant. Perhaps from his caged perch he could see no real reason for developing such skills. Try policing our skids with that kind of attitude, we thought – he wouldn’t last a week.

It seems that ‘gadget reliance’ is outstripping the perceived need to cultivate solid arrest

and control tactics. We are offering, in many cases, best-practice techniques and tactics for use in the field. Our way is not the only way but our arrest and control tactics have been adapted and altered through the trials and errors of extensive ‘field testing.’

The techniques have often been executed under extreme and harsh conditions that the criminal-minded, drug and alcohol induced, psychotic or mentally ill have laid out at our feet like physical and emotional land mines — or thrown into our faces like virtual vats of acid. The hard-won and sage experience offered in this training is coming from those who have dealt with high volume arrest rates over many collective decades of beat policing.

Police Judo was not merely born out of the creative juices of seasoned martial artists sitting around the edges of a mat pontificating about what violence is like; rather it was forged from the fires of violence and even fear itself. The crime rates are off the CompStat charts in this besotted neighbourhood; the high rate of violence in particular typifies the nature of policing such a ghettoized neighbourhood.

This is not weekend warrior or sleepy hollow, speculative stuff – this is top-notch use-of-force training coming from battle-hardened veterans of the meanest streets of Vancouver.

Police Judo aims to fulfill a basic need which today’s street policing demands: ‘peace officers’ taking people safely into custody to prevent crime and restore peace to society. With the unprecedented degree of social media oversight coupled with anti-police activism (blue lives matter!), society at large is crying for the ethical use of force.



## Objective

Our goal in creating Police Judo is to give officers great tools to keep everyone involved as safe as possible during and even after the handcuffing process. It uses finesse and superior tactics over brawn and brute force. There is no need for unfettered, unethical violence merely because you can do so, legitimately or not.

Fortunately, the vast majority of police officers conduct themselves in a highly professional manner. Those who do 'go caveman' on a person resisting their control are not necessarily 'bad' officers, rather their 'bag of tricks' is sadly lacking or they are unable to deal with the adrenaline rush that comes with the rough stuff.

They lash out with batons, boots, and bare fists because their arrest and control repertoire is severely limited in scope and largely driven by fear; they flounder because their toolboxes are tragically devoid of useful and effective tools, ones which could put them emotionally and physically in control of potentially violent situations.

It is easy to be ethical when you are in control of a situation. An officer needs skills far beyond firearms training (and even those involving other belt tools) to take people into custody. Using force is all about the context where it is used; it must be reasonable, not merely minimal, to be justified. The days of the dark back alley are over; they're now well lit and likely to have video cameras.

## Ethical use of force

The philosophical base for Police Judo is unlike that of most striking martial arts in that our goal is not to destroy but to control the opponent; grappling arts accentuate limb control but with the goal of getting an opponent to submit as an end in itself. We concentrate on techniques that are 'low-risk' and 'high-yield' in nature, thereby providing a strong ethical base for our use-of-force options.

The opponent drives the level of force used in any physical altercation; the type and duration of the resistance offered dictates how long and strong such requisite force is applied. The altercation ends when: 1. offenders choose to comply and submit to the officer's attempts to gain control and handcuff them as part of a lawful arrest or, 2. they are forced into handcuffs.

In some cases officers are defending against an outright attack; otherwise they are using force to thwart physical resistance by those being handcuffed. Such a demanding task requires great tactics, considerable skill (both solely and as a partnership/team) and a finesse that may not be totally appreciated by the viewing public nor trumped by cute dojo tactics.

We do not enter into (rule-bound) competitions, do patterns (kata or forms), nor are we too interested in 'art form' techniques that are merely pretty to look at or fanciful and complex in application. Most martial arts clubs do not encourage using their skills on the street except for self-defence. We expect our students to make good use of their skills, primarily if they are acting in a law enforcement role.

## Training is key

Police officers, corrections staff, security personnel, loss prevention officers, doormen and others have all related how well the ethical application of Police Judo techniques have served them. They understand that under stress, officers will perform as they are trained; the building of a sound tactical base, while incorporating effective techniques into realistic training, is an essential skill to have in the real world of law enforcement.

Performing detailed scenario-based training is ideal but if time and resources do not permit, then emphasizing 'best practice' and practicing 'most-likely' effective aspects of arrest and control tactics can be done on the cheap. Indeed, simulation-based training tries to replicate situations likely to be encountered on the street – this is an effective way to train.

Any takedowns on the mats can be turned into mini-scenarios through the creativity of the instructor. For example, assailant(s) can be sent in to test the tactics of students performing mock arrests and subsequent handcuffing. If students choose to disengage, do they continue watching the assailant? How do they deal with multiple assailants? Do they watch their partner's back? Do they speak effectively and show a strong command (force) presence?

Injury rates tend to climb if students are allowed to train full-on combatively in a competitive manner; realism includes, and incurs, injuries. Special care must be taken to protect trainees whose future and current careers

depend on being injury free. That said, we have no rules except to care for your partner.

Care and concern extends onto the street with people that we are duty-bound to deal with.

### Coming up:

#### PART TWO

- Police Judo – Continuous Control
- The Art of Ownership
- Handcuffing
- Holding vs Controlling

#### PART THREE

- Police Judo – Where Realism Meets the Road
- Accountability
- Street Smarts
- Realism vs Idealism
- No Ref, No Rules

#### PART FOUR

- Police Judo – Training For Effect
- Going to the Ground
- Keeping it Savagely Simple
- The Adrenaline Rush

**Al Arsenault** is a former Vancouver police officer and a co-founded Odd Squad Productions. He currently specializes in teaching police combatives through his co-founding of Police Judo in 2010, is writing a book on Police Judo and teaching the essentials of this new martial art to police across North America.

**Al Arsenault** will be conducting a lecture and training session at the Blue Line Conference in April. Visit [www.blueline.ca](http://www.blueline.ca) for more details or to register.

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# GAZETTE

## “THE CRIME REPORT”

### *Communications form the nucleus of the modern police force*

by John R. Kenny,  
(Excerpt: RCMP Gazette Vol.20 - 1958)

This vast network weaves a tight web, binding together all law enforcement agencies in fighting crime. A web so fine, that even the so-called ‘arch criminal’ does not operate long before he, too, becomes entangled and finds himself trapped and encompassed by the law.

Today, the phrase ‘long arm of the law’ has real significance. Years ago the criminal saddled up ‘old faithful’ and ‘headed for the pass;’ his counterpart of today takes the airliner out of Vancouver tonight and arrives next morning in Montreal.

This demonstrates why rapid and accurate communication of information is essential if we are to keep pace with the modern criminal. Police forces now use many different kinds of communication. In many cases immediate action is required — and we can’t wait for a crime report to reach the investigator at some distant point — so radio, telephone, telex or some other means of rapid communication is used to transmit the information.

Regardless of what rapid means of communication is employed in transmitting this urgent message, a crime report must follow. The crime report can truly be called the work horse of our communication system. Here the investigator records for the future, or for immediate action, all the information gathered as a result of his investigation.

The way in which investigators records this data in their report is of vital importance. It may mean the difference between a successful or unsuccessful investigation. Neglecting to include all vital information is unfair to the other investigator who must rely entirely on the contents of the report when initiating enquiries.

Over the years, the police officer reports on many routine matters, sometimes ‘cutting corners’ to include only the bare facts. This is all well and good as it cuts down the reading time and no doubt serves the purpose.

However, the same does not hold true when reporting on serious crimes. Here you must go into detail and there is no such thing as ‘reading between the lines.’ All vital information must be reported as this report will be the permanent record.

A case that exemplifies this occurred some years ago in central Alberta. A German farmer,

who had lived in Canada for many years, was working his field. A rifle ‘cracked’ and a bullet grazed his shoulder. The matter was reported and investigated. The police were unable to find who fired the shot or why an attempt had been made to kill this man. However, details were fully recorded in the crime report.

The following summer the farmer was working his field when he was again fired on but the bullet missed him completely this time. The investigators went to work but were unable to uncover the would be assailant. Investigational data was reported in detail.

The third summer the farmer didn’t even hear the crack of a rifle but, as he reported later, ‘It felt like someone hit me in the face with a sledge hammer.’ His assailant ambushed him as he drove his team and disc down the road towards home. The shot gun blast struck him on the right side of the face and knocked him to the ground. The horses bolted for home, a quarter of a mile away, and his wife came running to his aid. By this time, the assailant had vanished into the bush leaving behind his carefully constructed ambush by the side of the road.

The local detachment and other investigators moved into this central Alberta village once again. The villagers were getting concerned as the case had been investigated the two preceding years and no arrest made. The previous investigators had carried out their work well, and indirectly formed part of the team conducting the latest inquiry.

The investigators working on this last episode carefully read previous reports in order to familiarize themselves with details to date. It was noted that a list had been prepared of all the hired men formerly employed by the farmer. One of these was named Pete Rokowski, and had never been located.

The present investigation continued — check local farmers, strangers, check this, check that, etc. One member, scrutinizing the local hotel register, noticed the name Pete Rokowski. Reference was made to previous files and the name was similar to that of a man who had worked for the farmer some years ago.

The hotel manager was asked to produce his register for the previous two years and, on each of the occasions that the farmer had been shot at — Pete Rokowski had signed the hotel

guest register, yet his name never appeared otherwise. The missing link had been found and Rokowski was arrested a few days later in an Edmonton railway station as he went to board a train for Vancouver.

The policemen who solved this last shooting owed a great deal to previous investigators who had recorded, for future reference, all vital information concerning the two previous instances.

....

Another case was solved by three little words mentioned in a crime report. The policeman reading a false pretences file didn’t recognize the name in the heading but, when he came to the body of the report and read that the subject’s favourite saying was ‘let’s get mobile,’ he went out and arrested John Arnold Ferguson, a cheque artist, whom he knew used this expression.

....

Accuracy and detail are essential when reporting serious crimes. Accuracy is something we are all familiar with and is self-explanatory. Detail is something different. How much and what should we include in the crime report? This is something which must be left to the individual as only experience and common sense can guide them here.

These are all things that go to make up the good crime report. Peace officers should all be interested in submitting good crime reports and improving them as they gain experience. We might ask ourselves — What constitutes a good crime report? A good crime report is accurate, clear, concise as circumstances will allow and designed to suit the matter under investigation.

The architect and the author of the crime report have a parallel. An architect designing a large hotel will spend a great deal of time planning it and will go into considerable detail, including details of the plumbing, lighting, decorating etc. in plans so that the finished product will be a beautiful structure. Nothing must be left to chance. The same architect designing a one car garage will spend very little time on it but produce a building required to suit the purpose.

The same is true of the crime report. If your case is one of a serious nature and quite involved, then you, too, must go into detail, plan your report well and record all the information.



However, if you receive a report enquiring for a man in your district and he has moved to some other point, then say so and give the address. Don't write a long report about the people you interviewed before you finally obtained the information. The other investigator is merely interested in locating the man and you could tell him this information in a few lines.

The volume of crime report writing, like the work of the Canadian peace officer, is increasing each year. The increase in population is one contributing factor, and the pace of modern living is another. This ever increasing volume of reports converges on headquarters to be perused and cleared to its ultimate destination. A crime report author who fills pages with unimportant material slows down one of our most vital means of communication.

Crime report readers can only peruse so much material a day. If half of what they read is the idle ramblings of an investigator trying to impress someone with the amount of work done on a case, then other mail waiting to be processed will be delayed.

Anyone can write a long verbose report but it takes some thought and planning to write a clear, concise one.

"He that uses many words for explaining any subject, doth, like the cuttlefish, hide himself in his own ink" — John (1627-1705).

The following are a few suggestions that may help a writer produce a better report — one that will be clear, concise and easy to read.

**Familiar Word:** Use the familiar rather than the obscure word.

"The finest words in the world are only vain sounds, if you cannot comprehend them" — Anatole France.

**Avoid Jargon:** There are many words with a local meaning or common to a trade such as fishing, lumbering, oil drilling, etc. People use words among themselves that are not always understood in other districts. Such words should be avoided and, if used, the writer should explain the word.

**Tabulation and Indentation:** Many things such as lists of photographs, witnesses, stolen property, cheques, etc. can be tabulated in reports. Indentation is another means of setting out material for quick reference. Descriptions of persons, statements, wording of charges and many other things also lend themselves readily to this means.

Indentation and tabulation serve two important purposes. They assist readers by letting them know this indentation or tabulation deals with one thing only, suggesting they may wish to read it then or leave it until later. In this way they can peruse the report more quickly.

**Antiquated Phrases:** There are still a few peace officers using antiquated phrases such as 'beg to advise,' *ultimo*, *proximo* and *idem*. These are 'taboo' in the modern business world. Ours is the age of 'A' bombs, 'H' bombs and pending space travel. Keep up with the times and show it in your reports.

**Photographs and Diagrams:** 'A picture is worth a thousand words' is a quotation we hear every now and then. It is one the police

readily accept as they realize the importance of the photograph. One might write a detailed description of a wanted person but it will never take the place of a photograph. Photographs, pictures cut out of catalogues or magazines of articles stolen or missing, or just a simple diagram by the investigator, will sometimes help in locating the property or subject.

**Proper Christian Names:** Police officers should seldom record a subject's name showing only the initials and the surname — unless the person is well known in public life, a government department or business circles. It is better to record the full Christian name and even this can be inadequate at times.

Read any book or magazine article and you will find that authors seldom introduce a new character just by mentioning the name. Usually they go into some detail to describe the person so you will have a picture in your mind of the man or woman under discussion. Yet, some police officers, reporting on matters much more important than a magazine article, think nothing of saying they interviewed John Jones and then proceed to state what he said.

In some cases you should give a background sketch of the person and tell a little about them. In other cases you could introduce the name something like this:

Gordon Lloyd HUGHES (51), electrical engineer, Address ...

Richard Arthur SMITH (24), FPS 218976,

bartender, Address ...

Ralph John JONES (18), high school student, Address ...

In this way, your reader will have some idea of the person you are interviewing and be in a better position to assess their statements.

These are just a few of the things that may assist the writer. There are many others and the crime report writer should always be on the lookout for ways to improve reports.

Good crime reports speed the transmission of information and assist readers in processing material arriving at headquarters. They result in better and more thorough investigations by members handling the files and are a credit and reflection on the ability of the individual member who signs them.

The report you write today may find its way to the desk of a cabinet minister, an investigator in the field or an office clerk in a government department. Whether it is a well composed report, or bits of information jotted down in a chaotic fashion, will rest entirely with the peace officer. Although the people who read your report may never see or know you personally, they will judge you according to your work.

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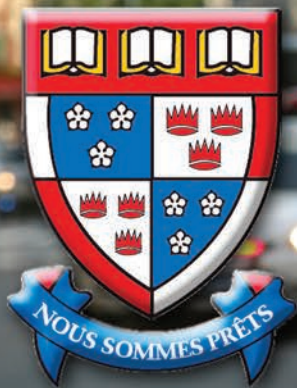
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# FIRST RESPONDERS PROGRAM INITIATED

## Simon Fraser to teach coping mechanisms

by Larry White

It has become evident in recent years that Canada's first responders need support. The Tema Conter Memorial Trust reports that 32 first responders and 12 military members died by suicide in 2015 alone. Many others battle the challenges of mental illness arising from ongoing job trauma.

First responders, emergency workers and communicators act selflessly, often putting their own lives on the line to protect others. It's time for Canadians to step up and offer some help to those who help others.

Simon Fraser University (SFU), in partnership with Tema, has worked behind the scenes for the past two years in order to do just that. With guidance from a national steering committee representing a broad cross-section of the first response community, SFU is the first Canadian university to have a program developed by and designed for first responders — the First Responders Trauma Prevention and Recovery certificate program.

Available part-time and online, the program explores the impact of trauma from various dimensions as it applies to both front line emergency responders and communicators.

"There is a national mental health crisis among first responders and military personnel," says former paramedic Vince Savoia, Tema founder and executive director.

"One of the best ways to respond to a crisis is to give these brave men and women the specialized knowledge and skills they need to mitigate the emotional toll of their work. This program is the first in Canada to provide ready access to learning that is critical to the



mental well being of those who are frequently exposed to suffering and tragedy."

Taught by active and retired first responders and other professionals, participants gain a clear understanding of the principles of wellness and good mental health. They also learn how to recognize and address the onset of mental health issues specific to their profession and be proactive in trying to mitigate the impacts of trauma in advance of, during and following a crisis situation.

Participants finish the program with a personal resilience 'toolkit' from which they can draw to better prepare and support themselves when facing instances of vicarious trauma.

Designed to meet the needs of working professionals, the program is available fully online. Learning online does not mean learning in isolation. In fact, SFU, Tema and the program development team have been working to ensure that participants can interact and share experiences, ideas and expertise.

It's possible that discussing course content and sharing experiences may trigger a reaction to traumatic events from the past. In order to support students in such instances, SFU has actively been working with an external service

provider to offer mental health support 24/7. The program is likely to become one of the first of its kind to incorporate an employee assistance program type support structure for participants, accessible directly from within the program.

In developing program content, SFU invited first responders to a discussion during Tema's Common Threads Symposium in February 2016 and reached out electronically to dozens of first responders across Canada.

The feedback gained from these outreach activities was critical in helping to ensure that the program met the perceived needs of first responders themselves.

In fact, one anonymous electronic respondent shared a personal observation: "Simply, I am grateful. This is an answer to personal prayers."

"We structured the program to be pragmatic and collaborative," adds Savoia. "Participants will not only benefit personally, but they will also acquire leadership skills to support their colleagues and their organizations as a whole."

SFU and Tema also recognize that training in the early identification of mental health problems, promotion of mental wellness and prevention of mental illness and suicide is a critical strategy in helping to mitigate the cost of mental illness to the Canadian economy.

Visit [www.sfu.ca/1stResponders](http://www.sfu.ca/1stResponders) to learn more about the program.

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**Larry White** ([lawhite@sfu.ca](mailto:lawhite@sfu.ca)) has worked in post-secondary education for more than 17 years and is currently the Director of Career and Professional Programs in Continuing Studies at Simon Fraser University.

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# BEYOND SECURITY

## Securing positions for former military and police personnel

by Mirelle Sylvester

You probably see a Commissionaire or two every day. You may even spot one when you're travelling through an airport or even at your local police station. They stand out with the white or blue crisp button down-shirts, sweaters, and epaulettes and you may notice that some are wearing military medals too. That's because Commissionaires are primarily former members of the Canadian Armed Forces, RCMP or police departments.

Commissionaires, the organization, was founded in 1925 following the First World War, when many returning veterans were unemployed and lacking a social safety net. Out of this need, Commissionaires was born. Initially operating in Montreal and then expanding to Toronto and Vancouver, the organization provided returning veterans with meaningful transitional or permanent employment.

Throughout the years, Commissionaires have expanded across Canada, into more than 50 offices, in every major city and 1200 communities. Over 90 per cent of revenue is driven back to members by operating a self-sustaining enterprise.

What you may not know is the business is a not-for-profit private company employing more than 20,000 men and women. Currently Canada's leading security services provider, Commissionaires offers more than just security services. Business services now include non-core police services, mobile patrols, training and process serving, in addition to identification services (fingerprinting, electronic criminal record checks, oaths and affidavits and pardons/record suspensions).

The thriving business provides services in federal and provincial buildings and facilities, as well as with utility companies, hospitals, airports, campuses, condominiums, ports, municipalities and more, typically delivering guarding, access control, by-law enforcement, crime scene security, photo radar, and traffic control.

Veterans play a very important role with Commissionaires. Currently, Commissionaires is the largest private employer of veterans in Canada, and offers veterans full-time, part-time and casual employment.

Canadians care very deeply about helping our veterans. In a survey commissioned

by Commissionaires in 2014, over 96 per cent of Canadians believed that our country has an obligation to help veterans find meaningful employment once they have completed their military service. Commissionaires do just that, providing essential training, development and advancement for veterans to ease the transition into civilian life and employment.

Each year, Commissionaires hire more than 1,000 former members of the Canadian Armed Forces and RCMP. The skills and training that veterans bring to the organization allow Commissionaires to serve a variety of both private and public sector clients, such as air and sea ports, border crossings, commercial enterprises, government facilities and institutions.

Commissionaires provide an important service assisting and protecting people and property, but the organization's mission is to provide meaningful employment to those who have served our country.

Mirelle Sylvester is a writer with *Ottawa Life Magazine*. To find out more about the Commissionaires go to [www.commissionaires.ca](http://www.commissionaires.ca).

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## *Fresno Police Real Time Crime Centre*

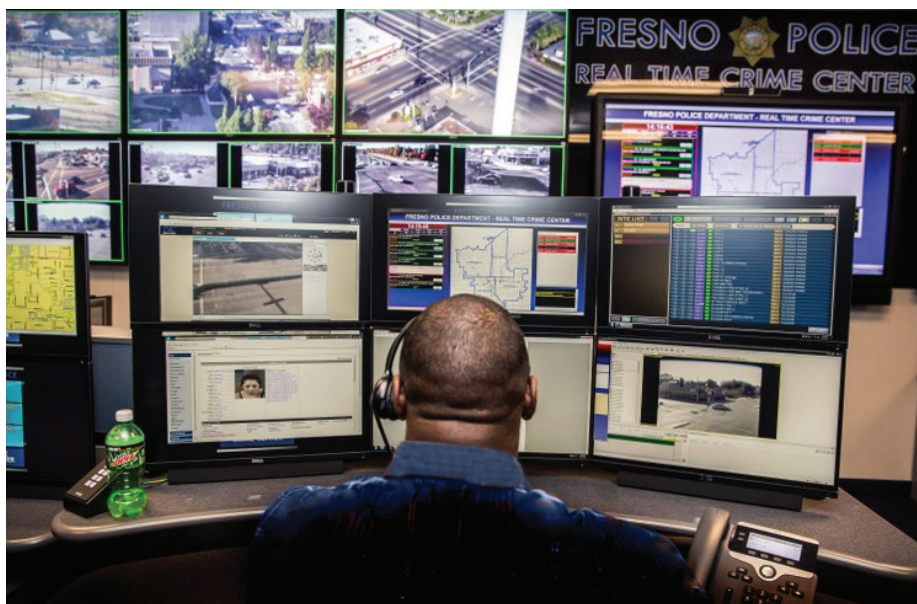
FRESNO, Calif. — While officers raced to a recent 9-1-1 call about a man threatening his ex-girlfriend, a police operator in headquarters consulted software that scored the suspect's potential for violence the way a bank might run a credit report.

The program scoured billions of data points, including arrest reports, property records, commercial databases, deep Web searches and the man's social media postings. It calculated his threat level as the highest of three colour coded scores: a bright red warning.

The man had a firearm conviction and gang associations, so out of caution police called a negotiator. The suspect surrendered, and police said the intelligence helped them make the right call — it turned out he had a gun.

As a national debate has played out over mass surveillance by the National Security Agency, a new generation of technology such as the Beware software being used in Fresno has given local law enforcement officers unprecedented power to peer into the lives of citizens.

Police officials say such tools can provide critical information that can help uncover terrorists or thwart mass shootings, ensure the safety of officers and the public, find suspects, and crack open cases. They say that last year's attacks in Paris and San Bernardino, Calif., have only underscored the need for such measures.



Few departments will discuss how — or sometimes if— they are using these tools, but the Fresno police offered a rare glimpse inside a cutting-edge \$600,000 nerve center, even as a debate raged in the city over its technology.

Fresno's Real Time Crime Center is the type of facility that has become the model for high-tech policing nationwide. Similar

centres have opened in New York, Houston and Seattle over the past decade.

Fresno's futuristic control room, which operates around the clock, sits deep in its headquarters and brings together a handful of technologies that allow the department to see, analyze and respond to incidents as they unfold across this city of more than 500,000 in the San Joaquin Valley.



On a recent Monday afternoon, the centres was a hive of activity. The police radio crackled over loudspeakers — “subject armed with steel rod” — as five operators sat behind banks of screens dialing up a wealth of information to help units respond to the more than 1,200 911 calls the department receives every day.

On 57 monitors that cover the walls of the centre, operators zoomed and panned an array of roughly 200 police cameras perched across the city.

They could dial up 800 more feeds from the city’s schools and traffic cameras, and they soon hope to add 400 more streams from cameras worn on officers’ bodies and thousands from local businesses that have surveillance systems.

The cameras were only one tool at the ready. Officers could trawl a private database that has recorded more than 2 billion scans of vehicle license plates and locations nationwide. If gunshots were fired, Shot-Spotter could triangulate the location using microphones strung around the city. Another program, called Media Sonar, crawled social media looking for illicit activity. Police use it to monitor individuals, threats to schools and hashtags related to gangs.

Fresno police said having the ability to access all that information in real time is crucial to solving crimes.

As officers respond to calls, Beware automatically runs the address. The searches return the names of residents and scans them against a range of publicly available data to generate a colour-coded threat level for each person or address: green, yellow or red.

Exactly how Beware calculates threat scores is something that its maker, Intrado, considers a trade secret, so it is unclear how much weight is given to a misdemeanor, felony or threatening comment on Facebook. However, the program flags issues and provides a report to the user.

In promotional materials, Intrado writes that Beware could reveal that the resident of a particular address was a war veteran suffering from post-traumatic stress disorder, had criminal convictions for assault and had posted worrisome messages about his battle experiences on social media. The “big data” that has transformed marketing and other industries has now come to law enforcement.

Fresno Police Chief Jerry Dyer said officers are often working on scant or even inaccurate information when they respond to calls, so Beware and the Real Time Crime Center give them a sense of what may be behind the next door.

The Fresno City Council called a hearing on Beware in November after constituents raised concerns. Once council members referred to a local media report saying that a woman’s threat level was elevated because she was tweeting about a card game titled “Rage,” which could be a keyword in Beware’s assessment of social media.

(Washington Post)

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# Ethics and Vagrants

## or what to do with a smelly drunk

by Morley Lyburner

The beat cop was once truly 'empowered' to take control of the streets. I clearly remember my first patrol sergeant making it clear that if anything went wrong on my beat I would be blamed for it. Not that it was my fault. I would just be the fall guy. The last thing a young officer needed was to be blamed for something going wrong.

This mindset once led me astray when I met "Old Charlie" (not his real name), a 'sweet' drunk. I never did find out where he lived. He was more of an apparition than a person, seeming to appear out of nowhere, and always drunk.

Occasionally I would find Charlie sleeping in a store doorway on my beat late at night. If I could rouse him I would tell him to move along and find another place to sleep – but I made sure he appeared to at least be dressed to the weather, capable of walking and able to communicate. Any doubt and I'd take him in for his own protection under the now much maligned vagrancy laws.

One big rule was impressed upon me about Charlie. You don't take him in to the station house unless he obviously needs care. The simple reason was his lack of bladder and bowel control when extremely intoxicated – and believe me – nothing dead less than 10 days under a noon day sun smelled worse.

One day a citizen told me a snow bank the next street over was breathing. I investigated and found Charlie under a pile of freshly fallen snow by the curb. A snow plow must have passed by and completely covered him.

I could see a plume of steam rising from one end of the pile which I assumed, at my peril, was the talking end. Several attempts to rouse him were unsuccessful. Closer inspection revealed he was not only drunk but also at his highest level of ripeness.

I went to a store to use the phone (what,

no radio!) to call for a patrol car. It was unfortunate but the station house was going to smell 'sweet' tonight.

There were two ethics in those days even stronger than the smell of old Charlie. "No one dies on my beat" and "no one aggravates the station sergeant." What a dilemma!

The patrol car arrived and the officer looked at Charlie in dismay. Even he had to admit the first ethic took precedence but what could we do about the second one?

We mulled it over a little and came up with a wonderful solution. Let's just get him off our beat. This had been done before and the usual method was to dump the drunk near another police station – but everyone knew Charlie was from my beat. Just like many creatures great and small, drunks are very territorial.

YESSS! A great plan, which was once just a vague whimsey, now began taking form. "Let's take him to a station right out of the city." There was this brand new police station just north of the city with pristine cells that we were sure needed initiation. Who better to do so than good ole' Charlie?

Now this great adventure was fraught with risk. Could we survive the 'eau de Charlie' aroma long enough to get him out of the city? Avoid the cruising menace of the patrol sergeant? Avoid being spotted by the locals while doing our 'dirty business' in an out-of-town, bright yellow patrol car?

With extreme delicacy we loaded Charlie into the car on his belly, rolled down all the windows and turned the heater and fan on high. Our adventure was just beginning.

As we raced north with our precious cargo we chuckled and gloated about Charlie's introduction to the gleaming new police station. The few citizens on the streets at 2 AM must have wondered why two officers were sticking their heads out the window as they sped northward.

We finally arrived in the area of the new

station and slowly drove around the block looking for a discreet spot to dump Charlie. Turning a corner we were startled to notice Charlie beginning to sit up. My partner quickly stopped him.

"Okay Charlie! We don't want to burst the bubble now, do we?" he asked, referring to the cargo that he was, no doubt, carrying in his drawers. We gingerly extracted him from the back seat, pleased to see that the drive and fresh air had revived Charlie to consciousness. With the wobbly legs of a new born calf Charlie was directed, and then began walking towards, the new police station.

Victorious, we pointed our police car southward. In today's vernacular we would have "high-fived."

In our jubilation and self-congratulation, we overlooked a serious flaw in our seemingly well thought out plan. Our two-door slant six equipped Plymouth had never seen speeds in excess of 50 km/h in its three years of 24/7 operation. It was nowhere near a match for the high-powered 440s the northern police force had in its shiny new fleet.

We were underway no more than five minutes when we saw headlights approaching from behind at a speed that almost seemed cartoon-like. The car pulled up alongside and we both felt a sinking feeling in the pit of our stomachs.

The gleaming police car was complete with brand new roof lights, electronic siren, two grinning police officers and – good ol' Charlie sitting in the back seat, wide-eyed and also grinning back at us. Just because a police force is brand new doesn't mean the coppers are.

"Nice of you boys to come visit us," one officer shouted out the window. "Next time stay for coffee!" With a friendly smile and wave, the roof lights lit up, the siren began to wail and they sped away like a rocket.

We immediately realized their plan – returning the 'favour' by dropping Charlie



off near our station. We had to keep up so we could see where they would dump him. My partner floored the pedal but the anemic 225 just shook, sputtered and coughed. Our chances of catching up were about the same as Charlie voting for prohibition.

Five minutes later we saw the northern police car heading home. It decelerated to re-entry speed and the grinning officers saluted and blinked their roof lights as they sailed triumphantly passed and resumed warp speed toward their still gleaming new station.

Almost simultaneously the dispatcher informed us of a drunk wandering around the intersection near our police station. We were resigned to our fate. The station sergeant might be a little grumpy at us bringing in a smelly drunk but mercifully he wouldn't know the whole story.

We picked up Charlie on the street corner holding up a sign post and waving like a flag in the wind. The station sergeant was not impressed.


"I can't figure you new guys out," he belated. "Back in my day we knew what to do with drunks this smelly. We'd dump them off near another police station."

The glint in his eye and ever so slightly turned up edges of his mouth told us he probably knew more — but we dared not ask.

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**Morley Lyburner** is a former member of the Metropolitan Toronto Police and the founder and publisher of *Blue Line Magazine*. He may be reached by email to [Morley@blueline.ca](mailto:Morley@blueline.ca)

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by Tom Ratuj



# Autonomous cars are approaching

No longer entirely the stuff of science fiction, autonomous cars are slowly making their way into the mainstream. Many modern cars already have some autonomous features such as parking assistance, collision avoidance and lane-departure control.

The few fully autonomous research vehicles are mostly confined to closed driving circuits. The exception is Google's fleet of 23 self-driving cars, which have already logged over 1.2 million kilometers on public roads.

Tesla, the world's largest all-electric car manufacturer, recently added more autonomous driving capabilities to its Model-S line. The cars can now travel in traffic, at highway speeds, without steering or other inputs from their human "driver."

The truck division of Mercedes-Benz has also successfully demonstrated an almost 100 per cent autonomous transport truck that requires virtually no driver input.

In his most recent state-of-the-union address, US President Obama pledged \$4 billion over 10 years to accelerate the development and implementation of autonomous vehicles and their technologies. Part of the motivation is to reduce the high number of road fatalities by eliminating the most common cause: human error.

Widespread availability of autonomous cars may be here in as little as four years if one

is to believe people like Elon Musk of Tesla and SpaceX, although the vehicle price-point will be far above affordable levels for most people during the first few years.

It will eventually be as simple as getting into your car and giving a few plain-language directions to the car, such as "Take me to Canadian Tire."

There will, of course, need to be a huge rethink and adjustment to all sorts of rules, regulations, laws and other legal processes to safely implement this. The effects on policing will also be profound in terms of traffic related management and enforcement.

### How it works

Autonomous vehicles use a wide range of electronic and other sensing technologies and systems to "see" and recognise their surroundings in much the same way a human driver does. A multitude of systems work together to safely guide the vehicle along its route.

A major part of the technology is "computer-vision" systems, which rely on multiple sensors working together. These may include optical cameras, radar, LIDAR (laser) and infrared. The systems can recognize objects such as a people, animals and other vehicles and read road and speed-limit signs.

Additional technologies typically include GPS and odometry, high-quality digital road



maps and a live cellular connection to road and traffic information and conditions, local speed limits and a wide variety of other information to assist the car in its decision making processes.

Some systems use vehicle-to-vehicle (V2V) communication technologies that establish automatic awareness. Each vehicle is aware of all the others in its vicinity, sending and receiving information about behaviour, speed, direction and other factors.

Vehicle to Infrastructure (V2I) technologies – systems which use electronic or computer-vision friendly markers along roadways for navigational purposes – are also used.



## History

Work on autonomous vehicles has actually been ongoing since the early days of the automobile, although much of the early work would better be classified as “automated” as opposed to autonomous.

These were essentially just dumb systems with very rudimentary decision making capabilities. Unmanned robotic transport systems used in many large factories and warehouses are a good example.

Work on fully autonomous vehicles only really became a reality in the 1980s when computer technology and sensors progressed enough to allow vehicle control systems to ‘think’ and react to multiple problems in an uncontrolled environment.

In addition to university research projects, every major car manufacturer and many vehicle technology and equipment suppliers are all feverishly working on developing vehicles, systems and equipment for autonomous vehicles. The QNX division of BlackBerry is a world leader in this field.

## Legislation

Several provinces and states have already passed or are developing legislation to deal with autonomous vehicles.

Both the Society of Automotive Engineers (SAE) International and The National Highway Traffic Safety Administration (NHTSA) have proposed similar five level autonomous vehicle classification systems. They begin with a vehicle controlled entirely by a person and end with a vehicle completely controlled by autonomous systems.

Several European cities have begun allowing testing of completely autonomous speciality vehicles on public roads.

## Legal implications

I can almost hear this explanation: “But officer, I wasn’t driving, my car was on auto-mode, and I don’t know how the crash happened!”

Besides being immediately suspicious, how will police and courts deal with this? Perhaps some kind of electronic recording and auditing technology and new laws will be needed.

All sorts of smarts and artificial intelligence protocols will be required to deal with extraordinary situations. A version of Isaac Asimov’s Three Laws of Robotics may be useful to ensure autonomous vehicle protocols value human life above all else and make decisions accordingly.

How will a vehicle deal with crashes that are beyond its control, deciding in a split second what to do and which ethical or moral rules apply.

## Advantages/disadvantages

There are numerous potential advantages to the widespread use of autonomous vehicles. Chief among them will be the reduction of traffic fatalities and injuries. US estimates suggest that extensive use of autonomous vehicles could eliminate 25,000 road fatalities each year.

Other advantages will include reduced congestion (because vehicles can safely drive closer together), less need for traffic enforcement, removal of current constraints such as age and driver sobriety and reduced vehicle theft.

There are also numerous disadvantages and problems that will need to be worked out, including the need for multiple system redundancies in case of a computer crash and vehicles potentially being hacked or otherwise remotely commandeered.

Interestingly, as of mid-2015 Google’s self-driving car fleet had been involved in only 14 minor collisions. All but one were caused by people driving conventional cars, with the one at-fault collision occurring when a person was manually driving a Google car.

I believe people in their mid-50s like me will be the first generation that won’t need to give up their driver’s licence (and independence) in their 70s and 80s thanks to common and affordable fully autonomous vehicles.


The widespread adoption of fully autonomous cars will be a truly disruptive innovation with widespread impacts on society on many levels. Will vehicle owners still require driver’s licences and need to stay sober while on the road?

“Home, James” will have a whole new meaning!

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# Psychopaths - They are rare but everywhere

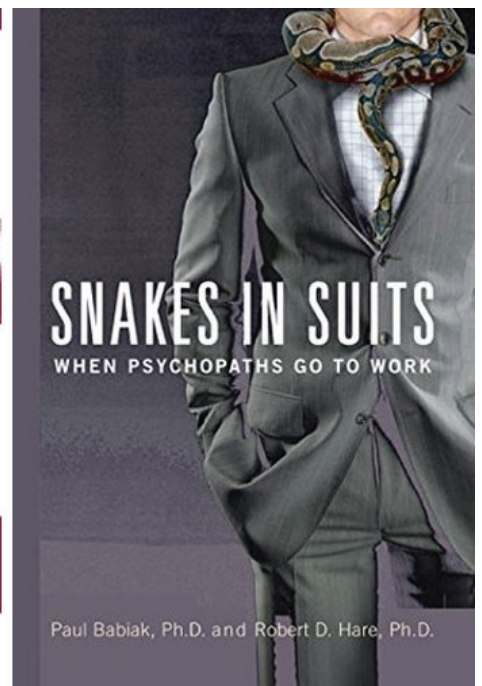
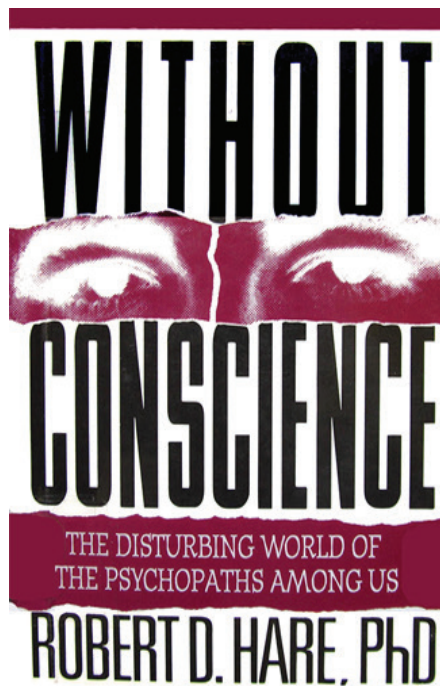
I was chatting recently with a police officer who had just apprehended a 25 year old man with an impressive criminal record. He was what we refer to as a “versatile” criminal — meaning up to all sorts of bad behaviour as opposed to being a specialist.

The young man had spent more time in jail than on the street and clearly had plenty of problems — both personally and for society. The officer referred to him in passing as a “psychopath” and also made reference to “all those other psychopaths” in prison. There’s no doubt this guy had done a lot of bad stuff, as have most other people in prison, but are they psychopaths?

Oddly enough, the designation is not actually an acknowledged diagnosis in the field of psychiatry. It was years ago but got replaced by things like “antisocial personality disorder.” Some people like the term sociopath better. I occasionally get asked what these different terms mean and am usually forced to respond that, er, I haven’t a clue.

Neither psychopath nor sociopath is listed in the DSM 5, the psychiatric bible and supreme source of wisdom for psychiatric diagnoses. Antisocial personality disorder is — but generally there’s not a lot of agreement about any of the personality disorder diagnoses. Many people are antisocial without being psychopathic. I’m going to guess that you’re not terribly interested in the finer aspects of psychiatric diagnosis but may be interested in hearing about the current wisdom in regard to the term psychopath.

The current usage is most commonly associated with psychologist Dr. Robert Hare (a Canadian, I might add) who based his many years of research on the work of American psychiatrist Hervey M. Cleckley and his seminal book *The Mask of Sanity*. The book’s title reveals one key element of psychopaths, which is that they do not appear to be overtly “crazy.” They present like normal people



generally and do not have psychoses or other obvious psychiatric symptoms. In fact, part of the reason they are so successful is that they do NOT look like someone who might make you a little apprehensive.

Dr. Hare talks about several different clusters of symptoms which fall into the categories of interpersonal, affective, lifestyle and antisocial characteristics.

In the interpersonal realm, psychopaths can generally charm the scales off a snake. They are glib, eternally full of themselves, quite happy — and able — to manipulate people, always up for a good con and may be particularly adept at telling tall tales.

In terms of affect, a key characteristic

is lack of remorse or guilt. It’s not that the psychopath can’t tell the difference between right and wrong, they just don’t care! They lack empathy for victims and prefers to blame other people rather than taking responsibility.

Psychopaths may not feel the same emotions as the rest of us but are often very good at faking it. They have often learned how to LOOK like they care or are concerned. That’s part of their charm, and partly how they get away with manipulating people.

The lifestyle of the psychopath is typically full of risk-taking activity. They may be impulsive, happy to mooch off other people, irresponsible and lacking in goals. (On the other hand, some psychopaths are quite goal



directed. They may aspire to run large companies or countries, and may be VERY interested in acquiring large sums of money through whatever means available.)

These characteristics often lead to a lifestyle characterized by ignoring rules and breaking laws, and both illegal and unethical behaviour, often starting in childhood.

So yeah, a lot of these folks end up in the criminal justice system. Estimates say that maybe 25 per cent of people in prisons might be psychopaths (which means 75 per cent are not). There are many reasons people commit crimes and end up in prison, but most people in trouble with the law are not psychopaths and certainly not all psychopaths are in jail.

It has been hypothesized that some psychopaths end up quite successful in other lines of work, like business, politics and entertainment in particular. (Psychopaths are also often attracted to careers in policing and other aspects of law enforcement – one of the reasons we do pre-employment psychological assessments. Alas, I dare say we do not catch them all.)

One can't help but wonder about some of the Wall Street banker and finance people who happily made out like bandits when the rest of the world was going down the tubes in and around 2008 — or political leaders who happily do away with large numbers of people, largely because they can.

If you think about many of the people you

deal with in your daily work (no, not your boss), it is easy to see that most are not psychopaths. Most obviously, many lack any kind of social skills and are certainly not charming. Typically psychopaths (whether a criminal, banker or both) — need to be able to persuade people to follow their lead and convince them they are looking after their best interests.

The typical psychopath also rarely feels any regret or remorse for what they have done. I have worked with many criminals, and the vast majority DO appreciate that they have caused their victims distress. They may try to justify or explain it away — but it isn't like they don't know or really care. A really large number of our clientele only commit crimes when they are under the influence of substances. Psychopaths do not need drugs to loosen inhibitions; they are not inhibited at the best of times!

Of course figuring out who is a psychopath and who is not can get a little tricky because many of us have some of the traits, to a greater or lesser extent. We all engage in "impression management" — trying to make people think that we are better than we are. Sometimes we really DON'T feel bad about having done something bad because we feel the other person deserved it. Where do you draw the line?

One interesting example of psychopathic characteristics in a law enforcement-type person is found in Robert Philip Hanssen. You may recall that he was an FBI agent convicted

of selling secrets to the Russians over a couple of decades.

You can read an interesting analysis of his personality with a view to psychopathy at <http://preview.tinyurl.com/jq7zdhh> — or Google the paper *Policing and Psychopathy: The Case of Robert Philip Hanssen* by J. Scott Sandford.

It's a fascinating read. I was most struck by the comment that a large part of Hanssen's motivation was that he was bored at work. There is a whole lot more to it, of course — far beyond what I can summarize here — but the take home message is that psychopaths are a rare breed (thankfully). While we may see them amongst our customers, most people we encounter in the criminal justice system are not psychopaths.

On the other hand, a few of the people we work with, elect to public office or trust our finances to (think "Ponzi scheme") may fit the bill. If the latter notion intrigues you, check out Hare's book *Snakes in Suits*. Again, the title says it all.

I might also suggest you see the movie "Wolf of Wall Street" but frankly that movie made my flesh crawl. Blech...

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by Stephanie Conn



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# Police under attack

Police officers seem to be under attack from every direction these days. I'm not referring to suspects resisting arrest but more offensive attacks such as excessive scrutiny by the public, media and the justice system.

Officers are being physically attacked in planned ambushes by anti-police individuals and groups and attacked on moral and legal grounds by unsupportive segments of the population. They are also being attacked legally by a justice system that attempts to prosecute police for doing their job; a job many couldn't imagine doing due to the danger involved.

Recently, I was sickened to see a television program showcasing police officers' "inability" to make good decisions managing situations with persons with mental illness. Police were portrayed as trigger happy killers gunning down innocent people.

The program interviewed family members of shooting victims to humanize the troubled person while ignoring the human side of officers. Police were not portrayed as human beings — people who didn't want to kill anyone but felt threatened or feared for the safety of others, leading them to have to make the difficult choice to stop the threat.

Nobody talked about how having to shoot another person affects officers. They also didn't mention the injuries police sustained at the hand of the shooting victim. Discussions of systemic failures for people in mental health crisis were offered sparingly.

Positive interactions between police and those with mental illness were also scarce, despite the fact officers interact with them in roughly half their daily calls for service. Of course these points would have complicated the story. Television programs such as these promote violence against police and unduly pressure the legal system to penalize officers for doing their job.

This is not to suggest that police misconduct does not exist. I know it does, but it is clearly exaggerated. Increasingly, police

officers are viewed as oppressive authority figures, not human beings with parents, partners, children and their own stresses, strains and feelings. This likely contributes to the rise in orchestrated violence against police. I can't imagine how these programs help.

One of the outcomes of inflammatory programs is the contribution to the "us and them" mentality between police and the public. This mentality keeps the two groups from interacting and maintains misunderstandings.

Police officers like to spend time with other police people and tend to reduce the amount of time they spend with non-police because they don't feel understood or have the energy (or inclination) to explain the ins and outs of their job. Unfortunately, this remoteness perpetuates the divide between police and other members of society.

Another negative consequence of this television or YouTube depiction of police is the tendency of officers to hesitate to take action (paralysis by analysis) because they fear legal sanctions for doing the job they have been asked to do. They are damned if they do and damned if they don't, therefore they hesitate.

Hesitating to consider options may not have consequences in most incidences but has resulted in the officer or another person being injured or killed.

Lastly, biased and harsh criticism of officers is likely a factor in recent police suicides. I don't have any evidence to support this idea but can recall instances where officers have been scrutinized publicly and later took their lives. Research I conducted with officers shows they felt public and media scrutiny interfered with their ability to cope with traumatic stress.

Officers spoke of "Monday morning quarterbacking" as offensive and frustrating because they could not respond to the criticisms. They just had to try to ignore it while dealing with the aftermath of the traumatic event.

I am an advocate for crisis intervention

training and using minimal force. However, having been a police officer working in a dangerous neighbourhood, I understand that sometimes the minimum force required to quell a threat is deadly force.

Until far-reaching systemic changes provide proper prevention, support and treatment to persons suffering with mental illness, police will continue to be called upon to manage the situation in service of the public: that includes the segment of the public which asks them to protect and serve and attacks them for doing so.

I've ranted enough about what I don't like. It isn't helpful to ruminate about the problem without considering its exceptions and, therefore, possible solutions.

For one, Tema's work in humanizing first responders is a large step in the right direction. In particular, Tema Center's *Heroes are Human* tour offers talks in 48 cities across Canada, allowing first responders to share stories which reflect their humanity and resilience in the wake of operational stress injuries.

Tema is gathering media attention for its cause and this will help with positive first responder coverage. It is also building capacity in first responders to manage difficulties and better help fellow officers.

An innovative new program, which I am proud to be a part of, is a Tema Center/Simon Fraser University joint initiative called the First Responders Trauma Prevention and Recovery certificate program. Offered online, it's designed to help first responders mitigate the impact of their work and help others do the same.

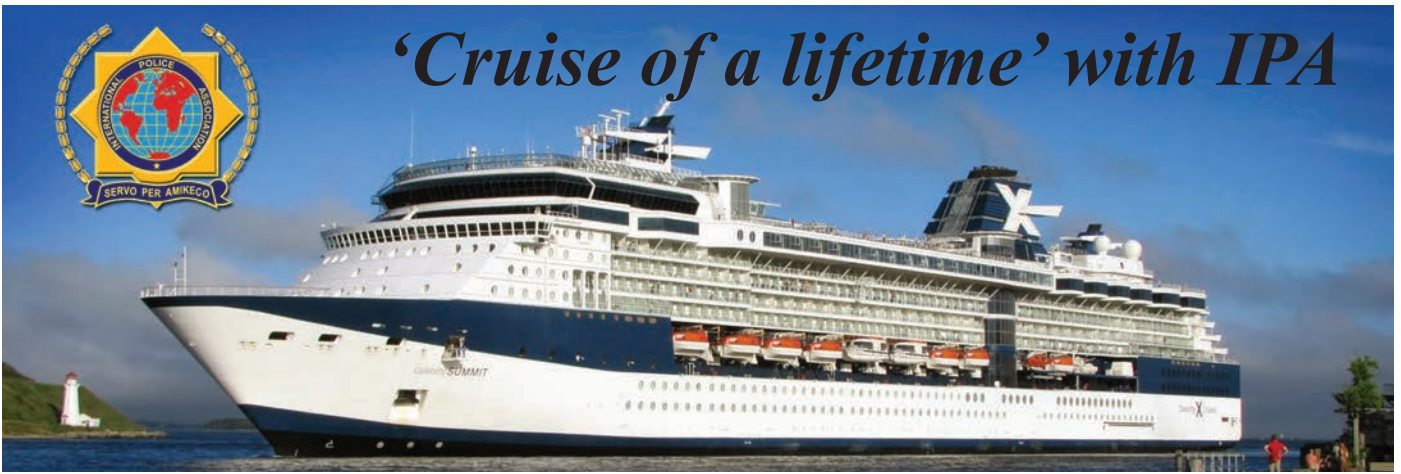
I urge you to check it out on Tema's web site ([www.tema.ca](http://www.tema.ca)) and become part of the positive story of police resilience.

**Dr. Stephanie Conn** is a former police officer and currently a clinical psychologist practicing in Vancouver. She is a regular *Blue Line* columnist. Contact: [stephanie@blueline.ca](mailto:stephanie@blueline.ca) or visit [conncounselling.com](http://conncounselling.com)





# 'Cruise of a lifetime' with IPA



by Danette Dooley

The International Police Association Atlantic Region is inviting law enforcement personnel from around the world on a cruise to Bermuda next year.

Touted by organizers as "a cruise of a lifetime aboard the Celebrity Summit," the ship sets sail from New Jersey, May 21, 2017.

"Bermuda Bound" celebrates the IPA Atlantic Region's 10th Anniversary and will be preceded by time touring the Big Apple with the assistance of the NYPD and local members.

The national executive committee voted to hold the 2017 IPA Canada AGM on board the ship. The decision will be confirmed in May at the National AGM.

The cruise will be included on the list of International IPA friendship weeks and is expected to draw more than 200 members. It will be an opportunity to spend time with comrades, make new friends and relax onboard the luxury cruise liner.

British police officer Arthur Troop founded IPA in 1950.

"His dream was to create bonds of friendship between police organizations across the world," IPA National President Denis Nadeau said during a recent phone interview.

Rev. Charles Wright, who passed away peacefully January 20 at age 90, founded the Canadian section of the organization in 1961. Wright retired from the national executive for health reasons in 2015, Nadeau said.

"He will be missed as he was not only the founder of our section... but stayed active since and was a good friend, a wise man with a good sense of humour. A good friend of Arthur Troop, Charles was also responsible for bringing IPA to the USA," Nadeau noted.

There are 15 IPA regions in Canada and more than 420,000 members in 66 countries around the world (sections).

"IPA has four official languages: English, French, Spanish and German. We abide by the Declaration of Human Rights (adopted by the United Nations General Assembly on 10 December, 1948)," Nadeau said.

IPA Atlantic has more than 250 members and is inviting other active and retired law enforcement personnel to join.

"Members belong to the largest, organized, friendship-based police organization in the world," Nadeau said.

The IPA goals are the same in all countries — to promote cultural, social and recreational activities among members.

The association offers scholarships to serving members, local and foreign social events, cultural exchanges, youth activities and travel opportunities. As a non-profit, it is a great resource for not only members but also their families, said Nadeau.

"We want to link police who travel... and we have a program for kids similar to that of the Rotary Club. And we have an international youth gathering for kids from 15-17. They can be kids of members or grandkids of members."

The 2016 international event for youth will be held in Los Angeles, California.

In addition to connecting members with contacts around the world, the association also offers travel assistance to other countries and IPA houses in various countries.

"These houses or flats are owned by the IPA for the benefit of travelling members. These are very cheap places to stay. We also have police friendly hotels and in different places there is a reduction (in hotel rates) for IPA members."

IPA members looking to stay in an association house or seeking any other type of help from a member can submit a travel claim to their respective region, which in turn is routed through the national travel officer.

Available services range from simple things like meeting police officers and being picked up at the airport to help with finding appropriate accommodations.

"It could be as simple as wanting them to know that your daughter is going to university in Brisbane, Australia and you'd like to have a name of an officer there in case something happens to her," Nadeau said.

Nadeau summed up in a nutshell what IPA means to its members.

"It's an international network of friendship," he said.

Visit [www.ipacanada.ca](http://www.ipacanada.ca) for more on IPA Canada or [www.ipaatlantic.ca](http://www.ipaatlantic.ca) for more information on the cruise.

Danette Dooley is Blue Line's East Coast correspondent. She can be reached at [dooley@blueline.ca](mailto:dooley@blueline.ca)



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# Police did not create exigencies

## Warrantless entry justified

Police did not anticipate their investigative steps would create the urgency necessary to justify a warrantless entry, Ontario's highest court has ruled.

In *R. v. Phoummasak*, 2016 ONCA 46 an undercover police officer purchased 4.5 grams of cocaine from a dealer at his apartment. A second purchase was arranged 10 days later but the dealer said he had to get the cocaine from his supplier and was observed entering apartment 428N at 1169 Queen Street. He rejoined the officer a few moments later and completed the sale.

The dealer returned to the unit after the sale, causing police to believe his supplier lived at, or was connected to, the unit. The lead investigator believed he had grounds to obtain a search warrant for the unit after the second transaction but did not apply for one. Instead, he wanted "to confirm 100 per cent that this was the [supplier's] address."

Police arranged for a third transaction with the dealer and planned to arrest him and anyone else they had reasonable grounds to believe was involved in the transaction.

Officers set up surveillance in the area of the apartment building at 1169 Queen Street. The plan was that, if the dealer went to unit 428N in connection with the third transaction, police would apply for a warrant to search the apartment. One of the officers began working on the necessary paperwork before the transaction.

The undercover officer drove the dealer to the building during the transaction. The dealer went inside, returning about 10 minutes later. He and the officer drove a short distance away and the dealer produced 15.34 grams of cocaine. The officer handed over \$800 and took the drugs.

The dealer left but headed toward the apartment building before he could be arrested as planned. He was apprehended in front of 1169 Queen Street, where his cell phone immediately began to ring repeatedly. Call display indicated the calls were all coming from someone named "Vic," believed to be the dealer's supplier and in unit 428N. Worried that the supplier would become suspicious and destroy evidence relating to the drug transactions, police decided to enter the apartment immediately to "freeze" it until a search warrant could be obtained.

Officers used a fob the dealer had to enter and knocked on the door of 428N. No one answered but they heard noises coming from inside. They used a key, also seized from the dealer, to enter and saw Phoummasak coming back in from the balcony. A police officer outside saw Phoummasak throw three baggies containing drugs off the balcony. Police secured the unit, arrested Phoummasak, obtained a search warrant to search the

apartment and found various drugs and more than \$5,000 cash.

At his trial in the Ontario Superior Court of Justice, Phoummasak argued that the search was unlawful and therefore breached s. 8 of the Charter. He contended that the exigent circumstances exception to the warrant requirement under s. 11(7) of the Controlled Drugs and Substances Act (CDSA) did not apply because police created the exigencies by operational decisions made during the ongoing investigation. The judge rejected this submission, finding police could not have obtained a search warrant after the second transaction but acted lawfully in entering and securing the premises. Convictions on drug charges followed.

Phoummasak again argued before the Ontario Court of Appeal that police created the exigent circumstances upon which they relied to justify the warrantless entry, an argument the court rejected.

### Exigent circumstances

Justice Doherty, speaking for the court, described exigent circumstances and their application to s. 11(7) this way:

*Generally speaking, the police cannot enter a residence to search for evidence without prior judicial authorizations. There are a few exceptions to that rule. Section 11(7) of the CDSA recognizes the common law exigent circumstances exception to the warrant requirement. It provides:*

*A peace officer may exercise any of the powers described in subsection (1), (5) or (6) without a warrant if the conditions for obtaining a warrant exist but by reason of exigent circumstances it would be impracticable to obtain one.*

*Section 11(7) of the CDSA, unlike other statutory provisions providing for exigent circumstances searches (e.g. Criminal Code s. 529.3), does not define exigent circumstances. In my view, the phrase has the same meaning in s. 11(7) of the CDSA as it does in the Criminal Code provisions and at common law.*

*Exigent circumstances under s. 11(7) exist if (1) the police have grounds to obtain a search warrant under s. 11 of the CDSA (the probable cause requirement) and (2) the police believe, based on reasonable grounds, that there is imminent danger that evidence located in the premises will be destroyed or lost if the police do not enter and secure the premises without delay (the urgency requirement) [references omitted, paras. 11-12].*

Phoummasak agreed that both conditions for a warrantless search existed. However, he argued that police manufactured the exigencies and therefore could not rely upon them to justify the search. In his view, police had the necessary grounds to get a search warrant after the second drug transaction but instead chose

to proceed with a third transaction. Police knew their plan would place officers outside of the apartment door and its occupant would be suspicious when the dealer did not return and would take steps to destroy any evidence.

Although "police cannot orchestrate exigent circumstances by creating the requisite urgency through a preplanned course of conduct," Doherty concluded that didn't happen. Even though officers had grounds to obtain a search warrant for Phoummasak's apartment prior to the third drug purchase, they did not anticipate their investigative steps would create the urgency to justify entry without a warrant.

"The existence of reasonable grounds to obtain a warrant does not preclude the existence of exigent circumstances," said Doherty. "To the contrary, probable cause is a prerequisite to the existence of exigent circumstances..."

*[E]vidence that the police had grounds to obtain a search warrant, but did not obtain a warrant and instead proceeded with other investigative measures, can in some situations afford evidence that the police set out to create exigent circumstances to justify entry into a premise without a warrant. If that inference is drawn, the circumstances are not exigent and cannot justify a warrantless search or entry.*

*The inference that the police set out to avoid the warrant requirement does not flow automatically from the fact that the police could have obtained a search warrant for the premises before the exigent circumstances arose. The specific circumstances of each case must be examined.*

*In this case, the officer in charge explained his reasons for not applying for a warrant before the third drug transaction. That explanation was not unreasonable. [The dealer] had made two sales to the undercover officer, one unconnected to unit 428N and the other connected to unit 428N.*

*The officer in charge reasonably believed that it was prudent to seek further confirmation of the connection of the apartment to the drug transactions before seeking a warrant. The reasonableness of the officer's approach is evident from the trial judge's opinion that the police did not have reasonable grounds to obtain a search warrant before the third transaction.*

*Although I disagree with her assessment, this difference of judicial opinion suggests that the officer's decision to seek further confirmation of the connection between unit 428N and the drug transactions before applying for a warrant was a reasonable one [paras. 15-17].*

Neither the arrest in front of the apartment building nor the unanswered telephone calls to the dealer were anticipated by the police. Officers did not create "an artificial situation of urgency."

Phoummasak's appeal was dismissed.



# No privacy interest in truck SDM



British Columbia's highest court has ruled that the owner and driver of a truck involved in a fatal MVA had no privacy interest in its sensing diagnostic module (SDM) after the vehicle was lawfully seized.

In *R. v. Fedan, 2016 BCCA 26* the accused lost control of his pick-up truck on a curve and struck a large tree. Both passengers were killed. The area was lit by streetlights, the weather was overcast and the road was flat, dry and in good repair.

Police seized the vehicle and stored it at a towing compound. Two days later, police obtained a warrant to search the vehicle for evidence such as blood, DNA, personal effects and documents to identify the driver. The search warrant did not specify the seizure and search of the SDM — an electronic device capturing the speed, throttle and braking of the vehicle in the five seconds before an airbag event (eg. collision) or near-deployment event (eg. sudden deceleration).

A police officer not involved in preparing, obtaining or executing the search warrant removed the SDM, embedded underneath the floor of the driver's seat. Its data was imaged with specialized equipment and revealed that the truck was travelling 106 km/h in the five seconds before the accident (more than twice the speed limit) and had accelerated in the four seconds before the brakes were engaged. The brakes were applied one second before the tree was hit. This data, along with other evidence resulted in several charges being laid, including two counts of dangerous driving causing death.

A BC Supreme Court judge found removing the SDM and retrieving its data did not breach *s. 8* of the Charter. There was no evidence that Fedan was aware of the SDM, therefore, he did not have a subjective expectation of privacy in the data. Thus, without a subjective expectation of privacy *s. 8* was not triggered and there was no reason to consider whether there was an objective reasonable expectation of privacy. Even if there was a breach, the evidence was admissible under *s. 24(2)*.

The judge found the evidence proved Fedan drove dangerously and convicted him of the two counts of dangerous driving causing death.

Fedan appealed his convictions to the BC Court of Appeal arguing the trial judge erred in not presuming a subjective reasonable expectation of privacy in the SDM, which was objectively reasonable.

## Reasonable expectation of privacy

The appeal court found the vehicle had

been lawfully seized without a warrant under *s. 489(2)* and stored in the towing compound. "In some circumstances, an item can be seized without a warrant," said Justice Smith.

*Section 8* of the Charter is only engaged if an accused can establish a reasonable expectation of privacy in the subject matter of the seizure and search. A subjective expectation requires a finding that an individual had or was presumed to have had an expectation of privacy in the content of the subject matter of the search which was objectively reasonable on the totality of the circumstances, considering a number of factors. *Section 8* protects privacy that includes personal (bodily integrity), territorial (such as a home or vehicle) and informational (personal information that may reveal intimate details about a person) interests.

"*Section 489(2)* authorizes the seizure of any thing without a warrant where an officer in the execution of his or her duties reasonably believes that a thing:

- (i) has been obtained by the commission of an offence;
- (ii) has been used in the commission of an offence; or
- (iii) will afford evidence in respect of an offence.


There must be an evidentiary basis to justify the use of the extended power to seize under *s. 489(2)(a), (b) or (c)*."

This lawful seizure of the vehicle included the right to examine it and extinguished any privacy interest Fedan may have had in the SDM and its data. Although Fedan could have been presumed to have a subjective expectation of privacy in his vehicle, which extended to the SDM, this privacy interest was not objectively reasonable.

"I am unable to see how [the accused] could have any residual territorial privacy interest in the SDM after the vehicle was lawfully seized or any informational privacy interest in the SDM data as, standing alone, the data provided no personal identifiers that could link [the accused] to the captured data", said Smith.

"He therefore had no reasonable expectation of privacy in the SDM or its data after the vehicle was lawfully seized."

The SDM was different than a personal computer or "black box" such that police would need a warrant specifically authorizing its search, as found in *R. v. Vu, 2013 SCC 60* with respect to searches of personal computers and smart phones. Nor was Fedan entitled




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to privacy as anonymity, as identified in *R. v. Spencer, 2014 SCC 41*, because there was nothing private about his manner of driving on a public road.

[I]n this case, the data recovered by the SDM provided no personal information about Mr. Fedan. The captured information pertained only to the use of the vehicle in a five-second window of time before a deployment or near-deployment event. It did not capture any information that revealed intimate details of Mr. Fedan's biographical core, and in particular about who was driving the car. Further evidence had to be obtained to connect the driving of his vehicle to Mr. Fedan himself. In my view, Mr. Fedan's informational privacy interests were not engaged by the downloading of the SDM data.

Nor do I accept Mr. Fedan's analogy between the SDM and a personal computer or a "black box" and therefore do not find the reasoning in *Vu* to be applicable. As noted, the data recorded by the device did not extend to personal identifiers of the driver of the vehicle. Most significantly it contained no intimate details of the driver's biographical core, lifestyle or personal choices, or information that could be said to directly compromise his "dignity, integrity and autonomy" [reference omitted, para. 82].

And further:

Again, after undertaking a normative assessment of the reasonableness of Mr. Fedan's privacy claim I find it difficult to see how an

operator of a vehicle might be found to have reasonably intended the last five seconds of information pertaining to his or her driving before a collision to be private. Driving on a public road is a highly regulated activity that is open to public view, as evidenced by Mr. Schneider witnessing Mr. Fedan's erratic driving 20 minutes before the accident. Had another member of the public witnessed the collision, that person would have seen the information captured by the SDM, albeit with less accuracy...

In sum, in the context of this case and the totality of the circumstances, I find Mr. Fedan did not have a reasonable expectation of privacy in the SDM and its data. His territorial privacy interest in the device was extinguished by the lawful seizure of the vehicle and he had no informational privacy interest in the SDM data as it contained no personal information linking him to the operation of the vehicle at the material time [paras. 84-86].

There was no error in the trial judge's finding that Fedan's s. 8 Charter right was not violated. Even if there was a Charter breach, the trial judge did not err in admitting the evidence under s. 24(2).

The SDM and its data was properly admitted as evidence and Fedan's conviction appeal was dismissed.

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**Peter Clark**, The Chief Superintendent of RCMP M Division in Yukon is assuming the role of assistant commissioner in Newfoundland and Labrador in the coming months. He joined the Mounties in 1982 and has worked at detachments in all three northern territories, as well as Saskatchewan, and Alberta.



...

**Doug LePard**, Deputy Chief with the Vancouver Police Department for 35 years is leaving the force to run the Metro Vancouver Transit Police. **LePard** has been with the VPD since 1981 and currently heads up the investigation division, but in 2010 he led a review of the investigation and eventual capture of serial killer Robert Pickton. He is replacing former Transit Police boss **Neil Dubord** who's now the Delta Police Chief.



...

**Norm Lipinski**, a high-ranking B.C. Mountie, is leaving the force to join the Delta Police Department. He is Delta's new deputy chief in charge of administration. **Lipinski** has been an assistant commissioner with the RCMP for the past five years. Before that, he was deputy chief with the Edmonton Police Service. He starts his new role on March 14th.



...

**Peter Sloly** resigned his position as Deputy Chief of the Toronto Police Service after a 27 year career. He joined the Metropolitan Toronto Police in 1988 and quickly went up through the ranks finally reaching the Deputy Chief position in 2009. He has a B.A. in Sociology and an M.B.A. He is also a graduate of the FBI Academy and the Rotman Police Executive Leadership Program. He is the recipient of the Order of Merit of the Police Forces.



...

Former Tillsonburg police chief **Henry Harley** died on February 2nd at the age of 73. **Harley's** policing career spanned more than 40 years, starting with the RCMP in 1961. He later served as a constable with the Ontario Provincial Police from 1968 to 1976 and then was chief of Tillsonburg's Police Service for the next 20 years. **Harley** was then appointed a Superintendent with the Niagara Regional Police Service from 1996 until his retirement in 2002. **Harley** was a founding member of the Canadian Fellowship of Christian Police Officers and a recipient of the Order of St. John and the Police Exemplary Service Medal.



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### Anonymous reporting

Block Watch, by United Holdings Group, is a free downloadable app developed for the users who wish to anonymously post photos or videos of crimes nearby. Block Watch users will have to register with the app and login using an encrypted ID and password. Users will be alerted of nearby crimes posted via GPS filters, notifications of Block Watches when a new photo or video nearby has been posted and provides map views via Google Maps of Block Watches posted nearby.



### Telescoping light mast

Larson Electronics has announced the release of a 25 foot telescoping light mast with 360° rotating capabilities equipped with four 500 watt high intensity LED light fixtures, featuring a rotating boom, a removable mast head and an easy fold over assembly, all mounted to a 14' single axle trailer. These LED lights offer increased durability, longer lamp life, and lower power consumption when compared to the 1,000 watt metal halide equivalent.



### Forged rigid frame restraint

Armament Systems and Procedures (ASP) unveiled Ultra Cuff, the first forged rigid frame restraint. The Ultra Cuff incorporates an interchangeable lockset, conical bows and double sided keyways. It is designed with a frame forged from T6 ordnance grade aluminum and permanently joined heat-treated spiral locking pins. The steel model of the Ultra cuff weighs only nine ounces while the aluminum is just seven ounces. Both are full-featured restraints that were specifically designed to "Lighten the Load" of an officer's belt.



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## MEDALS OF COURAGE & BRAVERY

On October 22, 2014, members of the House of Commons protection services and the RCMP were instrumental in stopping an armed man who had stormed the Centre Block of the Parliament Buildings in Ottawa, Ontario.

Constable Son was stationed at the front entrance when he spotted the man entering with a concealed rifle. The constable lunged to gain control of the firearm, but it discharged and struck him in the leg.

Drawn to the Rotunda by the noise, Corporal Malo and Constable Thom took cover and exchanged several rounds with the gunman after he entered the building. Constable Létourneau tracked the gunman down the Hall of Honour toward the Library of Parliament and fired at him several times.

RCMP Sergeant Rozon, Corporal Daigle and constables Barrett, Bergeron, Bubelis, Célestin, Fraser, Marcoux, Palmer, Ruest and Wayne, who had assembled outside the Peace Tower, entered the Centre Block. Supported by their colleagues, Sergeant Rozon, Corporal Daigle and constables Barrett and Fraser assumed a tactical formation (IARD) as they charged down the Hall of Honour.

With the shooter now cornered in an alcove leading to the Library, Sergeant-at-Arms Vickers, after being advised of the shooter's location, dove to the floor in front of him and fired his weapon. RCMP Constable Barrett walked directly toward the gunman while also firing his weapon.

The collective actions of these 16 individuals brought the incident to an end in less than three minutes, and avoided further tragedy.



**Constable Curtis Barrett, S.C.**  
Chelsea, Quebec

**Constable Michelle Bergeron, M.B.**  
Ottawa, Ontario

**Constable Gary Bubelis, M.B.**  
Spencerville, Ontario

**Constable Somoza Célestin, M.B.**  
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**Corporal Dany Daigle, S.C.**  
Ottawa, Ontario

**Constable Martin Fraser, S.C.**  
Gatineau, Quebec

**Constable Louis Létourneau, S.C.**  
Gatineau, Quebec

**Corporal Maxim Malo, M.B.**  
Gatineau, Quebec

**Constable Sylvie Marcoux, M.B.**  
Embrun, Ontario

**Constable Michel Palmer, M.B.**  
Rockland, Ontario

**Sergeant Richard Rozon, S.C.**  
Gatineau, Quebec

**Constable Patrick Ruest, M.B.**  
Embrun, Ontario

**Constable Samearn Son, S.C.**  
Ottawa, Ontario

**Constable Charles Thom, M.B.**  
Ottawa, Ontario

**Sergeant-at-Arms Kevin Vickers, O.N.B., S.C.**  
Miramichi, New Brunswick and Dublin, Ireland

**Constable Herbert Wayne, M.B.**  
Oxford Mills, Ontario

# Being a cultural chameleon

by Ian Parsons

Reflecting on my service in a cornucopia of cultural communities led me to conclude that dispensing justice in a country as culturally diversified as Canada is not without its challenges. The task of policing demands a myriad of skills without adding the always present variability in mores, customs, standards and general “way of being” of different Canadian communities.

In a span of 33 years, I was thrust into Aboriginal, Métis, Ukrainian, Scandinavian and French settings. I also served in Newfoundland, a charming culture unto itself. As a young policeman, the subtleties of these communities were not so evident to me.

As I watched my role models it seemed that some were more attuned to cultural differences than others. It also became obvious that those who tended to acculturate seemed infinitely more successful in their role as policemen. They had fewer confrontations, solved more crime and appeared to have greater job satisfaction. These members studied the backgrounds of the people they were responsible to and for. They knew who held the real power in the community and took the time to become familiar with these leaders. They were aware of important cultural events, learning about and respecting them. They made an effort to participate in a non enforcement way, played in community sporting events, acted as judges in goofy contests and more often than not were known by their first name.

One of the largest First Nations communities is located east of Calgary, Alberta. I served under a detachment commander who possessed all those attributes previously described to be successful in an unfamiliar cultural setting. There had been a series of police-citizen confrontations prior to this commander’s arrival and relations were not good.

During our first summer, several of us were patrolling a very large powwow on the reserve along with the sergeant. Participants far outnumbered the police. During these significant ceremonial gatherings a gambling event called “hand games” takes place. The rules are complex, betting is serious and there is much noise during the game.

The sergeant approached one of the elders and asked if he could enter his “team.” The Indians were as shocked as we when we found ourselves squatting cross legged on the ground in uniform, facing our opposition. We had no

idea what the objective of the game was, and our participation amazed and delighted onlookers.

The optics of six RCMP members squatted on the ground opposite another team, playing with sticks, must have been something to behold. Thankful for the lack of any media, we held our ground and actually won the game. There was a great howl of appreciation from the crowd and if there was any negativity toward us previously, this gesture of camaraderie had a neutralizing effect.

The sergeant carried on from that point during his reign, guiding us all into situations where we had to actually interact with citizens in non-enforcement ways. Prior to this commander’s arrival there had been in excess of a dozen “assault peace officer,” “resist arrest” and “obstruction” offences. At the conclusion of his first year, no similar assaults against police had occurred.

There has always been a real danger those in our craft will emulate “Fort Apache the Bronx.” The office becomes a fortress where we show up for our shifts, change into our armour, book out our combat vehicle and proceed to confront the enemy. I have worked in such a setting and if ever there is a formula for instant public confrontation, it is this.

It’s natural in a stressful, sometimes danger-ridden occupation that we cling to one another, circle the wagons and look outward. When situated in an unfamiliar cultural setting it is even more tempting. There is no question many of us must force ourselves out of our comfort zone.

I have always envied those members who seem completely at ease when surrounded by a group of unruly young people, or what appears to be a surly gathering from another racial base. Often the reason for confidence in such a setting has to do with previously establishing a rapport with that very group. It is a return on an investment of time well spent.

It’s just another aspect of the job; taking the time to assess and evaluate the dynamics in play in the work setting before there is a problem. With our ever changing cultural demographics it has never been more important.

There isn’t a whole lot of literature out there telling you how to be a “cultural chameleon.” Adjusting perceptual screens as you enter a community setting very different from that in which you were raised will bring you benefits to the job that you will never regret.

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