

Blue Line Magazine

January 1990



Robert Carswell

150 years of skill and determination

Canada's independent national magazine produced by and for the law enforcement community

Cover story

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There are many lawyers, judges, politicians, and police officers who have cut their professional teeth on a Carswell Law Book. There is no other publishing house in the country (and I would venture to say in the world) that could hold a candle to the number of police profession publications written, edited and published by this company.

When I was in High School I received my first introduction to the Criminal Code through a copy of the 1955 version of Carswell's "Police Officer's Manual."

The first paragraph in the book, by Clifford Magone, tells a timeless story. "A few general observations are offered for the guidance of the police officer with ambition to succeed. He must realize that he is essentially a peace officer, and as such must see to it that the Queen's peace is not broken. His first duty is the prevention of crime." The piece later went on to say; "In the discharge of his duties as a police officer he should judiciously regard the rights of others; by so doing he will not only earn the commendation of his superiors but the respect of the public at large."

Blue Line Magazine would like to salute the Carswell people for a job well done and congratulate them on reaching this milestone of 125 years in the law book profession.

Police Force celebrates the year of racial harmony

- Morley Lymburner -

"It's a step in the right direction." "I am quite pleasantly surprised. I didn't know it existed." "It's a nice effort but I hope they realize that now they have made it public it is a commitment for life." "The force should be complimented for this gesture of good will. I have never seen anything like it. Wonderful. Simply wonderful."

These were some of the comments by minority representatives invited to the Metropolitan

Toronto Police Headquarters on November 15th to celebrate a re-affirmation of the "Declaration of Concern and Intent" order by that police force's new Chief William McCormack.

The Metro Toronto force, rocked by a series of incidents over the past year that were of concern to local minority groups, decided that it was time to go on the information offensive. They felt it was time that the community discovered what programs presently

exist that reflect the department's sensitivity to minority concerns. The "Declaration of Concern and Intent" document is considered to be one of the finest in North America.

The "Declaration of Concern and Intent" (also known by that force as Standing Order 24) was first drafted in 1985 and is an official declaration stating clearly the position of the Force with regards to racism both within and out-

side the police force. It was discovered that the community at large was not fully aware of this policy statement. The Police Commission decided that it would be in keeping with the City of Toronto's declaration of the year 1989 as the "Year of Racial Harmony" to have an official re-signing of the standing order before representatives of the many minority groups of the city.

In addition each member of the upper level ranks were present and all



Toronto Police Chief William McCormack watches as Police Commission head June Rowlands signs Declaration.

members of the force given an open invitation to attend the foyer of the new police headquarters on College Street. The mayors of each of the six municipalities making up Metropolitan Toronto were also present to view the ceremonial signing of the declaration document.

Chairman June Rowlands spoke to the gathering describing the standing order as a "Stellar race relations policy that should be an example for police forces across the country."

Chief McCormack, faced by a large gathering of "uninvited guests" picketing the headquarters building stated; "It's our duty to protect people who wish to demonstrate and protect that right. You be the judge and tell us if we are doing it right or wrong."

Art Lymer, the President of the Police Association, advised the gathering that it is "My duty to promote a harmonious community. Racist attitudes can not be tolerated in our community or in our force. It (the force) can only be the best it can be with the help of the community." However he reminded the audience that it was his further duty to speak out on behalf of the Association membership because they form a visible minority in blue. He continued by saying that from time to time he will be seen to defend certain actions that appear to be conflicting with media stories. He then asked them to try to consider "the other side" of each story before they make a judgement on his or the Association's stand.

It is believed to be the first time in North America that such a statement has been publicly announced and celebrated by a police force. Wendy Forbes, Co-ordinator of the Year of Racial Harmony for the City of Toronto, stated that it is her expectation that other communities will do likewise and they are invited to contact the Metro Police Force for their advice on this subject. She also stated that her office would be happy to assist. Those interested can call her at (416) 392-0020. City of North York Mayor Mel Lastman, has already announced the year 1990 "The Year of Racial Harmony" for that city.

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Focus

Metropolitan Toronto Police Declaration of Concern and Intent

(Standing Order No.24)

The relationship between the members of the Metropolitan Toronto Police Force and the public they serve is the single most important concern of this Board.

"The Metropolitan Board of Commissioners of Police and the Metropolitan Toronto Police Force have always been concerned about the exhibition or expression of any form of bigotry, discrimination, prejudice, and sexual or racial harassment by its members. The Board is concerned not only with the manner in which members of the Force treat the public but also with the manner in which they treat one another.

"The Board recognizes that each member of the Force is entitled to his or her own beliefs; however, a member of the Force cannot allow those personal feelings to enter into contacts with the public or contacts with other members of the Force.

"Every member of the Force must avoid any expression or display of prejudice, bigotry, discrimination, and sexual or racial harassment.

"Members of the Force should conduct themselves, at all times, in a manner that promotes public confidence in the integrity and impartiality of the Force. Even the appearance of bias or prejudice can be as damaging to the public confidence as would be the actual presence of bias or prejudice. Likewise, such behaviour can damage the mutual respect between co-workers and must be avoided to maintain positive working relationships which are vital to a smooth functioning organization.

"Members of the Force are conspicuous representatives of government and are symbols of stability and authority upon whom the public can rely. As such, members of this Force must recognize that individual dignity is vital to a free system of law and that while all persons are subject to the law, they are equally entitled to dignified treatment by all persons involved in law enforcement. Therefore, members of the Force must, at all times, whether on duty or off duty, refrain from conduct or remarks which may be interpreted in a way that is detrimental to themselves, the Force, the Metropolitan Corporation, or any other person or agency involved in the administration of justice.

"The Metropolitan Board of Commissioners of Police will ensure that training programmes in the area of human and community relations are continued in order to keep members of the Force continually aware of these critical areas and their roles within the Force and their communities.

"The Board hereby recommends to the Chief of Police that an Order be issued stating the Board's Declaration of Concern and Intent and indicating that any violation of this Declaration by a member of the Force will result in disciplinary action against that member. All members should be made aware that if they are the target of such intolerable behaviour they should approach their Unit Commander, or the Unit Commander of the Internal Affairs Unit, to apprise him or her of a violation of this Declaration of Concern and Intent."

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The Carswell story
**150 years of
skill and
determination**

- M.B. Gausden -

One way or another, most police officers across Canada are familiar with the Carswell name. Mostly in connection with the various reference books they use on the job almost every day or read to improve their law enforcement skill and professional knowledge.



Robert Carswell: the start of a tradition

But chances are not too many officers will realize that the Carswell name is very much a part of Canadian history. It has been around as a cornerstone of Canadian publishing since before Confederation. In fact, 1989 was the firm's 125th anniversary year.

It all began in 1864 when Robert Carswell, a 24-year-old school teacher from Colborne, Ontario had an idea, and more important, the skill determination and luck to make it work.

The idea was to take root and grow and the business he founded was to prosper over the next century and a quarter to become the Carswell Company Ltd. It is Canada's largest publisher of books for the legal and law

From humble beginnings, Carswell has become a major international supplier to the legal and law enforcement professions.



enforcement professions and Canadian distributor of legal and police texts of all kinds from other publishers around the world.

The professions Carswell was destined to serve for the rest of his long life were relatively simple 125 years ago. Police forces were small and primitive and many of the problems and issues that concern all of us today were simply

unknown. Drugs just weren't around, except for the demon rum, of course. Human rights hadn't been invented nor had juvenile offenders been identified as a protected species. There was no such thing as family law, no breathalyzers, no speeding tickets and no traffic laws. As a matter of fact there was no traffic either, apart from lots of horse-drawn vehicles on unpaved roads.

Nonetheless, much of the legal framework we know today was already in place in Robert Carswell's Upper Canada and the other scattered jurisdictions of British North America. This was true even though the population was still only around 3,000,000. Montreal was still the largest city with about 100,000 people in 1864. Toronto was less than half the size, with 49,000.

But crime certainly flourished to keep the hardworking all-male police forces of the day on their toes. Murder was only one of eight or nine capital offences and public hangings remained in vogue until 1869. Scores of misdeeds meant penitentiary terms of three years or more. Minor infractions frequently earned a routine "twenty dollars or 40 days" and nobody had heard of time off for good behaviour.

There was lots to be done on the civil side as well. Land registrations, property transfers and mortgage placements were constant needs in a fast-growing land, often with the man in blue in an English bobby's helmet standing by with his nightstick (but no gun) in the interests of good order.

As for the policemen and lawyers themselves in those all-male days, some could enjoy an 1860s version of the good life, in the cities at least, where a family could live in relative affluence on \$25.00 a week. Successful lawyers would make that much, but policemen would have to be pretty senior to approach that kind of pay. Even so, they did reasonably well, long before the days of inflation and tough taxation.

In the small towns and villages of Upper Canada there were plenty of lawyers around, but often only a single local constable. He was expected to work out his own rough and ready law enforcement methods and to operate at rock-bottom cost.

When he first arrived in Toronto in 1864, the young Robert Carswell's first role was as a Canadian representative for the American Cyclopaedia, an important reference book of the period. He had also seen a potential market for law books. He began to sell them immediately - used ones at first - and

Continued on Page 21



Grim Realities: Policing in India

- Mohammed Dawood -

The officer directing traffic at the intersection blew his whistle long and loud as the rusted white vehicle came to an abrupt stop some three meters from the officer. The officer, now with all four directions stopped, drew his bamboo night stick and walked to the driver's door. Opening it he grabbed the offending motorist by the back of the neck and dragged him out of the car and pulled him to the centre of the intersection.

The officer then displayed to the motorist the perimeter of the intersection and punctuated the lesson with the night stick. He then returned the violator to his vehicle and waited dangerously close as the man took out some money and placed it in the officer's hand. After two more slaps on the back of the head the officer placed the money in his pocket and returned to the dusty intersection and continued his direction.

This was just one of my introductions to the city of New Delhi as viewed from my taxi on a recent vacation to India. This is the land which my father affectionately calls "The Old Country." I had a rare opportunity just after this event to spend a few days working with

the police officers in Boroda, a modern city located some 450 kilometers north east of Bombay.

It was an experience which had endeared me to be more understanding



Police Officers armed with submachine guns oversee an intersection near Government buildings in New Delhi. The realities of policing outside North America are easy to see.

and empathetic with the Asians, here in Canada. Moreover, I also understand their feelings of mistrust and refusal to become involved.

I could go on and write about the beauty and richness of India, but for the most part, I will concentrate on the general attitude of the Indian public towards the police.

In order to understand the attitudes of Asians towards the police, I am reminded of Sir Robert Peel's Principal on community based policing. "The

people are the police and the police are the people."

I recall my explanation of the application of Peel's theory to my host, an Indian Police Inspector in Boroda. The look of disbelief and amusement still stands out vividly in my mind. But in order to properly convey his thoughts on the matter, I must relay another event that I had witnessed just prior to our meeting.

My first encounter with an Indian police officer took place during the ride from the airport to my father's village. This exhausting, northbound fourteen hour trip, on a two lane highway displayed more carnage and accidents in one rainy night than anything I have heard of or experienced in the time since I've been a police officer.

While I admired the serenity of the country side, my attention was diverted away by the sudden change in traffic. At first, I dismissed the change to another one of many accidents, but was taken unawares when the driver turned around and said, "Check post, Saheb. Five rupees or passport?" Being confused but more so curious, I poked my head out of the window and observed an officer standing in the middle of the road. Traffic approached him on

each side and with amusement and disbelief, I watched as he stretched his arms, to each side, to take something from each passing vehicle, and promptly placed it in his pockets.

I observed closely as we neared the officer. Our driver approached the "check post", so to speak. It was his duty to inspect the vehicles that approach his position and to conduct searches, much like Customs officers at the Canada/USA border.

In order to bypass the hassle of

being questioned, searched and taxed on goods, many motorists will give the officer a few rupees for his troubles. In return, he gladly lets you continue your journey. But to refuse to pay up would cause either undue physical reprisal or searches.

My feelings for being remotely associated with these two incidents by my own profession was very distasteful. I relayed the incidents to my host and received a combination of amusement and surprise when I began to outline the procedure of our Complaints Bureau and Complaints Boards.

My host had decided to continue our talk while patrolling the nightlife in Boroda. The black patrol jeep was equipped with a CB type radio and the Inspector's name was stenciled to the outside of the windshield. I couldn't help noticing the steel mesh on the windshield and the fact that of all the patrolling officers, the Inspector was the only man armed with a firearm, a .22 caliber pistol.

The Inspector began to explain the grim realities of a police officer's life in India. As we passed through an intersection, the traffic officers both stood erect and saluted the jeep. The Inspector pointed out the two officers and explained that they had reached the maximum extent of their promotions. They actually earned only 6,000 rupees a year and in a country where the price of a bottle of pop is 3 rupees, it is little wonder that corruption was a daily occurrence. In retrospect, if an officer is caught red-handed, in any act of corruption, he faces immediate dismissal.

For the most part, the average officer on the street has very little education and is looked down upon by the public with disgust and distrust. He deals with that part of Indian society, in which the population possess very little or no formal education. Hence, it becomes futile to reason with logic, common sense and politeness when the bamboo staff can be a more convincing act. The training for the average officer is not very rigorous or lengthy. He loses the ability to differentiate between citi-

zens and his actions towards them.

Surprisingly enough, I learned that not all officers graduate with a rank. The majority of the officers hold the rank of Constable, the typical cop on the street. He will most likely never hold another rank. The next ranks up would be Sub-Inspector, Inspector, Superintendent, District Superintendent, Assistant Commissioner and Commissioner of Police. In this progressive ranking system, an officer will graduate as a Sub-Inspector and work his way up the ladder, accordingly.



On patrol in the scout car - Borado style.

The ranking officers are provided with living accommodations for themselves and their families and provided with a car. Officers from the Inspector's rank and upward, are usually provided with a patrol jeep, along with the aforementioned car, and driver.

The promotional system is, in some ways, similar to our own. Unfortunately in some cases the chances of being promoted are dependent upon how much the individual is willing to spend to attain the next rank. More often, however, the individual is recommended upon his personal merit, and is quite smart and does his job well. The manner in which they go about their work may often raise a few eyebrows.

During the course of one night, I was able to take part in a drug bust, theft arrest and a liquor raid. To discuss these events further would paint a very grim

and disturbing picture of law enforcement in comparison to our own methods.

I do not wish to distort the image of police officer in India and I would like to mention that I had the opportunity to meet some very honest and duty-minded officers as well. During my visit I learned of an officer who went undercover for two weeks, unarmed and with no back-up team, to unravel a child-selling ring. I also heard of an Inspector who arrested a man wanted in England for swindling a company out of \$5 million.

Upon being arrested the Inspector was offered \$750,000 to allow the man to escape. The Inspector refused, laid an additional charge and sent the accused to face charges in the U.K.

The general consensus among the Indian public is that the average officer on the street is corrupt and is one of the lowest forms of life ever created. They fear the police, regardless of rank, and display grave mistrust and will adamantly refuse to become involved in police matters. In most cases, they will settle any disagreements amongst themselves rather than face the end of a bamboo stick. They also harbour contrary feelings for the court systems. This is an attitude, from what

I understand, dating back to the time of British rule in India.

I have provided a very short insight into the attitudes and ways of thinking employed by many Asians. I hope to have provided some understanding and empathy in dealing with the Asians who comprise our Canadian mosaic. It is true that some attitudes cannot be changed but they can be developed so that the next generation's gap with their elders will be bridged, and their attitudes toward the police will be more tolerant. It is hoped that we, as police officers, will exemplify the reputation of trust and understanding which has been recognized the world over. It is hoped that the same reputation will also be embodied within the minds and attitudes of the people we serve and protect.

The realities of Community Policing
“Bringing the village to the city”

Part 3 of 4 parts
- Chris Braiden -

Community policing is a philosophy, a mind-set, the reason *why* we do things in policing. It is the strategic vision that must precede strategic planning; otherwise we have planning for planning's sake. The Community Policing philosophy is constant, it doesn't change from police department to police department or police officer to police officer. Conversely, how it gets done changes constantly.

To use the religious corollary, faith is constant but the denominations and paths to it are multitudinous. This perception is the essence of Community Policing because it recognizes that communities such as cities are made up of a collection of individual neighbourhoods and that the personalities, problems, and solutions to those neighbourhood problems vary widely. Another way of putting it is to say that Community Policing is an effort to bring the village to the city and to see the city as a collection of villages as opposed to a big blob of people. "Community" is the large term encompassing a number of neighbourhoods.

If a conventional police agency is to adopt the Community Policing way of

doing things, then there first has to be a re-tooling of the heads of the brass before you can re-tool the feet of the grunts. It has more to do with *why* we do things rather than *what* those things are. It has to do with the classic defini-



Community Policing: an old idea with new applications.

tion of effectiveness and efficiency captured by Warren Bennis who put it this way: "Effectiveness is doing *the right things*. Efficiency is doing *the things right*."

But no matter how well we do things, if they are the wrong things in the first place then we're spinning our wheels. No amount of efficiency replaces effectiveness. We have become very efficient at the routine things but never even question whether they should be done.

"Community policing" is the vision

that tells us the right things to do. "Problem-oriented policing" is *how* we get those things done right (more about this later on). "Community Policing" is the head, "Problem-oriented Policing" strategies are the feet. To quote Hern Goldstein, the father of Problem-oriented Policing thinking, "Community Policing is the bun and Problem-oriented Policing is the beef."

There is another thought that is critical to an understanding of Community Policing. It embodies the words of Ralph Waldo Emerson who said, "Go often to the home of thy friend for weeds choke the unused path." Conventionally, the only paths we walk are those to the bad guy's house. Weeds choke the path between us and the common people. "Only want the facts ma'am, we'll do the rest."

Traditionally, police have decided, unilaterally, what is important. As a consequence, because we have a monopoly over our work, and because policing has a very nebulous job description (I defy anyone to quantify Peel's principles, and don't look to the Police Acts for help), and mostly because we are human, to a large degree we have ended up doing the things we like to do, and that are quanti-

fiable (an hour spent on radar is measurable, not so with a bunch of snotty-nosed kids bent on mischief), as opposed to what is best for the community, over time, a space has developed between what we think is important and what the public thinks is important.

Let me use an everyday example to make this point. A bank is robbed and a wino is mugged. In our criminal code these crimes are equal, they are both robberies. There is no special category for banks. Police reaction to them, however, is not. On the Richter scale of

police priorities, the bank job is an 8, the wino doesn't even register. Why? It all has to do with mind-set.

It has to do with evolution of police thinking of what is important. That thinking has been predicated upon the actions of the criminal rather than the social damage of the criminal's action upon the community. It has to do with such things as the amount of money involved, status of the crime in the criminal code and in some case the

In short, the social damage to the "community" most affected by this crime is slight, and transitory.

Looking at the wino's mugging, the damage to his "community" is considerable and his financial loss is total. It may be his last \$5.00 (wine's not so cheap anymore). Worse still, the crime is perpetrated in the neighbourhood where he is destined to live as are the people who may have witnessed the crime or learned of it from the other people who

Community Policing, in its purest form, requires that we use this Community Damage Criteria as a central factor in predicating our response to crime. It does not mean an abdication of one for the other but rather that the bank robbery perhaps comes down to a 6 on the Richter scale and the wino moves up to a 2. It does not change *what* we do so much as *why* we do it. It simply broadens our vision of what our work is and who our customers are. Wealth must never be a factor in police services rendered. This is precisely why we enjoy the freedom we do from the elected branch of government. We must not be manipulated.

In this case, I have used the crime of robbery as an example; the rationale can be applied to any crime or piece of work we do. Whether the scene of the crime be the main branch of the Bank of Montreal or the community detox centre, it must not influence our decision-making as much as it did in the past. You see, there is no difference between a bank robbery and a wino mugging except in the Department's monthly crime reports, and our heads. And that is as clear and as simple as I can explain the basic philosophy of Community Policing.

†Editor's Note: Although I agree in principle with Chris Braiden's bank robbery analogy I feel it may duty to bring it into perspective.

In theory his analogy is correct as far as making his point is concerned. However in reality officers handling bank robberies still must consider the dangers involved both to the public and himself. Bank robbers can be far more dangerous and desperate than someone who mugs a wino. The stakes are much higher in bank jobs and the danger to the public is considerably higher.

As stated by Mr. Braiden it isn't a matter of reducing the importance of bank robberies as much as to increase the importance of the mugging of a wino and the understanding of its impact on the community he lives in.

NEXT MONTH: Part 4 How to accomplish Community Policing
"More than one way to skin a cat."



We are an important part of the communities in which we operate, but we must continue to work to let the public know we value all parts of the community highly.

status of the victim. Our conventional reaction is influenced more by its legal damage versus its community damage.

If we were of the Community Policing mind-set, we might ask these question before we decide what our reactions would be. What is the community damage to the banking community specifically? Well, in terms of money, it is infinitesimal. It is simply part of doing business just as doctors are bloodied once in a while. All banks are insured and they can cover the cost of this insurance in the rates that they charge their customers. Also, people of the banking community go home every night to suburbia where they can feel secure from the type of people who rob banks.

live in that neighbourhood. Also, a person as opposed to an institution is the victim. Often these people know who committed the crime and may have been victimized before, but because of their fear of retribution, may not have reported these crimes.

These are types of street-level predatory crimes that feed the perpetual fear of victimization these people must endure; the feeling of helplessness they have in their own neighbourhood grows inexorably because they cannot get away from it. In this case, the social damage to the immediate "community" is significant, and everlasting. From a pure survival point of view, who do you think needs us the most?†

Court approval not required for "VIDEOTAP"

(Regina Vs. DEDELS)

A picture is worth a thousand words and it could be easier to get. This was the lesson taught by a British Columbia County Court Judge recently when he permitted video tape evidence admitted at trial.

The court decided that unlike wire-tap evidence, video-tap evidence is not governed by Part VI of the Criminal Code. This ruling appears to contradict the decision that came from a Quebec Court of Appeal case in 1986 in the case of Regina Vs. Asencios where the court rejected videotape evidence from a secret camera placed in a man's garage.

In this most recent case RCMP drug squad officers in the Prince George B.C. area were seeking evidence of some suspects diluting cocaine in a residence. When they sought approval to obtain a "Video-tap" they found that there were no guidelines. The officers subsequently set up a video camera

after proper wire tap evidence indicated that the residence was being used for the purpose of diluting the drug and packaging of it.

On the "voir dire" the key issue was the video tapes admissibility in light of the accused's section 8 Charter right to be free from unreasonable search and seizure. The thorny issue has been moving back and forth over many years. In one case it was determined that video taping a gambling game in a private residence was not illegal because it was a public event taking place in a private place. Another case determined that taping homosexual activity in a public washroom amounted to private activity in a public place and that this too was admissible evidence.

In the present case the courts determined that the evidence obtained by the camera was admissible for the following reasons; The officer had made every effort to seek advice of other members

and Crown Counsel, the police had ensured the camera was focussed on only one location where the criminal activity was taking place (one table in the middle of the room) and thereby minimized the possible intrusion to privacy; the police demonstrated that the residence was not the accused's only residence and that its primary purpose was that of a fortress to protect the accused from the prying eyes of the police. The officers had obtained proper authority from the courts to enter the premises to initially search for evidence and then to install the devices.

The presiding judge concluded that the video evidence obtained, although a technical invasion of privacy, was reasonable under the circumstances and that the accused's right to privacy would have to yield to the public's need for proper and effective law enforcement.

Equipment Theft Co-ordinator charged

TORONTO - An Ontario Provincial Police officer and three employees of Simcoe Investigations, a Barrie private investigations agency, face a total of 24 charges in connection with attempts to fraudulently claim "finder's fees" for the recovery of stolen heavy equipment and motor vehicles.

On September 8th, 1989, the OPP received a complaint from the Insurance Crime Prevention Bureau that a private investigations agency had been invoicing "finder's fees" to various insurance companies, claiming it had recovered stolen equipment and vehicles. Members of the OPP's criminal investigations branch conducted an investigation, and determined that a member of the auto theft section was associated

with an employee of the agency.

The investigation revealed that "finder's fees" totaling approximately \$50,000 had been invoiced to 15 insurance companies, a heavy equipment manufacturer and a leasing company. The invoices were issued following three separate recoveries of stolen equipment and vehicles in the Bolton, Coboconk and Alliston areas during the summer of 1989. The stolen property was worth an estimated \$800,000.

Arrested and charged on December 7th with one count of conspiracy to defraud, five counts of attempted fraud, and one count of fraud over \$1,000 are Constable George E. Kleinsteiber, 40, of Stroud, Ontario, a 21-year member of the OPP, Brenda Joyce Money, 30,

of Barrie, Ontario, a private investigator with Simcoe Investigations; Brian Sartorelli, 34, owner and president of Simcoe Investigations.

Also charged with one count of conspiracy to defraud and two counts of attempted fraud is Timothy Sexton, 29, also of Simcoe Investigation's branch office in Orillia.

As reported in our October issue the CPIC local for the Heavy Equipment Theft Co-ordinator is ON46001. This information is still valid and the OPP will continue to co-ordinate the recording and dissemination of information on stolen heavy equipment. They hope to be finding a replacement for Constable Kleinsteiber shortly.

Completely portable personal security system

A complete portable security system from Britain fits into an inconspicuous and easily carried case and can be set up and operational in minutes.

range of up to about 200 metres (520 feet). The number of sensor units and transmitters in the system can be varied to suit specific needs.



Protector 502: Personal protection goes high-tech.

The "Protector 502" from Protect Co. Limited, designed to protect personages such as head of state, government ministers and leading industrialists during official visits, can also be used to protect valuable equipment or art treasures on temporary display.

The standard package contains four battery-powered infrared sensors which can be sited at strategic points around the premises. They have a wide angle of vision and can be placed up to 10 metres (26 feet) apart. The package also contains four personal alarm transmitters; small hand-held units which activate an alarm when two buttons are pressed simultaneously.

Both types of unit, which maintain radio contact with the "base station" built into the carrying case, have a

range of up to about 200 metres (520 feet). The number of sensor units and transmitters in the system can be varied to suit specific needs.

Powered by either regular current or batteries, the case becomes the security officer's console. Any intruder passing a sensor or any activation of a personal alarm transmitter will light a lamp on the console, allowing the security officer to dispatch guards to the area.

Optionally available from the company is a fully weather-proofed passive infrared detector which detects human targets at up to 150 metres. These may be used singly or in groups for such applications as perimeter protection or guarding aircraft on the ground.

For further details contact Protect Company Ltd., Elstree Studios, Borehamwood, Hertfordshire, England (WD6 1JG) or phone +44 1 953 8272. Contact person is Mr. K.A. Chittenden.

Canadian Charter of Rights and Freedoms

"7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

The rights outlined in these sections spell out the basic legal protection that safeguards everyone in their dealings with the state and its machinery of justice. They are designed to protect the individual and to ensure simple fairness should he or she be subjected to legal proceedings, particularly criminal cases.

In recent years the various levels of court have made it clear that this section does not enter into the workplace and in particular members of police forces that find themselves charged under Police Acts or Force regulations.

It is understood by the courts that even this right can be of limited use to the individual if the courts or the law makers determine that some restrictions must be made in the interest of the public's good. One example is the laws permitting the stopping of cars to screen citizens for alcohol abuse.

"Hey! Who stole the Ride Team cartoons... again?"

If you don't have your own subscription to Blue Line Magazine yet, just think of what you might be missing ...

Blue Line
Magazine

Dispatchers and Officer Safety

Some months ago, a member of my force came to me and suggested that I write about police dispatchers and their role in officer safety. He had responded to an "armed person" call two days before and was concerned that the lack of information provided to him and other responding officers while en route to the incident had jeopardized his safety. Appreciating his concern, I decided to take him up on his suggestion.

The backbone of any police agency is its radio communications. By this means, officers are kept in constant contact with headquarters, supervisors, each other and with the community they serve. However, an incomplete or poorly worded dispatch will put an officer at a disadvantage. It may also put him in a situation which could prove life-threatening because he or she lacks the necessary information about the assignment and is therefore unaware of its potential hazards. In short, radio dispatchers work behind the scenes telling cops where they are needed and alerting them as to what they might find when they get there.

There are two problems inherent in poor dispatching. One is the failure of the dispatcher to transmit enough information to the officer in the field. This is related to the second problem, that persons taking incoming telephone calls fail to obtain enough information to enable the dispatcher to provide sufficient details to responding officers. Inept, lazy or indifferent persons handling

the phones and dispatch may easily compromise an officer's safety.

The dispatcher's job, while technically a "desk job", is far from the usual desk job. He or she must remain calm while speaking to people who call the police, even those who are obviously under extreme stress and perhaps irrational. Once basic information for a call for service has been obtained, the dispatcher must concisely and with the proper information, assign police to cover the incident, regardless of the circumstances. This requires a calm professionalism at all times, but especially so in relaying stressful and emotional calls. How, when and *how completely* the information is relayed will determine, to a great extent, the success of the field officer in carrying out the assignment.

The training of police dispatchers should include some time in the field so that they may observe first-hand the importance of their work. They should be obliged to ride on patrol to see officers in action to fully appreciate the problems that can result from misinterpretation, misinformation or no information at all. By this, communications personnel can better understand the scope and significance of their own role and appreciate the dangers inherent in inadequate communication. They must understand that there should NEVER be any question in a field officer's mind as to what he is supposed to do, or where or when he is to do it. If that turns

out to be the case, then the dispatcher has committed the ultimate sin of misinforming or underinforming with potentially hazardous results.

Policing being what it is, officers are lulled into the rhythm of "routine" calls. Poor communication enhances this state of mind. With only basic information, an officer will be inadequately prepared to meet the possible dangers that exist if the call to "see a woman about a domestic dispute" is actually a domestic dispute involving a drunken spouse armed with a knife. The call may be assumed to be a "routine" domestic and as such an officer will make no special assessment as to any potential for danger. The whole issue of effective communications revolves around police officer "early awareness." Dispatchers must never forget that an alert cop, warned early by radio, is less susceptible to the inherent dangers of an uninformed cop.

Dispatching procedures are important in all field operations. They are crucial in situations where officers are being sent to a robbery alarm, calls involving intoxicated or mentally unstable persons, a call involving weapons or domestic disputes. In any "hot" call, all officers involved should be advised of the nature of the incident and given relevant details, insofar as they may be known, and assigned to specific duty by the dispatcher.

There is an additional element in assuring quality radio dispatching. It is ensuring that street cops fully understand the problems dispatchers face and what dispatching entails. Street cops should be given an appreciation of what dispatching involves and the stress inherent in the job.

The dispatcher occupies a pivotal role in assuring officer safety. On one hand, the dispatcher should remain emotionally uninvolved in the activities of officers and emergency callers, while simultaneously being concerned, perceptive, enquiring and sincere. Good police dispatchers are worth their weight in gold, just ask the cops who work with them!

On January 11, 1984, twenty hesitant policeman from the five municipal police forces surrounding Victoria British Columbia gathered to be taught how to sing and harmonize by the well-known tenor Art Wiebe. Mr. Cyril Mossop, a retired music teacher, was the first pianist. Nearly all the members who showed up for this first practice are still active members of the Chorus.

The members are nearly all serving police officers from Victoria, Oak Bay, Central Saanich, Esquimalt and Saanich. A few are retired from active service but continue to serve the community through participation with the choir.

In 1986, the Chorus successfully competed for a three-day participation in the entertainment program at Expo '86. They gave daily performances in the B.C. Pavilion and the Plaza of Nations.

The Chorus plays for shut-ins, at civic events, in hospitals, graduation ceremonies at the Police Academy and other police functions, and of course, gives public concerts.

Their entertainment capacity is considerably enhanced by Art Wiebe's

The Greater Victoria Police Chorus

- Ray J. Adrian -



The Greater Victoria Police Chorus photographed on the steps of British Columbia's Parliament Buildings in Victoria with Premier William N. Vanderzalm, Mrs. Marilyn Rendle (pianist), Mr. Art Wiebe (director), and Mrs. Jeanne Campbell (pianist).



Vancouver Island: Home to the Chorus

solos and an appropriately named quartet called "The Flatfoot Four". This group is comprised of Bill Chisholm, Tony Brouwers, Arnie Davies and Harry

Vanderhoek as the "flatfoots".

The chorus' repertoire represents a wide variety of music styles including opera, sacred/gospel, musicals, barber shop, and patriotic.

To reciprocate for the fine hospitality extended to them in the Netherlands in 1987, they hosted the Dutch National Police Choir in the fall of 1988 for a very successful concert tour of British Columbia and Washington State.

On the international scene, the Chorus has now received invitations from Wales, West Germany, and again from the Netherlands for a tour to commence this April.

This is a fine example of inter-force co-operation and an excellent example of international good-will. The side benefits for the members is self satisfaction and fulfillment as well as a good method of socializing and networking with the community. It is most certainly a good method of stress reduction for its members.

Any one wishing to purchase tapes from this group may do so by sending \$8.00 to Greater Victoria Police Chorus, Box 5682 Station B, Victoria, B.C. V8R 6S8.

Just the FAX ma'am

The Ontario Court of Appeal has recently ruled on two cases that should be of great significance to lawyers and police forces across Canada.

As reported by the "Lawyers Weekly" newspaper last November the ruling states that the delivery of documents by utilizing a FAX (facsimile) machine is "good and adequate delivery". This ruling could have some benefit to members who are attempting to serve such things as remand notices.

The actual cases involved the service of an "offer to Purchase" document. In his summation Mr. Justice Sydney Robins stated: "Where technological advances have been made which facilitate communications and expedite the transmission of documents, we see no reason why they should not be utilized. Indeed they should be encouraged.."

The procedure used was an offer to purchase that was sent from the law office representing the purchaser to the seller. In the original letter sent by FAX the law office requested that the seller return a FAX message acknowledging that they received the message and that the law office had indeed sent it to the right location.

The seller returned a FAX message indicating that they had received the message and that the law firm was to send the "official documents" through to them. However before the documents could be delivered the seller had accepted another offer that had been delivered after the FAXed message. The court ruled that the FAXed message was the legal document that was served first.

As far as real estate deals are concerned this could mean a matter of telephone tag. However in the criminal realm their may be some real benefit. It would initially be good for serving notices of motion where the law firm or Crown office do not wish to contest the

service of such a document. Areas such as serving notice of higher penalty or notices to tender documentary evidence could be an area that should be investigated further. However complications may arise if the people receiving the message do not confirm delivery by return FAX. Not withstanding this the method could be of real benefit when serving documents from a great distance.

Officers should consult with their local Crown Attorney before implementing this type of service. Anyone having success in this area are encourage to write us about it. (Full text of this matter can be obtained from Butterworth's Lawyers Weekly by citing "Rolling v. Willann Investments Ltd., 928-019, 9pp.)

American Bounty Hunters found guilty on appeal

The Ontario Court of Appeal recently confirmed the conviction of two American bounty hunters who abducted a Toronto man wanted in the U.S. However the Court of Appeal reduced their sentence to time already served.

The case revolved around a Mr. Sydney Jaffe who was a Florida native but obtained Canadian citizenship. Mr. Jaffe was charge with a large real estate fraud in Florida and the two bondsmen put up a \$137,000 bond for his release from the U.S. jail. Mr. Jaffe promptly took flight to Canada and never returned.

The two Bondsmen were given authority under Florida law to "forthwith apprehend, arrest and surrender" Mr. Jaffe to the court. The two men went to Toronto and abducted Mr. Jaffe and transported him to the Florida court where he was tried and convicted of the fraud charge.

The Canadian government intervened and subsequently had Mr. Jaffe released and returned to Canada. Warrants were later issued for the arrest of the two bondsmen and an application was made to the State of Florida for the extradition of the two. This extradition brought the two bondsmen back to Canada to face abduction charges. They were subsequently convicted.

The two appealed their case stating that they had authority by common law to apprehend Mr. Jaffe. They also stated they had an honest belief they were acting under proper authority and that due to this the mens rea intent was

FLASHES by Tony MacKinnon



"We better make these the last, and then go. We don't want to miss lunch."

lacking in their prosecution.

The courts determined that there was no evidence brought forth by the accused that would give an air of reality to the defence of "officially induced error." On the second point the court decided that although the common law power of arrest is indeed quite broad it did not extend over international boundaries. The court pointed out that even the U.S. laws indicate that an American surety to seize can only be exercised within the territorial boundaries of the United States.

The court ruled when dismissing the appeals that the "very conviction of those men of one of the most serious offences known to Canadian law would go a long way towards the vindication of Canada's sovereignty."

Prison to pay \$75,000 to inmate's wife

HUNTSVILLE, TEXAS - A grave mistake will cost the Texas Department of Corrections \$75,000.

The Texas Supreme Court has turned down the Department's application to appeal a jury verdict awarding \$75,000 to the ex-wife and son of a former Texas prison inmate.

While D.W. Winters was serving time at "The Walls", a prison complex in Huntsville, Texas four years ago, his family was erroneously informed of his death.

Only after funeral arrangements had been initiated was the mistake discovered and the family informed that he was, in fact, alive.

The award was made on the basis of psychological testimony of the mental anguish suffered by the Winters family.

Michael P. Hodge, the assistant Texas attorney general defending the case, described the amount of the award as "bizarre."

"It was less than a day that they had the impression he was dead," Mr. Hodge told reporters.

When the incident occurred, Mr. Winters was serving time for aggravated assault on his wife, the successful plaintiff in the suit against the prison.

New Florida Law will put parents in jail

Florida has become the first state to impose jail terms on parents whose children use guns in the home to injure or kill.

The legislation was approved by many of the same lawmakers who passed a sweeping gun de-control bill in 1987, giving Florida the nation's weakest gun laws. The move is seen as an effort to quell the rising militancy of the gun-control advocates in the state.

Gun-control advocates say the new law, which took effect in October, may become a model for other states seeking tighter controls.

Murder rate in U.S. capital growing

The murder rate in Washington is climbing rapidly despite police overtime and newly introduced rewards of up to \$10,000 for information on wanted killers.

According to the latest statistics, Washington had a murder rate of 59.5 per 100,000 inhabitants in 1988. But by mid-September of 1989 the toll had climbed above 300 or about 8 killings per week.

Much of the violence is rooted in drugs, particularly the cocaine derivative crack. Dealers of crack are known to shoot each other in territorial disputes, and kill clients who are late with payments.

Russia may join INTERPOL

Police from the Soviet Union may be forced to join INTERPOL, the Paris based international police criminal intelligence agency, due to a huge increase in organized crime. Sources state that the age of Glasnost has hit the criminal element as well.

Soviet interior minister Vadim Bakatin revealed the move as he announced a huge rise in street crime, pushing the overall Soviet crime rate up by nearly a third in the first half of 1989. He warned that the 700,000-strong police force, which cost nearly \$7 billion this year, would need more resources in the future.

"There is no cause for joy. The level of the fight against crime continues to be unsatisfactory," Bakatin said. "I think that we shall join INTERPOL because organized crime in the USSR is acquiring a transitional character."

From January to June, over one million crimes were committed in the Soviet Union, 32 per cent more than in the same period last year. The biggest jump was in street crimes, up by 84.3 per cent. Muggings rose by nearly 109 per cent.

Bakatin offered no explanation for the increase, but told a conference in Moscow that a growth in crime was typical of any society in transition. He believes that recent food shortages have also contributed to the problem.

Crack dealer convicted on "seamley" evidence

A Kansas City dope dealer was convicted after a sharp eyed juror noticed his trousers had a split seam in them.

Chad Hughes was charged with trafficking in over one pound of crack

cocaine after he tried to sell it to an under cover officer. During the trial a video tape of the scene was introduced as evidence and played for the jury. From what could be seen on the tape it was not possible to identify the accused from his face alone.

During its deliberations the jury asked to see the videotape a second time. The tape was stopped at the point where the man alleged to be Hughes climbed on his motorcycle, revealing a split in the seam of his pants. The jury then asked a rather puzzled judge for the camouflage trousers worn by the accused.

The jury examined the trousers and found the identical split in the seam and about three minutes later returned a guilty verdict. The jury had found the one piece of evidence that was missed by the FBI, city police and the U.S. attorney's office.

The case of the exploding birds

People attending a Wedding last year in the town of Celeg, Hungary, found themselves being bombarded by bird entrails. Feathers, blood and all were falling on them from out of a clear sky. The 300 guests of the party watched as many crows flying in the air simply exploded before their eyes.

A later investigation revealed that the crows had gorged themselves on the rice that had been thrown at the bride and groom. A local zoologist stated that the occurrence was due to damp rice and an unusual atmospheric condition which caused the rice to expand rapidly in the stomachs of the crows.

As a result of the foul air problem the town of Celeg passed a bylaw prohibiting the throwing of rice at all weddings. Time will tell if future generations will remember why this law was created but the town fathers stated that exploding birds could be a hazard to its citizens.

Letters to the Editor

A Refreshing Change

Please find enclosed my \$20.00 subscription for the magazine. I have read two copies so far and find the "low key" approach to police problems a refreshing change from the "macho" television image.

I found the editorial on Gossett and Cross (Life's Teachings Vol. 1 No.8) refreshing in that the problems encountered by an officer who shoots someone are very real. In addition I agree that we have to portray ourselves as feeling human beings and not "Blue Bullies".

I look forward to receiving future copies of your magazine and hope the interesting articles continue.

Sgt. Brian Leng
Hamilton Wentworth Police Force
Ontario

•••

EDITOR'S NOTE

This editorial became even more real for the members of the Winnipeg Police Force. At the same time as that editorial went to press, Kenneth Dowson, a much respected Inspector on that force, took his own life. He was scheduled to give evidence that same day before the Cross inquiry. In his suicide note the officer apologized for his bungling of the investigation that brought about the inquiry. His perceived guilt extended to the feeling that his actions had brought on the mental collapse of Constable Cross.

Inspector Dowson went on to explain how the public and media wanted their "pound of flesh" out of this and he would be the one sacrificed. This man's sense of duty and honour to his profession could not live with the situation in which he found himself. There are many questions in this world that simply go unanswered to mortals. Only God knows the answers and sometimes I think we have a hard time accepting that.

Just one thing...

I wish to take this opportunity to commend yourself and your staff on a fine police oriented publication, to which my husband subscribes.

I refer specifically to your commentary, "Life's Teachings" in the October 1989 issue, which I feel would be of interest to the public, should it be published in national newspapers and hopefully would enable the public to better understand a police officer's real stress associated with shootings, and not the "Dirty Harry" attitudes.

I do, however, have one complaint about your publication, and that involves the way it is mailed out. I feel that such a publication should not be sent in such a manner that anyone handling it can read it before we receive it. I feel that this magazine contains certain information that is of great assistance to police officers, but is not the case if the public also reads it.

I hope you will seriously consider this matter, and look forward to receiving the next issue.

Yours very truly,
Jill Jordan
Bradford, Ontario

•••

EDITOR'S NOTE:

I understand your concerns and there are several valid points you have made here. We are forced to follow certain rules when using second class mail. To conform with these requirements we had to consider many options that limit how we send magazines out. We also had to consider costs. At this early stage in our development we are attempting to keep our overhead down. (Believe me I have not been paid for doing this for the past year and probably won't be for quite some time yet.) This, and several other reasons, have necessitated our mailing the magazine

such as it is. We are aware that quite a few members share your feelings so we hope to go to a plastic sealed mailer as soon as we can afford it.

On your second concern about the content I would like to make it clear that none of the content is really secret. Any citizen can find this stuff out if they want to dig for it. What we are doing is concentrating and consolidating all the law enforcement community information between the covers of our magazine. I have no problem having the public read it. I will, however, very aggressively pursue any non-law enforcement people who attempt to copy the information contained or breach our copyright. (Anyone who knows me also knows how tenacious I can be about law breakers)

There is another point that I would like to make here. Much of the news and information contained in Blue Line should be read by the public. Do we have a secret about officers who suffer strain and stress on the job? Are the problems you read about unique to the law enforcement profession? I feel we

have reached an age when the public should be more aware of what a cop's life is really all about. I do not necessarily feel, however, that it is my position to tell them. If they wish to get a glimpse of something in Blue Line then they can be my guest. Our only service, though, is to this noble profession.

• • •

Here's to '90

Kindly renew my subscription to Blue Line Magazine. Thanks for producing such a wonderful magazine.

V. Preidt
Kitchener, Ontario

• • •

Looking forward to it!

Looking forward to another year of your great magazine. Payment for 1990 is enclosed.

Thanks
Bill Wardle
Scarborough, Ontario

Thank you

I thank you for your interest in our readers and would like to take this opportunity to compliment you on the excellent work you are doing for the law enforcement community through Blue Line Magazine

David Davidson
Director General
Communications Group
Solicitor General Canada

**"Somebody
in the media
ought to tell the
policeman's side
of the story for a
change..."**

*Blue Line
Magazine*

**Somebody does...every
month. Have you sent in
your subscription yet?**

CASE LAW: Youth Court

Decision to transfer not a heavy onus on Crown

(Regina Vs. S.H.M. & Regina Vs. J.E.L.)

In a majority decision from the Supreme Court of Canada, it has been determined that the Crown, and the Youth Court Judge, do not have a particularly heavy onus to have a young offender moved into the regular court system.

In this particularly brutal case out of Alberta it is no wonder the Supreme Court ruled as it did. It is hard to imagine a case that would be more worthy of going to a higher court. The 1986 case involved two youths who at the time were 17 years and 11 months old and 17 years and six months old when the murder occurred.

The two youths befriended a 50-year-old homosexual who invited them to his house to watch porno videos. The

Crown alleged that when the man attempted to have sex with one of the boys the two youths strangled him to death. The two lived in the house for several days during which they attempted to sell the victims stereo and computer system. The man's body was not found for two weeks when the video store owner made inquiries regarding his unreturned videos.

In its decision from last year, the Supreme Court of Canada laid out the six rules that should be considered by the Youth court and all appeal court judges that subsequently hear the matter; 1: the seriousness of the alleged offence and the circumstances in which it was allegedly committed; 2: the age, maturity, character and background of

the young person and any prior record of offences; 3: "the adequacy" of the YOA, and the adequacy of the Criminal Code or any other applicable Act, if a transfer is made; 4: the availability of treatment or correctional resources; 5: any representations made to the court on behalf of the young person or the Crown; and 6: any other factors that the court considers relevant.

The Supreme Court stated that "the Act does not require that all factors be given equal weight, but only that each be considered." The majority decision stated that the Alberta Appeal Court had appropriately weighed the evidence and came to a proper decision when it ordered the two tried in an adult court.

The "Exhibits Man"

- Richard Duplain -
East Coast Correspondent



Over the years he has been found in possession of handguns, switchblades, drug paraphernalia and stolen property. But no one has said a word about it. Until now!

And that's because Sgt. John King of the Fredericton City Police Department is the exhibits man - the only person allowed to have these items.

For the past 10 years, Sgt. King has been meticulously managing the property room where at any one time can be

found up to 200 bicycles, lost or stolen clothing, wallets, homemade weapons and shelves of paperwork.

Sgt. King's main goal is to see to the proper storing of evidence so when it comes time to go to court, he can find the exhibit then testify as to continuity.

However he rarely gets to testify. King's reputation is such that he is known for his exactness and accuracy and this is known by both Crown and defence counsel in the area.

6,103,943

THAT'S
HOW MANY
CANADIANS
ARE
SWIMMERS



2,489,675

THAT'S
HOW MANY
CANADIANS
ARE
SOFTBALL
PLAYERS



Way to go, Canada!
PARTICIPATION

The Carswell Story

Continued from Page 7

then quickly established the connections to import and sell U.S., British and other legal publications of all kinds.

His first store, opened in 1866, was at 16 King Street West. The business clearly thrived from the beginning and the young entrepreneur was to move to successively larger premises several times in the next few years. He was a genuine pioneer, meeting a genuine need in supplying law texts to serve the new Dominion in its first years after Confederation in 1867.

As opposed to books published by others, Carswell's first venture into publishing came in 1872 with the appearance of "A treatise on Criminal Law as Applicable to the Dominion of Canada by Samuel Robinson Clarke of Osgood Hall, Barrister at Law." The book was dedicated to the Prime Minister, Sir John A. MacDonald who also wore the hat of Minister of Justice, "by whose exertions and under whose administration the Criminal Law of the Confederated Provinces has been assimilated."

Clarke devotedly pursued his worthy objectives through 720 pages of close, hand-set type in a sturdy leather-bound volume. Robert Carswell sold it for \$6.00 in a day when a dollar was truly a dollar.

Apparently the Treatise was well received by the legal and police fraternities and the Upper Canada Law Journal was inspired to comment: "We recommend our professional readers throughout the Dominion to become possessed of this book. No man much engaged in the practice of Criminal Law can afford to be without it."

It was an auspicious start - the first book of all the untold thousands to carry the Carswell name over the next 125 years.

The earliest known catalogue is that of 1877. It solicited "the same generous encouragement from the profession of Canada, which has to this time been so liberally accorded". With 280 pages the attractive little book listed something over 2,000 publications. Most were British and American

with just over 100 shown as being Canadian works.

Prices started at 15 cents. Some books cost a quarter and lots were available at a dollar.

As to the corporate organization of the firm, Carswell himself was the sole proprietor from 1864 to 1879 when he formed a partnership with three others under the name "Carswell & Co." This became an incorporated Ontario company in 1891 with Carswell as president, as he was to remain until his death in 1928 at age 88.

From its inception in 1864 and through various corporate reorganizations, Carswell remained an all-Canadian undertaking until 1963 when control passed to British interests. At that time, the company became a subsidiary of Methuen of Canada which was, in turn, a subsidiary of Associated Book Publishers of London, England.

This was the ownership situation until 1987 when Carswell joined the ranks of the International Thomson Organization Ltd. The Thomson organization, with a staff of 18,000, is one of the largest and most profitable newspaper and periodical publishing companies in the world.

Clearly, the Carswell operation has come a long way in its 125 years to date. Today in year 126 there are some 350 talented men and women on the team representing a broad spectrum of skills.

Besides settling down as members of the large Thomson team, the Carswell people are also going through all of the hard work of a major physical move from the current overcrowded set of offices in Agincourt. They will be moving to the spanking new Corporate Plaza development nearby and scheduled for completion sometime this year.

No doubt about it - these are busy and demanding days for Carswell, but rewarding ones as well. All the people involved are confident they're onto a good thing together. They're confident too that if Robert Carswell were around to see what's happening 125 years later, he'd approve and applaud.

Canadian Charter of Rights and Freedoms

8. "Everyone has the right to be secure against unreasonable search or seizure."

Any person, Crown or officer, who is attempting to enter evidence into a trial that was obtained by a warrantless search must understand that the courts automatically assume that the search was unreasonable. It is up to the Crown to sway the mind of the court and prove the necessity for such a search.

Search warrants should not authorize a "fishing expedition"; The description of the evidence sought should be so clear that the searchers can identify the thing to be seized. Officers should remember that it is the Justice who must be satisfied that there is reasonable grounds for believing the facts before a search warrant is granted.

Blue Line Magazine Flash Cards

The Judge's Rules

Number 8

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

New Telecommunications system for O.P.P.

Edited from an address by
Chief Superintendent Earl Gibson
General Manager, Telecommunications

Number 5 District, in Aurora, is the sixth of seventeen Districts to be implemented with a new radio telecommunications system. Implementation of the system in the remaining ten districts will be carried out on a District by District basis with completion scheduled for the spring of 1992.

Planning of this new system started several years ago when it was recognized that the application of band-aids to the old system, implemented in 1947, were no longer sufficient. In 1947 the O.P.P. had some 600 uniformed members and 300 radio equipped vehicles. Today there are over 5,000 employees and almost 2,000 radio equipped vehicles.

The new system uses one multiple position dispatch office in each District with sufficient strategically placed remote towers, linked by a microwave system, to provide the required radio coverage. This "centralized" dispatch concept handles calls for service from

the public and provides coordinated command and control of resources. It is cellular in nature in the sense that frequencies used at one tower site are only used again at a tower site sufficiently far away to avoid interference. It involves



The new Communications Centre at Number 5 District OPP Headquarters in Aurora, Ontario.

the use of multiple channels which reduces or eliminates competition for "air time" and permits channels to be assigned to support special operational or tactical functions.

The radios, designed to meet OPP specifications by the Motorola Corporation, operates in the same range of the radio spectrum as Municipal police

forces. This will permit inter-force radio communication on the provincial common channel as set up by the Ontario Police Commission.

Portable radios operate through repeaters in the cars thus overcoming the major problem of lack of range of portable radios considering the large geographic areas in which the OPP operate.

The radio system is complemented by a modern telephone system at the central dispatch office and each of the outlying detachments. The telephone system includes various productivity features such as speed dial. Dedicated lines are provided for toll free calling between detachments within a district which will lead to greater coordination and deployment of resources and at the same time control ongoing operating costs.

A terminal to communicate with the hearing impaired has been installed

at the central dispatch office. At each detachment facility there is a toll-free outside telephone booth whereby the public can contact the District dispatch office should there be no one in the detachment building.

Another initiative to complement the centralized dispatch concept has been the development of a mapping system. Maps of the district, counties, detachment

areas, settlements, diagrams of highway interchanges and an overall index have been produced on microfiche for use by the dispatchers. Copies of the maps and diagrams have been placed in each patrol car.

As a matter of interest the telecommunications equipment installed in number 5 District (Aurora) cost ap-

proximately \$5.5 million.

The new system offers the public a 24 hour point of telephone access rather than the multiple points of access that did exist. The Force is using an inwats service (800 numbers) which will allow the caller to dial direct at no charge. For example as of December 1st the Metro Toronto and Regions will use the number 1-800 263-2277 to obtain the services of an OPP officer in the field.

The following is the anticipated schedule for implementation in the foreseeable future; Peterborough - January 1990; Perth - March 1990; Belleville - May 1990; Ottawa - August 1990; North Bay - October 1990.

The schedule permits the incorporation of a new district every 6 to 8 weeks with completion of all equipment and detachments by April 1992.

The system is already set up and functioning in Chatham, London, Mount Forest, Burlington, and Barrie.



The integrated use of telephone, microwave, and cellular technology puts the new OPP Communications system on the leading edge of law enforcement communication.

CASE LAW: Use of Weapon

Man did not "use" firearm

(Regina Vs. Chang)

In 1988 Barry Allan Chang attended the Pacific National Exhibition and approached another man that was working there. Mr. Chang drew a semi-automatic pistol and waved it in the air while shouting at the man. Mr. Chang was subdued by people in the area and was later charged with five counts.

At trial three of the counts were dismissed but convictions were registered for using a firearm while committing an indictable offence and possession of a weapon dangerous to the public peace.

The accused appealed the two convictions and the appeal court determined that the accused did not "use" the handgun while committing an indictable offence because he had been convicted of possession of a dangerous weapon.

In their decision the B.C. Court of Appeal cited several Supreme Court of

Canada rulings that stated that "being armed with an offensive weapon and using it are not the same thing."

The B.C. court stated that the conviction could have been registered had the original trial judge convicted him of attempt murder or assault as these offences conjure up the suggestion of the "use" of a firearm. However the conviction for possession simply means the accused had it in his pocket.

Madam Justice Mary Southin stated in her submissions that, "the accused on the evidence took the pistol out of his pocket but as the learned judge acquitted him of assault, difficult although that is to understand, he (the accused) is entitled to say that he did not attempt to threaten by an act or gesture to apply force to another person..."

The court did sustain the conviction for the "weapons dangerous" charge.

10-20

Blue Line Magazine has instituted a Canada-wide search for the people listed below.

(They have not been placed on CPIC..... YET!) It is alleged that they have committed the offence of failure to notify this magazine of their new address. The penalty for such a violation is eternal ribbing from your co-workers (not to speak of the embarrassment of having your name placed in this magazine).

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"The Five Minute Policeman"

(\$12.95 postage & handling included)

Author/Publisher: Terry Barker - Box 709, Gibsons, B.C., V0N 1V0

Reviewed by: Morley Lymburner

"His world is full of pond-scum. After seven years, "The Tack" has learned that when the phone rings it's always bad news. He is cynical, hardened, belligerent, aggressive and abrasive, the very qualities demonstrated by the policemen he most admires — and he's content to be that way.

"He survives each day by being aggressive or indifferent with the public, convinced it's the only way. His tone of voice is flat and unfriendly. His body language is cold and aloof.

"And this is the guy Sarge wants

me to teach "The System" to: a guy with the verbal skill of a pile of wet underwear, and the personal warmth of a dead cow."

Here it is ladies and gentlemen! The book that every officer should read from cover to cover. And you want to know something? You'll enjoy it all.

Terry Barker has authored a book that should help every officer work less and go home a little less stressed. It will teach you the five basic steps to better take control of any situation. It will show you how to diffuse any situation and turn things around to work for you in

five minutes.

The author, Terry Barker, has previously written and published another book called "Boss Talk" which is a guide book for managers. He is a regular instructor at the Canadian Police College in Ottawa and at the Fairmount Police Academy in Vancouver. The writing of this book is a natural extension of his first book and uses the members of the Gibson R.C.M.P. detachment to bring it into a police officers perspective.

The stories in the book are drawn from real experiences. As I read the pages I was reading about myself. You will be amazed as you identify yourself and many of your colleagues in these pages. It is a good indication that the problems experienced by each of us are quite common with all others from coast to coast.

This book should be issued to every officer in every police force in the country. It tells it like it is. It may save many coppers from "having their entrails stapled to the boss's wall." or "their gonads pulled out through their nostrils." It is written in an entertaining style and an easily understandable format. In short this book is an excellent resource to teach every officer how to work less and reduce stress.

CASE LAW: Probation

Probation not breached by impaired conviction

(Supreme Court of Canada R Vs. Docherty)

The Supreme Court of Canada ruled that an accused arrested and convicted on a charge of Impaired Care or Control was found not guilty of breaching his probation because he showed no intent to commit this offence when he was initially arrested.

The decision from Canada's highest court states that the Crown must prove that the accused specifically intended to breach his probation and that his acts were directed toward that purpose. In other words that he was fully aware that there was a specific requirement that he was breaking. The Crown can no longer simply show that a crimi-

nal conviction was registered on another offence to convict on a breach charge.

In the case heard by the court the accused was found behind the wheel of his car by officers in Newfoundland. They determined at trial that his ability was impaired while he was in care or control of the car and they sought to bring this evidence against the accused on his trial for breaching his probation.

In his defence the accused advised the court that he felt the car would not work and that for this reason he did not breach his probation. This in spite of the fact another court determined that

he was in care or control while impaired.

The accused would have been convicted if his probation order had stated that he was to abstain from the consumption of alcohol. This would have been a clear breach. However as it stands the court decided that the offence for which he was convicted requires a very minimal level of intent to convict. It decided that to extend the intent further than the offence committed would be improper. It is interesting to note that all courts from the beginning of this case agreed with the Supreme Court's decision.

Last October Summerside, Prince Edward Island, was hit by thirteen daylight fires that had been the work of arsonists. Four of these fires either destroyed or partially gutted homes and all the others were either barns or sheds or fires in homes discovered by the occupants or a special "Fire Watch" team.

These suspicious house and building fires brought about the formation of an investigative task force comprised of members of the Summerside Police Department, Summerside Fire Department, the Prince Edward Island Fire Marshall's Office, and the National Crime Prevention Bureau.

The task force under the direction of the Chief of Police W.J.R. MacDonald, was headed by Sergeant

raised by the Task Force that the possibility existed that the Citizens Band Radio Network was possibly being used

Summerside Police use combined technology

- W.J.R. MacDonald -

MacDonald the Federal Department of Communications allowed the Task Force to set up and operate the Remote Interact Monitoring System (R.I.M.S.) to monitor the 40 channel Citizens Band network.

This equipment was installed at the Summerside Police Department Radio Tower and connected to a direct dedicated telephone line, which transmitted remotely to an IBM personal computer. The unit recorded all C.B. transmissions and the computer collated the dates, times and channels.



Summerside, P.E.I. Police Department's Communications Centre

D. Griffin NCO I/C General Investigation Section.

During the course of the investigation, one of the Task Force Investigators talked to a young girl who lived in the vicinity of the majority of the suspicious fires and she relayed to the investigator that she had heard a one sided conversation on her AM transistor radio that sounded like persons discussing the setting of fires.

Although these transmissions were not totally discernible, suspicions were

for illegal activity, or the planning of the setting of the suspicious fires, or disrupting the surveillance teams that were in place.

On instructions from the Chief of Police, Constable Dave Emery of the Summerside Police Department made contact with Mr. Ray Howatt of the P.E.I. Telephone Company who in turn, collaborated with the Federal Department of Communications both in Charlottetown and Moncton. As a result of a formal written request by Chief



The heart of the Remote Interact Monitoring System

In addition this system allowed the police and telephone technicians to voice-record all C.B. radio transmissions in the immediate area and gave the police a computerized print out of all radio transmissions and an audio cassette recorded all transmissions. The location of the voice with the computerized data was recorded with the exact position on the tape counters.

This monitoring system was in place for approximately ten days and although not instrumental in capturing the two accused persons, it did demonstrate to the police a very large potential for the use of 'RIMS' as a factual investigative tool.

The 'RIMS' system is capable of monitoring CB, VHF, UHF and almost all commercial radio frequencies. It was developed at the request of the Canadian Department of Communications by the NCA Microelectronics Inc. Company of Saint John, New Brunswick to provide management with better law enforcement of the airwaves. By automating the listening activities that radio inspectors carry out, a greater range of channels and geographical areas can be managed with the same personnel levels. In addition, the accuracy and turn-around time of measurements can be increased.

NCA was contracted to build an additional prototype unit for the Canadian Department of Communications and begin a technology transfer process

that will see the INTERACT concept commercialized. Groups as diverse as law enforcement, Coast Guard and commercial operators have expressed

an interest in the product.

For further details contact N.C.A. Microelectronics Inc. 199 Chesley Drive Saint John, New Brunswick.



Summerside Police Constable Dave Emery, Ray Hewatt from P.E.I. Telephone and Howard Blaxland from the Federal Department of Communications look over the computer line monitoring setup.

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Featured writer

Chief W.J.R. MacDonald of the Summerside Police Department has just completed 40 years of policing. He served 21 years in the Royal Canadian Mounted Police and retired with the rank of Staff Sergeant to become the founding director of the Atlantic Police Academy. After serving in that capacity for six years he became the Chief of the Summerside Police Department and has served for over 13 years in that position.

Chief MacDonald and his wife Eileen have two sons; Rodie, a police officer with the Moncton, New Brunswick, Police Department and Dean, a Correctional Officer with the P.E.I. Department of Corrections.

Chief MacDonald is on the Board of Directors of the Canadian Association of Chiefs of Police, a member of the International Association of Chiefs of Police and a former President of the Atlantic Association of Chiefs of Police, the P.E.I. Association of Chiefs of Police and RCMP Veterans Association.

CASE LAW: Charter Rights

Officer must tell accused seriousness of charge

(Regina Vs. Black)

In a decision brought down last August the Supreme Court of Canada ruled that before an officer takes a statement from an accused he must not only advise the accused of the offence but also the seriousness of any other offence later laid and also given a second opportunity to contact counsel.

The ruling involved a Nova Scotia case where a woman stabbed a neighbour in an argument with a kitchen knife. The accused was quite intoxicated when arrested and the victim was being operated on at the hospital.

The accused was given her Section 10(b) charter right to counsel on a charge of attempted murder. She phoned her lawyer and spoke to him briefly. She was then held for about two hours and then advised that the victim had died and she was now facing a charge of first degree murder.

The accused asked to call her lawyer again but could not get through. The officers concluded that the lawyer had

left his phone off the hook. They then spoke again to the accused and asked her if she wanted to speak to another lawyer. She indicated she did not. They then began to ask her questions about the incident and she gave an inculpatory statement to the officers. She also took the officers to the house and gave them the knife she used.

The Supreme Court of Canada ruled that the statement taken by the officers was in breach of the accused's rights and would bring the administration of justice into disrepute if it had been admitted. The court determined that the officers did not make the accused fully aware of the seriousness of the new charge. The officers, in light of the more serious offence, should have ensured the accused had first talked to counsel before the taking of her statement.

Madam Justice Wilson stated in her summation, "A person's 10(b) rights arise because she has been arrested or

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detained for a particular reason, and the right to counsel can only be exercised meaningfully if the accused knows the extent of her jeopardy."

The Supreme Court Justice further explained that upon arresting a subject the officers must consider section 10(a) of the Charter which states that "everyone has the right on arrest or detention to be informed promptly of the reasons therefor."

At the same time the Supreme Court ruled that the knife could be admitted into evidence as it "existed" quite apart from the statements made at the time of discovery of the weapon. That its admission into evidence was proper as the knife, unlike the statement, did not come into existence from the participation of the accused. It was a real and tangible piece of evidence that stands on its own merits before the court.

The accused was therefore found guilty of manslaughter.

*Blue Line
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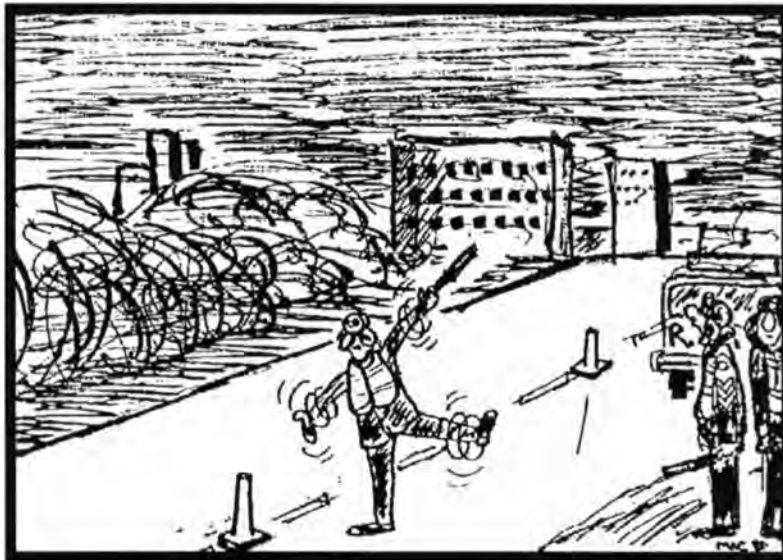
Presents:
The R.I.D.E. Team

By Tony MacKinnon



"I know it's cold out, but maybe we should get out for a couple of minutes at least."

"The idea is not to see how many pilons you can knock down, Ace!"



"Just wave the bloody flashlight!"



"I think I might have one!"

"May I suggest in future you refrain from shouting 'I'll check the broad with the big hooters'?"





"So get that marker light fixed. Goodnight."



"They'll never notice in the dark."



"McDonalds will never miss it."



"I told you we had too many pilons out."

The case of the fraudulent Vicar

- From Geoff Cates Books -

The recent conviction of the Reverend Jimmy Bakker in a North Carolina Court has made a lot of headlines over the past year. It should be pointed out that he is not the only man of the cloth to fall from grace over greed. Let us go back to the 1920's and check up on the Reverend Harry Clapham of England.

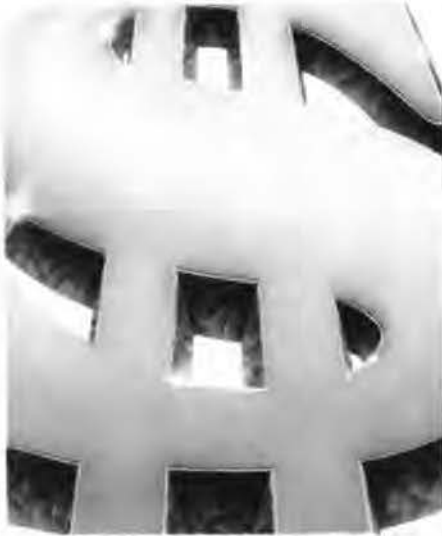
The Reverend was born in 1888 in Bradford, England. He quits school at age 14 and eventually joined the church. He came to Canada and was ordained in 1919.

He returned to England shortly after and in 1926 became the Vicar in St. Thomas parish on the outskirts of London. St. Thomas was well known as one of England's poorest parishes and most certainly a posting to this place was not, on the face of it anyway, a ticket to the good life.

One day, while visiting one of his parishioners in hospital, Clapham passed by an office where some girls were sorting out money, and opening envelopes containing money from people supporting the hospital. Interested, he inquired as to how the hospital came to receive this support. He was told there were organizations which, for

a fee, supplied names and addresses of people for a mailing list.

From this, Clapham took his inspiration. He obtained a list from an agency



and started sending out requests to people. As his literary style improved, so did the contributions. He started sending out booklets with photographs designed to tug at the heart strings, as well as the purse strings, of well-meaning folks. One such picture was of poor old women lining up outside the church to collect Christmas dinner.

Another photograph showed a benevolent Clapham with a down-and-out tramp newly attired in a good set of clothes. Reverend Clapham quickly became known as "the down-and-out Vicar." For the next 15 years he collected donations totaling over \$500,000. During his best year he sent out 211,000 requests for contributions. He had a staff of six girls working for him opening envelopes containing money and postal orders for money. On these amounts he alone kept accounts.

He purchased a general store, complete with sub-post office, for his brother. This, of course, made it that

much easier to cash the postal orders. He and his family took trips all over the world, drove expensive cars and he owned nine houses in South London. St. Thomas became known world-wide for its charitable works. Yet how much money was going where?

As the money increased, so did the Vicar's arrogance. Church officials questioned his lavish lifestyle. He argued that the trips and cars were from grateful admirers. As this display grew, it became more and more embarrassing for his superiors to explain away. Finally it came to the notice of the Police and Officers from Scotland Yard began an investigation.

At first the police had only strong suspicions that the vicar was misusing the funds, but no real proof. But, as often happens with criminals, Clapham suffered from a common defect: GREED! He allowed the paltry sum of 7 pounds, 10 shillings snare him. He had the audacity to claim this sum for his son's schooling, stating on an official document his income did not exceed 400 pounds a year.

This was enough to bring in a full investigation from the police. Soon the walls came tumbling down for Harry Clapham. Confronted with a warrant for his arrest, he collapsed like a pricked balloon and told all. Perhaps he was goaded slightly by a guilty conscience. At any rate upon checking what records that could be found it was discovered that out of a total of 117,000 pounds, a fortune in those days, only about 1,000 pounds went to the poor. Clapham was found guilty and sentenced to 3 years in prison. After serving his term, he moved to Canada. He died in 1948 leaving an estate worth \$18,000.

Much the same fate has been shared by Tammy and Jimmy Bakker. But there really is nothing new under the sun after all. And so too it is with criminals who seek to exploit the public's feelings of human kindness. Their lives might have taken a different course had they heeded this verse of scripture: "Be not deceived, God is not moved. What-so-ever a man soweth, that shall he also reap."

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