

BLUE LINE NEWSWEEK

A CHRONICLE OF NEWS FOR THE CANADIAN LAW ENFORCEMENT COMMUNITY February 07, 2014 – Vol. 19 No. 6

Executive Digest

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Inquest recommends more recording devices



Jan 30 2014

PRINCE GEORGE, B.C. - A coroner's jury looking into the RCMP shooting death of a former soldier wants to see emergency-response-team members trained in the use of non-lethal weapons and wear recording devices during confrontations.

Those are among nine recommendations made by the jury Thursday as an inquest closed into the death of Greg Matters.

The 41-year-old veteran was shot and killed by RCMP during a standoff in September 2012 outside the rural home near Prince George, B.C., that he shared with his mother.

The jury classified the death as a homicide.

An emergency response team had been deployed to the house to arrest Matters for assaulting his brother.

A 15-year military veteran who served in Bosnia, he was in treatment at the time for

post-traumatic stress disorder.

The jury made two recommendations specifically aimed at mental-health issues, including that a qualified mental-health professional be made available to ERT members during deployment situations.

"Mental health training be required for RCMP members and be completed within the first year of active duty," the recommendations stated. "Such a program would include ongoing training and requalification."

After four hours of deliberating, the jury has also recommended that:

- RCMP police dogs be training and utilized in apprehending armed subjects.
- RCMP cellphones issued and used during a critical incident have all data collected and preserved.
- ARWEN gun, or anti-riot weapon, be included in the RCMP's less-lethal weapons.



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Two of the jury's recommendations were aimed specifically at the Minister of National Defence, the Canadian government and Veterans Affairs.

It called for programs to be developed to monitor the physical, emotional and financial health and well-being of all members of the Canadian Armed Forces - including veterans.

It also recommended adequate support and education for PTSD be made available to families and loved ones of members and veterans of the Canadian Armed Forces.

Matters was shot in the back by a member of the RCMP emergency response team in the driveway of his home.

The inquest, which was originally scheduled for just one week, began in early October, was adjourned in December and resumed on Monday.

The seven men and women heard from 30 witnesses.

Matters was honourably discharged from the military in 2009.

The jury heard had several run-ins with police, beginning with RCMP in New Brunswick when he was based at CFB Gagetown. Matters said officers ultimately broke into his home and woke him at gunpoint on a purported "wellness check."

After returning to British Columbia, Matters' former therapist complained to police about threatening emails, and he was charged and acquitted of assaulting his brother.

He was jailed for threatening the head of the RCMP public complaints commission over the New Brunswick incident, and later threatened to kill the Crown lawyer in that case.

The jury also heard Matters was unable to work due to his mental health struggles and a back injury suffered in Bosnia in 2001.

He was living with his mother and surviving on a \$123-a-month military pension when

his sister, from her home in Australia, finally contacted an operational stress injury clinic in Vancouver that took him as a client.

The RCMP officers involved testified they were aware that Matters suffered from PTSD, yet a helicopter and a team of officers dressed in head-to-toe camouflage gear and armed with M16s were sent to arrest him.

Dr. Greg Passey, who operated the stress injury clinic and was treating Matters, testified that RCMP did not allow him to speak to the former soldier as he was surrounded by police in the hours before his death.

The jurors heard that Matters pleaded for help in the years prior to the standoff with RCMP.

A pathologist testified Matters was shot twice in the back - contrary to a public report released by the province's Independent Investigations Office, that cleared police of any wrongdoing.

WEDNESDAY JANUARY 29, 2014

Jan 29 2014

DELTA - The criminal justice system is not equipped for or capable of managing the region's chronic offenders, Delta Police Chief Jim Cessford concludes in a frank report.

We need an evidence-based approach that includes mandatory addiction treatment specific to the needs of individual offenders, whether in-custody or through a community-based model, he told his police board.

Cessford added that a systems-based approach, including police, health care, probation, courts, housing and education, is necessary to relieve pressure on stakeholders, increase public safety and manage this small, incorrigible population that is consuming enormous resources.

"What we are doing isn't working," he said Monday.

"I told my board this is what we're seeing, we're pretty sure its happening in most communities. We want to go to the B.C. Police Boards, to the Canadian Association of Police Boards and I'm going to take it to the police chiefs and talk to them about it. Get some momentum for change."

The suburban chief insisted a "multi-layered, collaborative approach" could address the underlying health and social problems behind the criminal behaviour.

"As police executives we're all talking about how mental health is taking up a lot of our time in policing right now and some of these people have very serious mental health issues and they're not being treated," he said. "Unfortunately we're dealing with them at their tipping point and that's usually not good."

He called for more provincial support to address the concern and the rising costs of dealing with the perpetual recidivists.

"The criminal justice system, comprised of the police, courts and corrections, is not effective as a deterrent or at rehabilitating the small, but highly volatile, chronic offender population," Cessford wrote in the 12-page document titled Chronic offenders and Concurrent Disorders.

"Research indicates that chronic and prolific offenders are often victims of mental health disorders, drug and substance abuse, or a combination of both. These individuals are extremely difficult to manage and treat from all aspects of the justice and health systems. When they commit crime (usually low-level property crime) they are dealt with superficially and released back into the community only to repeat the same destructive pattern."

Surprisingly, Cessford pointed to Texas, of all places, as a jurisdiction that has grasped the solution.

"Instead of building more prisons, money in Texas was filtered into probation strategies that focused on evidence-based supervision and treatment practices, with the aim of reducing recidivism and ultimately the number of prisoners within the system," the Delta chief wrote.

"In contrast, Canada is embarking on a strategy of expanding its jail capacity ... lessons can be learned by the Texas approach. Texas re-directed funds with the aim of reducing incarceration rates by dealing with root causes of crime. Additional front-line staffing was necessary to ensure chronic offenders were managed at a community-level, both at the time of release and onward, with the goal of reducing recidivism rates. Based on statistics, the approach appears to be working and the rate of incarceration is dropping."

To illustrate the cost and the futility of B.C.'s present revolving-door system, Cessford described three typical offenders in his municipality:

No. 1 was a 20-year-old with 43 charges, primarily for mental health issues causing a disturbance and non-compliance with court orders. A heavy drug abuser who suffers from schizophrenia, he has been in the system since 2008 when he was arrested at 15 for fare evasions and bylaw infractions.

No. 2 was a 26-year-old with 70 charges, mostly property related offences and non-compliance with court orders. He, too, is a heavy drug abuser.

No. 3 faced 142 charges stemming primarily from property-related offences and non-compliance with court orders. He's been in the system since he was 19 in 1985. Another addict, he is responsible for scores and scores of vehicle break-ins.

Cessford said treating these individuals as criminals while ignoring their underlying, driving issues does not address the root cause

**BLUE LINE
NEWSWEEK**
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Confidence in Motion

of the problem; it's also expensive.

The average daily cost to keep a male prisoner in the federal system is \$304, while women cost \$587 — \$111,042 annually for males and \$214,614 for females.

BC Corrections says it costs \$202 per day, or \$74,000 per year, to keep a prisoner.

"There are substantial cost savings to manage an offender in the community, with an average annual cost of \$31,148 per person, a difference of \$43,000," Cessford says.

"It is debatable whether lengthier prison sentences are appropriate for certain chronic offenders, recognizing that they need intense medical treatment for a variety of issues. Prison is the most expensive approach to managing offenders and with the Canadian prison system costing over \$4 billion dollars per year, there is a need to evaluate the current approach to chronic offenders."

He emphasized there was no simple solution but "a punitive approach, including longer prison sentences is very costly and does not solve root causes of criminal activity."

(Vancouver Sun)

THURSDAY JANUARY 30, 2014

Jan 30 2014

VANCOUVER - B.C.'s Appeal Court says a bong shop can't simply put up a sign ordering the police to stay out and expect undercover officers won't drop by.

Timothy Felger, who owned the store in Abbotsford, B.C., and employee Natasha Healy were charged after a sting operation in 2009.

Undercover officers bought marijuana on five separate occasions and also saw other customers making similar purchases.

Felger and Healy argued at trial that a sign instructing police to stay out without a warrant meant the sting amounted to an unreasonable search.

The trial judge ruled the evidence could not be used and acquitted the pair in 2012, but the B.C. Court of Appeal has ordered a new trial.

The court says in a written decision that the store was a public place, meaning the police were free to investigate marijuana sales there.

Jan 30 2014

OTTAWA - Ottawa's police chief says an alleged drug ring in the national capital posed safety concerns in Ottawa and across the country.

Police say nine men are facing about 75 charges arising from Project Anarchy - a two-year joint investigation by Ottawa police, OPP and the RCMP.

Officers swooped down on nine locations across Ottawa on Wednesday, and seized 24.5 kilograms of cocaine, 10 vehicles, and several firearms over the course of the investigation.

Police say the objective of the Project Anarchy was to dismantle the drug trafficking network in order to disrupt the distribution of cocaine in Ottawa.

It was also meant to prevent further acts of violence related to the network's activities in the city and elsewhere, but police were not releasing information about what other centres were part of the investigation.

Ottawa Police Chief Charles Bordeleau says dismantling the Ottawa-based network had been identified as a priority by his force.

"There were clear issues related to pub-

lic safety concerns and gang related violence both here in Ottawa and across the country," Bordeleau said Thursday in a release.

Jan 30 2014

EDMONTON - An Edmonton judge has granted an injunction preventing the Alberta government from publishing the specific salaries of Crown prosecutors on a so-called sunshine list.

Court of Queen's Bench Judge Doreen Sulyma has ruled that giving out such information could jeopardize the prosecutors' right to safety and security under the charter.

On Friday, the province plans to release details of compensation for all government employees with base salaries of \$100,000 or

The poster for the Blue Line Expo 2014 is primarily blue and yellow. At the top, a red diagonal banner reads "NEW LOCATION Highway 401 & Salem Road Exit". The main title "BLUE LINE expo 2014" is in a yellow oval. Below it, the text "CANADA'S PREMIERE LAW ENFORCEMENT EVENT" and "TRADESHOW • TRAINING • AWARDS GALA" is displayed. The dates "APRIL 29 & 30, 9AM - 4PM" and the location "AJAX CONVENTION CENTRE, 550 BECK CRESCENT, AJAX, ON (Highway 401 and Salem Road)" are listed. The website "WWW.BLUELINE.CA/EXPO" is prominently featured. A photograph of a busy expo floor with people in uniform and civilians is shown. In the bottom right corner, a red maple leaf graphic says "18th ANNUAL". At the bottom, logos for the "CANADIAN TACTICAL OFFICERS ASSOCIATION" and "CCII Canadian Critical Incident Inc." are shown, with the text "Training available with" above them.

higher as part of pledge to be more open and accountable.

Paul Moreau, the lawyer for one of the prosecutors, had argued that salaries tied to the names of prosecutors is one more foothold for others to seek them out to harm them or steal their identities.

But Greg Harding, the lawyer for the province, argued the injunction is a grossly excessive and dangerous remedy given that names and salary ranges are already published for prosecutors.

Jan 30 2014

WINNIPEG - The criminal case against two British Columbia men accused in Manitoba's largest-ever ecstasy bust has quietly collapsed, apparently due to major delays in getting the case to trial.

Dalip Judge, 36, of Surrey, B.C., and Paramjit Gill, 37, of Delta, B.C., learned recently that federal prosecutors had dropped the serious drug-trafficking charges they faced after the seizure of 65 kilograms of ecstasy powder following a July 2009 traffic stop near Headingley.

The Crown gave no reason for its decision to stay charges against the men.

Charges are stayed when prosecutors conclude there's either no reasonable likelihood of conviction or the prosecution isn't in the public interest.

Defence lawyers had expected to be in court Thursday to argue the case should be tossed because of the five-year delay in getting it heard.

Judge's lawyer, Sheldon Pinx, say the fact the Crown didn't elect to proceed is telling, adding his client and the co-accused were both planning to fight the charges.

(Winnipeg Free Press)

Jan 30 2014

MONTREAL - At the Montreal Police department, the new year is starting off much like the old one ended: with a controversy.

An internal criminal investigation is underway which again involves an experienced police officer who may have sold information to criminals.

Last October, former police officer Benoit Roberge was charged for his alleged links to the Hells Angels biker gang.

On Wednesday, police revealed that Sgt.-Det. Philippe Paul is under scrutiny for possibly supplying information to a reported Iranian-Canadian businessman.

Global News has learned that the RCMP, CSIS, and U.S. Homeland Security is taking part in the probe.

"It's not a happy moment for us," Cmdr. Ian Lafreniere said on Thursday.

"The person targeted by the investigation has been moved to a different duty. Why? Because we don't want him to be in contact

with delicate information, with very sensitive information."

Reports say the officer in question worked with the force's organized crime division, suggesting that the officer is someone who dealt with informants on a regular basis.

Police stress Sgt.-Det. Philippe Paul has not been charged, just reassigned.

"This investigation dates back four years, it's an important one," Cmdr. Lafreniere said.

The Montreal police force has been in damage control mode for several months.

In addition to Roberge, Inspectors Jimmy Cacchione and Giovanni Di Feo were suspended this summer for their alleged links to criminals.

In January 2012, retired officer Ian Davidson killed himself after news of his suspicious activities became public.

The repeated allegations of police corruption are affecting police morale in the province.

"I'm angry, I'm personally angry," former Surete-du-Quebec lieutenant Francois Dore told Global News.

"I gave most of my life, half of my life to public security as a police officer, so I'm in shock."

(Shaw Media)



Jan 31 2014

WINNIPEG - An internal City of Winnipeg memo indicates a special emergency team of paramedics is being assembled to deal with injuries at the front lines of police standoffs or take-downs.

The memo - obtained by Global News - outlines a one-year pilot project for a tactical paramedic unit with rigorous training to start in the late spring.

Instead of waiting for an emergency situation to end, members would quickly move in to provide medical care to anyone who is injured at the scene to increase their chances of survival.

Eight paramedics will become tactical specialists, with two on call every 24 hours and two alternates working regular EMS duty unless called into action by tactical police.

The city is not commenting on the memo, but Michelle Gawronsky, president of the Manitoba Government and General Employees' Union, says he doesn't expect the changes will slow down regular EMS services.

Toronto created the first tactical paramedic unit in Canada nearly 20 years ago, and Gawronsky says Winnipeg is one of the last major cities in North America to get one of its own.

(Global Winnipeg)

Jan 31 2014

ELLIOT LAKE, Ont. - A discredited engineer who declared a northern Ontario mall structurally sound just weeks before its roof caved in killing two women was charged Friday in what police described as a "challenging investigation."

Ontario Provincial Police said 64-year-old Robert Wood faces two counts of criminal negligence causing death and one count of criminal negligence causing bodily harm in connection with the June 2012 collapse in Elliot Lake.

"This was a unique, complex and challenging investigation which took considerable time to process evidence and being precise in the application of criminal law," said Detective-Superintendent Dave Truax.

Truax wouldn't say if charges against others were pending but emphasized that the criminal investigation was ongoing.

A judicial inquiry into the collapse at the Algo Centre Mall has heard the roof of the poorly designed structure leaked from the beginning, and decades of water and salt penetration caused severe rusting of its steel support structure.

The inquiry also heard that Wood declared the centre structurally sound just weeks before it collapsed.

Jan 31 2014

WINNIPEG - An inquiry judge has found Manitoba child welfare fundamentally misunderstood its mandate to protect children and failed to save a five-year-old girl who was murdered.

Commissioner Ted Hughes says in his report into the death of Phoenix Sinclair that she was left "defenceless against her mother's cruelty" and the "sadistic violence" of the woman's boyfriend.

Hughes is recommending Manitoba take the lead to address the disproportionate number of aboriginal children in care across Canada.

Hughes says child-welfare agencies were contacted 13 times with concerns about Phoenix during her short life.

He says her files were opened and closed - often without a social worker ever laying eyes on Phoenix.

The little girl was killed by her mother and the woman's boyfriend in 2005 after repeated and horrific abuse.

Jan 31 2014

MONTREAL - The Montreal Police department may soon compel high-ranking officers to submit to random polygraph testing.

Police Chief Marc Parent wants so-called lie detectors used to

ensure that Detective-Sergeants assigned to organized crime cases, undergo the same scrutiny as counterparts in the FBI or CIA.

The police department has been rocked in recent years with the arrest of two investigators suspected of passing information to members of the underworld, and the current investigation of a third who has been transferred to a desk job pending its investigation.

The Policemen's Brotherhood says it'll fight any attempt to impose the testing.

It contends the machines are not accurate and the testing itself could be a violation of a police officer's rights.

(CJAD)

Jan 31 2014

VANCOUVER - B.C. Justice Minister Suzanne Anton says she'll talk to RCMP and municipal police about a coroner's jury recommendation that emergency response team members start wearing audio and video recording devices on duty.

The recommendation was one of nine to come out of the inquest into the death of 40-year-old Greg Matters near Prince George.

Matters was shot in the back by a member of the RCMP team sent to arrest him on a charge of assaulting his brother.

Matters, a former soldier who served in Bosnia, was in treatment for post-traumatic stress disorder at the time.

Anton says she takes the recommendation seriously and is interested in following up.

But she says it's a question of police practices and the resources available.

Jan 31 2014

BRANDON, Man. - A 19 year old woman is recovering from wounds suffered when she was shot by a revolver stolen from a police officer.

The shooting happened earlier this week after an argument and alleged assault involving the woman's 29-year-old male roommate.

At one point, the roommate allegedly went into a separate room and accidentally fired the gun, with the bullet going through the wall and hitting the young woman in the buttocks.

Police say the .22 calibre Smith and Wesson revolver had been in a police cruiser that was stolen from the Rural Municipality of Whitehead on Jan. 12.

The 29-year-old faces several charges including possession of a stolen weapon and careless use of a firearm.

The theft of the police car is still under investigation and more charges could be laid.

(CKLQ)

Jan 31 2014

BRANTFORD - After 33 years with the Brantford police, Chief Jeff Kellner has decided to hang up his hat at the

end of May.

Kellner recently served notice of his retirement, effective May 31, to the Brantford Police Services Board.

Kellner joined the Brantford Police Service in 1980 and, during the course of his career, he served in the uniform, traffic and criminal investigation sections.

He was promoted through the ranks and was appointed to the position of Inspector in 2002, at which time he was the officer in charge of the CALEA accreditation section.

In 2004, he was promoted to Deputy Chief of Police. In February 2011, he was appointed Chief of Police, having served as the Acting Chief of Police since October 2010.

Upon receiving the retirement notice, the police services board extended its thanks to Kellner for his hard work, dedication to duty and leadership.

(Brantford Expositor)

Jan 31 2014

OTTAWA - The RCMP's top covert-ops man has been cleared of wrongdoing linked to a \$3-million lease on a business front for a secret national security operation in Ottawa's east end.

Supt. Mike Gaudreau was accused of concealing the fact that the real-estate agent who collected the commission was his girlfriend at the time.

But it was hard for an RCMP disciplinary board to find him guilty of any conspiracy because, as chair Insp. James Knopp said, the internal-affairs case was "absent of evidence."

The disciplinary panel ruled Friday that Gaudreau, 52, not only disclosed the relationship early on, but that he was under no duty to do so. The tribunal found Gaudreau didn't conceal anything and after an initial introduction of his girlfriend, kept at arm's length from the lease dealings.

RCMP Chair Knopp said that while there was an underlying inference in the allegations that Gaudreau had an ulterior motive, "evidence was to the contrary."

The defence evidence, led by lawyer Louise Morel, showed through several witnesses that not only did everyone know about the relationship, but the girlfriend had actually been assessed by RCMP background checkers.

Insp. Knopp said in the board's ruling that evidence showed it's an accepted practice and commonplace for Mounties to use family members and friends in undercover operations because they are trustworthy.

"You can't trust someone you don't know," Knopp said in the ruling Friday.

From beginning to end, the lawyers prosecuting Gaudreau failed to show any evidence he concealed anything, let alone directed others to do so.

Moments after Gaudreau was cleared on

the disgraceful conduct charge, he smiled wide for the first time in awhile. He thanked his legal team, led by Morel and co-counsel Ryan Kennedy, then got on his cellphone for a series of calls.

"It was a fair outcome to a long hearing. The system worked," said Morel, a seasoned lawyer and retired RCMP chief superintendent.

The disciplinary board heard that Gaudreau also did not benefit from the lease deal and that his former girlfriend acted neutrally and professionally all along.

Gaudreau, who says his reputation was destroyed by the allegation against him, is now suing the RCMP and former deputy commissioner Doug Lang personally.

In the \$1.2-million statement of claim, Gaudreau says top Mounties deliberately abused their office and authority by investigating false claims that he concealed his relationship with the real estate agent.

Gaudreau says in the claim that he disclosed the relationship and acted at arm's length because of it.

It is the second time the former undercover officer has been cleared in the case. The Mounties called in the Ontario Provincial Police to investigate Gaudreau. A two-year probe yielded no charges.

The RCMP originally wanted to hold the disciplinary hearing in secret, but withdrew their motion after a Citizen story about the special request.

They at first cited national security for the secrecy but then decided to hold the hearing in public, after all parties agreed to not disclose details about Project RAVE, a national-security operation the Mounties want to keep secret.

Gaudreau's 30 years in the Mounties fit the force's recruiting slogan: "A Career Nowhere Near Ordinary." He became the force's expert on covert operations after years in drug and organized-crime units, including three years spent undercover full-time, and living at a covert house in Montreal that also served as the undercover unit's office. He went on to become the officer in charge of the RCMP's Ottawa drug section, then assistant crime-ops officer in charge of the national organized crime and border-security unit.

Gaudreau's last post before being removed from office was director of the Technical Investigation Services Branch, a plain name for the force's covert-operations unit, which includes the special entry section and the surveillance and covert technology section. These are the secretive RCMP units that don't normally make it into media reports

even though the national police force's research-and-development unit considers them a top priority for funding.
(Ottawa Citizen)

SATURDAY FEBRUARY 01, 2014

Feb 01 2014

HALIFAX - Justice Minister Peter MacKay says the government will introduce its new prostitution legislation well ahead of the December deadline.

Speaking in Halifax, MacKay said Ottawa has already started to draft the legislation, but more consultations must happen with police and provincial governments.

He wouldn't say when the bill would be introduced, but vowed that it would be "well before" the one-year time frame it was given.

The Supreme Court of Canada struck down the country's anti-prostitution laws late last year, ruling that laws banning street soliciting, living on the avails and keeping a brothel are unconstitutional.

The ruling means prostitution-related offences will remain in the Criminal Code until December.

MacKay said the new legislation will continue to protect women from violence and sexual abuse.

SUNDAY FEBRUARY 02, 2014

Feb 02 2014

VANCOUVER - Major police forces throughout British Columbia say they have no set procedures for deciding when to recommend that the province's Civil Forfeiture Office move to seize property, even as the number of cases swell.

Police say they can choose any case they believe to involve illegal activity to send on to B.C.'s Civil Forfeiture Office, although that belief is often never tested in court, and only significant cases are forwarded.

Interviews with representatives of several police forces show that while the Civil Forfeiture Office has publicly available grounds it must consider before accepting a referral, there are no equivalent criteria for police.

Sergeant Lindsey Houghton, a spokesperson for B.C.'s Combined Forces Special Enforcement Unit, the province's anti-gang task force, said there is no defined policy on what makes a case fit for forfeiture.



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Sgt. Houghton said his department only forwards cases with links to drugs or organized crime, since investigating such people is its mandate. "Each case is independent of any other case. There's an infinite number of variables," he said in an interview.

Even defence lawyers who represent people who've had property seized say it can be difficult to tell why police refer a particular case. "In terms of what criteria they use, it's really very difficult to know," said Jay Solomon, a Vancouver lawyer who has worked on civil-forfeiture cases. "... It seems to me ad hoc because I come across some cases where I'm surprised that the police have not referred the case to civil forfeiture, and vice versa."

An information-sharing agreement between the office and B.C.'s various police departments, released through freedom of information requests, lays out any number of details on the minutiae of the process, including security procedures, but it is silent on what it is that makes a file suitable for referral, noting that the civil-forfeiture director has the authority to pursue any proceeds or instruments of unlawful activity.

Justice Minister Suzanne Anton has said the term "unlawful activity" covers a wide range of offences.

The Civil Forfeiture Office cannot investigate cases on its own and instead relies on referrals from law enforcement. Policy documents released through freedom of information show the office's director must assess a file on four grounds before accepting: public interest, strength and adequacy of evidence, fiscal considerations, and interests of justice. Exactly what makes a case of public interest, or how strong the evidence has to be, is not made clear.

The office was created in 2006 to fight organized crime, but a months-long Globe and Mail investigation has found it now has a wider reach and questions have been raised about fairness, public interest and transparency. Eight of 10 provinces have civil-forfeiture programs, but B.C. has been among the most aggressive in pursuing property and cash.

Although it launched three years after Ontario, the B.C. office has collected \$2-million more: \$41-million to Ontario's \$39-million.

Unlike Ontario, B.C. issues its office budget targets, which have gone up over the past two years. And B.C. was the first province to introduce a process known as administrative forfeiture, which makes it quicker and easier to seize property worth less than \$75,000. Alberta and Manitoba have since also introduced administrative forfeiture pro-

grams. The referral process can be especially important in administrative forfeiture cases since the evidence is less likely to be tested in court.



In B.C., about 99 per cent of the people the office targets settle on terms favourable to the office; in Ontario, the equivalent proportion is 47 per cent.

Of the approximately 1,900 files that have been referred to the B.C. office since its inception, the Ministry of Justice said 1,220 have come from the RCMP. An RCMP spokesman at the Lower Mainland's "E" Division headquarters declined to answer questions about the civil-forfeiture referral process.

Separately, RCMP Inspector Richard Konarski, who stressed he could only speak for his Mission, B.C., detachment, said officers don't set out to open civil-forfeiture cases and criteria for what makes one suitable can vary. "Really, for me, all I know is if it's a legal tool that I can use then I'd be foolish not to make use of it," Insp. Konarski said. "[I] don't wake up in the morning, rub my hands and say, 'Hey, civil forfeiture, who should we take stuff from today?'"

The ministry said CFSEU, the anti-gang task force, has forwarded 21 files to the Civil Forfeiture Office since the office's inception. The Vancouver Police Department has


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 Presenter: Clare Lopez, CIA

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Tactical Combat Casualty Care for Front Line Responders: Part 1 & 2
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DAY 2: April 30th
Mentally Ill and Law Enforcement

9am - 12pm: *Suicide by Cop*
 Presenter: Jean Guy Gagnon, Forensic Psychiatrist

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 Presenters: S/Sgt Gordon MacKinnon (ret'd) and A/Sgt Wayne van der Laan (ret'd)
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Dealing with Deception
 Presenters: A/Sgt Wayne van der Laan (ret'd) and S/Sgt Gordon MacKinnon (ret'd)
Fee: \$100

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referred 85 cases and its spokesman, Sergeant Randy Fincham, also said the criteria can vary, and there is not a specific checklist that needs to be met.

(Globe and Mail)

MONDAY FEBRUARY 03, 2014

Feb 03 2014

HALIFAX - Nova Scotia's unique cyberbullying legislation will be put to the test in the province's Supreme Court later this month.

Lawyers for the Justice Department will present their case on February 11th when they argue that someone accused of cyberbullying should be ordered to stop.

Roger Merrick, the department's director of public safety, says it is the first time the Cyber-safety Act has been applied in such a case.

The lawyers are seeking a prevention order against Christopher George Prosper.

He has been accused by Andrea Paul of posting threatening and negative comments about her on his Facebook page.

Paul, who refused comment, contacted a one-of-a-kind unit set up under the act to investigate all cyberbullying complaints in the province.

A CyberSCAN officer looked into matter and decided to seek a prevention order on Paul's behalf.

Prosper could not be reached for comment.

None of the allegations has been proven in court.

Wayne MacKay, a cyberbullying expert, says the new legislation fills a void by allowing people to try to resolve these kinds of cases in civil proceedings.

Feb 03 2014

MONTREAL - Quebec provincial police are investigating after Montreal police shot and killed a hammer-wielding man in the downtown area.

The incident involving the man in his early 40s occurred not far from Montreal's bus terminal, just before 11 a.m.

Several 911 calls came in around that time about a man threatening others.

Before the case was turned over to provincial police, Montreal police said their officers located the man, who was still holding the blunt object in his hand when they arrived.

Montreal police said he refused to surrender and police opened fire when the man allegedly tried to strike an officer.

He died later in hospital.

Quebec provincial police took over the investigation from their Montreal counterparts later in the day.

They confirmed the man had a hammer in his possession. A spokeswoman says seven Montreal police officers were also taken to hospital suffering from shock.

Sgt. Martine Asselin says she can't confirm a report that a taser was requested on site but never made it to scene.

The provincial force is hoping to view surveillance tapes from the area that might have captured what transpired.

Feb 03 2014

WESTASKIWIN, Alta. - An Alberta man who shot and wounded two Mounties during a standoff has been given a plea deal of nearly eight years, in part because officers didn't announce who they were before breaking into his home.

Court heard Monday that the RCMP tried to use a few different speaker systems to declare themselves on Dec. 3, 2011, but none was working. Officers also spent several hours searching the man's rural property and believed no one was there.

But Bradley Beaver, a crystal-meth addict, was with his girlfriend inside a darkened mobile home on the property near Breton, southwest of Edmonton. And when an officer started smashing one of the trailer's windows, Beaver fired his rifle.

"I wished I would have known it was them," the 40-year-old told court. "I was fearing for my life that night."

Beaver's lawyer, Peter Royal, said it's amazing no one died in the gun battle. Beaver fired a total of eight shots, wounding two officers in their arms. RCMP fired back 30 times, wounding both Beaver and his girlfriend.

Beaver, standing in court with a metal brace on his arm hidden underneath his suit, pleaded guilty to three counts of reckless discharge of a firearm. Several other charges, including attempted murder, were withdrawn.

Crown prosecutor Rodney Clark told court that if the Mounties had made their presence known that night, he would not have recommended the eight-year term.

Justice Paul Jeffrey of Court Of Queen's Bench agreed with the plea bargain and gave Beaver credit for 10 months he has already spent in custody, leaving him with a total sentence of seven years and two months.

The judge heard how Beaver was an out-of-work trucker whose trailer was about to be repossessed. He also owed another man money.

Kevin Gionet had gone to collect his \$1,600 earlier that day and, when he drove onto Beaver's property, Beaver shot out the back window of the man's pickup truck. Another bullet grazed Gionet's arm.

When police learned of that shooting they went to Beaver's, but they believed he had fled. Officers searched a Quonset hut and outdoor storage unit on the property and a police

dog didn't sense anyone was there.

Clark told court that after the officers tried to use the broken speaker equipment, they decided to check out the mobile home. No lights were on, but there was a faint flicker that could have been a television.

Officers decided to break a window and were about to toss a robotic camera inside when Beaver - believing Gionet had returned - fired three shots, striking one officer.

Clark said Mounties then started yelling: "It's police! Stop shooting!"

But Beaver kept on firing. He climbed partway out the broken window and shot off five more rounds, hitting the second officer.

During the ensuing standoff, Beaver's girlfriend tried to leave the trailer, but Beaver was beside her holding his gun, said Clark. Police fired and hit both of them.

About 12 hours after the shooting started, the couple surrendered and were taken to hospital.

Candace Proctor received a flesh wound to her thigh. Court heard that Beaver's injury was more serious and he still has problems using his left arm.

Clark said both officers still suffer from their bullet wounds. Staff Sgt. Patrick MacIsaac will never regain full use of his arm and is unable to return to active duty. Cpl. Peter King has about 80 per cent strength in his arm.

"I apologize to the officers that were hurt," Beaver told the court.

"I'm glad nobody died."

Feb 03 2014

HALIFAX - The agency that investigates serious incidents involving police in Nova Scotia will look into how a mentally ill man fell to his death on Monday after officers broke into his apartment.

The Serious Incident Response Team says the 27-year-old left a mental health treatment hospital in the city and police were looking for him.

The agency says officers went to his apartment at about 1:30 p.m., but found the door barricaded, so they broke in.

The Halifax police say minutes later, the man fell from the balcony and he died in hospital later from his injuries.

Feb 03 2014

OTTAWA - The head of Canada's eavesdropping agency says an effort to understand airport wireless systems did not breach the privacy of Canadians.

John Forster told a Senate committee that Communications Security Establishment Canada was merely collecting metadata, or data about data, and not the content of messages.

A document obtained by CBC indicates

the pilot project was intended to help the agency locate kidnappers and terrorists.

The CSEC slide presentation suggests information was taken from an unidentified Canadian airport's free Wi-Fi system over a two-week period.

Forster says the agency was trying to build a mathematical model to help determine a communication pattern at a public location, in this case an airport.

He says the model has subsequently been used in at least two cases to identify legitimate foreign targets.

Feb 03 2014

OTTAWA - A senior intelligence official says some 130 Canadians are working abroad in support of extremist activities - including about 30 in Syria alone.

Michel Coulombe, director of the Canadian Security Intelligence Service, told a Senate committee the individuals' activities include paramilitary operations, training in weapons and explosives, logistical support, terrorist fundraising and studying in extremist schools.

Two cases of young Canadian men who died in hostilities in Syria recently grabbed headlines.

Coulombe says some never achieve their intent and simply return home, potentially posing a more immediate threat to Canadians.

He says CSIS actively investigates such people, but the probes are challenging, resulting in gaps in the spy agency's understanding.

Coulombe adds that the number of Canadians overseas is in constant flux, their motivations are difficult to ascertain and their movements across isolated terrain are difficult to track.

CSIS says the problem is not unique to Canada, and there is no simple solution.

Feb 03 2014

MISSISSAUGA, Ont. - The Special Investigations Unit is probing the circumstances surrounding the death of a 51-year-old man in Toronto.

According to the SIU, the man fell to the ground from an apartment unit after police had arrived to check on a domestic call.

The SIU says the man was taken to Sunnybrook Health Sciences Centre and was later pronounced dead.

The man's name has not been released.

TUESDAY
FEBRUARY 04, 2014

Feb 04 2014

ST. LOUIS - A nationwide push by prosecutors and police to re-examine possible wrongful convictions contributed to a record number of

exonerations in 2013, according to a report released Tuesday.

The National Registry of Exonerations says 87 people falsely convicted of crimes were exonerated last year, four more than in 2009, the year with the next highest total. The joint effort by the Northwestern University and University of Michigan law schools has documented more than 1,300 such cases in the U.S. since 1989 while also identifying another 1,100 "group exonerations" involving widespread police misconduct, primarily related to planted drug and gun evidence.

The new report shows that nearly 40 per cent of exonerations recorded in 2013 were either initiated by law enforcement or included police and prosecutors' co-operation. One

year earlier, nearly half of the exonerations involved such reviews.

"Police and prosecutors have become more attentive and concerned about the danger of false conviction," said registry editor Samuel Gross, a Michigan law professor. "We are working harder to identify the mistakes we made years ago, and we are catching more of them."

Texas topped the state-by-state breakdown with 13 exonerations in 2013, followed by Illinois, New York, Washington, California, Michigan and Missouri.

District attorneys in the counties containing Dallas, Chicago, Brooklyn, Manhattan and Santa Clara, Calif., are among those to recently create "conviction integrity" units.

~ NOTE ~

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BLUE LINE NEWS WEEK



January 24, 2014

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The International Association of Chiefs of Police also is pushing to reduce wrongful convictions, joined by the U.S. Justice Department and The Innocence Project, an advocacy group that seeks to overturn wrongful convictions. The association's recommendations to local departments include new guidelines for conducting photo lineups and witness interviews to reduce false confessions.

Fifteen of the 87 documented cases in 2013 involved convictions obtained after a defendant pleaded guilty, typically to avoid a longer prison sentence. Forty of the cases involved murder convictions, with another 18 overturned convictions for rape or sexual assault.

The number of exonerations based on DNA testing continued to decline, accounting for about one-fifth of the year's total.

"It's extremely valuable to use," Gross said. "But most crimes don't involve DNA evidence. ... DNA has taught us a huge amount about the criminal justice system. Biological evidence has forced all of us to realize that we've made a lot of mistakes. But most exonerations involve shoe-leather, not DNA."

Feb 04 2014

FREDERICTON - A New Brunswick Mountie who drew national attention after he complained he wasn't allowed to smoke medicinal marijuana for post-traumatic stress disorder while in uniform has pleaded not guilty to assaulting two RCMP officers.

Defence lawyer T.J. Burke entered not guilty pleas today on behalf of Cpl. Ron Francis, who is charged with two counts of assaulting a peace officer and one count of resisting arrest.

Francis, who was not in Fredericton provincial court when the matter arose, was arrested Dec. 6 after the RCMP said they became concerned for his well-being when they found him on a downtown Fredericton street.

The city's Public Safety Department said he had to be subdued with a stun gun.

He has a three-day trial scheduled to begin Sept. 3.

In November, Francis returned his red serge on orders from his superiors but accused the RCMP and the federal government of not doing enough to support officers with post-traumatic stress disorder.

The RCMP said its officers who are prescribed medicinal marijuana should not be in red serge or regular uniform while taking their medication as it wouldn't portray the right message to the public.

Francis has been placed on leave.

(CIHI)

Feb 04 2014

EDMONTON - Alberta's prosecutors are being told it's not in the public interest to take prostitutes to court, but the Crown should continue to hold

johns accountable.

The directive comes from the office of Attorney General Jonathan Denis.

A recent Supreme Court ruling found that laws on street soliciting violate a prostitute's charter rights to safety and security.

The directive says prosecutors still have the final say on what cases to pursue.

Denis says in a news release that his memo reflects a government determined to see justice done while protecting the province's most vulnerable.

The federal government is rewriting its rules on solicitation in light of the Supreme Court decision.

Feb 04 2014

SYDNEY, N.S. - It's back to court for 11 people accused of committing various crimes in Cape Breton after a Supreme Court judge turfed a lower court decision Tuesday.

Last September, a provincial court judge threw out the cases after ruling a Cape Breton police officer preparing informations didn't have sufficient knowledge of what they contained.

Justice Frank Edwards ruled Tuesday the trial judge made a reversible error of law when she quashed the charges.

In allowing the Crown appeal, Edwards ordered Judge Jean Whalen to allow the informations to be re-sworn and to hear the cases on their merits.

In his decision, Edwards said the informations were permissible and gave fair notice of the alleged offence to the accused.

Cape Breton Regional Police have since updated their practice regarding the filing of court informations.

The police service assigned one officer to swearing informations who reviews every file and is able to verify the information is accurate and true.

The informations in question covered charges ranging from mischief to assault to impaired driving.

(Cape Breton Post)

Feb 04 2014

VICTORIA - A system-wide failure of the CREST radio system late last year left all Greater Victoria emergency responders without dispatch services for 40 minutes, forced Victoria police to ignore lower-priority calls and prompted Jamie Graham, Victoria police chief at the time, to deem the situation "nothing short of a catastrophe," according to freedom-of-information documents obtained by the Times Colonist.

On Sept. 20, Victoria police Sgt. Glenn Vermette wrote an email to duty officers warning of the "full failure" of the CREST system. "Failure occurred approximately 20

minutes ago and is affecting ALL emergency services on the CREST network. On duty VicPD members are being recalled to HQ to re-deploy in two-person units with at least one cellphone or mike phone."

The radio outage occurred between 10:48 a.m. and 11:07 a.m., and again from 11:49 a.m. to 12:13 p.m.

CREST stands for Capital Region Emergency Service Telecommunications.

In an email to Victoria Mayor Dean Fortin and Esquimalt Mayor Barb Desjardins on Sept. 22, Graham wrote: "What our community people and frontline officers have been going through in the past two weeks with our radio situation is nothing short of a catastrophe. For a couple of complete shift[s], all 'less than priority' calls were ignored, all constables were doubled up in cars, we were dispatching by cellphones where officers had to return to the office just to get intelligence information."

CREST general manager Gord Horth said both the main audio switch and the backup switch at its master site failed, which had never happened before.

"It was a surprise," Horth said. "It was an unpleasant experience for everybody, for sure, on that day." Horth said audio cards were replaced and he had a meeting with emergency-service providers to assure them the problem won't happen again.

The incident was the first system-wide failure the radio system has experienced in 10 years and 100,000 hours of operation, Horth said. "Even though you have lots of redundancy, there are situations where you do lose operation."

Details about the failure add context to Graham's comments in late November to Victoria and Esquimalt councillors that the "dangerous" CREST system was an "absolute disgrace" and putting officers at risk.

Victoria police have long complained of spotty coverage, dead zones and poor reception in the downtown core and underground parking areas. As a result, officers have been forced to patrol in pairs because of concerns that they would not be able to call for backup if radios fail in an emergency.

On Nov. 12, an officer pushed her emergency button during a struggle with a suspect. Neither of the two officers involved was able to communicate with a dispatcher.

A dispatch failure also plagued B.C. Ambulance for prolonged periods three days in a row, but the ambulance service said it was able to switch to a VHF radio system and no calls were affected.

B.C. Ambulance dispatch experienced difficulties with CREST dispatch on Sept. 20 between 11:30 a.m. and 1:45 p.m., on Sept. 21 between 10 and 10:50 a.m., and for three hours between 6 and 9 a.m. on Sept. 22.

Horth said while the timing was coincidental, the outages that affected only B.C.

Ambulance on Sept. 21 and 22 were caused by an issue different from the one that caused the region-wide outage. A problem with a dispatch console at B.C. Ambulance's new dispatch centre in Langford was to blame for incidents on Sept. 21 and 22.

Esquimalt Coun. David Hodgins, a former B.C. fire commissioner, said the public should be "very concerned" about these radio problems.

"The radios are a lifeline," Hodgins said. "To not have the ability to connect with dispatch, it's serious. I find it frustrating because I continue to hear from people on the street that [radio] systems aren't working."

In 2015, a new 700-MHz spectrum, set aside for public-safety workers, will be added to the existing VHF radio spectrum, Horth said. That, he said, will provide better coverage for urban emergency responders.

(Victoria Times Colonist)

WEDNESDAY FEBRUARY 05, 2014

Feb 05 2014

HALIFAX - The RCMP in Nova Scotia are getting a new commanding officer.

Chief Supt. Brian Brennan will take over Feb. 15 with the retirement of assistant commissioner Alphonse MacNeil.

MacNeil announced his retirement last month after 38 years with the police force.

Brennan, a 28-year veteran of the force, will assume the rank of assistant commissioner.

The Mounties operate 52 detachments across the province.

Feb 05 2014

EDMONTON - A pickup truck was hit by police bullets after the driver allegedly tried to ram a cruiser during a pursuit in Edmonton.

Police say the truck was seen weaving and speeding on the city's Yellowhead Trail late Tuesday evening.

A police helicopter directed officers on the ground to an intersection where they tried to stop the vehicle, but it's alleged the driver took a run at a cruiser to get away.

Two officers who feared for their safety fired at the pickup, striking the truck several times, but neither of the two people inside was hurt.

The truck was eventually stopped and a 46-year-old man and a 30-year old woman were arrested.

Police say charges are pending.

(CHED)

Feb 05 2014

VICTORIA - The B.C. government is developing a domestic violence program that would include specific approaches to help aboriginal, immigrant, refugee and disabled women.

Children's Minister Stephanie Cadieux

said Wednesday that various anti-violence groups were consulted as part of a three-year plan to provide new and enhanced services for vulnerable women and kids.

The 2008 murders of three children by their mentally father in Merritt, B.C., prompted the government to introduce the new action plan to tackle domestic violence.

A report by children's representative Mary Ellen Turpel-Lafond found the children in the Merritt case, aged five to 10, could have been saved if B.C. had an effective domestic violence prevention program.

In response, the province established the Provincial Office of Domestic Violence in 2012 to co-ordinate government programs and develop the current comprehensive plan, Cadieux said.

At the time, she said 20,000 people would be trained to spot and respond to domestic violence.

On Wednesday, Cadieux said 18,000 people, including school personnel, police, and Children's Ministry staff have received the training.

She said the government already spends \$70 million a year on prevention and intervention programs dealing with domestic violence, including transition houses and victim services.

"But the community has always said there's more work to be done, and we agree there's more work to be done," she said. "The \$5.5 million that we'll be adding is added to target specific areas of need within that plan."

She said the new program will consider ways to provide social housing and transportation for women and children in rural and remote communities.

Community groups will also provide input into intervention programs for perpetrators to hold them accountable as the number of domestic violence units is increased, Cadieux said.

Feb 05 2014

WINNIPEG - The federal government has seen its coffers bolstered by more than \$400,000 in cash found in a vehicle during a drug bust.

A Manitoba judge has ordered that the money recovered from Peter Coffey's BMW in July 2010 be forfeited to the Crown.

Police witnessed Coffey, 47, meeting with a drug trafficker at a Days Inn hotel near Portage la Prairie.

Court records indicate they secretly watched as a bag was placed in Coffey's trunk, then tailed the BMW into Saskatchewan, where Regina police stepped in to stop the vehicle and seize the cash.

Coffey pleaded guilty last summer to a charge of possession of stolen property resulting from drug-trafficking, after transferring his charges out to British Columbia.

He was sentenced to two years for his cash courier's role, but the issue of what to do with the seized money was only dealt with recently.

(Winnipeg Free Press)

THURSDAY FEBRUARY 06, 2014

Feb 06 2014

HALIFAX - A judge has granted a 30-day extension for a mental health assessment of a Cape Breton man deemed at risk to re-offend after serving a seven-year sentence for impaired driving causing death.

Michael Gerard Cooper appeared in a Halifax courtroom today, where he was told to return to provincial court March 6 after the assessment at the East Coast Forensic Facility.

Cooper, arrested only a week after he was released from a New Brunswick prison, is charged with breaching court orders that forbid him from entering liquor stores.

His unusual case attracted attention after the parents of a teenager killed in a collision with Cooper's vehicle in 2004 asked Nova Scotia authorities to provide his name and photo to liquor stores, bars and other licensed establishments.

Jerry Smits, the father of the young woman, says he had to do something to warn others because the Parole Board of Canada said Cooper told them he would probably drink and drive after completing his sentence.

During Cooper's court appearance last week, a defence lawyer said Cooper suffers from a brain injury he received in the 2004 collision.

Feb 06 2014

TORONTO - A spokesman for Ontario's Ministry of the Attorney General says Crown lawyers will "likely" not be prosecuting people under three prostitution laws struck down by the Supreme Court.

Brendan Crawley says in a statement that the Crown will continue to prosecute prostitution offences that remain on the books, such as those involving people under 18 and human trafficking provisions.

He says final decisions about prosecutions involving the three impugned laws will depend on a case-by-case review, but if there are no "alternate prostitution-related charges appropriate to the facts of the case," the Crown will likely not pursue the case.

The Supreme Court of Canada struck down the country's anti-prostitution laws late last year, ruling that laws banning street soliciting, living on the avails and keeping a brothel are unconstitutional.

The court gave the government a year to come up with a new legislative umbrella before the ruling comes in force, but Justice Minister Peter MacKay has said Ottawa will introduce new legislation well ahead of the December deadline.

Alberta and New Brunswick have also indicated it is not in the public interest to prosecute sex workers under the three laws now.