

Blue Line

August/September 1993

Volume 5 No. 7



Canada's National Law Enforcement Magazine



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Ontario Provincial Offences 1993 is an up-to-date consolidation of statutes and selected regulations creating the major provincial offences in Ontario. Includes: *Provincial Offences Act, Bailiff's Act, Compulsory Automobile Insurance Act, Dangerous Goods Transportation Act, Evidence Act, Highway Traffic Act, Liquor Licence Act, Motorized Snow Vehicles Act, Off-Road Vehicles Act, Public Vehicles Act, Retail Business Holidays Act, Ticket Speculation Act, Trespass to Property Act, Truck Transportation Act.*

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0-459-55182-5 May 1993
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0-459-55183-3 May 1993
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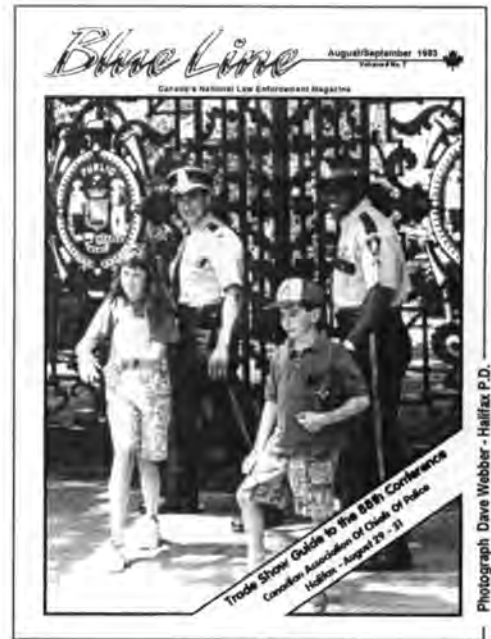
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This month's cover recognizes the Halifax Police Department. As the host Police Department for the 88 Annual Conference of the Canadian Association of Chiefs of Police, they look forward to greeting attendees of this year's event.

In this issue you will find a section dedicated to the Trade Show of the CACP Conference. This section will assist officers who wish to attend and view the displays. The Trade Show is open to all police officers on Tuesday, August 31, and you may wish to check out the companies and their display booth location to better plan your visit.

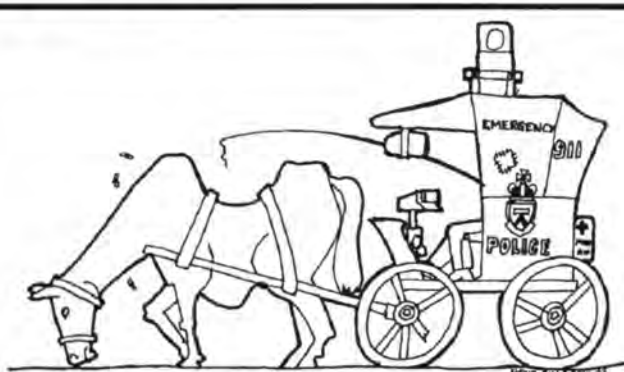
Halifax is one of the oldest cities in Canada and as such its police force has a considerable amount of history. A little research revealed the first historical record of any policing in this city came with the new settlers to Halifax. The settlers were called upon to elect one constable from each of the 13 ships' companies which arrived in July 1749. The constables were sworn in and charged with the duties of protecting the settlers from rowdies and Indian inhabitants.

Crime was no laughing matter in those early days. One man was hanged for stealing clothes and the penalty for gossiping women was to be strapped to a stool and dunked in the waters of Halifax Harbour. Proving a criminal's previous record in court was no real problem. Branding irons were used on thieves so the judge knew the offenders past record.

We hope you enjoy this month's issue of Blue Line Magazine.

Out Of The Blue

By Dave Sills



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Beretta D Models are available in 9mm and .40 cal. in full size and Centurion configurations. Three dot sight system standard. Tritium self-illuminating night sights available. © Copyright 1993, Beretta U.S.A. Corp.

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Case Law	Gino Arcaro
Supervisory Principle	Robert Hotston
Peer Counselling	Neil V. Thompson
Computers & Technology	Tom Rataj

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October 1993

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Blue Line Magazine is an independent publication designed to entertain, educate and upgrade the skills of those involved in the law enforcement profession. It has no direct control from a law enforcement agency and its opinions and articles do not necessarily reflect the opinions of any government, police, or law enforcement agency.

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Commentary: Morley Lymburner



legislation does not affect (at least in a direct fashion) the private sector. Are we running the risk of losing out on very talented people to private industry. With the glut of qualified white males now seeking employment in private security is it too much to believe the public might view them as a better protection agency than the public law enforcement agencies? In the United States, and other countries around the world, private security companies are looked upon as providing service which is tailor made for the subdivisions they "police".

Upon the conclusion of the three part series by Gary Miller on employment equity, Blue Line Magazine received several letters. It would appear there is considerable confusion out there regarding this subject. The murky nature of legislation can be quite hazardous if not explained fully and clearly to the persons who will have to work under it. If Gary's series of articles did anything it at least got some people to respond and give some clear insight in what the legislation's intent is.

Many view the legislation as a quick fix to long standing inequities. The real danger with this quick-fix is that it has not taken a lot of things into consideration and completely ignores the feelings of many people. It is abundantly clear by the legislation that systemic discrimination must be done away with. Gone are the days when an aspiring female applicant would be required to drag a truck axle across a parking lot to determine her suitability for the job. No one appears to have a problem with this aspect. However the people interpreting the legislation, either officially or unofficially, have twisted its intent and read in too much.

Due to this problem I have included in this issue three responses to Gary Miller's series with the hope you can sort out the wheat from the chaff.

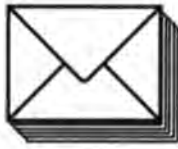
I have some concerns of my own and some questions which need answering. What does society do with the well qualified white males left with no hope of a police career? No one is ready to address this question. It would appear that the

If enough police leaders continue to misread the legislation or keep an attitude which is sure to cause animosity it is sure to breed contempt against those who legitimately take positions on merit.

On this point I have spoken to several ranking officers in the country who appear to breed a contemptuous attitude of "if that's what they want then we will give it to them." These people then go to extremes in the hopes of showing the legislation is flawed and obtaining a backlash from the community. I would certainly look with a jaundiced eye at any agency which insists on 100 percent compliance with employment equity concepts as fast as possible. It is one thing to have a goal of compliance and to remove barriers which hamper that goal, but it is an entirely different thing to aim for the goal at all costs.

There are many enlightened agencies which have viewed the legislation as a guide line for future development. They make honest efforts to reach minority groups and encourage them to work toward a police career. This means wanting it enough to meet minimum standards. But turning such efforts into an all-out quest to simply meet some mathematical formula can be damaging.

The only way to really view policies which attempt to improve job equity is to see the value in who the legislation will include rather than who it excludes. No legislation should do one at the expense of the other.



Letters To The Editor

How Come No Ad For Gay Cops?

Back in March 15, 1993, I wrote you to advertise Gay Cops United Foundation (Gay CUF) in Blue Line and there was no response nor was there an ad placed in the magazine. I understand that "Blue Line Classified" is a free service to law enforcement agencies and related personnel support groups.

Gay CUF is a support group for gay peace officers. I have enclosed some information about Gay Cuf. Please advertise Gay CUF in Blue Line. Thank you and please respond.

Name with held by editor

Editor's Note:

I have to apologise for not responding sooner but it is not unusual for a letter to wait this long. I run an essentially one person operation and it is at times difficult to get around to everyone's letters and requests in a timely fashion.

I do have a problem with promoting your organization. You may think as you want of me but it is my magazine and I do not wish to promote a deviant lifestyle. By deviant I mean a lifestyle that is different from the norm and I do not mean to sit in judgement of you or your homosexual friends. That is not my function.

I do not feel that your, or any one else's, sexual tastes should be a topic of promotion in my magazine. For instance I am aware of a "private club" which caters to people who wish to go there to arrange for group sex with other couples. I am also aware of officers and their spouses who attend such clubs. I would not promote this activity either.

I would also say that in this day and age there is a real life threatening aspect to such clubs. With the onset of the AIDS era I feel there should be more promotion of a more modest sexual lifestyle. I do not know that your organization is promoting this or not. On the face of what I have read it would appear that this organization is simply encouraging peo-

ple to lead a lifestyle which they may be better off leaving alone. Self discipline and self control is one thing and being discreet is something else. For this reason I do not wish to stand in your way but I can not bring myself to actively assist you either.

In response to the policy of this magazine to promote "personnel support groups" this is so. However in the brochure you sent me the fine print at the bottom states that your group is formed "without any assistance nor encouragement from any law enforcement agency." This includes your own police force. On this category alone your group fails the test of inclusion to this free service.

As you probably know any publication is a reflection of the person in charge. I am the person in charge and I take my responsibility to my readers very seriously indeed. The whole topic of homosexuality is one topic which society is going to have to come to terms with sooner or later. I do not believe that a person's sexual preference should be a criteria for exclusion from anything in life but I do not feel that it should be a reason for inclusion either. I simply believe that it is that person's own business.

I have personal opinions about same sex relations and I am not as abhorrent of it as perhaps many. But I still feel that it is something which I should not encourage. It is not up to me to stand in judgement of others. I am just simply not qualified... I don't even come close.

Thanks For The Offer!

I cannot applaud you enough for your offer to students and instructors ("Here's an Offer You Can't Refuse" Vol. 5 No. 5 Page 30). I'm sure this gesture of goodwill to the community will be an invaluable tool for strengthening relations between your profession and the communities that you serve.

I am graduating from the University of Western Ontario on June 4, 1993, with a B.A. in Psychology. Although I am too late to take advantage of your generosity, rest assured that you have guaranteed my renewal.

Once again, thank you for your innovative program, and, if I have read this correctly, grassroots encouragement.

Bryan Crow
London, Ontario

Editor's Note:

What Bryan refers to is Blue Line's policy of supplying free subscriptions to instructors at police colleges, universities or community colleges. In addition we offer five free issues to new students and police officers. This half year free subscription is in order to introduce these persons to the benefits of keeping up to date with Blue Line Magazine.

Frustrated By Employment Equity

LINDSAY POLICE SERVICE
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Chief of Police
LINDSAY POLICE SERVICE
6 Victoria Avenue North
Lindsay, Ontario K9V 4E5

not later than Monday, the
17th of May, 1993 at 4:00 p.m.

I have just finished reading your May issue of Blue Line Magazine, and felt compelled to write.

THANK YOU MR. MILLER! If you haven't guessed by now, I am a white male seeking employment with (any!) Police Service. I have been extremely disappointed by the provincial legislation discussed by Mr. Miller. I have sent along some advertisements taken from the London Free Press this spring.

When I first began applying in 1989, senior officers advised me to attend university so I could get hired. Now that I took their advice and received a B.A. degree, the same officers tell me that they can't accept my resume. Once again, quick fix solutions create more problems. The legislation is backwards. Minority emphasis should be encouragement to apply, not hiring criteria. Our constitution "guarantees" me the same rights as any minority member. To put us through the process and then pass us over on the basis of credentials we could never get is rude to say the least.

Bryan Crow
London, Ontario



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CAT. No. 0746-226-9-B

CAT. No. 0746-226-9-B-DAO

(9mm blue)

(9mm blue, DAO)



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The model 070 features include a mid-ride, straight drop cant, a thumb break with one way directional snap, and a middle finger tab release. The molded ejection port detent provides for a rearward weapon release and its side strap and snap are designed as decoys.

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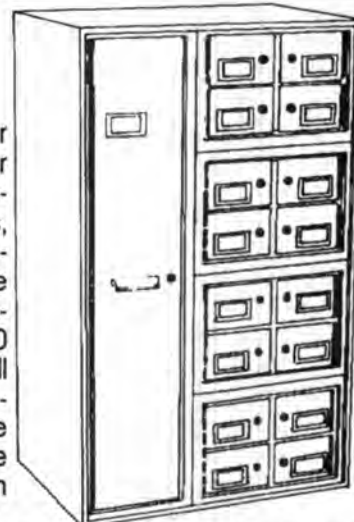
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Welcome to the Trade Show of the 88th Annual Convention Canadian Association of Chiefs of Police

Halifax, Nova Scotia
August 31, 1993



Vincent J. MacDonald
Host Chief of Police

On behalf of the Halifax Police Department, it is my pleasure to invite you to the 88th Annual Conference of the Canadian Association of Chiefs of Police.

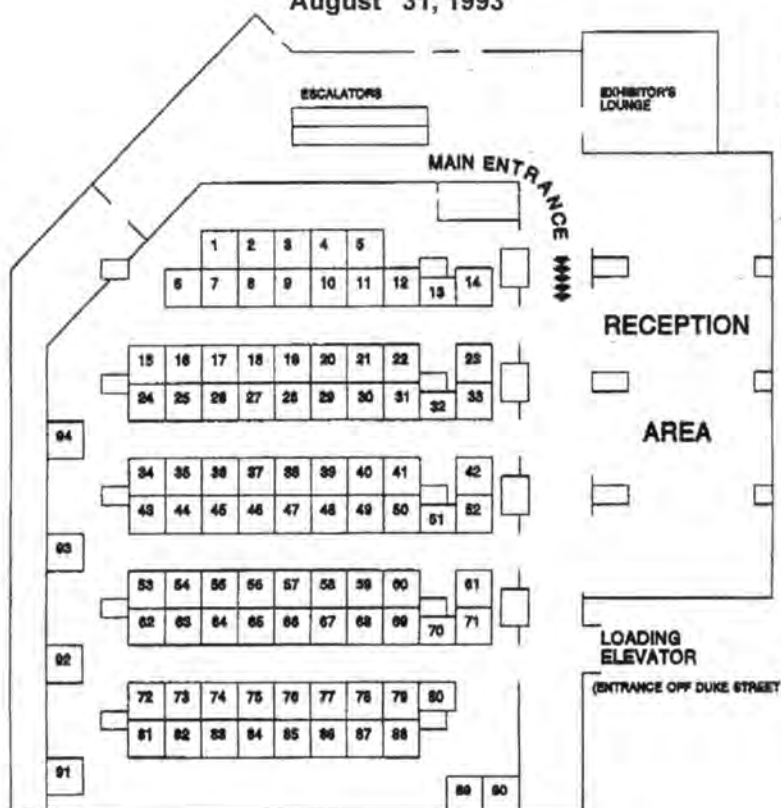
This year's Conference promises to be one of great interest as we look at "Victims and Violence: Youth and the Community." We have a variety of resource people and exhibitors we believe will provide for an interesting and informative conference.

Maritime hospitality is known throughout the world. It is my wish that you receive it in good measure while you visit us.



Trade Show of the 88th Annual Convention Canadian Association of Chiefs of Police

Halifax, Nova Scotia
August 31, 1993



World Trade And Convention Centre Port Royal Room

Exhibitor's List

- | | | |
|--|--|---------------------------------------|
| 1. Federation of Canadian Municipalities | 29. Century International Arms | 54. Outdoor Outfitters |
| 4. Bolle (Canada) Inc. | 30. Fred Deeley Imports | 55. MacDonnell Douglas |
| 5. EAI Bell Atlantic | 31. Polaroid Canada | 56. Co-Operator's Communication |
| 6. Atlantic Law Enforcement Education | 32. MPD - CMI | 57. Carswell Publishing |
| 8. St. John Ambulance | 33. Crimtec | 58. City of Montreal |
| 9. Securetel | 34. Canada Mortgage & Housing | 59. Barrday Body Armour |
| 10. Stay Alert... Stay Safe | 36. OCS Technologies | 61. Identocard |
| 11. Block Parents of Canada | 37. Scriptographic Canada Ltd. | 63. Time Communications |
| 12. Blue Line Magazine | 38. Atlantic Police Supplies | 66. General Tire |
| 13. Rocky Boots & Shoes | 40. Motorola | 68. Solicitor General Canada |
| 14. Gore | 42. Triangle Technologies | 71. Gordon Contract Sales |
| 15. Alcohol Countermeasures | 43. 9-1-1 Outerwear | 72. General Communications Inc. |
| 16. Canadian Society of Ind. Security | 44. M.D. Charlton Distributors | 73. Whelan Canada Ltd. |
| 18. Federal Signal | 45. Canadian Centre For Justice Statistics | 77. Signaflex |
| 20. Nicholls Distributors | 46. Flex-O-Lite | 79. Thomas Electric |
| 23. Canada Post | 47. Stokes Cap & Regalia | 80. Henson College |
| 24. Canadian Real Estate Board | 48. PRC Public Management Services | 81. ITOU Structures & Methods Systems |
| 25. Frisco Bay | 49. Motorola | 88. Canadian Centre Justice Stats |
| 26. Maritect | 51. Bates Shoes | 89. Superior Propane |
| 27. Draeger Canada Ltd. | 52. Beretta | 93. AGISS Power Technologies |
| 28. Intera Tydac Technologies | 53. Somum | 94. Plastics Maritime Ltd. |

Alphabetical Listing

Canadian Association of Chiefs Of Police Trade Show

This is a listing of exhibitors at the 1993 Trade Show of the Canadian Association of Chiefs of Police Conference. This listing is in alphabetical order along with the booth number assigned as of July 1, 1993.

93. AGISS Power Technologies

Russ Hensel
(613) 230-0609 Fax (613) 230-3805
QMA Facekit and Cellular On-site Support Systems

15. Alcohol Countermeasure Systems

Maria Gomes
(416) 670-2288
Electronic Breath Alcohol Testers and accessories

6. Atlantic Law Enforcement Education

Robert Barrs
Training facilities for law enforcement personnel

59. Barrday Inc.

David Kelly
(519) 621-3620 FAX (519) 621-3620
Body armour shields and ballistic protection

51. Bates Shoe Company

Judy Miles
(616) 866-5697
Police walking shoes and boots

5. Bell Atlantic Public Sector Systems

Sally Olson-Nelson
(813) 573-1911
Computer aided dispatch and records management

52. Beretta USA Corp.

Warren Barron
(301) 283-2191
Police firearms sales and service

11. Block Parent Program Of Canada

Anthony Keck
(204) 888-8409
Police community service support program

12. Blue Line Magazine

Morley Lymburner
(416) 640-3048 FAX (416) 640-7547
Canada's National Law Enforcement Magazine

4. Bolle' (Canada) Inc.

Garry Jones
(416) 851-0701

34. Canada Mortgage & Housing

Luc Menard
(902) 426-7880 FAX (902) 426-9991
Federal subsidized housing authority

23. Canada Post Corporation

Jacques Henri
(613) 734-7597
Sales booth with recent product announcements

45. Canadian Centre for Justice Statistics

John Turner
(613) 951-8939 Fax (613) 951-6618
Information on Justice statistics and trends

16. Canadian Society for Industrial Security

Laureen Surrett
Fax (613) 257-7203

57. Carswell Publishing

Heather Mosbaugh
(416) 298-5112 Fax (416) 298-5063
Publisher of Canadian law books and journals

29. Century International Arms Ltd.

George Keller
(514) 333-9933
Firearms & accessories

58. City of Montreal

John Dalzell
(514) 280-2330 FAX (514) 280-2730

32. CMI - Aurora Technologies

Libby Davidson
(502) 685-6545
Breath alcohol detection and analysis

33. Crimtec Systems Inc.

Sara Hogan
(313) 522-8500
Evidentiary video systems

27. Draeger Canada Ltd.

Monika Kelly
(416) 821-8988 Fax (416) 821-2565
Breathalyzer and Alcotest 7410

18. Federal Signal Corp.

Craig Lyons
(708) 534-3400
Emergency vehicle warning lights, sirens etc.

1. Federation of Canadian Municipalities

Ronald Zimmer
(613) 237-5221 Fax (613) 563-2051

46. Flex-O-Lite

Dave Wilkins
(519) 631-5610 Fax (519) 631-9235

30. Fred Deeley Imports

Peter Parade
(416) 741-5445
Harley Davidson Police Motorcycles

25. Frisco Bay

Mindy Kole
(201) 808-9233
CCTV and Video Support Services

72. General Communications, Inc.

Michael George
(303) 322-6400 Fax (303) 322-0627

66. General Tire Canada Inc.

Jeff Hazelgrove
(705) 733-7616
Tires

71. Gordon Contract Sales

Dan Trudeau
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Policing Has Changed



I have read with interest the trio of commentaries by Gary Miller, on the topic of Employment Equity. The articles appear to be written with tongue firmly in cheek. The use of intemperate language and hackneyed cliches can be an effective tool in raising awareness and teaching new approaches; however, I feel it is necessary to provide a commentary with a more modern perspective, to clarify several of the shop-worn and incorrect (but still popular in some circles) statements that have been used.

In the three Commentary articles which appeared in April, May and June 1993, Mr. Miller comments on the "shocking truth" of provincial policies which encourage applicants from employment equity groups and eagerly avoids the "trap of relying on statistics". Those same statistics, based on the national census and workforce survey data, indeed show that employment equity groups are present in most occupations. What is important to note is that the representation of disabled persons, Native people, women and racial minorities with the organization and their distribution throughout the hierarchy of command does not reflect their presence in the general population.

Policing is a community service which should reflect the diversity of the community being served. By scape-goating employment equity with the problems caused by increasing demands for service, limited resources and fewer opportunities for advancement within the ranks, Mr. Miller attempts to use attitudes leading to prejudice, discrimination and racism.

Prejudice, discrimination and racism are functions of power and promote the notion of one predominant "heritage" (i.e., some men are more equal than others) to excuse continued differentiation based on biology (skin colour), culture (country of origin), language (non-English or French speaking) and/or religion. Those antiquated and unacceptable concepts, whether evidenced as active dislike (racism) or passive denial (prejudice), devalue a growing segment of our society. There can be no racism against fit white males in policing, since they are and will continue to be in the majority.

As Mr. Miller notes, Section 15(2) of the Charter of Rights and Freedoms permits remedial measures such as employment equity initiatives, for "the amelioration of conditions of disadvantaged individuals or groups including those who are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age

or mental or physical disability." This does not mean subverting the rights of other individuals or groups, but works to "level the playing field" which, traditionally, has been the domain of one readily identifiable group. Since this group controlled access, they also had the power to exclude those not seen as "fitting in" with their group. In the long term, equity benefits all groups, since the emphasis is on the merit principle, (e.g., with respect to bona fide job requirements, competence, skills, demonstrated performance), which will be applied to qualified candidates who represent the broad spectrum of Canadian society.

Culture is an amalgam of values, customs and thought processes, influenced by peer groups and institutions of society - thus, the term "police culture", which is frequently used pejoratively. As a point of interest - what is "Canadian" culture? I suspect that if you ask ten people, you will get ten different responses, based on individual perceptions.

"Equal treatment" in contemporary policing means a status quo without built-in artificial barriers within the system.

Remember height and weight requirements and the furor when they were removed as not being valid occupational requirements? Culturally and gender-based testing, subjective recruitment, selection and promotional processes, have hindered recruitment and advancement of certain groups in similar ways.

What are some of the "ominous implications" of hiring qualified women, Native persons, visible minorities, disabled persons, according to principles of merit, rather than an arcane process which focuses on affiliations and time served? He decries the demise of the "fit white male" with patronizing, not so-subtle slurs against "unfortunate souls" and "disadvantaged friends". He might be surprised by how many of his colleagues could be/are designated disabled, whether through physical impairment or medical condition. Would he consider them less entitled to equitable consideration if he knew their identity? In numerical terms I believe if Mr. Miller reviews Employment Equity Plans, he will find that the majority of progressive police services are not far from their equity goals.

Racism, even when couched in the manner used in the Commentaries, is a form of discrimination, and should not be tolerated. Whether Mr. Miller is confusing race and culture with ethnicity is immaterial. What is important is to recognize the siege mentality which he appears to espouse. Society has changed. Values have changed. Policing has changed. That is progress. Our challenge as providers of a community service is to keep up with the times and effectively plan for and manage change in our diverse communities.

ATTENTION!

THE CANADIAN TACTICAL TRAINING SEMINAR HAS BEEN POSTPONED

Due to budget constraints placed on many police forces it was not possible to obtain the required numbers of attendees within the required time to hold this event.

The event has now been postponed until next May. Details are still being finalized and Blue Line will keep you posted.

Any one having an interest in attending this event next year is encouraged to notify Blue Line as soon as possible so the proper space can be reserved. Those who have submitted application forms need not re-apply. You will be sent further details as the date comes closer.

For further details and an application form write or call -

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Views Are Common Misconceptions



In his articles entitled "The Implications of Employment Equity" in your April and May 1993 editions, Mr. Gary Miller has raised concerns that many officers

may have about employment equity. However, many of his comments are based on common misconceptions which, once addressed, result in a better understanding of the program.

For example, Mr. Miller suggests that the workforce audit form is meant to determine eligibility for advancement or being hired, based on the ability to factor oneself into certain categories. In fact, employment equity provides for continuing recruitment from all groups in society. Its aim is simply to achieve a balance of representation from those groups in the same proportion as they exist in the community. That additional attention may be given to recruitment of some groups from time to time may be true, but that is only because they are currently under-represented in the profession, and not because they are the only groups that will be considered for employment. A similar concept applies to promotion. Employment equity endeavours to remove any unnecessary barriers, so that all those who qualify may be considered for advancement.

Mr. Miller also expresses concern about the hiring of disabled persons as police officers and, in particular, suggests that accommodating such persons will leave no room for accommodating officers who have become injured on duty.

It should be made clear that the Ministry of the Solicitor General is currently doing an analysis to determine what level of physical ability should be required for employment as a police officer. This project is part of the development of an overall constable selection process, and Association representatives are serving on both the Core Group Committee and the Physical Skills and Abilities Sub-Committee that are examining this issue in detail. Thus, Association input will be part of the decisions made with regard to this important topic.

At present, the physical demands analysis is not complete. However, it is important to understand that the requirement to accommodate disabled persons includes providing for disabled members who are already on the Force. Indeed, rather than putting such officers "back on the road, onto the sick list and eventually

off the job", as Mr. Miller asserts, the direction of the employment equity program is just the opposite. It obliges forces to explore and institute every reasonable means to support disabled officers (and civilians), so they may continue their careers in the most productive way possible.

In his May article, Mr. Miller dismisses the concept of systemic discrimination as nothing more than a "trendy buzzword". He acknowledges that the representation of certain minorities in the workplace may be low, but in his words, this is "not for reasons of discrimination".

Mr. Miller does not define the term "systemic discrimination", but one aspect of it that employment equity is trying to address is the existence of unnecessary barriers to employment. It is ironic then, that Mr. Miller alludes to a long career in police work, as it may be assumed from this that he met certain fixed height and weight standards that were once com-

mon entry requirements to become a police officer. One hopes that while preparing his article, he stopped to consider how different his life would have been had he fallen even marginally short of those arbitrary standards, and thus been barred from entering a profession in which he obviously takes a great deal of pride. The elimination of such systemic barriers is a real issue and a core component of employment equity.

The lesson to be drawn from Mr. Miller's own experience then, is especially instructive: employment equity is not intended to discriminate, but to ensure that appropriate qualities are assessed in potential candidates to permit all qualified individuals to be considered.

Far from being a "cruel policy", as Mr. Miller describes it, employment equity is essentially a program that recognizes the realities of the changing labour market and society's expectations, and codifies many practices, such as accommodating disabled employees, that police forces have been doing on an informal basis for years.

Miller Could Do With A Wake-Up Call

Sandi Howell
Equal Opportunities Department

Harminder Magon
Anti-Racism Co-Ordinator

Canadian Union Of Public Employees

It's obvious Gary Miller, whose May 1993 article decried "the nightmare of employment equity" could do with a wake-up call.

The legislation he lambasts as a "truly awful" government initiative was no overnight edict. Ontarians from across the province showed up at public hearings, public forums and community discussions to voice their support for employment equity. Over 400 written briefs were submitted in the consultations. Like other laws, it is a product of our democratic society and one of the reasons people are proud to be Canadian.

And despite Mr. Miller's "irrefutable" personal experience based on his 35 years in the workforce, many others in law enforcement and other professions disagree with him. They don't support his claim that discrimination isn't behind the low numbers of minorities "in certain areas of work".

We have worked with many of these professionals in workshops and other forums to counter the ignorance and stereotypes which racist attitudes perpetuate. Specifically, police forces in Saskatoon, Regina and Ottawa have encouraged training in human rights with

groups disadvantaged by discrimination. In some instances, minority youth have been invited to spend day-to-day time with officers during the summer months.

Statistics provide a valuable insight to the magnitude of the problem because as the old cliché says, "you can't see the forest for the trees." The numbers legitimately validate the real experiences of groups with specific characteristics - racial minorities, women, the disabled and Aboriginal people - when it comes to being hired less often or not at all, paid less, and victims of violence.

It is impossible, and clearly unfair, to generalize from a single personal example to a whole population as Mr. Miller proposes in his article.

The only thing "shocking" about the implementation of employment equity legislation is the racism and discrimination it attempts to eradicate from our Canadian institutions and workplaces. Study after study has shown that given equal competence, white applicants are more often hired than their non-white counterparts.

That's a truth that many Canadians aren't proud of and it's the main reason why they support employment equity.

Survey Of Ontario Chiefs Says "Managing within Financial Allotments" Key Concern

It was a lucky Canada Day for Ace Halladay, the Chief of Police from Perth, Ontario. A \$500.00 donation was made to Special Olympics on behalf of the Perth Police Service. Ace Halladay's name was drawn by Chief Bob Middaugh of Hamilton Wentworth Police at the final luncheon of the Ontario Association of Chiefs of Police Conference held on June 27 to July 1 at the Deerhurst Resort in Huntsville, Ontario

The draw was organized by 1 Page Planning Systems, a management consulting firm specializing in improved organization effectiveness and team performance. While entering the draw, Chiefs of Police, senior police personnel, and others in the law enforcement field were asked to complete a survey rating the importance of six organizational challenges they face. They were also given the opportunity to note other challenges they felt were significant and not listed. The chart supplied here summarizes the

Rating	Organizational Challenge	Percent of Responses
1	Managing within financial allotments	24
2	Ability to evaluate the effectiveness of programs	19
3	Implementation of Community-based policing	17
4	Increasing member participation to improve effectiveness	16
5	Evaluating alternate ways to handle call for service	12
6	Realistic cost recovery alternatives	12

survey results, based on a simple percentage taken from all those who responded.

"Managing within financial allotments" was selected by both the Chiefs and others who participated as the most important challenge and reflects the pressure of fiscal constraint under which all police services are operating today. The percentage of Chiefs of Police who selected the first challenge was 25%. This indicates a general agreement by those

who participated in the survey as to what the major challenge is.

Other challenges noted were "Bob Rae" (the Ontario Premier), "government regulations with little input from police," and "implementation of statistical programs."

For further information and detailed trends regarding this survey you are encouraged to call Mr. Bart Van Cromvoirt of 1 Page Planning Systems at (519) 746-5831.

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World Leader In Interviewing Techniques To Instruct At Seminar



The Ontario Chapter of the Ontario Association of Arson Investigators have announced world leader in Kinesic Interviewing Techniques, Glenn Foster, will be the guest lecturer at their annual training seminar October 4 to 6, 1993.

The Association has opened the lecture series to all law enforcement agencies and individuals. They have also lowered the registration fee to \$125.00 for any officers wishing to attend the seminar at their own cost.

Foster is the president of D. Glenn Foster & Associates and is a former Atlanta Police officer and Polygraph Examiner. He has served as guest lecturer in numerous police academies and is certified by POST to teach interview and interrogation courses. He has conducted hundreds of major criminal investigations and has been a lecturer for the following; RCMP, FBI, U.S. Army Counter Intelli-

gence, U.S. State Department, an international symposium on security in Geneva, U.S. Postal Service, U.S. Department of Alcohol, Tobacco and Firearms and is a regular lecturer at Glynco (the federal law enforcement training centre).

The "Kinesic Interview Techniques" is an integrated system of behaviour analysis and interrogation technology which permits an interviewer to maximize the effectiveness of both these technologies, thereby helping him to resolve problems faster and get more information through interviews and interrogations. The full course is divided into two phases: the Detection Phase (Level 1) and the Interrogation Phase (Level 2).

The Detection phase is designed to help the investigator to recognize and identify verbal and non-verbal behaviours and their diagnostic value in determining with a high degree of accuracy the interviewee's probable truthfulness or deception regarding the issue at hand.

The Interrogation Phase uses the tech-

nologies taught in the Detection Phase and combines them with a systematic interrogational approach to maximize the probability of significant admissions and confessions.

This three day seminar, being held at the Hamilton Convention Centre, has an impressive array of subjects split into 24 classes. Each course is designed to train attendees in a wide variety of investigative skills incorporating inter-active video training and replaying. Classes begin at 0800 hours and end at 1700 hours daily.

Mr. Glenn Gibson, Past President of the Ontario Chapter of the International Arson Investigators, advises they will also attempt to find free lodging for any officers who may need it in addition to reducing the fee. Standard fee is \$195.00 but individual officers will pay only \$125.00. "We do not want this opportunity to pass by people who need it simply because of bureaucratic nonsense," Gibson stated in a letter to Blue Line Magazine.

Registration may be obtained by calling Glenn Gibson (416) 529-9600 or Fax (416) 529-5902 or writing him at Adjusters Canada 1201-105 Main Street East, Hamilton, Ontario, L8N 1G6.

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You Do Have A Right To Silence Top Cop Lawyer States

The following is an edited presentation given by Mr. Harry Black of the law firm of Teplitsky, Colson to the delegates of the Ontario Chiefs of Police Conference June 29, 1993.

I was going to talk about what each officer at a shooting scene should know, because each officer is in a separate and unique situation. A *subject officer*, one who is the main player or cause of the incident, is in a different category than an officer who is simply there and sees what is happening. The first officer, in my view, should have immediate access to a lawyer for advice.

The other officers are in a different situation as they are not *subject officers* and are therefore duty bound to supply a statement as to what they observed. It may very well mean that these officers should obtain separate legal advice other than the lawyer provided for the *subject officer*.

I wish to discuss one issue which has been much publicised in the media and that is whether or not Section 113(9) of the (Ontario) Police Services Act gives the right of a Chief of Police or the Director of the Special Investigations Unit to compel an officer who is under investigation to make a statement.

I am thoroughly of the view that the law of the country states that the officer is not required to submit an oral or written statement or a duty report should they not wish to on the advice of counsel. The rationale for this is the simple fact that the Special Investigations officers and their investigators are "peace officers" and their only purpose for being there is to conduct a criminal investigation. The reason for being there is created by statute.

I therefore say that this police officer is in the same position as any other citizen of this country. If he is a suspect or a potential suspect in the commission or suspected commission of a criminal offence then he has the right to make a statement but he cannot be compelled to make a statement.

The argument of the Ontario Special Investigations Unit has been Section 11 of the Charter of Rights goes towards admissibility not to compellability. (that is to say that the Charter would prevent the use of such a statement if an officer is

charged). In response I say my client is not interested in an acquittal. My client never wants to be an accused and my client has the right to remain silent if on the basis of legal advice he chooses to do so.

I question the validity of the new Police Services Act. I question the theory behind that law and I question how it is being implemented. I don't understand the necessity, at the Provincial level, of investigations when police officers are already subject to all of the civil laws that any citizen is subject to as well as the criminal law, every Provincial Statute, their own internal code of offences, and the provisions of the Police Services Act. When I was a Crown I saw police officers prosecuted; I saw police officers investigated; I never saw any cover-ups in the Attorney General's office when I was there.

I believe there was a degree of cynicism in those who drafted the legislation. For what reason, when doctors, chartered accountants, dentists, stock brokers and criminals don't need all these tiers of laws governing them, do we have to have another law for the police. In my view the police are not those in our society who commit crimes. The police are not the problem.

In the late 80's, in the aftermath of a series of controversial events, this legislation was passed and that legislation creates more problems than it solves. Even the protocol creates more legal issues than it solves. I, for my part, will not have my client become the test case. I am not going to rely upon casual assurances "Come on in and have an interview with us" and the statement probably will not be admissible. My position has been that if they want statements from these officers then put in the protection that they are entitled to have.

One of the problems with this legislation is that when ordinary police officers or any detective is investigating criminal offences, they see policing in perspective. They see police officers investigating drug

trafficking, murder and all manner of wrong doing from any member of the public. Their minds are constantly in perspective of what police officers do. I see a problem and a danger when you have special police who only investigate police, special civilian boards who only review police misconduct, and special officers and Crown Attorneys who specialize in prosecuting only police officers. I venture to fear that there is a danger that they may over time begin to believe that crime is there because that's their job.

This is part of the problem. How do you go about investigating something neutrally when the whole statute under which you're employed says there is a need to watch out for what police officers do. "You know they commit crimes. And that's all of them."

I have another problem with the need to have community involvement in these investigations. Let's say I am a police officer out there at 3 o'clock in the morning and I find a suspect who is armed with a knife and he's coming towards me. I believe on reasonable grounds that I am about to get stabbed and I pull out my gun and I shoot him. I've seen what happens to officers who have been charged. I've seen what happens for the past three years. I've seen what happens to their personal lives, their wives and their children in the school yards because of what is said in the press. The response from parts of the community is most cruel.

I do not want my client to become an accused. If he, on the other hand, is charged after a reasonable, thorough, competent and the very best quality investigation, then fine. But I don't want him charged by accident or a mistake; I don't want him there if it shouldn't have happened. And so I say this concept of getting other people and training them on the job is unacceptable. And if the Special Investigations Unit says this is not negotiable then a number of things are not negotiable on my part. One of the things not negotiable is the giving of statements under the present system.

Harry Black is a Lawyer from Toronto who specializes in defending police officers. He is a former Assistant Crown Attorney from the Judicial District of York.
Ph: (416) 365-9320 FAX (416) 365-7702

FBI Reports First Drop In U.S. Crime Index Since 1984

The U.S. Federal Bureau of Investigation's Crime Index, a measure of the level of serious crimes reported to the nation's law enforcement agencies, declined 4 percent from 1991 to 1992, the first decline in the index since 1984.

The number of murders declined 6 percent, while robberies were down 3 percent and burglaries down 6 percent. Fraud and vehicle thefts declined 4 percent and there were 2 percent fewer arsons in 1992 over 1991. Only rape and aggravated assault increased, each of 2 percent.

Violent crimes declined in the north-east and midwestern states but increased in the southern and western states, the FBI said. The downward trend in overall crime was evident in all sizes of cities, as well as in suburban and rural counties. The largest decline in reported crimes was in cities with populations over 1 million.

The Winners Are...

Regular attendees of the Ontario Chiefs of Police Conference and Trade Show are familiar with the Strathcraft booth and their annual "guess the weight" contest. This year they had a bottle full of solid silver bullets. The guessing, in what was termed the "Bite the Bullet Contest", was difficult in that no one knew what each of the (non-standard) silver bullets weighed nor how many were in the bottle.

The successful winners were; Cam Woolley of the Ontario Provincial Police in Aurora, Gord Strigley from the Whitby Branch of the Blue Knights, and Glen MacDonnell of the Ontario Special Olympics.

The correct weight of the silver bullets was 5.137 kg. (11.325 pounds) or 5137.02 grams or 181.2 oz.

Congratulations and best wishes to the winners.

Survey Shows Majority Of Americans Approve of Canadian Style Life In Prison

Two new opinion surveys in the United States show that capital punishment remains popular among the American people but one survey indicates that support for the death penalty drops significantly if given the same alternatives as in the Canadian Criminal Code (i.e., not eligible for parole for 25 years).

The first survey, conducted by Mark Clements Research, Inc. was announced April 15. The survey firm mailed questionnaires to 4,200 Americans. About 2,500 responded, and those responses were then weighed to reflect age, race, and household income.

The survey showed 86.5 percent agreed with capital punishment in the United States. Of those surveyed 33 percent cited deterrence as their reason while 25 percent cited retribution.

Several days later the U.S. based "Death Penalty Information Centre" released its survey figures which showed 77 percent agreed with the imposition of the Death Penalty. In this survey, however, it was determined that when the persons surveyed were presented with the option of life in prison with no eligibility for parole for 25 years (as in Canada) that figure dropped to 56 percent. When

asked about natural life in prison the figures in support of capital punishment dropped to 49 percent.

Fifty-eight percent of the survey subjects cited the danger of executing innocent people as an issue that caused them doubts about the death penalty. Nearly half cited the issue of racism in application of the death penalty as causing doubts.

A report on "Sentencing for Life," a 29 page report, is available from the Death Penalty Information Center, 1606 20th Street NW, Washington DC 20009 or Phone (202) 347-2531.

Rampage With Armoured Car

Perth, Australia, Police found themselves embroiled in a pursuit last June involving an Armoured Personnel Carrier stolen from a military compound by a man bent upon destruction.

The 23-year-old used the machine to smash into a police station compound where he destroyed eight police cars and a motorcycle. He was finally stopped by tactical officers who managed to get on top of the machine and lob tear gas inside. The man said it was revenge for a beating he received from an officer five years ago.

Blue Line Magazine

FLASHES

By Tony MacKinnon

"Hi folks!
Nice day for a walk!"

If you enjoy Tony's cartoons turn to page 38 and see how to get more laughs from behind the badge.



Arizona Plant's Seed Helps To Catch A Murderer

From a small seed grew a very strong case which convicted a murderer from Phoenix, Arizona, last April.

Mark Bogan, 34, was convicted by the Arizona Superior Court of the strangling death of Denise Johnson. The woman's body was found in the desert outside of Phoenix.

Officers from the County Sheriff's Office found the body near an abandoned factory about 16km. west of Phoenix. The driveway leading to the plant was overhung with Palo Verde trees - a common species in Arizona - and the woman's body was found lying under one of these trees which appeared to have been freshly scraped by a vehicle.

Also discovered at the scene was a pager device which pointed officers to Mark Bogan as the prime suspect in the murder. Bogan admitted knowing the woman but denied having been anywhere near the factory. Advising the of-

ficers he loaned the woman his pager quickly dashed the only linking evidence they had that could place him at the scene of the crime.

When officers inspected Bogan's pickup truck they found that it had been completely washed. Closer inspection found some seeds from a Palo Verde tree jammed into the back bumper. Armed with this information investigators were now perplexed as to how they could disprove Bogan's story.

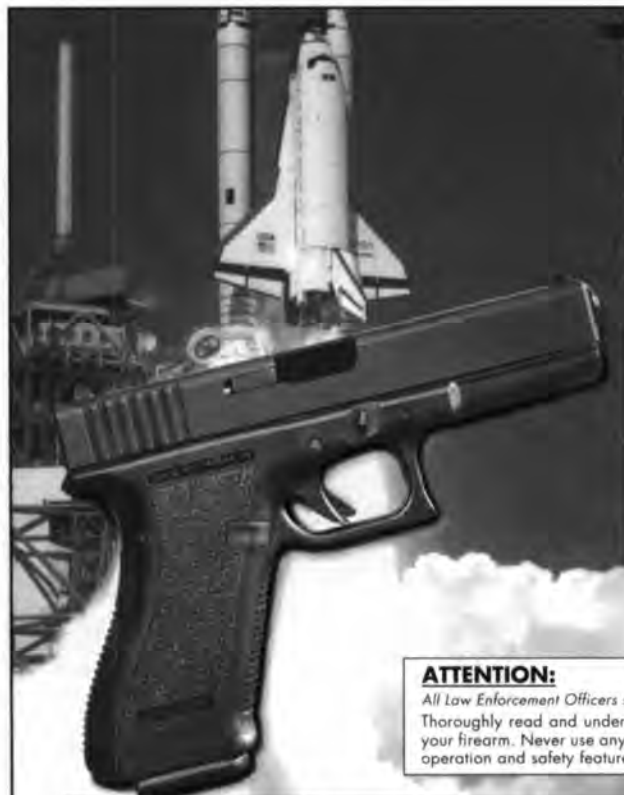
County Prosecutor Bill Clayton began to call everywhere to see if anyone could help. Finally he received the assistance of geneticist Ted Helentjaris of the University of Arizona at Tucson. The Geneticist was an expert in Deoxyribonucleic Acid (DNA) identification research. Confident as he was that this technology could help, one aspect was a major stumbling block. DNA identification had never been performed on

plant material in a criminal prosecution.

Using standard techniques for DNA amplification - techniques often used for human DNA identification prosecutions - Mr. Helentjaris was called upon to convince a jury that the seeds found on the rear bumper were from the specific tree at the scene of the murder and from none other.

To do so the Prosecutor had the geneticist pick the seeds from a lineup of seeds taken from eleven other trees in the vicinity of the homicide. For the final blow he identified the seeds from a random sampling of another 18 Palo Verde trees taken from across the state. It was enough to convince the jury that Bogan had lied about his whereabouts on the night of the murder and placed his vehicle directly at the scene of the crime.

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New Laws Take Effect In August

Three Justice bills came into force in August, 1993.

These are the amendments to the Criminal Code concerning criminal harassment and other sections dealing with the protection of children, amendments regarding electronic surveillance and cellular telephones and other changes to the Criminal Code relating to child pornography.

Bill C-126 includes a variety of measures which will help the fight against family violence, namely the creation of a new anti-stalking offence called criminal harassment. The new provision of the Criminal Code allows complaints to be made when anyone repeatedly communicates or follows another person, or someone close to that person, where in all the circumstances, they reasonably fear for their safety.

In addition, bail conditions have been modified, allowing a judge to prohibit an accused to go near a particular place, a family residence, for example.

A new provision now allows judges to prohibit sex offenders from frequenting places where children gather and from being employed in positions of trust over children.

Other amendments deal with the credibility of children's testimony, the presence of a support person for a child witness and cross-examination of child complainant by an accused, all in an effort to make children's testimony before the courts less traumatic.

Bill C-128 has amended the Criminal Code, specifically prohibiting child pornography. It created new offences to prohibit the possession and importation of child pornography, and increased maximum sentences with respect to its production, sale and distribution.

The objective of these amendments is two-fold: to clearly convey the fact that children are not appropriate sexual partners and to better protect children against sexual abuse and exploitation.

Bill C-109, An Act to amend the

Criminal Code, the Crown Liability and Proceedings Act and the Radiocommunication Act, deals with police use of electronic surveillance and communications privacy over radio-based telephone services (cellular telephones).

The electronic surveillance amendments had been made necessary by several Supreme Court rulings which had reduced the ability of police forces to conduct investigations. The new sections of the Criminal Code restore the use of proven and effective police investigative tools, while respecting privacy rights.

Moreover, the confidentiality of radio-based telephone services now benefit from enhanced protection. Scrambled cellular telephone communications are now deemed "private communications", and their interception, as well as the interception of unscrambled cellular communications in certain circumstances, are prohibited. Disclosure or utilization of information intercepted, whether the communication was scrambled or unscrambled, is prohibited.

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The *Brydges* Component of the Right To Counsel

What makes it valid?

Section 10(b) of the Canadian Charter of Rights and Freedom imposes an obligation upon police officers to inform every arrested or detained person of the right to retain and instruct counsel without delay.

In *R. v. Brydges* (1990), the Supreme Court of Canada extended that obligation by adding a mandatory component to section 10(b) Charter. The *Brydges* component consists of a duty to inform arrested or detained persons of the existence and availability of legal aid. This phrase has been interpreted as meaning; the availability of free and immediate legal advice, and the arrested person may be eligible for legal aid.

The verbal content that a police officer uses to explain the *Brydges* component to an arrested person is significant to ensure the admissibility of evidence obtained during an investigation. Failure to fulfil the requirements of the *Brydges* component constitutes a charter violation and may result in the exclusion of evidence at a trial under section 24(2) Charter, if it is judged that the admission of the evidence will bring the administration of justice into disrepute.

Recent case law provides some answers in relation to the validity of specific types of verbal content that has been used to explain the *Brydges* component. Six cases are examined. The first three illustrate Charter violations that resulted in the exclusion of evidence; the last three demonstrate valid fulfilment of the *Brydges* component:

Case #1:

R. v. Hermans (1993) (B.C. Prov. Ct.)

The accused person was arrested for Drive Ability Impaired and Over 80mgs. The officer informed the accused of the right to counsel, plus the following:

- a) the accused could call any lawyer he wanted,
- b) a "legal Aid Duty Lawyer" was available to provide free advice, and

c) the accused could be given the telephone number of a "Legal Aid Duty Lawyer", if he wanted one.

At the police station, the officer made the accused aware of the following:

- a) a telephone
- b) a telephone book, and
- c) a list of "Legal Aid Duty Lawyers", that was taped to a wall.

Subsequently, the officer asked the accused if he wanted to use the phone. The accused made an inculpatory reply, stating, "No. What for? I'm guilty."

Afterward, a Breathalyzer technician reminded the accused of the right to counsel prior to the breath test. The accused declined. Additionally, the accused made other inculpatory statements by answering questions relating to:

- a) amount of alcohol consumed, and
- b) time of consumption

At the trial, a *voir dire* was conducted to determine the admissibility of the accused's statement, made to the police officers.

The trial judge excluded the statements, based on the following reasons;

a) the *Brydges* component is fulfilled only if the accused is informed of the existence and availability of both legal aid and duty counsel;

b) a distinction exists between Legal Aid and Duty Counsel. Legal Aid refers to a "service to assist eligible people throughout the course of prosecution." Duty counsel provides free and immediate legal advice to everyone.

c) in this case, the officer combined the two concepts by using the term "Legal Aid Duty Counsel." This term is nonexistent in law. It does not fulfil the *Brydges* component because it fails to inform the accused about the existence and availability of legal aid.

d) the accused's lack of knowledge of the existence and availability of legal aid negated his right to counsel waiver.

e) as a result, section 10(b) Charter was violated.

f) the statements were subsequently ex-

cluded under section 24(2) because of the judgement that the admission of the statements would bring the administration of justice into disrepute.

Conclusion: Admissibility of statements made by an accused to the police, after an offence, is dependent upon:

- a) proof that the statement was voluntarily made, and
- b) the absence of Charter violations.

A Charter violation may be avoided by distinguishing between Legal Aid and Duty Counsel, when informing the accused about the *Brydges* component. The two terms cannot be combined. It is essential that the accused be informed that:

- a) Legal Aid exists and is available, and
- b) free and immediate legal advice is available.

Case #2

R v. Eremenko (1992) (B.C.S.C.)

The accused person in this matter was arrested for Care or Control Ability Impaired, and Over 80mgs. Before the Breathalyzer test, a police officer informed the accused:

- a) of the right to counsel, and
- b) that if the accused was unable to afford a lawyer or had no knowledge of how to contact one, the police would assist him.

The accused was convicted and later appealed, based on the ground that section 10(b) of the Charter was violated by not fulfilling the *Brydges* component.

The appeal was allowed for the following reasons:

1. the advice to the accused that the police would assist him failed to inform the accused of the existence and availability of the legal aid system, and inform the accused of what assistance would be given by police.
2. the ambiguity and vagueness of the officer's sentence failed to fulfil the *Brydges* component because of the failure to inform the accused that independent legal advice existed and was available.

3. these circumstance constituted a Section 10(b) Charter violation.

4. the Breathalyzer certificate was subsequently excluded under section 24(2) of the Charter. The over 80mgs charge was dismissed.

5. the trial judge had used the Breathalyzer certificate as evidence regarding the care or control charge. The appeal court made no decision about whether sufficient evidence remained to convict, in the absence of the Breathalyzer certificate. Consequently, the care or control charge was returned to the trial judge for determination based on the remaining evidence.

Case #3

R. v. Pozniak (1992) Ont. (Gen. Div.)

The accused in this matter was arrested for over 80mgs. After the arrest, the police informed the accused of the right to counsel and the accused chose not to invoke that right because he had not known whom to call. The police failed to inform the accused of the toll free number.

The appeal was allowed. The reasons were as follows:

1. the toll free number was part of the *Brydges* component
2. the accused's choice not to call a lawyer was irrelevant
3. the circumstances constituted a section 10(b) Charter violation.

Case #4

R. v. Gayowski (1992) Ont. (Gen. Div.)

The accused person in this matter was arrested for over 80mgs. The police officer informed the accused of the right to counsel and informed the accused that free and immediate legal advice was available.

The accused chose not to invoke the right to counsel. The trial resulted in an acquittal. The reason for the acquittal was that the police officer failed to inform the accused that the right to counsel could be exercised *in private*. The Crown appealed this decision.

At the appeal, the accused raised another issue that a section 10(b) Charter violation occurred due to un-fulfilment of the *Brydges* component by failure to specifically mention the term "Duty Counsel".

The Crown won the appeal and a new trial was ordered. the reasons were as follows;

1. an accused has the right to exercise the right to counsel in private but,
2. Section 10(b) includes NO obligation to inform the accused of privacy. However, if the accused wants to speak to a lawyer in private, the police officer must inform the accused that he/she will be allowed privacy.
3. the *Brydges* component creates NO obligation for the police to use the term "Duty Counsel".
4. the *Brydges* components creates an obligation for the police only to inform the accused that free and immediate legal advice is available, and he/she may be eligible for legal aid.
5. a reference to the term "Duty Counsel" may be meaningless to an accused person, if he/she is unfamiliar with the legal system.
6. these circumstances did NOT constitute a section 10(b) Charter violation.

Case #5

R.v. Pearch (1992) (N.S. Prov. Ct.)

The accused in this matter was arrested for failure to provide breath samples. Afterward, he was informed of the right to counsel and of the existence and availability of a Legal Aid system.

At trial the accused stated Section 10(b) Charter was violated because the absence of a duty counsel system in Nova Scotia at the time of the arrest, and failure by the police to inform the accused of his right to obtain free and immediate legal advice.

The accused was convicted, based on the following reasons:

1. the *Brydges* component authorizes the right for an arrested person to be informed about the existence of a duty counsel system and of the right to free and immediate legal advice, **if such a system exists.**
2. however, the *Brydges* component imposes NO obligation that the police have a duty to inform an arrested person of the right to free and immediate legal advice, if no duty counsel system exists.
3. in this case the accused had NO right to free and immediate legal advice, and the police officer had NO obligation to inform the accused of free and immediate legal advice.
4. the circumstances did NOT constitute a Section 10(b) Charter violation.

Case Study #6

R. v. Mosher (1992)(N.S.C.A.)

A police officer arrested the accused person for driving while over 80mgs. and informed the accused of the right to counsel. The officer added the following;

1. the accused could call any lawyer that he wanted, and
2. the accused had the right to apply for legal assistance without charge through a provincial Legal Aid program.

The accused invoked his right to counsel by calling a lawyer who was not with the Legal Aid system. This lawyer represented the accused at his trial. The accused was subsequently convicted. He appealed on the ground that the Section 10(b) Charter *Brydges* component was violated because the verbal content of the officer's instructions did not fulfil the requirements of the *Brydges* component.

The accused's appeal was dismissed for the following reasons:

1. the officer's instruction to the accused were suitable.
2. the instructions fulfilled the requirements of the *Brydges* component.
3. the accused could have applied for free legal assistance but chose the option of retaining his own lawyer.
4. these circumstances created No section 10(b) Charter violations.

Conclusion

The purpose of these case studies has been to assist officers in identification of ;
(i) successful verbal instructions that fulfil the *Brydges* component
(ii) insufficient verbal instructions that constitute section 10(b) Charter violations and have resulted in the exclusion of evidence;
(iii) the grounds that have been used by defence lawyers to raise reasonable doubt of the *Brydges* component fulfilment.

Examination of these issues will hopefully allow officers the opportunity to predict possible defences that may be raised during trials and to identify methods of preventing such defences from successfully creating reasonable doubt.

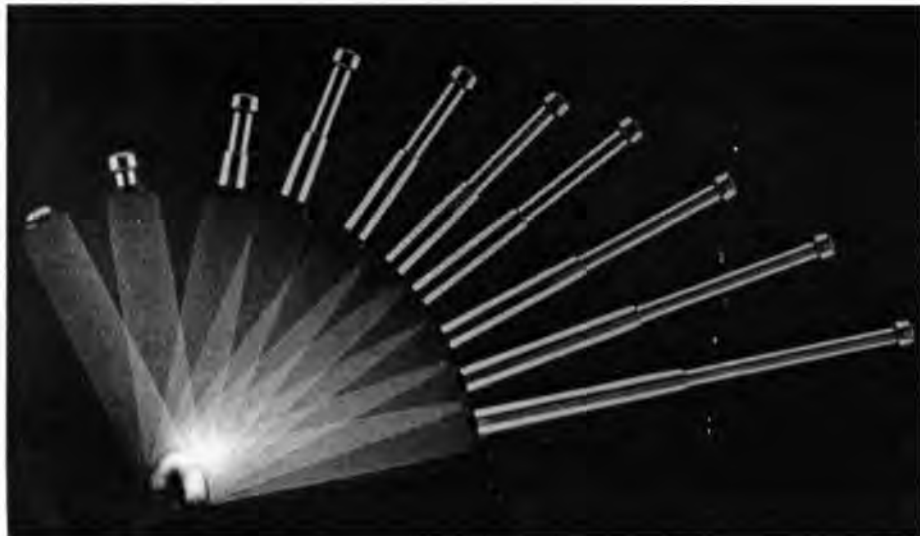
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ASP Expandible Baton

A New Generation Of Personal Protection

In this issue of *BLUE LINE*, Murray Charlton interviews the head of America's premiere impact weapon manufacturer. As an ever increasing number of agencies across Canada turn to the ASP Expandible Baton, Dr. Kevin Parsons explains what distinguishes ASP products and what has contributed to their phenomenal success worldwide.



Testing by law enforcement agencies has determined that the ASP Tactical Baton is the ultimate intermediate weapon. Expansion of the weapon has repeatedly been documented to be a means of diffusing a confrontation. No other use of force option has the psychological deterrence and operational effectiveness of this weapon.

Q Dr. Parsons there aren't many weapon companies that have a PhD as their head. What is your degree in?

A My graduate work was done at the School of Criminal Justice at Michigan State University. My PhD is in Police Administration and Management.

Q How did you get into this business?

A Initially, I worked as a consultant to other police product manufacturing companies. One of those firms was ASP. Eventually, I was asked to take over management of the company. Since that time, we have been fortunate to experience some fairly dramatic growth.

Q ASP has a reputation as America's "high tech" impact weapons company. Why is that?

A I believe it's due to two factors. Initially, we have a research and develop-

ment budget that far exceeds any company of our type. We spend more to find the materials and perfect the designs that create the best products. Second, we have a lifetime guarantee on every ASP. The only way you can give that type of warranty is if you stay ahead of everything else being built in the industry. As an example, we pioneered the use of black chrome as a finish on our baton shafts. The coating is comprised of an electroless nickel base over which is placed a black chrome top coat. It is an extremely expensive finish, 20 times more costly than the finish used by other firms. However, there is no other black finish in the world that has the corrosion resistance or durability of black chrome. As another example, all of our expandible batons are made from 4140 steel which we have custom made to our specifications. This material is 25% stronger than the 4130 used by other manufacturers. The list can go on and on. The point is, we are committed to producing the finest police



The finest baton is of little value if not available when you need it. In its collapsed configuration the ASP Tactical Baton is always readily available.

products in the world. To accomplish that goal, we are involved in a very aggressive research and development program.

Q ASP is known in Canada for its manufacture of the expandible batons that have been adopted by Vancouver, the Canadian Military and the Prime Minister's Executive Protection Detail. Do you make any other products?

A ASP produces a complete line of batons including four models of 26" straight batons, two types of side handle batons, a full range of training products and our newly introduced line of "Edge Lock" police knives.

Q Which batons are most popular?

A At one time the predominate baton was the side handle. However, since introduction of the modern expandible baton by ASP, the vast majority of new baton purchases have been of ASP Expandibles.

Q Do other firms manufacture expandible batons?

A Yes. However, ASP holds United States

Patents on the method of manufacturing expandable batons. Several patent infringement lawsuits have already been filed. Patents on the ASP Baton are also pending in Canada.

Q. In your line of training products, the "Red Guns" seem particularly popular.

A. Yes. In fact, the "Red Gun" product line continues to expand each year. Several months ago, another US firearms instructor was killed during a weapon retention class. He was shot to death when a supposedly unloaded weapon discharged during class. That's a scenario that has repeated time and time again throughout our country. In addition to solving the problems of live weapons, the "Red Guns" assure that a weapon dropped does not injure an individual the way cast aluminum training guns tend to do. We have expanded the "Red Gun" line with shotguns and the MP5 submachine gun. We recently introduced our Red Training Knife. The weapons have become a standard for the conduct of safe training classes.

Q What are the ASP Edge Lock knives?

A They represent the first knife designed specifically for law enforcement. It is our belief that every police officer needs a quality pocket knife that is both sharp and lightweight. We developed the "Edge Lock" knife in conjunction with custom knife maker Vaughn Neeley. The design of the unit is such that it can be opened with one hand. At the same time, as long as pressure is applied to the edge of the blade, it cannot be released. However, it is a simple matter to close the unit with one hand. The knives are available with or without pocket clips and are extremely lightweight. They are a true hollow ground design with either a razor or serrated edge. The result is a knife that is easily carried, but stands up to the rigours of police use.

Q In the United States there is a great deal of litigation relating to the police use of force.

A There is no question that America is a litigation driven country. Unfortunately, I see the same thing developing in Canada. As you are aware, ASP has an entire division that defends police officers

throughout the United States who have been accused of using excessive force. I have personally testified in over 500 cases in 43 states. That testimony has had a tremendous impact upon the way we design our products and the manner in which we do our training.







Q The Rodney King situation has gained a lot of publicity in Canada.

A I assure you that the same has happened in the United States. There are a couple of issues that need to be dealt with as a result of Rodney King. Initially, it should be remembered that Mr. King was hit over 50 times and continued to resist. There is little question that the side handle batons being used were not effective. The week before the Rodney King incident, LAPD had sent several of their instructors to attend an ASP Instructor Certification Program. After the King incident, Los Angeles began field testing the ASP Baton. We understand that the test units are being very well received on the street.


(continued page 24)

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Q You have spent a great deal of time in Canada.

A Yes, I've been fortunate to conduct a number of training programs for Canadian law enforcement agencies. I find Canadian police officers very similar to the instructors we have in the U.S. The sole difference may be that some of the violence that we have been experiencing for the past 10 years is only now starting to come to Canada.

Q ASP makes straight and side handle batons. Why do you believe so much in the expandible?

A First and foremost, it works on the street. We have documented study after documented study (including an analysis of over 30,000 incidents conducted by the Tampa, Florida Police Department) that show conclusively that the ASP Baton is effective. The ASP reduces officer injuries. It reduces injuries to the individual being controlled. It reduces lawsuits. Second, the ASP Baton is always with the officer. As a result, it isn't left in



Custom knifemaker Vaughn Neeley produced this radically new design for ASP specifically suited to the needs of law enforcement personnel.

the car when it's needed most. Also, the training of the baton is straight forward and very realistic. As a result, an agency can implement the program without the

administrative problems inherent in other baton systems.

Q What does the future hold for ASP in Canada?

A Initially, we have a number of training programs coming up throughout Canada. We also have a great deal of new technology with regard to Expandibles that will be introduced during the next year. The first is a baton that weighs one half the weight of our current models. We call it the "Airweight". We also have a new injection moulded case that will be out later this year.

Q Can we expect other "families" of products from ASP?

A Yes. We are building tooling now for a number of new products that will offer unmatched quality. We stand behind everything we make for life. We won't produce anything unless a police officer can stake his life on it. That is a tremendous responsibility. It is one that we take very seriously.



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Filtering Evidence In An Age Of Diversity

From October 13 to 16, 1993, the Montreal based Canadian Institute For The Administration of Justice (CIAJ) will be holding an ambitious seminar/conference at the Hotel Vancouver, Vancouver, B.C.

The primary objective of the CIAJ Conference is to examine the process of filtering and analyzing evidence in the adjudicative system. Plenary sessions and workshops will address how the rules of evidence filter the information available to the decision maker and how this information should be analyzed.

In the context of recent judicial decisions exclusionary rules with discretionary rules and calling for a re-interpretation of common law rules "to reflect changing circumstance in society at large" (R. v. Salituro [1991] S.C.R. 933), judges, arbitrators, lawyers, police officers and other fact investigators are called on to evaluate criteria which differ from the traditional formulations in the process of decisions making. This seminar will present a series of seminars and workshops specifically designed to assist attendees with the dilemmas presented by this phenomenon.

For more details on this seminar Phone (514) 343-6157 or Fax (514) 343-6296 or write CIAJ, Faculty of Law, University of Montreal, PO Box 6128, Station "A", 3101, Chemin de la tour, Rm.3430 Montreal, Quebec, H3C 3J7.

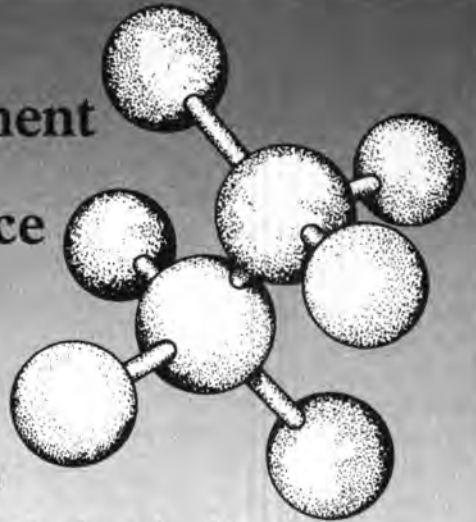
Charity Dance Planned

The National Capital Sunshine Foundation, Ottawa, will be holding a Charity Dance on September 25th, during the weekend of the Ottawa Police Memorial Service.

The dance will be held at the Radisson Hotel, Ottawa, between 8:00 P.M. and 1:00 A.M., with all proceeds donated to the Sunshine Foundation. Tickets are \$5.00 per person, with advance tickets available by sending a cheque or money order to:

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Computer Software and Data Security

By Tom Rataj

Who remembers Michelangelo. No, not that incredibly productive and famous 15th century Italian sculptor, painter, architect, and poet, but rather that destructive and infamous 20th century computer virus.

Even non-computer users could not help but notice all the media hype generated by this computer virus just prior to the anniversary of the first Michelangelo's birthday on March the 6th 1992. This rather destructive virus was first reported in April 1991 in Sweden and the Netherlands, and is suggested to have damaged only between 20,000 and 40,000 computer systems during its March 1992 incarnation, despite some pre-event predictions of as high as 5 million computer systems.

This singular event brought home to the average user just how vulnerable computer systems are to a wide variety of serious threats. The advent of computerized everything has set us up for a wide variety of new problems in relation to the secure handling, storage, and retrieval of all the information process on computers.

WHICH FILING CABINET IS IT IN

Before the days of computers, security of information was fairly simple. Everything was committed to paper, the paper was filed in the appropriate filing cabinet, and since the filing cabinet was inside a police station or court house, it was reasonably secure.

By contrast, today most of us collect, process, store and retrieve much of our information electronically. We want and have (and need) remote access to all that information through portable computers, Mobile Data Terminals, facsimile machines, and other electronic devices.

Although the physical storage of the information remains within the confines of our facilities, the information has many opportunities to escape or get lost, with and without help.

The physical storage facilities are not all that secure either. They are subject to a variety of physical, and electronic maladies which are often only accidental. They can range from the failure of the compu-

ter, an electrical spike or surge in the line, or accidental erasure by operator error. And then there is always that dreaded virus.

COMPUTER VIRUSES

It is not likely that personnel will knowingly infect a machine with a virus, it usually happens when someone brings in that neat new bandit blaster software they got from a friend. All they want to do is show you, so you can make a copy for your machine at home. (This of course is a strict NO-NO - read "Software Pirates" - December 92 issue).

The virus quietly makes a new home in the office computer, and if you're unlucky, destroys every bit of information

on the hard-drive, except itself. If you're lucky its something as simple as the "Stoned" virus that just flashes "I'M STONED" messages across the screen every so often. In addition to a clear and vigorously applied software policy, numerous well known antivirus programs are on the market for both DOS and Apple computers, with regular upgrades designed to deal with all known viruses, as well as the newest "Stealth" viruses that are capable of disguising themselves, or even mutating.

Probably the best realistic method of protection, is to install one of these better known antivirus programs that can be setup to scan the complete computer at each start-up or prior to shutdown, as well as not accepting data from any removable media without first scanning it.

Some of the better known packages include: Norton Antivirus, and Central Point Antivirus. The recently released MS-DOS 6.0 even includes antivirus software.

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THEFT OF EQUIPMENT

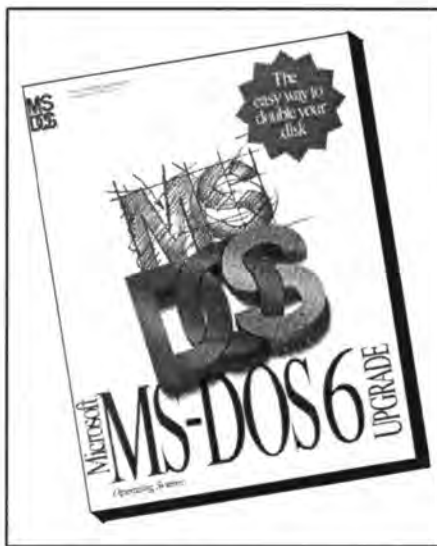
While the physical theft of a complete desktop computer is not very likely, (although it does happen,) the thefts of laptop computers has apparently hit epidemic proportions. With the size and weight battle commonly producing notebook and sub-notebook computers to sizes such as 7^{3/4}" x 11" x 1^{1/4}" thick and weights around 3.5 lb., its easy to see why these machines are growing legs at an astounding rate.

Published reports in various trade papers suggest the problem may be costing businesses in the USA, as much as US\$10 billion annually.

The advent of removable components, not just in portable computers, but also in desktop systems also poses problems. Removable hard drives, and tape backup cartridges, are designed for mobility and ease of use.

ACCESS TO COMPUTERS

Physical access limitations to computers are difficult to accomplish, and in many cases counterproductive. In an office environment, computers will get used



Microsoft's new DOS 6 operating system comes with an array of new utilities including a new backup system, Anti-Virus tools and security password systems.

more frequently, and for more things if they are readily available.

Limiting access to the machine through password access is a more realistic and practical first step. Many well designed and effective programs available at rea-

sonable prices provide complete password based access control ranging from access to the entire machines, down to limiting access to only those files or programs each authorized user has been restricted to. Many of these even include an audit trail of all activity on the machine.

Direct Access, published by Fifth Generation Systems, Inc. is widely available, reasonable (around \$75), and available for DOS, Windows, and Networks. Many networking systems, including the soon to be released Windows NT, feature built-in access control and other security features.

BACKUP, BACKUP, BACKUP ...

This does not mean to go in reverse, but rather the making of backup copies of information and software. Massive amounts of information is vulnerable to temporary or permanent loss. Without thorough and almost obsessive backup routines you could be in trouble.

All your data files should be backed up regularly. Depending on the value, they should be backed up hourly, daily,



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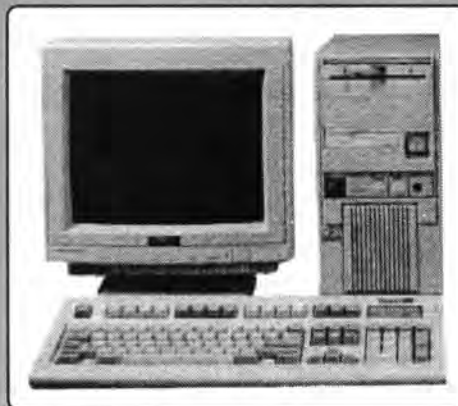
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Windows 3.1	- \$ 99
MS DOS 6.0 (with manuals)	- \$ 69
<i>Other popular software prices available upon request</i>	

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weekly, or otherwise. Backed up information should be stored off-site, in a system and facility that is secure, so if things go BOOM (see below), recovery and resumption of regular business is close at hand.

Software solutions and hardware solutions are also widely available. Utility software allows the recovery on information from physically damaged media, while backup software and hardware provides for painless and unattended backup of information.

Backup software is available for around \$100. from most major utility software vendors, and backup media, such as tape cartridge drives start at the \$250 level.

WHEN THINGS GO BOOM!

On February 26, 1992 things went BOOM in a big way at the World Trade Centres in New York. Although very few companies admitted losing any data, serious disruptions did occur. Most large companies were up and running at alternate sites within a few hours or days, and the backup systems used by many of these companies saved the day.

In most cases the affected organizations had thorough policies and procedures in place that securely stored information backups off site.

CONFIDENTIALITY

With the extensive collections of confidential and private information being handled everyday, the confidentiality of the information must be strictly maintained. Not only can a major criminal investigation be compromised by the leak of strategically important information, it could be completely lost, or fall into the wrong hands.

Additionally, we are probably all governed by some kind of freedom of information and protection of privacy laws by now. Fines and even jail terms can be quite severe, and with very little case law available you can bet your backside that a sacrificial lamb is being hunted for at this very moment.

Policy should be prepared and strictly adhered to, just to keep tabs on this issue.

SECURITY GUIDELINES

Some industry experts even suggest that computer security will become the

issue in the 90's. The international Organization for Economic Cooperation and Development even recently released a set of guidelines for security involving information systems.

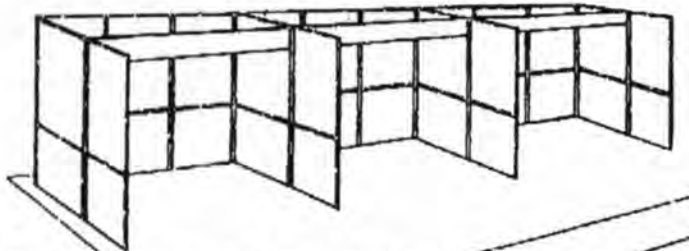
Reassigned or fired personnel also pose a serious problem because of their access to computer systems and passwords. Access to systems should be removed prior to advising them of reassignment (if warranted) and always prior to firing.

NOT JUST US, BUT THEM AS WELL

All these issues do of course apply to every individual computer user, and to every organization using computers as well. For us it also presents a unique challenge. Although more and more police officers are also becoming computer literate, the need for trained investigators is becoming acute.

The level of expertise required in the computer field is becoming so high that to deal with the thefts of equipment and information, theft and piracy of software, and fraud committed by computer, police forces across the country must either employ computer experts, or train a few

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select officers to investigate these high-tech crimes.

NOW IS THE TIME

Don't procrastinate, computer disasters are waiting to happen to you! Whether you have a computer at home, or a stand-alone or networked computer at work, security should be an integral part of your computer's operation.

Give Peace Of Mind A Chance



The Norton Utilities by Symantec Corporation, is a long time player in the data storage security field. Several versions of the renowned software package are available. Among its many uses are its ability to recover files which may be accidentally deleted. Newer versions of the program go even further and permit the user to recover data from a hard disk that has been formatted.

Other functions include;

- ☐ Automatically repair common disk problems with Disk Doctor;
- ☐ Retrieve erased files or lost information on network drives;
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- ☐ Unfragment large hard disks;
- ☐ Adjust the computer interleave and tune up your hard disk making it run faster and more reliably;
- ☐ Create password protected areas of your hard disk;
- ☐ Automatically encrypt files in the background;
- ☐ Keyboard and screen lock to protect your computer while you are not there;
- ☐ Remove all evidence of confidential information from a disk so it can not be recovered;

WEAPON ALERT

Also known as the "Constant Companion", the belt buckle knife is allegedly manufactured by a company in Arcadia, California. The weapon costs from \$25 to \$150, and is made in a variety of sizes, colours and shapes. The stainless steel weapon is curved to fit the waist and slips easily out of the belt for immediate use.



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Acceptable by the court system as quoted by S. Casey Hill, General Counsel, Ontario Ministry of the Attorney General, commenting on the Supreme Court of Canada Decision in R. v. B. (K.G.) (Feb.93) (The Lawyers Weekly - March 19, 1993 p. 7):

Mr. Hill predicted that "we are going to see more and more B.(K.G.) points arise in trials because of this judgement, and because of what I predict will be an increased investment by police forces in the use of video-taping... I think it's going to lead to greater purchases of video-tape technology by police forces, increased video-taping of witness statements, and the admissibility of more and more prior inconsistent statements for the truth of their contents."



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Up-Coming Events

August 29 - 31, 1993

C.A.C.P. Trade Show

Halifax - Nova Scotia

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

September 8 - 10, 1993

Street Survival '93 Seminar

Rochester - New York

Calibre Press will be holding its 3-day seminar at the Stouffer Rochester Plaza. The seminar is designed for law enforcement officers only. It teaches officers tactical information on staying alive and uninjured while dealing with dangerous people and situations. For further details call (800) 323-0037.

September 21 - 26, 1993

Profile 2000-Sex Crimes Conference

Toronto - Ontario

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

September 24 - 26, 1993

International Police Diver Symposium

Hamilton - Ontario

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

September 28 - 30, 1993

Manitoba Women Peace Officers Conference

Hecla Island - Manitoba

Manitoba Women in Law Enforcement Inc. (M.W.L.E.) will be hosting

their second annual Training Conference to be held at the Gull Harbour Resort & Conference Centre. For further details call Linda Turner (204) 986-2974 or Carole Ohan (204) 983-5470.

October 6 - 9, 1993

Versadex Users Conference

Fredericton - New Brunswick

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

October 17 - 22, 1993

I.A.L.E.P. Annual Conference

Plantation - Florida

The International Association of Law Enforcement Planners will be holding its annual conference. Workshops will include topics on human diversity, crime and criminals on our highways, maximizing the planning function, privatization and civilianization and planners as change agents. For further details on membership contact I.A.L.E.P. at (202) 857-8485

October 25 - 27

Focus On Child Abuse

Toronto - Ontario

The Institute for the Prevention of Child Abuse will present a multi-disciplinary conference on child abuse at the Regal Constellation Hotel in Toronto. For further details contact Dorothy Malcolm (416) 921-3151 or Fax (416) 921-4997

October 27 - 28

8th Annual Identification Seminar

Toronto - Ontario

The Forensic Identification branch of the Metropolitan Toronto Police Force will be holding its 8th Identification Seminar at Police Headquarters, 40 College Street, Toronto. For further details contact Stan Piotrowski at (416) 324-6195 or FAX (416) 324-6362.

October 31 - November 5, 1993

International Association of Women Police Conference

Vancouver - British Columbia

The Canadian Branch of the I.A.W.P.

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

November 17 - 18, 1993

Horizons '93 Trade Show

Scarborough - Ontario

The Metropolitan Toronto Police, C.O. Bick College will be presenting their third trade and education show at their college located at 4620 Finch Avenue East, Scarborough. Show is open to all law enforcement personnel and staff. For further details contact S.Sgt. Paul Vorvis at (416) 324-0590

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1992 Regina Police Service Commemorative Belt Buckles, two tone 24k gold plate and chrome, comes with certificate of authenticity. Cost \$50.00 includes shipping. Send to Regina Police Service Pipes & Drums, Attn. S/Sgt. Hank Lamer, 1717 Osler St., Regina, SK, S4P 3W3 Phone (306) 777-9767 or Fax (306) 757-5461.

Video Tape Package to implement Community Based Policing is available from the Edmonton Police Service. The E.P.S. Community Based Policing initiatives have recently been studied by the Police Executive Research Forum (PERF) and the Canadian Research Institute for Law And Family. This outside interest has resulted in the E.P.S. producing a 15 minute video and material package designed to assist other agencies planning to implement Community Policing. The Package is priced at \$60.00. For further details, call or write Inspector Hugh Richards, Community Police Office, Edmonton Police Service, 9620-103A Ave., Edmonton, AB, T5H 0H7 or Phone (403) 421-2357 Fax (403) 421-2808.

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Reports Released On Child Sexual Abuse Legislation

The Minister of Justice and Attorney General of Canada, announced that the Department of Justice has released two reports on the impact of the 1988 amendments to the Criminal Code dealing with the sexual abuse of children (Bill C-15).

The two reports summarize a number of studies undertaken as part of broader research to determine whether the objectives of Bill C-15, an Act to Amend the Criminal Code and the Canada Evidence Act, are being achieved. The report, *Is Bill C-15 Working?* provides an overview of the impact of the amendments on both the child welfare system and the criminal justice system regarding child sexual abuse. The report entitled, *A Review of the Implementation of the Child Sexual Abuse Legislation in Selected Sites*, concerns the processing of cases through the criminal justice systems in selected sites in Alberta, Saskatchewan and Ontario.

Bill C-15 was passed in 1988 with the provision that the Department of Justice monitor and report to Parliament on the impact of the legislation on the victims

and on the criminal justice system within four years. The House of Commons Standing Committee on Justice and the Solicitor General has indicated that it will commence hearings regarding this issue

sometime in April.

Copies of the series of reports are available in English and French from the Communications and Consultation Branch at (613) 957-4222.

Cops Can't Have Judges Fill Out Warrants

A Manitoba Court of Appeal recently came down hard on the practice by Winnipeg police officers of bringing search warrants to judges to determine appropriate wordings. In one instance it was discovered that one judge was accommodating enough to even type the warrant out and then permit the officer to swear to its contents.

The Manitoba Court of Appeal said this was a serious breach of Charter Section 8. Chief Justice Richard J. Scott stated the Magistrate in this case "operated as if she were an adjunct of the police investigation rather than as a neutral and detached assessor of the evidence advanced in favour of the granting of a warrant." He continued by adding, "In

my opinion, the practice disclosed by the evidence resulted in the failure of the judicial officer to properly exercise her detached independent function.

"It is not proper for the police to present a judicial officer with an unsigned or incomplete information to obtain a search warrant and, after receiving direction with respect not only to technical language but also the substance of the document, to then swear it in its altered form before the same judicial officer."

Chief Justice Scott concluded that the procedure created a risk "that a warrant would be issued without an impartial judicial determination that reasonable and probable grounds existed for a search and seizure."

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COURT JESTERS

Canada's Lawyers & Judges
Take the Stand to Relate
Their Funniest Stories

Peter V. MacDonald Q.C.

Early in this century, in a small town in rural Manitoba, a farmer was charged with stealing thirty-five dollars from his neighbour. He was tried by two justices of the peace, which was the custom in those days.

The case took two days to try. One JP wanted to acquit the accused. The other felt he was guilty. They compromised and gave this judgement:

"The charge against the accused is dismissed - on condition that he return the thirty-five dollars."

Toronto lawyer Claude Thomson, Q.C., President of the Canadian Bar Association, tells a similar story of a popular Manitoba man who was charged, many years back, with stealing a horse:

"The trial was brief and when the jury returned with its verdict, the foreman stood and said, 'We find the accused not guilty, but he should return the horse.'

"The judge said, 'I cannot accept that verdict. If he stole the horse, it is your duty to find him guilty.'

"So, the jury retired and came back and the foreman again stood and he said, 'We find the accused guilty, but he can keep the horse.'"

Horse-stealing was prevalent in the early west and since a horse was often vital to a man's very existence, a stiff jail term always awaited the transgressor. Serge Kujawa, Q.C., of Regina, tells about a Saskatchewan judge at the turn of the century who sentenced a man to two years for stealing a horse. The accused was furious because the man ahead of him had been convicted of manslaughter and sentenced to only one year.

"How come he kills a man and gets a year and I steal a horse and get two years?" he asked the judge.

Without batting an eye, the judge replied, "There are some people who need killing. There are no horses that need stealing."

In an 1889 case, in the Northwest Territories, two justices of the peace swore out an information against a cow on a charge of being diseased, then tried the animal, found it guilty and sentenced it to die. (I kid you not. You could look it up: (1890), 1 Western Law Times 85.)

Morris Shumiatcher, Q.C., of Regina, tells about Judge C.B. Rouleau of the Northwest Territories who, back around the turn of the century, found a man guilty of pickpocketing.

"Charlie," he said, "I'm sentencing you to six months in jail." "Oh, that's terrible," the man said.

"I want you to know," the judge continued, "that if I really thought you were guilty I would have given you six years."

Many of the early western JPs and magistrates, especially those who lacked legal training, got horribly hung up on the doctrine of reasonable doubt. It's an ancient and sacred principle of criminal law that if there's a reasonable doubt it must be resolved in favour of the accused. If such doubt exists in respect of any essential ingredient of an offence, or upon the evidence as a whole, the accused is entitled to be acquitted.

It was well-nigh impossible to get that notion into the heads of many of our early judges. (Come to think of it, some of today's judges have a lot of trouble with it, too.) One judge used to say that whenever he felt the accused might be entitled to the benefit of the doubt, he'd lean back, close his eyes and wait quietly until the feeling passed before continuing with the case.

Some magistrates and JPs applied the reasonable-doubt rule after finding the accused guilty, like the magistrate who told the accused: "I find you guilty and I'm imposing a light sentence, a fine of twenty-five dollars, because I've had real doubts about your guilt."



Peter MacDonald is a lawyer from Hanover, Ontario. He has previously authored five books on the Court Jesters theme through Stoddard Publishing in Toronto. He is currently compiling humorous police stories for a future book on this topic. Peter is eager to hear your story and advises he will respect anonymity if requested. Contributions may be sent to him by Phone or Fax at (519) 364-3344

currently compiling humorous police stories for a future book on this topic. Peter is eager to hear your story and advises he will respect anonymity if requested. Contributions may be sent to him by Phone or Fax at (519) 364-3344



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Life After Law Enforcement

By Chris Tiller

I have entitled this article "Life After Law Enforcement" because there are thousands of you who are not sure that even this life exists. Let me assure you that it does and this is intended for those of you who are sitting out there struggling with the decision to go or not to go. Having struggled with that decision more than a decade ago, I know the process.

Suddenly finding yourself on the street with no badge in your pocket, knowing that you just cancelled a regular paycheck, can (and no doubt will) be a traumatic experience; but you will get used to it. However it is probably not as traumatic as the decision itself.

The main purpose of this piece is to point out that the decision making process can be quite simple. You need only to ask yourself a few questions and base your decision on the answers.

Do you intend to work after retirement?

If the answer is "No" and you do not intend to seek a second career then the problem goes away. Given that there are no health problems, and the Chief wants you to stay or (if you are the Chief) the Mayor or Police Commissioner want you to stay, then you remain for as long as your pension is growing. The reason is simple; once you retire your income becomes fixed, but the cost of living will continue to escalate. Of course we might wake up one morning and find that we have intelligent politicians and you will not have to worry but perhaps you should not put too much weight on this happening. As long as we continue to pay our politicians peanuts, we will continue to attract only monkeys.

If the answer is "Yes" then about two years before you can retire you should be deciding what you want to do next and set about to arrange it. You see the first day that someone is willing to pay you money (pension) for not working should be the last day on the job. Do give some thought to pension penalties for early retirement; but that should not be the sole issue that tells you when to go. You

should not become stalled over a small penalty of a few thousand dollars per year.

Obviously you would not want to quit without a second career, so you need to arrange that well in advance. We should immediately get one thing straight, only on very rare occasions will jobs come looking for you. You must go looking for the job. When colleagues begin telling you of all the great job offers they have turned down; accept it with a grain of salt and do not become discouraged.

Finding a job is not simple; nor is it generally the result of answering dozens of ads in The Globe & Mail. Many of those jobs are either already taken, or there is already someone who has already carried out my advice to begin early and the job ad is written around them.

Do not expect company executives to come begging you to come to work for them, this does sometimes occur, but only on very rare occasions. Surprisingly there is a fairly wide feeling that this should occur, but consider why it generally does not. Companies who could be expected to take such action will usually be those who have been doing business with your Force and you will be well known to them. But consider their position! They could be accused of attempting to gain your confidence, a favour, or whatever, and will likely be afraid to make such an approach, which they know would probably be unethical.

On the other hand there is nothing wrong in your learning as much as possible about their business and filing an application for employment with them. If they are as interested in you, as you think they are, you will not have to wait very long. If they are not at all interested you will soon learn this too- the quicker the

better because you will want to move on. However before we move too far we should ask the next question:

What do you want to do?

This is an important question. At your stage in life it had better be something that you will enjoy. It is a little late to take on a boring job. Consider too that if you are a Chief, a Deputy Chief or a Senior NCO you need to ask yourself another question ... *Do you want to find yourself with another boss at your stage in life?*

There are lots of opportunity and it requires some careful thought and planning. You can easily find a position where you are working for someone else, but why not consider becoming self employed? It is not such a far fetched idea.

No matter which way you decide to go, and before you begin thinking that you "have nothing to offer", let me give you some food for thought. Just as a few examples, do you think you could:

♣ Offer your services to legal firms who need investigators?

♣ Offer to reduce shoplifting and internal theft in a large department store in your city? When that proves successful, how about expanding to the shopping centres in your area?

♣ Become a representative for a large company who is selling law-enforcement equipment and supplies?

♣ Become a Paralegal?

♣ Become an Insurance Investigator? If your background is from the forensic fields could you offer these services to the lawyers in your area?

These are some rather obvious areas of opportunity; but lets move to something perhaps a little more interesting, especially if you would prefer to become self employed and move away from the life of an Investigator or the Justice System. Let's talk a little about becoming a consultant. This is, after all, the age of consultants.

When you hear critics of Governments complaining that while staff may have been reduced, dozens of consultants were hired to replace them; it is true! But Governments are not the only people who hire consultants. This is fortunate for consultants because Governments are run by Public Servants, and action will be painfully slow. In the real world of busi-

ness (where Governments will never be) Consultants are an important component, and worth a lot of money. Let me give you just one example. When the cold war ended literally dozens of large (Defence) companies found themselves in trouble. They never anticipated that the defence business would ever take such a drastic hit. Suddenly they were looking for diversification. Guess what they discovered? They found out something you have known for a long time ... that crime pays. They found out that law enforcement is a large market and it does not look like it is going to go away. They soon discovered however that law enforcement is a difficult market. The customer is, by very nature and training, always suspicious and it takes time to become comfortable inside a police station.

Consider a company, new to the law enforcement market, selling items worth hundreds of thousands or perhaps millions of dollars. What is the fastest way to get action? Obviously via the office of the Chief or the Deputy Chief what do you suppose the chances of any 'Civilian'

salesperson, getting an appointment? As one Chief of police said to me one day "There are not many salesmen in the city this week who will be having lunch with the Chief of Police and the Deputy Chief of Police".

"Suddenly finding yourself on the street with no badge in your pocket, knowing that you just cancelled a regular paycheck, can (and no doubt will) be a traumatic experience."

Were they doing something wrong? Absolutely not! They were there first because we were old friends and they agreed to listen (only to listen). I am totally convinced that without great care (which will come naturally to you) it can be more difficult for a retired police officer to sell to law enforcement, than it is for a 'Civilian', because all concerned want to avoid anything that could be construed as being wrong. Secondly they were there simply because they were interested in what I would have to say.

The important point that I am trying to

make is that the appointment was quite simple to achieve. You could get that appointment and this is where your value to the company comes in.

Perhaps you have not bothered to think about this but when you retire you will join a very special "Club". That is if you want to! There are some retired Police Officers who do not want to belong and they cut themselves off from their past. That is their decision and if this is how you feel, then it does not take a brain surgeon to tell that you would not want to be involved in the law enforcement market after retirement.

Fortunately, no matter what we all do after we retire, most of us do join this "Club". Belonging to the "Club" means that when you are in a strange city and have a problem, you turn to the Police. You call on old friends both those who still have a badge in their pocket and those who do not. You feel very much at home (even if you have never met them before) and as soon as they know you are a "Club Member", they will soon be to-

Continued on page 28

Custom Form Design

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The staff at Blue Line Magazine have the interest and knowledge of law enforcement procedures and can combine this with an extensive background in design and layout. Blue Line staff can assist you through the toughest forms design and production problem and ensure the work gets done properly, on time, and within budget.

Blue Line Magazine

The image shows several overlapping forms from a police department. The most prominent one is a 'COLLISION REPORT' form, which includes sections for 'Collision Location', 'Sequence of Events', 'Your vehicle struck or was struck by', 'Other Events', 'Fixed Objects', 'Fixed Object Offset', 'Hit and Run Information', and 'Witness'. There are also smaller forms for 'Hit and Run Information' and 'Witness' visible in the background.

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tally at ease with you.

It does not mean that they will tear up traffic tickets, and you would never ask them to. But this is where your value comes in, because they will know that you understand their problems and will not worry that your actions will ever embarrass them.

Becoming a consultant is a fairly simple process and it can be financially rewarding. But there are a few legal wrinkles of which you should be aware. The most important advice that can be offered is to discuss the process with a lawyer and an accountant.

It is also important that you seek advice as to what your services are worth. Chances are you will fall into one of two groups (a) if you have a substantial ego you may not be worth anything like you think you are, or (b) if you are like most of us your estimate of your worth will be far too modest. You might even consider getting someone else to negotiate the salary.

If self employment is not what you have in mind, it is not the end of the world. Decide what field is of interest,

where you have the skills, and study companies who offer such service. Ensure you know what they do and what their goals are. Most important know what you could bring to their table. Go meet them and investigate the potential for you to join their ranks. Don't expect to be successful on your first such attempt. Leave your name, even though they are not smart enough to grab you immediately, and move on to the next opportunity.

Like most who are approaching the opportunity to retire you will already be working on your resume. Don't expect anyone to be interested in all the work you did as a Police Officer. Keep it double spaced and short; two full pages is probably too long. There is one golden rule to follow when creating such a document. Make it mysterious! Try to ensure that the reader will sit back and wonder just what you have been doing for the past two decades to the extent that he or she will want to meet you. Unless you are looking for a job in law enforcement don't use EDC or SPAC, such courses becomes "Management Training". Get the idea?

Is there life after? There certainly is, and the best part of it is that it will be far less stressful; your phone will not ring in the middle of the night, unless you are in Singapore or Kuwait and working for a North American Company. You will not have to make snap decisions that you will have to defend months later, and you will be making more money than you ever have before, (in spite of the penalty) some of which comes automatically each month - free for not working.

One last point I hope you realize that the day you leave everyone junior to you will be forever grateful. Your personal image will immediately leap So why are you sitting there?

Chris Tiller is a retired Chief Superintendent of the Royal Canadian Mounted Police and an Associate member of the Canadian Association of Chiefs of Police. He joined the RCMP in 1951 and retired in 1982 to become a consultant in the fingerprint identification field. He will be remembered as the representative of Printrak International Inc. of California. As of this year he is "retired" again (he says 'on a trial basis') and lives in Ottawa.

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Police In Pursuit May Enter Private Premises Supreme Court Rules

The Supreme Court of Canada recently determined, in the case of Regina Vs. Maccooh, that officers pursuing a suspect for even minor offences may enter private homes to apprehend the person.

In December 1989, police in Spirit River Alberta were in pursuit of a man who disobeyed three stop signs in trying to elude them. Police followed the suspect and saw him run into an apartment. Police chased the man to his door and forced their way into the premises and initially arrested him for the Provincial offence of failure to stop for police. He was later charged with driving while his ability was impaired and assaulting police.

At trial a Provincial Court Judge determined the police could not enter the man's residence unless the offence he was being pursued for was an indictable offence. The offence the suspect was arrested for was only a Provincial offence and the judge decided that it and all evidence coming from that "illegal" arrest was not admissible and the accused walked free.

The Supreme Court of Canada disagreed quite strongly with this lower court decision. All seven Supreme Court Judges agreed that police do have the authority to enter and arrest persons in private residences when the suspects are being pursued.

In this decision Supreme Court Justice Lamer quoted previous case law

(Eccles v. Bourque) which stated, "The criminal is not immune from arrest in his own home nor in the home of one of his friends."

The Supreme Court of Canada was aware the main issue with this appeal was whether an officer could pursue someone into his home for a provincial offence as opposed to a criminal offence.

In his decision Chief Justice Lamer noted that previous case law only spoke about offences which occurred in the officer's presence. Lamer stated that this was too limiting and strict. "Police who arrive shortly after the offence is committed and," Lamer added, "see the offender fleeing, should be able to follow him into private premises for a provincial offence as well as an indictable offence. This power of entry should also be enjoyed by police continuing a pursuit already begun," he concluded.

In this decision pursuit into private premises was upheld on six points;

- The officer in pursuit may have personal knowledge of the facts justifying arrest which greatly reduces the risk of error.
- Flight usually indicates some awareness of guilt.
- It is often difficult to identify an offender without arresting him on the spot.
- Evidence of the offences leading to the pursuit may be lost.
- The offender may flee again or continue to commit the offence.

Police cannot keep an indefinite watch on the offender's home waiting for him to come out.

The Supreme Court of Canada also adopted the definition of "hot pursuit" as defined in the book "Canadian Criminal Procedure" (5th ed. 1989) by Roger E. Salhany. This was defined as "continuous pursuit conducted with reasonable diligence so that pursuit and capture along with the commission of the offence may be considered as forming part of a single transaction."

National Community Safety & Crime Prevention Week

This fall the Canada Safety Council will launch a new public awareness program promoting community safety initiatives. For this purpose November 1 to 7, 1993 has been designated National Community Safety & Crime Prevention Week.

The objective of the campaign is to foster the public's responsibility for its own protection. It will encourage and support the efforts of private citizens to work together with police and others in the goal of creating safer communities and preventing crime.

The Canada Safety Council will coordinate this program with stakeholder groups and corporations in order to develop a synergy of efforts and focus public attention on the issues. For further details call Canada Safety Council at (613) 739-1535 or FAX (613) 739-1566

The Great Mac Attack!

Coming this September, and just in time for good old St. Nick's bag, is Blue Line's own Tony Mackinnon. You've laughed with him every month for the past five years between the covers of Blue Line Magazine and now is your chance to laugh some more with Tony's first cartoon book.

Ideal for your own reading enjoyment or to give as a gift, "The Great Mac Attack" gives you a great insight into humour as only completely understood by cops.

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The Great Mac Attack!

Life viewed from behind the badge and imagination of Tony MacKinnon

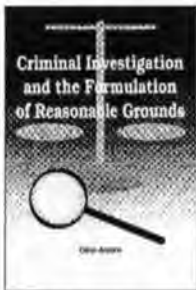


"Please officer, I'll confess to anything!... Just please stop singing Achy Breaky Heart!"

When you have over 90 cartoons, drawn by a cartooning cop, it is evidence enough to prove there is a funny side to police work.

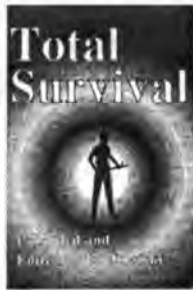
Law enforcement is no fool's game!

Modern law enforcement professionals need all the tools at their disposal. The biggest and most basic tool is *Knowledge*. The following material has been reviewed by *Blue Line Magazine* and are highly recommended to our readers.



Described as a "Paper Police College", this unique and comprehensive Canadian text book is designed to instruct you in the workings of the Criminal Code of Canada in a logical, easy to read fashion. It concludes each issue with a true investigation which underscores the issues discussed in each chapter.

\$34.95



On of the most unique books ever written about the important topic of officer survival. Ed Nowicki brings together the combined knowledge of 47 experts in a wide variety of fields related to a police officer's physical, emotional and professional survival. Every officer should read this book.

\$34.95



"The ability to deal with the public in all its forms, moods and temperament with a "System" allows even experienced officers to feel a new confidence. Written with the assistance of the Gibson's Detachment of the RCMP. Enjoy this book and give Terry Barker's "System" a try. It will prove to be one of your most valued tools.

\$13.70



Tactics for armed encounters. Positive tactics designed to master real-life situations. 403 pages of photographs, diagrams and hard lessons of real experience. This book deals with positive tactics officers can employ on the street to effectively use their own firearm to defeat those of assailants.

\$46.95



Surviving high risk patrol. Advanced material ideal for academy and departmental training programs and for all law enforcement officers. 554 pages with 750 photographs and drawings. This very real-life book will not only teach you about the "Tactical Edge" it will also help keep you on it.

\$58.95



Based on journals Jack Watson kept during his four-year RCMP posting in the North, this book is a tribute to the great Yukon spirit of adventure and community that still lingers on in our national psyche. This book takes you through the rugged lifestyle of a one-man RCMP detachment during the 1930's

\$12.95



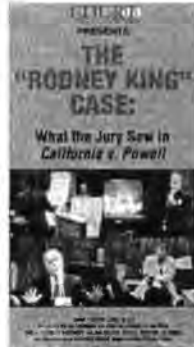
Ken Tuthill's face was blown off by a shotgun; A high-speed chase trapped Mike Buckingham in his burning cruiser; Mike Thompson saved his life from a team of ambushers; Steve Chaney couldn't stop a crazy man from killing his partner. Haunted by these horrors these officers survived the events and the mental after effects. Learn how in this video tape.

Video Cassette \$75.95



Defend yourself against the threat of the "knife culture". Learn how to assess an edged weapon assailant before he strikes, what really works and what doesn't to control the assailant, when to use your baton and deadly force, how to avoid the fatal reactions untrained officers instinctively have to sudden knife attacks and learn some medical self-help if you are stabbed.

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The ABS system uses an on board computer to monitor front and rear wheel brakes. When ABS senses the brakes are about to lock, it reduces pressure in the wheel brake cylinder up to 7 times a second, and continues to do so until the risk of lock-up has been eliminated.



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WE HAVE WHAT YOU NEED TO GET HOME SAFELY

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The BMW K100LT. The police motorcycle incorporates the ABS system designed to give the officer more control in any road conditions, from dry pavement to rain, sleet, sand or oil patches.

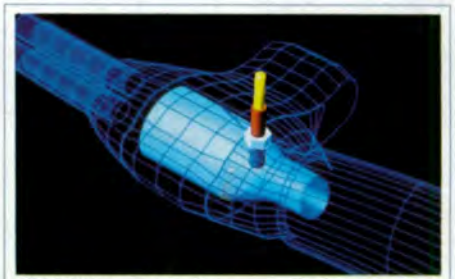


The outrigger-equipped motorcycle, without ABS, has locked up the wheels and lost stability during hard braking on wet pavement (right). The ABS-equipped bike remains upright and controllable under the same conditions (left).

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