

# BLUE LINE NEWSWEEK

A CHRONICLE OF NEWS FOR THE CANADIAN LAW ENFORCEMENT COMMUNITY

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## Executive Digest

Dec 13 2013

**CALGARY** - Calgary's top cop says Ottawa needs to get with the times and give his officers the tools to yank drugged-up motorists off the road.

Page 3

Dec 13 2013

**TORONTO** - Three Toronto police officers "strongly refute" an Ontario Court of Appeal ruling that found they tortured two robbery suspects to gain confessions, said Toronto Police Chief Bill Blair Friday.

Page 4

Dec 13 2013

**SURREY** - A specialized team of undercover police officers is tracking some of Surrey's most prolific offenders in an effort to stop crime sprees before they start.

Page 5

Dec 15 2013

**OTTAWA** - Police would have the option of ticketing people for a range of minor offences - instead of laying criminal charges - under a plan that could yield significant savings for the cash-strapped justice system.

Page 6

Dec 18 2013

**HAMILTON** - A prominent and highly respected Hamilton police officer is dead after shooting himself at the central police station.

Page 9

## Police notes can't be vetted by lawyers



Dec 19 2013

**OTTAWA** - Allowing police officers under investigation by watchdogs to consult with lawyers before preparing their notes is an "anathema" to transparency and public trust in that process, the Supreme Court of Canada ruled Thursday.

The high court ruling, by a margin of 6-3, pitted officers against the families of two men shot dead by Ontario's provincial police in separate incidents in 2009.

The ruling offers clarity to the regulations that govern the Ontario's Special Investigations Unit, which investigates violent

incidents involving police officers.

"First, consultation with counsel at the note-making stage is antithetical to the dominant purpose of the legislative scheme because it risks eroding the public confidence that the SIU process was meant to foster," wrote Justice Michael Moldaver for the majority.

"A reasonable member of the public would naturally question whether counsel's assistance at the note-making stage is sought by officers to help them fulfil their duties as police officers, or if it is instead sought, in their self-interest, to protect themselves and their colleagues from the potential liability of



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an adverse SIU investigation.”

Lawyer Julian Falconer represented the families of Doug Minty, 59, and Levi Schaeffer, 30, who were shot and killed by Ontario Provincial Police officers in separate incidents in June 2009. He said the ruling is a victory for the families, but the cycle of police using guns on emotionally disturbed people must be broken.

“There is a recognition, a historical recognition, that the police use of lethal force, when they take the lives of mentally disabled men such as in this case, when they take the steps they do, it has a profound impact on our social fabric,” Falconer said after the ruling was issued.

“For that their price, their responsibility, is to be undeniably and absolutely accountable and it is sad that these families had to bear the burden, the task, of getting this job done. It shouldn’t have fallen to them.”

The “indispensable foundation” for the significant authority entrusted to police is public trust, and that trust can be tested when a member of the community is killed at the hands of a police officer, Moldaver wrote.

“The SIU is charged with the delicate task of determining independently and transparently what happened and why, in the hope of providing the community with answers,” he wrote.

“Permitting police officers to consult with counsel before their notes are prepared is an anathema to the very transparency that the legislative scheme aims to promote.”

The families spent the past four years arguing that having a lawyer approve the notes that end up in police memo books is unacceptable. Ruth Schaeffer said she spent her life savings on the case.

“It’s a significant and necessary step on the way to ensuring accountability from the

public servants in Ontario who have the most extraordinary powers,” she said.

Evelyn Minty said it has been a long, hard road, but she and her family did it for Doug and for “future families who need honest reports wrote up by the police.” There isn’t a day that goes by that she doesn’t think of her son, she said.

“I must admit I’ve had help from my family,” Minty said, choking up. “I’ve had help from my friends and when the going gets bad, I cry. Nobody knows. Sometimes at night in the dark of night.”

Police argued they have the right to talk to a lawyer of their choosing before finalizing their notes.

Three Supreme Court justices dissented, arguing that everyone has the right to consult with a lawyer.

“This freedom reflects the importance of the societal role of lawyers in a country governed by the rule of law and it should not be eliminated in the absence of clear legislative intent,” they wrote.



Dec 12 2013

**MONTREAL - Quebec authorities are calling it a first - an elected official denouncing people after being the target of alleged corruption.**

The province’s anti-corruption squad, known as UPAC, is giving Chateauguay Mayor Nathalie Simon full marks for filing a complaint with police this past September.

The mayor was hailed as a hero Thursday as the unit announced four arrests in a corruption sweep in the working-class town south of Montreal.

Police allege the four men were trying to corrupt Simon with money and personal favours in exchange for decisions that would lead to influential positions within the city’s administration or to land being re-zoned for development projects.

The men are expected to be arraigned in February on charges that include fraud against the government, conspiracy, municipal corruption and breach of trust.

More arrests may be forthcoming.

UPAC chief Robert Lafreniere said Simon’s bravery was key to ending the corruption strategy that targeted her administration.

“We have benefited from the extremely rare yet exemplary co-operation of an elected official,” Lafreniere told a news conference.

“Nothing can be held against Ms. Simon. To the contrary, she honourably denounced an unacceptable situation.”

He noted that Simon is the first elected official to come forward in such circumstances.

Dec 12 2013

**HAMILTON - Two Hamilton police officers are getting praise after a video of an arrest went viral.**

The video - which was shot in Hamilton last Sunday - shows a male and female officer spending several minutes subduing and arresting a screaming woman.

At one point in the video - which has been viewed nearly 270,000 times on YouTube - the woman complains about being hurt as they try to handcuff her.

Once she was handcuffed and placed in the back of their cruiser, the male officer then calmly explained to a crowd of people exactly what he was doing and why.

Numerous commenters on YouTube praised the officers for the way they handled the situation, as did Hamilton police Chief Glenn De Caire in a statement on Thursday.

De Caire says his force has been overwhelmed by thousands of emails and the social media response they’ve received in support of the officers.

Dec 12 2013

**TORONTO - TTC transit enforcement officers are getting their special constable powers back.**

The transit commission and the Toronto Police Services Board agreed Thursday to immediately restore the special authority, which includes the power to make an arrest. The final step is to recommend the approval to the province, who will officially designate the 40 officers with the special constable status in roughly four months.

Transit cops were stripped of their ability to arrest someone in 2011 following allegations they were exceeding their authority. Without it, the officers can’t arrest anyone unless they are there to witness an offence. At the time, there were 100 special constables.

The board agreed to reinstate the powers, providing the transit commission and the police implement an independent complaints process and a public awareness campaign.

Toronto Police spokesman Mark Pugash said police worked vigorously with the TTC to come up with an agreement. (Toronto Sun)

Dec 12 2013

**Oak Bay Police Chief Mark Fisher will step down in March after 2.5 years to head up the Nanaimo RCMP.**

Fisher, 44, joined the municipal department in July 2011. He will take over as Nanaimo detachment commander from Supt. Norm McPhail, who left in October.

The move means that in less than a year, four of the region’s seven police departments will see leadership changes.

Victoria Police Chief Jamie Graham retires next week. He’ll be replaced by Frank Elsner, previously the police

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chief in Sudbury. Elsner will have a public swearing in Monday at 10 a.m. at the Save-on-Foods Memorial Centre.

In Saanich, deputy chief Bob Downie will replace outgoing Chief Mike Chadwick in January.

In June, Insp. Larry Chomyn was named the new officer in charge of West Shore RCMP.

Oak Bay Mayor Nils Jensen said the changes might bring more conversation on how to improve co-ordination between the various departments, which are often criticized for operating within invisible municipal borders when criminals do not.

“I think that’s an opportunity for policing in the Greater Victoria area as we look at ways we can integrate,” Jensen said.

A Mountie for 20 years before joining the Oak Bay force, Fisher rose quickly in the ranks of the RCMP, serving as top cop for Creston, Bella Coola and West Shore RCMP.

His move to the Oak Bay force with 24 police officers and 18,000 residents surprised many in the policing community.

Fisher replaced Ron Gaudet, who retired after a long career as chief.

Former Saanich police chief Derek Egan served as interim chief for six months during the hiring process.

(Victoria Times Colonist)

**FRIDAY**  
**DECEMBER 13, 2013**

Dec 13 2013

**SASKATOON - An inquest into the death of Stanley Robillard has concluded that he died accidentally of blunt force trauma to the back of the head, with alcohol as a contributing factor.**

Robillard was arrested three years ago for public intoxication in Saskatoon and later found unresponsive in a police detention cell. The 46-year-old died after being transported to Royal University Hospital.

The inquest also heard testimony that Robillard had earlier been to the emergency room at St. Paul’s Hospital and had checked himself out. He had not seen a doctor. The Saskatoon Health Region’s head of emergency services, Dr. James Stempien, testified that the system failed Robillard.

Among them, that hours be increased at City Hospital’s emergency department, and in minor emergency clinics. And also:

- Patients classified as 1, 2 or 3 on the Canadian Triage and Acuity Scale have their vital signs checked more frequently.
- The triage process be eliminated or bypassed when a patient is classified as CTAS 1, 2 or 3.
- In shift changes, briefing on the status of patients in triage be improved.

- Information sharing between police, ambulance and hospital staff be improved regarding severity of injuries.
- The paramedic position at the detention centre be made permanent.
- The brief detox unit be expanded.
- Emergency departments be staffed with more doctors during peak times.
- There be a public awareness campaign about treatment options in minor emergency clinics.
- Health care improvements be audited more frequently, with measurable results and follow-up.
- Hospitals have a secure ward.
- When a patient leaves the hospital against medical advice, there be an audio recording of the interaction between the patient and staff, and that staff signature on the release form be mandatory.

(CBC News)

Dec 13 2013

**CALGARY - Calgary’s top cop says Ottawa needs to get with the times and give his officers the tools to yank drugged-up motorists off the road.**



In a year-end interview, police Chief Rick Hanson told Metro that the federal government should enter ‘the 20th century’ by approving roadside devices that detect street drugs such as pot, cocaine and crack.

Hanson maintained, “the science is there,” and there are products listed online that appear to back-up that claim.

“We’re not trying to split a hydrogen atom or accelerate a molecule,” he said. “No — this is pretty basic stuff.”

The Chief conceded suspected drugged drivers are flouting the law because it’s hard to catch them without an “objective assessment.”

To that end, he wants to see limits introduced on a drug-by-drug basis.

“Imagine trying to do impaired driving convictions without a Breathalyzer,” Hanson said “That’s where we are now.”

Right now, police must conduct cumbersome drug recognition evaluations before demanding a blood, urine or saliva sample from suspects.

(Metro Calgary)

Dec 13 2013

**VANCOUVER - B.C.’s police watchdog has concluded that a transit officer lied several times about a confrontation involving a mentally ill man who was beaten and jolted with a Taser.**

In a report, the Office of the Police Complaint Commissioner says Const. Ken Jansen of the South Coast B.C. Transportation Authority made false and misleading oral and written statements after the man was subdued at a Surrey hospital in April 2010.

Jansen wasn’t on duty that night, but was waiting for RCMP Const. Mitch Spears, who had arrested a man under the Mental Health Act and was about to hand him over to hospital staff.

The report says that when the mentally ill man began punching the Mountie, Jansen jumped in to help overpower the patient and that’s when a Taser was used on the man, who was placed on the floor in handcuffs.

After an investigation by police, Jansen was accused of abuse of authority, discreditable conduct and deceit for using unnecessary force and then lying about it later to investigators.

Adjudicator Carole Lazar determined that the accusations of discreditable conduct and abuse of authority were unsubstantiated, but she ruled there was enough evidence to find the officer made false or misleading statements about the confrontation.

Dec 13 2013

**EDMONTON - Edmonton MLA Steve Young has been dropped from cabinet before he could even be sworn in as the new associate minister for public safety.**

Premier Alison Redford will only say the decision was made for - quote - “personal reasons.”

Her office says the reason involved unspecified allegations against Young when he was an officer with the Edmonton Police Service.

Documents show that Young faced an internal disciplinary committee after he used an electronic stun gun on a suspect in 2004.

An internal review found that Young initially filed a report saying he used a Taser, but then later denied it.

The review exonerated Young, saying while there were problems in how he handled the case, there was no proof he tried to deceive anyone.

Dec 13 2013

**MONTREAL - The Canada Revenue Agency says there was no fraud, collusion or corruption on the part of its employees in the issuing of a refund cheque for more than \$381,000 to a now dead Mafia don who owed \$1.5 million in back taxes.**

The agency acknowledged a weakness in the system controlling the issuing of the cheque and questionable employee performance but said in a report on the investigation that there was no intentional wrongdoing.

The cheque was issued on Sept. 13, 2007, to Nicolo Rizzuto, a reputed organized crime figure in Montreal.

The agency said Rizzuto’s daughter

alerted them to the error two weeks later and the cheque was cancelled. The cheque itself, which was never cashed, was recovered on Oct. 2, 2007.

The investigation, which was ordered in September 2013 after media reports, was carried out by the agency's Internal Affairs and Fraud Control division. It was verified independently by the Ernst and Young accounting firm.

Investigators found the refund could not have been deliberately issued because of controls in place and because no single person has overall authority over sending out a cheque.

"Although the evidence found no unethical behaviour or corruption by (agency) employees, it did find that an employee failed to follow established procedure with respect to cheque verification and that this contributed to the issuance of the cheque in 2007," the agency said in its report.

It also noted the system weakness that contributed to the snafu.

"At that time, no mandatory guidelines or procedures were in place that would have instructed an employee to flag taxpayer accounts for which amounts owed were in dispute and multiple taxation years were at issue."

The agency says procedures have since been tightened and further safeguards are being added.

Rizzuto had just been arrested as part of a sweeping police operation in November 2006 and sent to prison. The elderly Mob boss was eventually released. He was murdered in his kitchen in 2010.

Dec 13 2013

### TORONTO - Three Toronto police officers "strongly refute" an Ontario Court of Appeal ruling that found they tortured two robbery suspects to gain confessions, said Toronto Police Chief Bill Blair Friday.



Since the Crown decided not to have the officers testify at either the trial or the appeal hearing, Ontario's top court only got one side of the story, said Blair.

"Quite frankly, I don't understand why that decision was made. The officers were anxious to testify but were not afforded the opportunity to do that by the Crown attorney," said Blair. "The Crown chose instead to make a legal argument."

The Crown also chose not to call any other evidence to challenge the assault allegations,

despite an internal police investigation that found no medical evidence of beatings, according to Blair.

Blair has asked the Ministry of the Attorney General to conduct a review of the Crown decisions and "see if there is a way that the full story can be made public."

The OPP will also conduct a thorough investigation into the conduct of three police officers, at Blair's request. "I want to ensure that the officers are given a chance to give statements to the OPP and give an explanation for what transpired," Blair said.

The Special Investigations Unit is also reviewing the Court of Appeal decision released Thursday, spokesperson Jasbir Brar said Friday.

During the preliminary hearing in the robbery case, the officers denied using violence against the two men, but that evidence did not come out at trial, added Deputy Chief Mike Federico, who oversees the Professional Standards Unit.

The ruling harshly denounces three officers — Det. Const. Jamie Clark, Det. Steve Watts and Det. Donald Belanger — for the "administration of a calculated, prolonged and skillfully choreographed investigative technique" that involved using beatings and threats to get confessions out of suspects.

To the appeal court's bewilderment, the testimony given by two men arrested for a 2009 robbery about their interrogations was



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not contested in court by the Crown, at trial or on appeal. The appeal court therefore took their testimony as the “factual framework for what actually happened.”

The judgment also questioned why an internal police investigation stalled when, “un-surprisingly,” Singh and Maharaj refused to cooperate.

Blair said that is not true and that the Professional Standards Unit conducted a thorough investigation that determined there were no grounds for misconduct charges.

The internal investigation began only after an SIU investigation was closed, he said. Blair requested the SIU probe in May 2012 after the Crown’s office informed him of the trial decision.

“I gather (the SIU investigation stopped) because the two men accused in the trial refused to speak to them or give them any information.”

An SIU spokesperson said the file was closed “for a number of reasons,” but said it cannot comment until the appeal court decision has been reviewed.

Blair said neither man had made formal complaints about their treatment, which would have sparked an investigation sooner.

When the internal unit began its investigation, Singh and Maharaj continued not to cooperate, so the investigators interviewed the doctors who attended to the two men, Federico said.

The medical evidence did not substantiate their claims, he said. “Our investigation didn’t indicate any further reason to suspect or accuse these officers of misconduct.”

Blair said he passed on the internal probe’s findings to the Attorney General and also expressed concerns about the way the prosecution had been conducted. “I got a response from the Ministry of the Attorney General saying they had taken action with respect to the issues and concerns we had raised,” he said.

A spokesperson said the ministry could not comment because the case is still within the appeal review period.

“I want and need to create an opportunity for the whole truth to come out,” Blair said Friday. “That’s all we want, is the truth. I think the public has the right to the truth.”

(Toronto Star)

Dec 13 2013

### **SURREY - A specialized team of undercover police officers is tracking some of Surrey’s most prolific offenders in an effort to stop crime sprees before they start.**

The members of Surrey RCMP’s High Risk Target Team are so deeply disguised that if a member of the public stumbled upon a covert operation in progress, they’d likely never realize it.

“They blend in - in a perfect world, no

one even knows they are there,” said the team’s leader, Insp. Wade Lymburner. “The person being apprehended wouldn’t even know what was happening.”

Lymburner’s team members are “chameleons and actors” who can morph into anyone from construction workers to mall shoppers in pursuit of the city’s most-wanted criminals and high-risk sex offenders. The small group of men and women are skilled hunters who track their quarry in plain sight, yet would rarely be recognized as police officers. “They’re hunters,” Insp. Lymburner said of the undercover team, founded in 2010. “Everyone leaves footprints behind ... and this team is very good at finding those footprints.”

The team averages 10 arrests a month.

The HRTT also connects with corrections, probation services and the RCMP’s Integrated Sexual Predator Observation Team to monitor a few dozen offenders at a time who are on the verge of “going off the rails.”

In those cases, the team conducts covert surveillance over a few days to ensure they are obeying court orders - staying out of bars, away from kids, off drugs. If not, they arrest them on new or outstanding warrants.

“Most have a significant criminal history,” Lymburner said.

“If we can find some way to get in front of all that, before a crime spree happens or someone gets hurt, it’s a great investment.”

The key, he says, is getting close enough to criminals to watch. That’s why the officers rarely appear in uniform in public. They have a range of disguises and different cars for camouflage.

(The Province)

Dec 13 2013

### **CALGARY - For this clan, law enforcement is a family affair.**



Const. Jennifer MacDougall was sworn in as one of the Calgary Police Service’s 23 new recruits Friday — making her the first ever female officer on the force whose parents were also city cops.

MacDougall and her mom, Det. Theresa Garagan, also earn the distinction of being the first mother/daughter members of the CPS.

“To be the first mother/daughter (Calgary cops) is cool,” the newly minted officer said, shortly after being sworn in as a member of the force.

“It was amazing, especially being able

to have both my parents there, being able to present my badge,” she said.

She said that while becoming a police officer had always been in the back of her mind growing up there was a period “that I kind of resisted if for awhile.”

But after working in the security field, MacDougall, 27, realized it was her calling.

“I think you don’t pick policing, it picks you,” she said.

And she said she’ll do her best to match the illustrious careers of her parents, including her dad, Jim MacDougall, who has now retired.

“I hope I’m half the cop they were,” she said.

Both Garagan and MacDougall are confident she will be.

“Her grandfather Joe Garagan was military police,” MacDougall said.

Her mom also gushed with pride when talking about Calgary’s newest constable.

“I cried like a baby,” Garagan said, of her daughter’s graduation ceremony at Mewata Armoury.

(Calgary Sun)

Dec 13 2013

### **PRINCE GEORGE - RCMP are adopting a new tactic to counter the use of social media to let drivers who may have had too much to drink know where police have set up roadblocks.**

Called the “rolling road check,” three or four RCMP cruisers will show up on a major artery and pull over the first four vehicles and then move on before word gets out.

Because they are often at a location for only a few minutes, “social media has a hard time keeping up with them,” North District RCMP traffic services Staff Sergeant Pat McTiernan said.

RCMP are still using the more formal, longer-lasting road checks and McTiernan has no problem with people using social media to let their friends know RCMP are out looking for drunk drivers because more often than not, it makes them think twice about getting behind the wheel.

“We still have a purpose in having the standard, traditional, stationary road checks but this new rolling road check is something we’re checking to see if it’s going to provide any results,” McTiernan said.

“And at the same time, we still have the cars sitting off to the side streets on stationary road checks to see if anybody tries to drive around them.”

As a bonus, RCMP on the rolling road checks don’t have to stand out in the deep freeze and worry about keeping their equipment warm enough to operate properly. That was noticed on Saturday when the temperature struck an overnight low of -25.8 C.

The rolling road checks remain in use on a test basis only but early indications are they have paid a dividend, although McTiernan noted that the holiday season has become one



of the quieter times of year in terms of coming across impaired drivers.

"You've got to remember that the Christmas counterattack is one of our lower-producing campaigns because it's been around for decades," McTiernan said.

"People expect police to be out during the Christmas season checking for impaired drivers. (Prince George Citizen)

## SATURDAY DECEMBER 14, 2013

Dec 14 2013

**TORONTO - Ontario's police watchdog says four officers are believed to have fired their guns in a police shooting inside a downtown Toronto subway station that sent a young man to hospital and commuters scrambling for safety.**

The Special Investigations Unit's Carm Piro says a total of nine officers responded to an incident around 8 p.m. Friday at Queen Station after calls about a "suspicious person" on a subway train.

He says the person had a weapon, but wouldn't elaborate.

Piro says it's believed four of the officers discharged their weapons, sending an 18-year-old man to hospital where he was reportedly in stable condition.

The SIU says the man's his family isn't

consenting to his name being released.

The SIU said it had assigned nine investigators and four forensic investigators to the case.

## SUNDAY DECEMBER 15, 2013

Dec 15 2013

**OTTAWA - Police would have the option of ticketing people for a range of minor offences - instead of laying criminal charges - under a plan that could yield significant savings for the cash-strapped justice system.**



The idea has emerged from discussions fostered by the federal government on curbing the rising costs of policing, said Timothy Smith, a spokesman for the Canadian Association of Chiefs of Police.

Under the proposal, officers would have

the option of ticketing people for offences such as causing a disturbance, public nudity, falsifying an employment record, soliciting prostitution, vagrancy or trespassing.

It builds on a resolution the Chiefs of Police passed last August that would give officers the discretion to issue a ticket under the Contraventions Act for possession of a small amount of cannabis.

"This is all part of the economics of policing initiative and the discussion that's taking place to find ways in which we can more efficiently handle these types of issues," Smith said in an interview.

"In the case of some of these other offences, should they be criminally charged or would a ticket be a better enforcement option for all those involved within the judicial system and policing? That's the kind of thinking that's going on."

Last January the federal Public Safety minister, on behalf of provincial and territorial counterparts, hosted a summit on the economics of policing that included officers and chiefs from across the country, government officials and academics.

Officials say the cost of policing is steadily rising - hitting more than \$12 billion in 2010 - even though the crime rate is falling. Among the reasons: increases in police officer salaries, higher costs for equipment and fuel, and new challenges such as dealing with people who have mental health issues.

Participants are looking for efficiencies within police services, new models of community safety and possible savings within the broader justice system.

Giving someone a ticket for a relatively minor offence may be "more appropriate" than sending that person to criminal court, a process that "clogs the system up," said Mark Mander, police chief in Kentville, N.S.

Two of Mander's officers recently spent a full day in court and never ended up testifying, said Mander, head of the police chiefs' drug abuse committee.

"But they had to be there, right? We see that with even minor offences, where they're there all day and not having to testify."

He sees the ticketing option as another tool for police.

"But we also want to make sure that the police officers retain the right to lay the formal charge as well - so they still need that discretionary option, depending on the circumstances."

In late August, Prime Minister Stephen Harper said the government was looking very carefully at the notion of a ticketing proposal for a small amount of marijuana.

The police chiefs say they've heard nothing yet.

However, last month ministers responsible for justice and public safety from across Canada approved a common agenda to improve the efficiency and effectiveness of policing.



In addition, the Chiefs of Police plan a conference on mental health in March in Toronto to discuss the reality that police have become the social workers of the street. With supports for the mentally ill lacking, there is pressure on officers to pick up the slack - eating into scarce resources.

"That's another huge area that falls under this as well," Smith said. "So how can we improve those interactions?"

**MONDAY**  
**DECEMBER 16, 2013**

Dec 16 2013

**TORONTO, Ontario - Ontario Provincial Police Commissioner Chris Lewis is retiring from the force after a 35-year career.**



Lewis, who joined the provincial police in 1978, will be stepping down on March 28.

He began his career as a provincial constable in Kapuskasing and rose through the ranks, becoming the OPP's deputy commissioner of field operations in 2007.

He was then appointed commissioner in August 2010, taking over for Julian Fantino, now a Conservative MP for the Toronto-area riding of Vaughan.

The provincial government announced Lewis's retirement Monday, saying he has served across the province in a variety of front-line, specialized and management positions.

It said Lewis is the first police officer to have been awarded all three levels of the Canadian Order of Merit of the Police Forces, presented by three successive Governors General.

A search for a replacement is beginning immediately.

"I want to thank Commissioner Lewis for a lifetime of outstanding service over his long and distinguished career. He should be proud of the significant contribution he has made to ensuring Ontario remains safe, strong and prosperous," Premier Kathleen Wynne said in a statement.

Dec 16 2013

**HAMILTON, Ont. - Authorities say a large contraband tobacco smuggling and trafficking operation has been dismantled in southwestern Ontario.**

It's alleged the ring was responsible

for smuggling more than 66 tonnes of un-stamped water pipe tobacco into Canada since 2010.

Nine people are facing charges following a joint investigation by Hamilton and Niagara area RCMP, the Canada Border Services Agency and the Ontario Ministry of Finance.

Police say the investigation began in 2011 into a local individual suspected of smuggling un-stamped water pipe tobacco for local distribution.

But as the investigation went on, they say a larger organization was uncovered that reached beyond the Hamilton area.

It's alleged the network used sophisticated methods to conceal their smuggled products and hide their operation and police say the volume of tobacco smuggled means millions of dollars in duties and taxes were not paid.

During the investigation, authorities say border officers made two large seizures of flavoured tobacco: one at the Peace Bridge in July 2011, in which 1,440 kilograms of flavoured tobacco were seized, and another at the Queenston Bridge in October 2011, when a similar amount was seized.

Dec 16 2013

**SASKATOON - Police officers in Saskatoon are to begin carrying Tasers on Wednesday.**

The police service says officers were required to complete 11 hours of training online and in a classroom.

They've also been better trained on how to keep volatile situations from escalating.

The 44 conducted energy weapons will be stored at police headquarters, where they will be signed out by an officer for the duration of a shift.

Using a Taser will result in a review of the situation by supervisors.

Police say the media and the public will be made aware each time the device is used.

Dec 16 2013

**OTTAWA - Only a small proportion of elder-abuse cases investigated by police result in criminal charges because victims want to maintain family relationships and fear winding up in seniors' homes, a federal study suggests.**

Justice Department researchers who looked at 453 cases of allegedly abused elderly people handled by Ottawa police over a five-year period found charges were laid in 17 per cent of files.

That's considerably lower than the one-quarter of police probes that typically lead to charges.

In more than half of the elder-abuse cases in which no one was charged, there was either insufficient evidence or the victim refused to co-operate with police.

Possible explanations include a desire to

maintain family ties, fear and anxiety about institutionalization and loss of independence, as well as factors such as financial dependency, disability or illness, the study says.

"The vulnerabilities that put older Canadians at risk of victimization can also create barriers to criminal investigations and the criminal justice system as a response."

One police officer told the researchers the elderly are reluctant to pursue charges against their children and as a result police spend a large amount of time walking elders through the benefits of doing so, including the help available for those who are abusive.

According to the 2011 census, there are five million Canadians aged 65 and older - a segment of the population that's growing rapidly, the study notes.

Slightly more women than men - 52 per cent female versus 48 per cent male - were accused of abuse in the Ottawa cases, which covered 2005 to 2010 and were stripped of personal information before being made available to the researchers by the police force's elder-abuse section.

Women, however, represented 70 per cent of victims - probably because females make up a disproportionate segment of the senior population, the study says.

Male accused were more likely to target family or friends, while female accused more often victimized people under their care in an institutional setting, the researchers found.

The most common type of offence was financial abuse, followed by verbal, physical and a small percentage of sexual abuse cases. In many cases involving money, the victim was initially unaware their resources were being pilfered.

Aside from reluctance of some elderly victims to press criminal cases, the data often revealed barriers to investigation - the most common being mental health issues followed by victim fear.

In cases where no charges were laid, police sometimes referred the victim to social services or other support groups, or the accused may have been verbally warned about their alleged behaviour.

"It takes several weeks or months to investigate an elder-abuse case," one officer told the authors, "and there is no cookie-cutter method of investigating elder abuse."

The study says further research into the barriers facing police investigating elder abuse would be beneficial, as officers face unique challenges in such cases.

Research on the files of other elder-abuse police units across the country could also help determine whether the trends are unique to Ottawa or common to other cities.

The study suggests:

- Adding a full-time elder-abuse specialist to police staff to alleviate barriers to criminal probes as well as free up officers to zero in on the criminal aspects of the cases;



- Ensuring agencies and programs that provide support and assistance to elderly victims are well-resourced.

Dec 16 2013

**EDMONTON - A cattle thief has had his day in court, been fined and given probation. But the bovines have yet to be found.**

Mounties say they need the public's help to find the more than 600 head of cattle.

Timothy William Flad, who is 47, was convicted in September of selling cattle that were financed without notifying the lender that he had disposed of the assets.

Flad, of Brownsville, Alta., was sentenced to one year probation and 100 hours of community service.

He was also ordered to pay back \$12,000 to the lender for the 40 head he sold illegally.

Dec 16 2013

**OTTAWA – The RCMP is in the midst of an ambitious project gathering unsolved murder and missing-persons files from over 200 police forces dating back to 1980, says Aboriginal policing Supt. Tyler Bates.**

Bates said the project will give the RCMP clear data on the number of missing and murdered Indigenous women across the country.

"That is the priority of this initiative to have that information so that we can properly guide our efforts," said Bates, in an interview with APTN National News. "Hopefully it proves to be of benefit to the broader law enforcement community as well in terms of assessing where we need to make investments."

Bates said the project will be completed in 2014 and some of the finding will be shared publicly.

He said the RCMP is not only looking for data to gauge investigative success or failure rates, but to also get a better sense of the social determinants that lead to Indigenous women vanishing.

"What do we need to do...when we look at the vulnerability factor, when we look at the age of the victim, when we look at the characteristics of the perpetrator, is it familiar? Is it stranger perpetrated?" said Bates. "There are a lot of broader questions that have to be answered to properly direct prevention efforts in the first place."

The Native Women's Association of Canada says over 600 Indigenous women are either murdered or missing across the country.

The RCMP questioned NWAC's numbers in the past, but, until the recent project, the federal force only tallied information from within its own files.

The RCMP reviewed its files between 2006 and 2012 and concluded it had an 82 per cent solve rate on cases involving the murder of Indigenous women, said Bates.

(APTN National News)



Dec 17 2013

**MONTREAL - A coroner has finally issued his report into the death of a teen five years ago during a Montreal police intervention that sparked riots in parts of the city.**

Quebec court Judge Andre Perreault has found that Fredy Villanueva's death was the result of a multitude of human factors, which, when taken on their own, could not justify the end result.

The long-awaited report includes about 20 recommendations for police, the city and the provincial Health Department.

Perreault, the ad-hoc coroner who oversaw the 106-day inquest, heard from 47 witnesses. The inquest wrapped up this past June, after legal wrangling led to numerous delays.

The death of Fredy Villanueva in August 2008 occurred as police tried to put an end to a dice game and arrest the teen's older brother.

In the ensuing scuffle, Fredy Villanueva was shot and killed and two other people were injured by police bullets.

The death sparked a night of widespread rioting and looting in Montreal's north end that received worldwide attention.

Perreault called the death a "result of a multitude of circumstances of human nature, which, if considered on its own, cannot logically justify this result."

"Thousands of offences as trivial as playing dice in a park are subject to annual police interventions that all go well, even when the police and citizens do not agree on whether the offence has indeed been committed," Perreault noted.

Perreault was particularly critical of how the post-shooting investigation was handled, one he said was subject to numerous gaffes.

That provincial police investigation cleared the Montreal police officers and no criminal charges were ever laid in the case.

Dec 17 2013

**EDMONTON - An Edmonton police officer who was dismissed over an off-duty offence has been denied another chance to get his job back.**

The Alberta Court of Appeal has rejected Adam Kube's request to have his case presented at another hearing.

Kube faced internal discipline after he went to a police traffic stop to help a female friend who had purchased a motorcycle from him.

Police stopped the motorcycle because it wasn't registered and had no insurance.

Kube arrived and produced an insurance pink slip that turned out to be invalid.

Kube was found guilty of corrupt practice and was dismissed by an Edmonton Police Service disciplinary board, a decision that was upheld by the Law Enforcement Review Board in September.

(CHED)

Dec 17 2013

**TORONTO - A police officer who arrested a man wearing a bandana around his neck at the tumultuous G20 summit in Toronto three years ago has been found guilty of misconduct - the first such finding arising out of that weekend.**

A police services tribunal convicted Const. Vincent Wong of unlawfully arresting Jay Wall for being disguised with intent to commit an offence.

The charge had alleged Wong, who was on patrol with his co-accused, Const. Blair Begbie, had arrested Wall illegally.

In convicting the officer, adjudicator Walter Gonet, a retired judge, found "clear and convincing" evidence that Wong had no reasonable grounds to arrest Wall on Sunday June 27, 2010.

Gonet said the circumstances of Wall's arrest "offend common sense."

Begbie, who faced the same accusation, was acquitted.

Dec 17 2013

**VANCOUVER - A former gang leader has received a 12-year prison sentence, but he'll serve just over three years for his role in connection to the deaths of six people.**

Quang Vinh Thang (Michael) Le pleaded guilty last month to conspiracy to commit murder in connection to the mass killing that left six dead, including two bystanders.

The six bodies were found in October 2007 in a highrise condominium in Surrey, B.C., in what the Crown has alleged was an execution of a rival drug trafficker.

B.C. Supreme Court Judge Austin Cullen says while Le only pleaded guilty in connection with one murder, his actions set off a chain of events that led to the deaths of six.

Le had been standing trial since late September along with Matthew Johnston and Cody Haevischer, whose trial is continuing.

Another person, whose name can't be published, pleaded guilty in 2009, while alleged gang leader Jamie Bacon is expected to stand trial next year.

Dec 17 2013

**MONTREAL - Quebec's anti-corruption unit says more than half the arrests it has made since its inception nearly three years ago came in 2013.**



The permanent anti-corruption unit, known as UPAC, arrested 66 people this year.

The charges include fraud against the government, breach of trust, bid-rigging and gangsterism.

Those arrested include former Laval mayor Gilles Vaillancourt as well as Michael Applebaum, then-interim mayor of Montreal.

The unit has arrested 118 people since since it came into force.

The squad also doled out \$30 million in fines to individuals and companies this year.

UPAC received 1,250 tips from the public in 2013, bringing the number of tips to 2,150 since early 2011.

Investigators met with some 7,000 people over the year.

Anti-corruption squad chief Robert Lafreniere said Tuesday the results are encouraging.

With the addition of a Montreal-police based anti-corruption unit, UPAC now has 320 employees.

"The expertise that has been developed is unparalleled," Lafreniere said."

"Never in Quebec has so much energy been deployed to protect the integrity of the state."

Dec 17 2013

### **VANCOUVER, Wash. - Vancouver police officers didn't have to go looking for suspects in a stolen SUV case: The accused criminals accidentally found the police instead.**

Vancouver police said a stolen SUV drove right into the side of a parked patrol car with its emergency lights on.

Officers said the patrol car was parked in the roadway to protect a previous crash scene.

John Valenzuela, 27, is accused of driving the stolen GMC Yukon around a fire truck first, and then hitting the police car.

Valenzuela and his passenger, Amber Settle, 26, were also in possession of stolen credit cards and Social Security cards, according to investigators.

The officer at the scene said both suspects appeared to be under the influence of drugs or alcohol, according to court documents, but the officer stated there was no odor of alcohol.

Court documents state that Valenzuela first provided police with a false first name, before later admitting he lied by trying to pass off his brother's name.

(Q13Fox.com)

Dec 17 2013

### **VANCOUVER - The Vancouver Police Department introduced a new program, "Operation Keep Safe" Tuesday focused on reducing theft of specialized cars for people with disabilities.**

"If my vehicle is stolen," said Deputy

Chief Adam Palmer, "I could perhaps go rent a vehicle, I could hop on a SkyTrain, I could have other alternative methods of transportation. For somebody that is physically disabled it's much more difficult ... It has a huge impact on their life."

The police department is offering a free vehicle immobilizer, a small electronic anti-theft device that will be installed free of charge, for anyone who uses a car or van with adapted equipment like wheelchair lifts or steering hand controls. The device ensures that the car cannot be started without the key for the vehicle.

Palmer said the installation and the device for the program will cost about \$150 for each car. He estimated that 50 to 75 vehicles would be eligible for the operation. The program is only offered to those who live or work in Vancouver.

Terry LeBlanc, a Spinal Cord Injury BC Peer member, had his outfitted 1990 Chrysler mini van installed with the immobilizer equipment.

"It's a great program, I'm very thankful for it," he said.

LeBlanc added that he would not have the means to refund his equipment in the event of a theft. "I've had friends who have had their vehicles stolen and it really leaves you in a tough spot," he said.

(Metro Vancouver)



Dec 18 2013

### **HAMILTON - A prominent and highly respected Hamilton police officer is dead after shooting himself at the central police station.**



The officer is Staff Sergeant Ian Matthews, a 25-year veteran of the force who for years was one of its most high-profile investigators. He died in hospital at about 10 p.m. Tuesday, roughly nine hours after the incident.

A police statement referred to the death as a "sudden death" after the incident at the King William Street station at approximately 1 p.m. A number of sources confirmed to CBC News in Hamilton that the officer shot himself.

The Hamilton Spectator is reporting the incident happened in a locker room.

Matthews served in many roles with the service, including extended times in the BEAR (break and enter, auto theft and robbery branch) and Homicide Units, and most recently as Central D Squad staff sergeant.

"This is devastating and I recognize the profound impact this has on our organization," said Hamilton Police Chief Glenn De Caire. "We are supporting Ian's family during this tragic time and our Critical Incident Response Team continues to respond to support our members through this tragedy."

The chief acknowledged Matthews's reputation and police record in a statement issued shortly after his death.

"We respect the commitment and tenacity shown by Ian to his work and will work to honour his life with the same dedicated, professional effort that he displayed."

Hamilton police had issued a statement earlier in the evening where they indicated an officer had been injured at the central police station. At that time, police indicated he had been rushed to hospital in critical condition, but that he was not expected to survive.

De Caire has asked neighbouring Halton Police Service to handle what is a non-criminal investigation.

A police source told CBC News that the officer had been superb at his job — "one of our all-stars."

He was respected by the courts, other officers and even some of the hardened criminals he had arrested, the source said. He had worked in many difficult roles, including undercover work, and seen "things we can only imagine."

Hamilton Mayor Bob Bratina said his prayers are with the officer, his family and the entire police service.

"The acceptance of this responsibility carries far greater weight than many can understand," Bratina said. "I expressed the care, concern and sympathy of all Hamiltonians."

(CBC News)

Dec 18 2013

### **SAYWARD, B.C. - Mounties on Northern Vancouver Island are showing their elven qualities as they try to reunite a bag of goodies with a deserving child.**

Sayward RCMP Const. Steven Thackeray says a road maintenance crew working near the community spotted the large bag along Highway 19 on Dec. 15.

He says the crew quickly realized the items were intended as Christmas gifts.

No one has come forward to claim the bag so Thackeray says officers in the detachment about 75 kilometres north of Campbell River are doing all they can to ensure the gifts get under the right tree by Christmas Eve.

He says Santa's uniformed helpers are making a list and checking it twice, and want to talk to anyone who may be able to solve the mystery.

With exactly one week left until the big day, Thackeray admits officers will have to work fast to identify the good girl or boy who deserves the precious parcels.

Dec 18 2013

**NIAGARA FALLS, Ont. - The Crown has withdrawn an assault charge against a Niagara regional police officer.**

The province’s police watchdog charged Const. John Garner on March 20 following an investigation into the arrest of man in the lobby of the Niagara Falls police station.

The Special Investigations Unit says Jonathan Hughes, 23, had gone to the detachment about a ticketing matter on Feb. 6 and was injured during an “interaction” with Garner and another officer.

In withdrawing the charge on Wednesday, the Crown said it could not prove that the arrest was unlawful and that Garner used excessive force.

Niagara regional police Chief Jeff McGuire says he’s pleased that the matter has been dealt with and thanked Garner for his professionalism throughout the process.



Dec 19 2013

**PETERBOROUGH - An unusual twist in the case against a Peterborough police officer charged with discreditable conduct, neglect of duty and insubordination could change the way investigations against police officers in Ontario are handled.**

The Office of the Independent Police Review Director is asking for official standing at the Police Service Act hearing for Const. Lyn Nottingham. That would give the OIPRD the right to cross-examine witnesses and take an active role in the hearing.

Nottingham was charged in March 2012 after Ennismore resident Derrik Twa filed a complaint with the OIPRD.

Nottingham’s lawyer, Joanne Mulcahy, will make a bid to have the charges stayed during a hearing Jan. 28. She will also argue for further disclosure from the prosecution if that request is denied. Mulcahy wants to see internal policy documents, emails, investigators’ notes and notes regarding conversations between the case coordinator and Twa.

Mulcahy, has been highly critical of the OIPRD’s investigation and the way the agency, which investigates public complaints against police officers, has handled disclosure.

Previous hearings have revealed that

two audio recordings of Twa’s statement to OIPRD investigation were destroyed or lost, and that no transcript of that statement exists.

During Wednesday’s hearing Jean Iu, the lawyer representing the OIPRD, argued that what Mulcahy wants to see is extraordinary, and goes far beyond what’s allowed under the Police Services Act (PSA).

“The PSA sets out what she’s entitled to get,” Iu said. “She’s asking for more.”

That disclosure, and the potential stay of Nottingham’s charges, would have a huge impact on the way the OIPRD operates, Iu said.

Many of Mulcahy’s issues and arguments focus on common OIPRD practices, Iu continued, and the OIPRD should be able to explain itself to the hearing before any decision is made. To do that it needs official standing at the hearing.

Iu said the OIPRD would like to make written and oral submissions and have the ability to cross-examine a city police officer who may testify.

Mulcahy vehemently opposed the OIPRD’s request for standing, arguing that it was tantamount to having another prosecutor at the table, which makes the process unfair to Nottingham.

She pointed out that other organizations, like the Special Investigations Unit which

investigates whenever a member of the public is injured while he or she is involved with the police, doesn’t have any standing when their investigations turn into criminal cases.

The OIPRD is trying to interfere with the process, she argued, and a hearing should only involve the accused officer, the prosecutor and the complainant.

“The PSA is black and white,” Mulcahy said. “These are the three parties, and it does not include the OIPRD.”

Mulcahy said it didn’t matter if her request for more disclosure was “extraordinary,” nor should Elbers be put in a position of having to consider the implications his decisions may have on the OIPRD.

Elbers told the hearing he’d try to make his decision either before year’s end or within the first week of the new year.

Police Service Act charges are not criminal charges. Penalties can range from loss of time off to dismissal.

(Peterborough Examiner)

Dec 19 2013

**SASKATOON - A man convicted of trying to kill a retired RCMP officer in Saskatchewan has been sentence to nine years in prison.**

Ryan Dalton Kelly Bear of the Dakota

**THE BLUE LINE TEAM**


**Merry Christmas & Happy New Year**



Whitecap First Nation stabbed Robert Laidlaw at a landing development north of Outlook in May 2012.

Laidlaw had stopped to see if Bear needed help with a flat tire and started asking questions when he suspected Bear's vehicle may have been stolen.

Court heard at Bear's trial that he became angry, threatened to slit Laidlaw's throat and stabbed him twice near the heart and lungs.

The defence told Bear's sentencing hearing that he needed the knife because of the violence he has seen in his life.

Last month, the Crown suggested that Bear's anger issues should be a factor in his sentencing, while the defence argued that the attack was unplanned and Bear feels terrible about what happened.

Crown prosecutor Bryce Pashovitz pointed to a pre-sentence and psychological report which said Bear is easily agitated and often acts impulsively. Court heard he had been angry with family members before the stabbing and always carried a knife for protection after one of his relatives was attacked.

Defence lawyer Darren Winegarden pointed out that Bear had no criminal record and admitted to his involvement early in the case. The lawyer also suggested that, despite the verdict, Bear did not have pre-meditated intent to kill.

He said Bear often smoked marijuana to deal with his anger issues and that he had heard voices during the attack telling him to stab Laidlaw. That wasn't revealed during the trial because it took Bear some time to come to that realization, said Winegarden.

Laidlaw, who did not provide a victim impact statement, told the author of the pre-sentence report that the injuries he sustained are a daily annoyance and he's "lucky the damage was not worse."

(CKOM, The Canadian Press)

Dec 19 2013

**TORONTO - The jury at a coroner's inquest into Ashley Smith's prison death returned a verdict of homicide Thursday while making a number of recommendations on how the corrections system can better deal**



**with mentally ill female inmates.**

Smith, 19, of Moncton, N.B., strangled herself in her segregation cell at the Grand Valley Institution in Kitchener, Ont., in October 2007.

The inquest heard how guards, who had previously rushed in to save the chronically self-harming teen, hesitated because of orders from senior management against intervening as long as she was still breathing.

Smith's family and others had urged jurors to return a homicide verdict because of that order, which they believed significantly contributed to her death.

The verdict of homicide in an inquest setting is not one of legal responsibility, rather it's a finding that another person contributed to Smith's death.

The inquest's five women jurors heard extensive evidence on the teen's treatment in federal custody and also heard how poorly equipped the prison system was to deal with the mentally ill young woman.

In making a number of recommendations, the jury suggested seriously mentally ill women serve time in federally operated treatment facilities, not prisons.

It suggested decisions for such inmates' treatment should be made by clinicians rather than by security management and prison staff.

The jury also suggested Smith's case be used as a case study for training all Correctional Services staff and managers and that all female inmates be assessed by a psychologist within 72 hours of being admitted to facilities.

Additionally, the jury recommended that indefinite solitary confinement should be abolished.

Smith's sentence originally began with a few weeks for throwing crab apples at a postal worker but ballooned to a cumulative 2,239 days by the time she died on Oct. 19, 2007, mostly for acting out in prison.

Smith spent most of the last three years of her life in segregation, shunted from one institution to another in isolation.

In the last year of her life she was transferred between institutions 17 times -restarting the clock each time to avoid reviewing her segregation status.

Some of the 83 witnesses, who testified over the inquest's 107 days starting last Jan. 14, said the teen spoke positively about her future and going home to her mom.

Others said she had become inconsolably desolate at the prospects of never leaving prison.

Dec 19 2013

**OTTAWA - Statistics Canada says police recorded 543 homicides in**

**Canada in 2012, down 55 from the previous year, as the country had its lowest homicide rate since 1966.**

The agency says the 2012 homicide rate was 1.56 victims for every 100,000 population, down 10 per cent from 2011 and the lowest in four decades.

It says most of the drop in homicides was accounted for by three provinces.

Alberta had 24 fewer killings, British Columbia had 16 fewer and Saskatchewan dropped by nine.

Quebec, the Northwest Territories and Ontario were the only jurisdictions with increased homicides and they were only three, two and one higher, respectively.

In 2012, the homicide rate was highest in Nunavut at 14.84 for every 100,000 in the population, while among the provinces, Manitoba continued to record the highest homicide rate, at 4.10 for every 100,000.

Despite the overall decrease in homicide in 2012, fatal shootings increased to 172 from 158 in 2011.

Although the number of shootings increased in 2012, the rate of firearm-related homicides remained among the lowest in almost 50 years.

About 65 per cent of firearm homicides involved handguns.

Shootings accounted for a third of all killings while 31 per cent involved stabbing.

Gang-related homicides were unchanged in 2012 from previous two years, with 95 deaths.

The rate of gang killings remained stable for the third year in a row at 0.27 victims for every 100,000 population. Prior to this, gang-related homicides had generally been increasing since the early 1990s, until peaking in 2008.

The data say most homicide victims knew their killer. Among solved homicides in 2012, 84 per cent of homicide victims were killed by an acquaintance or a family member. The number of homicides committed by strangers decreased slightly in 2012, resulting in the lowest rate of stranger homicide in more than 40 years.

Police reported 82 intimate partner homicides in 2012, with 83 per cent involving a female victim. The rate of intimate partner homicide in 2012 was consistent with rates recorded over the previous five years.

There were fewer homicides committed by youths in 2012 than the previous year, with the youth homicide rate dropping to 1.42 for each 100,000 population, the lowest rate in over a decade.