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Canada's National Law Enforcement Magazine

March 1995



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BLUE LINE

Canada's National Law Enforcement Magazine March 1995



After 40 years of police work Metro Toronto Police Chief Bill McCormack looks back upon a fruitful and rewarding career. "I observed a man who genuinely empathized with the people he serves," reports Gary Miller, the Blue Line writer assigned to interview the outgoing chief. "Assured of a very comfortable police pension, the chief still lives in modest circumstances, having raised, with his wife Jean, three sons and a daughter in a rented home in Scarborough. In fact, the Chief and Mrs. McCormack are immediately likeable down to earth people."

We feel this month's cover is an apt tribute to a retiring leader that worked hard under trying circumstances to do his best for the men and women who worked under him. Well respected by his peers both in Canada and around the world, Chief McCormack has gained a reputation of being an uncompromising realist. As one political pundit put it, "He doesn't spend a great deal of time whittling square pegs to fit in round holes."

We are sure you will enjoy Gary's interview with both the outgoing and incoming chiefs of Canada's second largest police agency.

The second theme of this month is forensic identification. Given the recent dismissal of charges in the Moran case and the anticipated evidence in the Simpson case we thought you would like to know more about DNA evidence. In this issue Jennifer Clay of Helix Biotech Corp. has submitted an article on DNA evidence demonstrating its strengths and weaknesses.

This month we resurrect the issue of bullets. It was one year ago today that Blue Line first brought the issue to a head. In spite of a mysterious lack of communication by the Ontario Sol. Gen.'s office we hope some progress is being made.



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It was a close call... but what about next time?

by Blair McQuillan

We hate to say "we told you so", but we did ... and it would appear we were right!

The event we had long foreseen took place on September 14, 1994. It was on that day that Constables Douglas Priest and Gord Foote faced the reality of every officer's worst nightmare.

First of all they were forced to draw their weapons on an armed assailant. Secondly, they were being fired upon and were in turn forced to return fire. Worst of all, their return fire was striking the target with absolutely no effect.

It was only a matter of time until an event such as this took place. Where it would go down and who would be involved had never been determined, but the wheels were set in motion on February 3, 1994.

On that day a press release left the desk of David Christopherson, Solicitor General and Minister of Correctional Services announcing that Ontario officers would be issued semiautomatic pistols and given truncated cone bullets in an effort to battle crime more effectively.

Ontario officers had long awaited a move to semiautomatic pistols, however they had not anticipated that the ammunition to be used would come in the form of truncated cone bullets. This announcement raised questions here at *Blue Line Magazine* and later across the province.

The first shot was fired (pardon the pun) by *Blue Line's* publisher, Morley Lymburner. He was curious about the description of the proposed ammunition and began to investigate the issue. What he uncovered was quickly related in a commentary published exactly one year ago this month.

Lymburner discovered that the bullet was described as a "Match [Accurate] Bullet ... good for competition shooting. As a street bullet in use by police officers, however, it is not recommended because the higher energy and full metal jacket will not be stopped by the human body. It makes a clean hole on entry and exit from the body. This raises serious concerns regarding collateral damage to others standing nearby a fire fight."

The conclusion: "If a copper has to take the big step of using his gun then the government had darn well give him the tools to do it right." Lymburner said in his editorial. "If he or she has to shoot at someone then the bullet that is used had better be able to stop the assailant, stop with the assailant, use as few rounds as possible and with the least risk to others."

A total of 28 bullets were fired on Kingston Rd. in the city of Scarborough between officers. Priest and Foote and Ross MacDonald, their mentally ill .32-calibre-toting adversary. At least four bullets fired by the officers struck MacDonald, but they failed to slow him or curb his rage.

Questions had gone unanswered for over five months and the previously mentioned shoot-out was three months away when *Blue Line*



published a second commentary in June.

At this time *Blue Line* had discovered that a regulation stating that "all the old weapons currently in use were to be destroyed" had been relaxed in order to allow agencies to "trade-in their current revolvers to help pay for the new semi-autos."

The big question *Blue Line* wanted answered was on everyone's mind. "How can a Ministry waiver on the issue of destroying firearms but not alter their position on something like the bullets?"

A copy of the June issue was sent to the Ontario Minister of the Solicitor General and Correctional Services. At the same time *Blue Line* journalist Gary Miller was assigned to investigate the issue further.

A response to the matter came on June 27. At a press conference held in Oshawa, Ontario, the Police Association of Ontario, the Ontario Association of Chiefs of Police and the Ontario Senior Officers' Association announced that they would join together to seek an amendment to the Police Services Act. The amendment would terminate the regulation of truncated cone bullets.

Although brought to the attention of the Solicitor General years before, the actions of the collective associations was no doubt fuelled by the heat of *Blue Line's* relentless commentary and related articles over the months prior to the press conference. However, *Blue Line* was far from satisfied and the campaign continued.

In August an article by Gary Miller appeared in the pages of *Blue Line*. Miller pitted Full Metal Jacket and Controlled Expansion Bullets against each other. Miller put the situation in perspective and outlined the facts. In the end he had proven that Full Metal Jacket bullets were, as Lymburner had previously pointed out, "never designed for street use."

However, it would appear that the Solicitor General of Ontario missed this issue as September 14 was fast approaching. It was only days before this incident that Ross MacDonald had two strokes. Only days before MacDonald failed to take medication for a mental disorder. Only

days before he fired upon the two officers forcing them to fire upon him. Only days before the three men would be forced to face death and possibly take the life of another.

Luckily no one was killed on September 14, 1994. But what about tomorrow?

Blue Line contacted the Ontario Solicitor General's Office when it found there had been a study released by them in September on the truncated cone bullet. A copy of the study was requested and promptly refused by the media relations people.

One Ontario police force has looked into the future and made a bold move. On February 1, 1995 the Anishinabek Police Service announced that it will break the law and issue hollow point bullets to their Peace Keepers.

On the advice of the Chief of the Anishinabek Police Service the Anishinabek Police Governing Authority came to the decision that "if any ... officers have reason to take such an extreme step as using their firearm then it is of paramount importance to use the minimal number of bullets as is necessary to accomplish the task."

The press release issued by order of Chief Glenn Bannon further stated that the Anishinabek Police Service does "not have sufficient confidence that the full metal jacket round supported by Ontario Regulation 926 is capable of performing the task [they] feel it should."

As of press time rumour has it that the Province of Ontario will finally back down on ordering this dangerous bullet released on an unsuspecting public. Even if this does come to pass the most unfortunate part of this entire event is that the exercise should have to be taken in the first place. It has done nothing to instill confidence in the office of the Solicitor General.

Chief Bannon summed it up in his press release of February 1. "Although we recognize the responsibility we have to upholding all laws we feel there is an equal responsibility upon law makers to listen to the good counsel of others before they enact such hazardous legislation."

Blue Line Magazine shall be vigilant!

Halifax to host Canadian Identification Society's 18th annual conference and seminar

By Ron Yeomans



The 18th Annual Conference and Seminar is being host by the Royal Canadian Mounted Police at the Citadel Inn located in Downtown Halifax, N.S. July 3rd - 7th, 1995.

The theme of this year's Conference is "Dedicated to training mind and hand." In keeping with that theme this event is expected to attract numerous delegates from across Canada, United States and other parts of the globe. The delegates will hear such speakers as Danny Greathouse of the Federal Bureau of Investigation. His presentation will focus on the Branch Davidian Compound Fire at Waco, Texas in April, 1993.

Mr. Greathouse, as a member of FBI Disaster Squad, has been involved in identification efforts at disasters in San Diego, Warsaw, Poland (twice), Dallas, Cincinnati, and in identifying the victims of the attack upon the U.S.S. Stark. Mr. Greathouse is the United States representative to the Interpol standing committee on Disaster Victim Identification. He was responsible for developing the FBI's "Catastrophic Disaster Plan."

Mr. Greathouse is a member of the International Critical Incident Stress Foundation, American Society of Public Administration and the International Association for Identification where he serves on the Board of Directors. Mr. Greathouse has earned a Bachelor of Science degree from the American University in Washington, D.C. He has also earned a Master's degree in Public Administration from the University of Southern California.

In addition Mr. David Williams, also from the FBI and attached to the FBI Laboratory Explosives Unit, will give an insight into the problems and solutions encountered at the New York World Trade Centre bombing that occurred in February 1993.

Specialists from the Royal Canadian Mounted Police, Forensic Identification Research and Review Section, will bring current research projects into the classroom.

Sgt. R.B. Kennedy, known for his involvement in the Allan Legere Murder case in New Brunswick will give a four hour overview of the techniques employed to place the foot of an individual into a particular shoe.

Other members include Sgt. Eric Weeks who will explore the topic of palmar print classification, Dr. Brian Yamashita will bring delegates in touch with the "One step Fluorescence Detection of Lipid Fingerprints".

In addition delegates will learn from Forensic Specialists such as S/Sgt. Vic. Gorman who will speak on the methodology involved in blood stain pattern analysis. Dr. Ian MacLachlan, Halifax, N.S. will address the important subject of Forensic Odontology and Mr. Michael Barrett who will introduce the subject of Forensic

Technology Firearms data storage.

Plans have been made for a Halifax Harbour Cruise to be followed by a Lobster dinner. Perhaps the most exciting event of C.I.S. Conference '95 will be the presentation of the World renown "Nova Scotia International Tattoo".

Early registration will be necessary in order to qualify for the Early Bird Draw. This year's prize, which is being donated by Polaroid

Canada Inc., is a Law Enforcement Camera Kit.

Registrations must be received no later than May 15th, 1995.

Ron Yeomans is the President of the Canadian Identification Society, and he extends a warm welcome to all those planning to attend this Conference and suggests attendees make this event a part of a vacation in Canada's Ocean Playground. For registration information call him at 902 426-7485 or Fax 902 426-4185.



Civilian Scene of Crime Officer the solution for this agency

At the scene of the crime, in the past, the Bradford West Gwillimbury Police had to depend on the assistance of the Ontario Provincial Police for help in preserving and investigating clues left by the perpetrator.

Now, they won't have to call for help as often.

Special Constable Les Bluestein has added another page to his job description, taking on duties as the Bradford West Gwillimbury Scene of Crime Officer.

Chief John Harrison, under the same financial restraints as every other agency, decided to utilize the position of Special Constable for a Scene of Crime Officer. This relieves his regular officers from remaining at scenes of crimes awaiting the attendance of another officer from another agency. The citizens are also satisfied knowing the scene can be cleared up in a more time efficient manner and by a cop known locally.

To accomplish the task of training Chief Harrison made arrangements with Durham Regional Police to have Bluestein take an intensive one-week course. The course consisted of training in photography, basic skills in lifting prints, preserving and collecting evidence etc.

Upon completion of the course Bluestein was given a S.O.C.O. kit and pager and advised he would be on 24-hour call.

The new portable kit includes cameras, fingerprinting gear, sample collection bottles and assorted small tools. Fingerprints from a scene will be both documented and photographed, then added to a case-file which will encompass all evidence gathered.

The Scene of Crime Officer is responsible to attend traffic fatalities, break & entries, sudden deaths, suicides, assaults etc.

Major occurrences such as sexual assault, homicides and robberies will be still investigated by an outside Ident officer.

"Everyone leaves traces," said Bluestein. He explained that the first priority for police at a crime scene is to protect evidence from acci-



dental erasure through carelessness or ignorance of what may be important.

Due to a very limited budget, S/Constable Bluestein went to the Bradford business community to outfit the S.O.C.O. office with supplies and equipment required to make it function. As always, the community came through allowing the police service to purchase its more important needs.

Bluestein got his first taste of the job following the seizure of two vans at the scene of an industrial break and enter last November. The suspects were apprehended, but the vans gave Bluestein a textbook opportunity to gather prints and evidence.

In most cases, the investigator is trained to follow the logical progression of the crime, from the point of entry, the point of attack, to the way out.

The equipment used by the S.O.C.O. unit includes a Nikon F3 and assorted lenses, Metz 45 CTL flash, Canon Rebel with 35 to 85 mm and a Polaroid for instant photographs. The Bradford West Gwillimbury Police Service is ready for any eventuality.

And what's in the future for Bluestein? "More courses of course. You never stop learning in this business."

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RCMP members protest Bill refusing "freedom of association"

By Sandra Cordon



OTTAWA - As the RCMP marks the 75th anniversary of its modern origins today, some Mounties are more in the mood to protest than to party.

The irony of the force being split by a labour dispute is not lost on academics

who have studied its roots in quelling early union unrest.

RCMP Sgt. Gilles Boudreau says a bill introduced late last year threatens the rights of rank-and-file RCMP members, including their desire to unionize.

"Morale is so bad in the RCMP, the public is going to lose," warns Boudreau, who is trying to organize Ottawa Mounties.

"If we've got to fight the bad people on the street and then at the same time we've got to fight our own people - I'm talking about our management people - somebody's going to be losing."

Officers from other parts of central Canada joined capital region RCMP in a march on Parliament Hill on Feb. 7 to highlight complaints about Bill C-58, says Boudreau.

Critics complain the bill threatens bilingual bonuses for the RCMP and undermines unionization efforts. The government has characterized it as routine housekeeping legislation.

Boudreau says it will also give RCMP Commissioner Philip Murray more power, including the ability to transfer without cause and force members to work unpaid overtime.

Solicitor General Herb Gray has said the government will continue paying the bilingual bonuses but acknowledges the bill, quietly introduced last November, will reaffirm a long-standing policy that bars Mounties from unionizing.

In an interview in January, Gray denied the bill would strengthen Murray's position.

"The bill is not designed to do anything but confirm the commissioner's authority under the RCMP Act ... It's not to add to those powers."

Some 3,000 civilian clerical employees at the RCMP are unionized but more than 15,000 members, who do the actual policing, are barred from joining unions.

The protests come as the RCMP marks the anniversary of its modern name and change in direction from a frontier force fighting whiskey-runners to a modern intelligence-gathering, crime-fighting operation.

Quelling western labour unrest in the First World War period helped save the Royal North West Mounted Police, says Lorne Brown, who teaches political science at the University of Regina.

"There was talk of phasing them out ... the Winnipeg General Strike was the crucial thing in saving the force."

Reduced numbers and the growth of provincial police forces threatened the RNWMP.

By 1918, fewer than 500 Mounties were left in Canada while a cavalry unit of about 750 current and former members fought in Europe.

But their work gathering intelligence on Prairie immigrants during the war and later on labour leaders suspected of Communist sympathies added a counterintelligence dimension that gave the Mounties a new reason to exist, says historian David Bercuson.

U.N. approves Canadian Institute as International Justice and Human Rights Centre



The Economic and Social Council of the United Nations has announced that Simon Fraser University's Institute for Studies in Criminal Justice Policy is the approved centre to coordinate international research on justice and human rights.

The institute is directed by Drs. John Ekstedt and Margaret Jackson and of the university's school of criminology.

"The institute will now become a world centre for studies in justice and human rights," explains John Ekstedt, founder of the institute, a leading centre for criminal justice policy research since its inception in 1980.

"The U.N. decision recognizes Canadian leadership in criminal law and justice reform internationally and B.C.'s leadership within Canada," he continues. "Although the centre will serve the international community, it will also produce many direct intellectual, social and economic benefits."

A U.N. declaration made in New York, Jan. 11, 1995, announced the establishment of the International Foundation for Public Policy Research: "to coordinate the efforts of international organizations and private funding agencies in the development of research activities directed toward the improvement of human welfare through social policy."

Noting "growing dissatisfaction with the ability of research agencies within the political organization of the United Nations to maintain scholarly objectivity and provide independent recommendations on important social policy matters," the U.N. and other major organizations formed the foundation to improve the quality of international research.

The strategy is to provide policy direction and infrastructure support for the SFU institute and other non-government, academic research centres to, "coordinate the performance of international and comparative research in specific subjects."

The Centre for the Study of Social Conflicts in Leiden, the Netherlands, will concentrate on research on population and the environ-

"The roots of the RCMP's counterintelligence, commie-bashing, whatever you want to call it - that starts with the infiltration of the labour and socialist movements even prior to the First World War."

Mounties were brought in to end the Winnipeg General Strike in the spring of 1919.

By Feb. 1, 1920 they had absorbed the small, Ottawa-based Dominion Police and re-organized into the RCMP. For the first time, the force had responsibilities for federal law enforcement across the entire country, says RCMP historian Glenn Wright.



Dr. John Ekstedt

Institute for Studies in Criminal Justice Policy

ment, and Transparency International, in Berlin, will focus on economic development.

The foundation is a joint initiative of the Ford Foundation in the U.S., the Economic and Social Council of the United Nations, and the InterAmerican Commission on Human Rights of the Organization of American States.

It was formed following a five-year experimental arrangement to determine the feasibility of collaboration between private sector funding and public sector organizations, internationally. The foundation will provide support for administrative staff, buildings and equipment and a basic operating budget.

A "start-up" grant of \$250,000 will also be provided to each of the centres by the Ford Foundation. Ekstedt has been confirmed as a member of the foundation's Board of Directors. He served as head of corrections in British Columbia from 1975-78 and in 1990 was given the Freedom Medal of the American Society for International Peace and Justice for "exemplary contribution to the establishment of intergovernmental agreements in support of human rights."

For further details contact John Ekstedt, (604) 291-4469, or Margaret Jackson, (604) 291-4040 or Bruce Mason, (604) 291-3035 / 3210.

New witness protection program being studied by Solicitor General

By Bob Cox



TORONTO - Changes will come soon to Canada's witness-protection system, but it will remain in the hands of the RCMP, Solicitor General Herb Gray said in January.

"I expect legislation in the spring," Gray said on his way into a meeting of the national Liberal caucus.

Contrary to a CTV report, Gray said the government will not take witness protection away from the national police force.

Instead, Gray said the new program will be run by the RCMP and be much like the federal witness protection program in the United States.

Canada's current witness protection program is actually a mix of programs coordinated by the RCMP in conjunction with other police forces.

There is no national program created by legislation so there are no clear rules for handling witnesses and funding is uncertain.

RCMP efforts to protect witnesses have often been criticized and some people have sued the force, saying they were not adequately protected.

"Because we've had some complaints and lawsuits we felt it would be in the public interest if the program had a legislative base," said Gray.

CTV reported in January that Gray's department recommended the RCMP get out of the "baby-sitting" business and turn witness protection over to a separate American-style government agency.

The department also recommended a law to set national standards of protection for witnesses across Canada.

Besides the witness-protection program currently run by the RCMP, there are about 20 other police forces across the country that have similar operations.

Such programs have been criticized as badly run, underfunded, poorly coordinated and ineffective in helping solve crimes by persuading witnesses to testify.

Last year a woman launched a civil suit against the RCMP, alleging the Mounties broke their promise to set her up with a new life and identity after she helped convict her common-law husband.

And a former biker launched a suit against the government after his identity was revealed in court. "It's like being para-

chuted out of a plane without a parachute," the man told CTV.

Last September, Liberal backbench MP Tom Wappel introduced a private member's bill that made similar suggestions.

The bill received unanimous approval in principle, meaning it would get further study, but it's rare for a private member's bill to go through the whole process and become law.

Buyout offered to senior officers

OTTAWA - Regional police are offering early retirement to senior officers in an attempt to trim the ranks and reshape the recently amalgamated force.

"The force estimates that 24 of 95 eligible police officers will accept the offer at a cost of \$1.2 million in sick-leave benefits," said the Ottawa-Carleton police services board.

The plan allows eligible candidates to retire early without having their pensions reduced. Costs such as unpaid vacation or accumulated sick leave will have to be borne by the region.

But some councillors are balking at the plan because the buyouts could lead to a tax increase.

Meet The Challenges

Officer Survival Seminar

Street Simulation and Tactical Procedures

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*Required to bring duty weapon & belt for "Simunition Training"

Course # OST - 1BC Cost: \$135.00
Date: Vancouver - June 3 & 4 1995

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Course # PST - 2BC Cost: \$60.00

Date: Toronto - May 6, 1995

Vancouver - June 3, 1995

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New Deputy Commissioner for Ontario Provincial Police



The Ontario Provincial Police are pleased to announce that Chief Superintendent Gerry Boose has been appointed to the position of Deputy Commissioner of Operations, with responsibility for field operations and investigations. He assumed this new role as of January 3, 1995.

"The OPP will greatly benefit from Gerry Boose's extensive policing experience combined with an impressive background in public administration," said Commissioner Tom O'Grady.

A Windsor native, D/Comm. Boose joined the OPP in 1968 and has performed a wide range of police duties over his 26-year career which began at the Essex detachment.

In 1973 he was transferred to the Drug

Necessity the mother of invention, thief explains to court

WINNIPEG - After robbing one gas station using his shirt as a makeshift mask, a drunken bandit faced a conundrum when he decided to rob a second outlet.

Having turfed the shirt, what would he use to disguise his identity?

Why, his underpants, of course.

That's what the judge was told in January as he sentenced Robert Brent Parker, 29, to a year in jail for a pair of gas station robberies last September.

Parker, who pleaded guilty, had been walking home after a night of heavy drinking. When he passed a Domo gas bar he decided he needed some quick cash.

Pulling his shirt over his head, he confronted the attendant and stuck his finger out of his pocket, pretending he had a gun.

He demanded and received a small amount of cash and some cigarettes.

As he continued toward home, Parker came across another gas bar and decided to have another go at it.

Now shirtless, Parker slipped around to the back of the building, peeled off his underwear and put it over his head.

"It's a good thing my mom always told me to wear clean underwear," he later told a probation officer.

Enforcement Section of the Special Investigations Branch where he worked until 1978. From 1978 to 1985, he worked in the human resources and the information technology sections of the OPP.

From 1985 to 1988 Gerry was seconded to the position of Executive Assistant to the Deputy Solicitor General of Ontario. He has also been Director of the OPP's Policy and Planning Branch as well as Division Commander of Support Services Division.

Prior to this appointment, Boose directed the Ontario Provincial Police Organizational Review Project since its inception in November 1993.

Boose holds a Bachelor of Commerce degree from the University of Windsor and a Master of Public Administration degree from Queen's University. He has also attended the National Defence College in Kingston in 1992.

Boose has commenced his duties at OPP Headquarters in Orillia.

Banned auto dialing systems help police nab suspects

By Tom Blackwell

TORONTO - It's a computer gizmo most people associate with annoying sales pitches over the phone. But automatic dialing systems - banned last year for commercial use - are getting a second chance.

Police are pressing them into action as crime fighters. The technology recently helped Toronto officers crack the bizarre case of a prowler who forced people to watch porn videos on their own TVs. It led to the arrest of a suspect in 100 Edmonton burglaries and may have scared off a pedophile in Toronto.

"It's incredible," says Const. Brad Canu of Metro Toronto police. "It's a fantastic system. We do get fabulous results. Police work is based on what we're made aware of. This is contact with the community."

Combining a personal computer and multiple phone lines, the systems can deliver recorded messages to hundreds of homeowners in minutes.

Police are alerting residents about local crime waves, circulating descriptions of suspects and warning of escaped convicts. Thousands of people have signed up with various Toronto police divisions to receive messages.

Edmonton's system has about 15,000 subscribers. Calgary also has one and Winnipeg is looking at the idea, despite a pricetag of at least \$18,000.

When someone in the Toronto suburb of Etobicoke began tapping into cable lines and feeding porn videos onto the TV screens

of unsuspecting viewers last year, police auto-dialled a warning to hundreds of residents.

A man who had received the message saw some suspicious activity near his house and called police. Before long a suspect was in custody.

Police sent out another message on the system after a man in a blue van was spotted near schoolyards full of children. Officers got several calls from people who saw the van. No arrests were made but the man stopped hanging around, Canu said.

In Edmonton, police sent out an auto-dialled warning about a burglar who had broken into about 100 apartments through balcony doors. A man spotted someone matching the suspect's description and he was promptly arrested, said Const. Darren Hodson.

"It can be used for virtually anything," says Const. Jim Lambe of Metro Toronto police. "It's a vehicle for us to reach out to the community and alert them about what's happening in their area."

Even if the messages don't lead to an arrest, they can tip people off to the threat of burglaries or other crimes. Police hope that will prompt them to beef up home security or simply be more vigilant, Lambe said.

For details on this system call Scotte Zinn of Patronix Solutions Ltd. at (519) 741-8336.



In Conversation With Chief William McCormack



He is either a hero or a rogue depending upon which newspaper you read. Always popular with the rank and file officers he was, just the same, a gadfly to many in his own Police Services Board. His opinions are straight to the point and, without any doubt, honest. Blue Line Magazine was granted the opportunity to interview this outspoken head of Canada's second largest police force. Gary Miller files this report.

by Gary Miller

It is a brisk, bright morning and by appointment I am at the Chief's office to do an interview for Blue Line Magazine. Moods are buoyant, the Metropolitan Toronto Police has selected a new chief designate (Deputy Chief David Boothby) and Chief McCormack enters his last months of office. Chief McCormack believes, as most others do, that David Boothby is a good choice.

Chief William McCormack's office is large and sunny and packed with memorabilia. He shows me his collection of police caps from many different cities and countries. His tables are groaning with gifts of bric a brac and souvenirs, many personalized for him. The walls are packed with

awards. This man has been fulsomely recognized and he enjoys and appreciates the recognition.

The Chief awaits my questions. As a front line supervisor/detective from 41 Division in the City of Scarborough in east end Metro, the irony of the role reversal does not escape me.

The following conversation with Chief McCormack reveals some of the mystique and persuasiveness about the man., how he handles his authority with such ease and why people are so willing to serve under him. The chief's following is vast and the dedication of people to him, both on and off the Force is remarkable and unshakable.



Always a walking target for political cartoonists Blue Line Magazine's illustrator, Dave Bluestein, was given the opportunity for one last shot at the Chief. After 40 years as a police officer, and the last five under seige, we think he could use a little break.

That support was most obvious last October when the Chief was being pressed by some members of his transparently rude Police Services Board members to resign. I commenced the interview by remarking that the support was touching.

Chief: "It's very touching indeed. During the darkest hours of October 11th, 12th and 13th of October last, I think the highest point of pressure was on. It was certainly very reassuring when I attended that luncheon for the Variety Club to see a packed hall and later, to stand outside Headquarters with 1200 people and thousands of signatures from my own police force. Although that does not give you the feeling of invincibility it is something that gives you reassurance that people recognize that you and the men and women who dispense police service every day are doing their best. The letters that come in every day, in volumes thanking a police officer who comes to the house at a time of bad news, or of an individual who sits there and speaks to people, who gives them advice, who tries to help them when they need help, you never hear of that sort of thing. The media miss anything positive unfortunately."

Q: Chief, a concern many people have mentioned has been the way that certain spokespersons put themselves up as representing communities that they don't represent

Chief: "Absolutely! I'm going to tell you, I have never gone anywhere where the black community are there that I have not had a good reception, other than from

those few. But they are looking at me as the representation of the service of this Police Force. By and large, I think there is a great appreciation of policing right across this province."

Chief McCormack and I discussed his frankly unhappy relationship with the Metro Toronto Police Service Board:

Chief: "I feel that police service boards are there for two particular reasons; to make sure that the job is done right is number one; and to liaise directly, to give direction, to make sure that policing is dispensed correctly, and corruption free. The key word is communication. The police service board, must have some knowledge of policing, and should be working closely together with the command of the Force to achieve those ends.

"Police services boards may have a vested political interest elsewhere. I have no problem with that at all so long as they also have an interest in policing totally, and in the service that policing gives a community.

"But when you have people who digress from that one purpose, to fulfil their own personal ambitions, then it doesn't work properly.

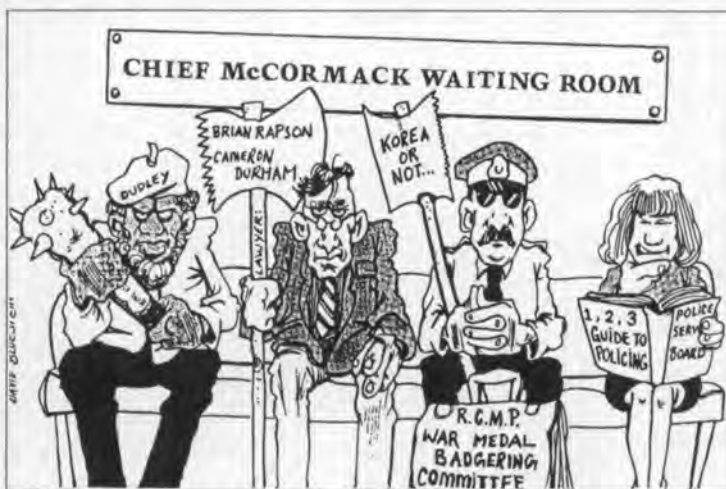
"What is happening unfortunately is that now there are individuals in police services boards who want to distinguish themselves, shall we say, as being the reformers, as being the individuals who are fixing that which is not broken. Then you get into the area of how that transcends into your municipal council.

"Let's deal with our force, the diversity that's needed, combined with the restraints of the day. There's no question we have to do more with less. But you can't do more with less at the cost of public safety.

"When the command of the force comes forward and puts before you very distinct warnings, - I recall the old saying, "Truth is truth, though spoken by a stranger" - political aspirations and self interest have to be set aside."

"Once the loss of personnel reaches a certain point, where you have stretched the proverbial elastic band to its fullest degree and you say, 'if we pull this any further, you are going to have it break,' then I believe cautionary words (from the senior command) have to be taken into consideration.

"No one is saying that we would go to



Plagued by an ever watchful public, Chief McCormack survived five years of special interest groups and more than just a little political sniping. For many it would appear that any event of note, big or small, was enough reason to challenge the Chief. "In spite of all this pressure the man inspires recognition in a way that few others do," writes Miller. "Tall, slim, with snow white hair and cool blue eyes, at 61, he has presence. By appearances he is a striking person who is at all times impeccably turned out."

Metro Council in our particular position at this moment and say we want to replace those 800 people lost by attrition over the past years. Obviously that would be imprudent and not possible. But you have to start to rebuild, even by 100 or 200 at this point, or the erosion will continue.

"Again I return to communication and I get back to adversity. You cannot succeed in properly dispensing the service of policing in an atmosphere of adversity, mistrust and with the suspicion that you are trying to build an empire. That's where it has been very difficult over the last few years. But I have stayed with what I feel is right, and not only that, it's been proven that it's right."

Q: What about the rising relationship of drugs to crime. What are your views on the decriminalizing of drugs?

Chief: "Let me say that we are statistically now in a very difficult position in relation to drugs. The enforcement is shrinking, there's no question about that at all. The effect of that is seeing lower crime statistics relative to drugs. This is misleading information, through no fault of the Bureau of Statistics in Ottawa.

"The realization has to set in that if you have ten people in the field investigating drugs, and you take five from that ten, you are going to have half the enforcement and as a result of it your statistics are going to be dropping tremendously. Unfortunately, the complacency that's setting in, the general attitude that people have is that we are winning the war. Nothing could be further from the truth.

"In tandem with that some individuals

have unfortunately propagated the idea of decriminalization or removing completely the question of soft drugs from the area of criminal conduct. Once you do that you are now condoning without a doubt another drug which is akin to cigarettes and I'm a smoker and I can tell you that, no question, it is an addictive habit.

"It has been proven that soft drugs are progressive. I am diametrically opposed to any suggestion whatsoever of decriminalizing illicit drugs or condoning our youth using drugs in any form. Education is paramount to the whole thing and I think that's where the stress must be."

Q: What are your most distinct memories on the Force and your most memorable moments as the Chief of the Metro Toronto Police Force?

Chief: "To summarize, I've had a career in two police forces really. I spent five years on the Bermuda Police Force as a British colonial police officer. I joined this Force in 1959 and rose from constable walking the beat all the way up. From the first day I felt I was now part of an organization and a public that was worth working for. It's paramountly important that you have that feeling as a police officer.

"Secondly, it has been challenging, it has been fruitful in many ways. In other words, I wouldn't swap one day. The ten years I spent on the Homicide Squad were the most memorable as well as, if you are looking at police work, one of the greatest areas of police work to be in.

"As Deputy Chief and then as Chief, I pride myself that we accomplished a lot. One example is the creation of a Street Crime unit in 1989 which has been instrumental in an education program second to none working in the high schools. It has been very high profile in that area and has helped a great deal to combat youth violence. In another area we have gained tremendous expertise with the setting up of the sexual assault unit."

Q: Employment equity is a reality today and designated groups are given much encouragement through laws aimed at helping them. Are the numbers really going to happen?

Chief: "I think you are going to have to expect that it's really a culture situation. Not every young woman who is now graduating from high school or university wants

(Continued)

to become a police officer. Traditionally it has not been a vocation that they readily go into. So therefore to suggest that you could have by the year 2000 fifty percent of women on this force is a ridiculous suggestion, because you will never get that volume.

"The standards are the most important part of it. No one, including women or visible minorities, would wish to see reduced standards because it would be an insult to any group affected. Nor would you be successful, because if you did reduce standards you would be reducing the performance of the individual officer.

"The next part of that whole equation is that Toronto is probably the most multicultural city in North America at the moment, other than perhaps Los Angeles. Again you have a cultural situation wherein every person from a minority ethnic community who is graduating today, whose standards are there do not necessarily wish to become police officers.

"In some cultures, a police officer is the last thing in the world they want to be. As a result, your selection of minorities becomes a minority within the minority. Going into all the high schools with employment information, we raised the subject of employment equity tremendously in my first two years as chief. Now second and third generation Canadians of a minority background are getting involved. If we are not meeting objectives now, it's no wonder. It's because we're not hiring."

Q. How do you define Community Based Policing?

Chief: "Community Policing, there are so many aspects of it. It all works into community based policing. The bicycles on the street ridden by uniform police officers, that happened within the last five years. I could go on ad infinitum. The detective that goes out into the street and investigates a criminal act is doing community based policing.

"This fanciful idea that you can have a uniformed officer walking the Kingston Road from Midland to Brimley Road (a bleak stretch of road) who is going to do community based policing is ridiculous, because you have traffic going by and nothing else. What you need in a case like that is quick response with physical presence of people in (marked) scout cars.

"Downtown you do need people on the beat. However it's been difficult trying to get the distinction across to our political masters and those individuals who are in the media who don't understand what that is. Whether it's Bradford or Niagara or even geographical communities within Metro Toronto, community based policing may be totally different from one commu-

nity to the next. Our version serves the needs of this community."

"These last three years have been the most difficult, I think. I hope that passing it on at this stage will improve the Force in the future. It's the old story of the complete circle that occurs. Unfortunately I was at the eleven o'clock side of that circle. But I would not say for an instant that I have not

found it challenging and very rewarding.

"But one thing that I will finish with, that when I started as Chief, I have made an effort to meet one on one with the police and the public. My admiration for our Force in the field line personnel stands above all else and I can tell you that's where the strength is. So as long as we have that strength, we will be alright."



"Build Those Bridges"

By Gary Miller

At the time we interviewed the out-going chief we decided to interview Chief David Boothby (then Chief Designate) of Metropolitan Toronto Police. Inheriting the reigns of power to an 8,000 member police agency with severe morale problems, living under a microscope and in an environment where everyone wants accountability should prove to be a tremendous challenge. Chief David Boothby could be just the right personality to pull this one off. He gave a very comprehensive and revealing interview to Blue Line Magazine. What follows are excerpts from that interview

A Team Player

"I work well with people, I like to work as a team always. That will be my continued thrust, that together we all win, we've all got to work together... as we move into more of a focus on Community based policing."

Personnel Shortages

"Just let me comment a little bit about the shortage of personnel. First of all I realize that we are down quite a large number of people. I am also fully aware... of the politics (and) the financial state of Metropolitan Toronto. I realize we are going to have to work within certain budget limitations.

"What the members will see is an absolute focus on community based policing principles. What they have to see is something happening quite quickly. I'm not a magician and I can't get 500 people out of thin air. I will redeploy a substantial number of people very quickly. They will see a difference at the front line where I am aware of the desperation."

"Officers on the front line are waiting for something that will make a difference on the front line to take them out of that total responsive mode. These officers are in a responsive or reactive mode 80 to 90 percent of the time. We can't operate like that, we can't do Community Based Policing where we are simply running and doing calls.

"We will see an immediate refocusing and redeployment. It will hurt in many areas. There will be consequences in other areas but I really feel I have to do that no matter what the consequences are. I have



got to demonstrate to the front line troops that... we will support the field very quickly.

Hiring Practices

"I have a strategy which consists of a three year programme to get younger people into the police force... This organization has to get some younger people into it. If you look at the demographics in the past you quickly discover we haven't hired since 1991. We haven't put any more police officers out on the street. If we continue along this road, all of a sudden we are going to have people with 10 years experience and people with none.

"The average age now of the members

is a little over 38 years old. Being out there responding to calls for service is a young person's game. We know how terribly difficult it gets after 15 or 20 years of doing that. So we have to get younger people into the organization."

"For employment equity reasons, we've got to start to move more toward accurately reflecting the community which we police. I have a strategy to be able to do that at really little or no cost to the organization."

"Regarding the education level of the entry officers, let's face it, with the market out there now we can get some really super recruits. But it still takes years of training, mentoring and apprenticeship. They have to get out there and do and see how police officers operate. They learn from others but it takes about five years before they are really top notch."

"When we start hiring, let's try to get a commitment from our officers to live within the boundary of Metropolitan Toronto. We went through all the reasons for the exodus, it was housing prices and all this kind of stuff. I recently spoke to an officer who said he can't make a big commitment when spending all his time on the road. His solution was simply to move back into the city."

Hiring Equity

"I think there's a misconception about hiring equity that we can't get people to apply from various communities. At the present time we have almost a hundred people who aggregately reflect the makeup of our community who have applied as police officers, who have all the qualifications, who have said they will work within our organization in other capacities so they'll get their foot in the door. I think that's a really good process."

Women In Policing

"There are more and more women who want to get into policing and I welcome that. However I think we should be really up front about this in that if we are hiring young women, and we will, there is also another reality. Many of them are married, are having children and will be away on maternity leaves. The Board has to compensate for this."

"For example if we have a thousand (females) on the Force and the majority are young women, we have to realize that probably 20 percent of those women may be away on pregnancy leave at any given time. We simply must hire extra to compensate for that. It's no use saying that that won't happen. Because we reflect our Society, it will happen. We are going to have to build that into the system."

Building Bridges

"Obviously we have to hear more and more from the silent majority. What I am hearing is these communities want to work with us. Where there are walls and barriers, we've got to address them responsibly and start talking. These communities are most anxious to build any bridges where there are gaps but they also assure us that their communities are very supportive of the police."

"I also know that many black officers on this Force are having tremendous difficulty dealing with the communities in which

they should be accepted. You are really looked upon as a traitor because not only are you a black person but you are part of the police organization."

"While they say this is troublesome to them, they are also saying to me that they are ready and willing to go out and do community based policing. They are prepared to go out there and help build those bridges that are so necessary for the future."

Gary Miller is an assignment writer and editorialist with Blue Line Magazine with over 30 years experience in policing.

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Metro Toronto Squad Honoured by FBI



Metro Toronto Police D/Sgt. Robert Montrose (left) and A/S./Insp. Dave Grinnell of the Extradition Squad pose with FBI Agents Mark Greenberg and Charles Archer upon receipt of the "10 Most Wanted" board.

TORONTO - The FBI paid tribute to the Metropolitan Toronto police force's fugitive extradition squad in January for helping nab three of the FBI's 10 most wanted criminals.

FBI agent Chuck Archer presented the six-member squad with a framed wall-hanging of 10 of the bureau's most-wanted posters.

"It's only the second one of these boards presented outside the United States," Archer said.

John Sciadina, a former cop from Florida wanted for grand theft,

was tracked to British Columbia by the Toronto squad and picked up by the RCMP.

The squad also bagged Tim Peay, wanted for serial rapes in California, and accused triple murderer Kong Chum Bounnam from Tennessee.

Peay was caught in Toronto and Bounnam in the Niagara Region in southern Ontario.

The FBI said that all these persons were apprehended due to the dogged investigations performed by the Extradition Squad.

Teen found guilty of criminal negligence in officer's death



CALGARY - A youth who mowed down a police constable on a Calgary freeway is guilty of criminal negligence causing death, a judge ruled on January 31.

Andrew David Yazlovasky, 18, was careless as to the consequences of his driving when he hit Const. Richard Sonnenberg in October 1993, Justice David McDonald of Court of Queen's Bench said. "He drove with wanton and reckless disregard for the safety of others," McDonald said. The judge did not immediately hand down a sentence.

The maximum sentence for the charge is 20 years in jail.

The court heard during Yazlovasky's trial that he led police on a pursuit through Calgary in a stolen car at speeds of up to 175 kilometres an hour.

Sonnenberg was trying to lay a spikebelt to puncture the speeding vehicle's tires when he was struck so hard he was torn apart.

Yazlovasky was 17 at the time, but his case was raised to adult court. He pleaded guilty to hit and run and possession of a stolen vehicle.

Separated and divorced women most likely crime victims

OTTAWA - Separated or divorced women are the most likely victims of crime, Statistics Canada reported in a January press release.

About one in three separated or divorced women was the victim of a violent crime such as assault or sexual assault last year.

By comparison, one in six single women were victims of violence.

The figures are estimates based on results from a survey of 10,000 Canadians over the age of 15 by Statistics Canada in 1993.

The results - painting a picture of the reality and perception of crime in Canada - are analysed in two reports released by the Canadian Centre for Justice, a Statistics Canada agency.

Wildcat strike after deputy brings charges



Deputy Chief Robert Kerr



TORONTO - The incoming Metropolitan Toronto police chief has ordered an internal review of the events that prompted police officers to stage a wildcat strike at a downtown division in January.

Chief David Boothby said he would evaluate the report before reporting to the Police Services Board, which oversees the department's operations.

Boothby named two senior officers to head up the investigation.

Fifty officers at 51 Division staged the eight-hour strike January 26th as a show of solidarity for two officers charged by D/Chief Robert Kerr with discreditable conduct under the Police Services Act.

The officers were charged after they stopped and searched two men at gunpoint shortly after someone phoned police to complain about shots being fired in October 1993.

One of the persons in the stopped vehicle was a local television station crime reporter who eventually lodged the complaint.

Despite a recommendation by the department's complaints bureau that no action be taken, deputy Chief Kerr went ahead and pressed the charges.

Nearly 1,500 members of the Metro Toronto Police Association met on January 29th and voted to denounce Kerr and investigate the possibility of legal action.

Boothby takes over from current Chief William McCormack this month.

A new publication will be coming your way in 1995

TEN-SEVEN

The law enforcement officer's news magazine

MARKHAM - The publisher of Blue Line Magazine has announced the introduction of a new magazine geared to current news of specific interest to persons involved in the law enforcement field.

"This news magazine will be just that," Morley Lymburner, publisher of Blue Line Magazine announced in December. "It will contain short news clips of events from across Canada that specifically touch on the police and law enforcement community."

The format of the publication

will put the news up front and foremost Lymburner added. "Quite often we hear rumours of stories from a small area but fail to get the news in a condensed and selective manner. Cops are forced to read local papers and try to cut through all the useless news to get to what is of interest to them," Lymburner stated. "The idea of 'Ten-Seven' is to get the right news, from the right places to the right people."

The publication is scheduled for release to a paid subscription base by September of this year. Lymburner announced he will be giving the readers of Blue Line a monthly preview in a column by the same name in each issue.

Ontario Chief first to order hollow point bullets



The Police Governing Authority of the Anishinabek Police Service has authorized the issue of the standard round hollow point bullet. This is the first Ontario police agency to switch to the provincially prohibited bullet.

"This step was taken with regret that it is in conflict with Ontario Regulation 926," the release stated.

The Anishinabek Police Service includes 23 sworn officers placed in four detachments across Ontario.

In the February 1st press release Chief Glen Bannon stated they are concerned with the protection of their officers and the citizens they are sworn to protect.

"We must take into consideration their safety first," Bannon announced. "It is the belief of this police service the ammunition directed to be used by Ontario Regulation 926, the full metal jacket



truncated cone bullet, is at best questionable with regard to its ability to stop a dangerous and armed assailant and most importantly with regard to its high probability of ricochet and pass-through hazard. To date the province has not been able to convince us otherwise."

The announcement went on to say the biggest concern is that the minimal number of bullets necessary be used to stop an armed offender.

Another factor pointed out was the "desire that any bullets that are expended have a high probability of stopping with the first object struck."

Citizen crimefighters so successful they have little to do



KITCHENER, Ont. - A citizens group helping police combat drugs and prostitution in downtown

Kitchener has been so successful its members now have little crime to fight.

So, Citizens on Patrol, which started in March 1993 and has grown to include 110 volunteers, is expanding to other neighbourhoods.

When the program began, volunteers would park outside suspected crack houses to record suspicious activities and the licence plate numbers of visitors.

But Sgt. Kevin Chalk, the Waterloo Region police coordinator of the program, said most of the trouble downtown has disappeared.

"Right now, the downtown is probably the best its been in three or four years. There are no active crack houses in the downtown area. There are a couple of active houses

outside the core."

"Where once there were 17 known prostitutes downtown, the number has dwindled to about four or five," Chalk said.

Anne Jenson, the volunteer administrator of the citizens group, said there isn't enough work to keep busy.

"We used to go in, and we could have our pick of five to 10 (crack) houses, she said. Now, they're struggling to find two for us."

Chalk said the program will expand beyond downtown neighbourhoods to the entire area served by the Kitchener detachment of Waterloo Region Police.

"Officers will start using volunteers for short-term crime prevention initiatives," said Supt. Joe McDonald.

These could include having a marked "Citizens on Patrol" car monitor school areas or sending volunteers into neighbourhoods to watch for suspicious cars and activity.

The release went on to say they do not have sufficient confidence that the full metal jacket round is capable of performing as safely as they would like.

Chief Bannon stated that his officers were presently being trained in the use of semiautomatic handguns and that he simply could not afford to train the officers in one style of shooting and then re-train them for another style if the bullet changes in the future.

"It is our wish that the training necessary will instill confidence with these officers that the bullet being used can accomplish the task necessary with the minimum number of rounds used," Bannon concluded. "It is our belief to issue a substandard bullet would encourage the use of far more rounds than would be safe to the public. Although we recognize the responsibility we have to upholding all laws we feel their is an equal responsibility upon the law makers to listen to the good counsel of others before they enact such hazardous legislation."

Ken Tufts, a spokesman for Ontario Solicitor General, said "the minister is not taking a position on the effectiveness and safety of different bullets until a Labour Ministry investigation is completed."

The report was to have been received late last month but was not ready as of press time.

Police board member charged with impersonation

CHATHAM, Ont. - A member of the Chatham police services board has been charged with impersonating a police officer after a man in a bar flashed what looked like police ID and told two people he would arrest them.

Police in nearby Dresden charged Stephen Travis with two counts of impersonating a police officer.

In January, Travis cited "personal reasons" in asking for a leave of absence from his police board post, which he has held since 1992.

John Stowe, chairman of the Chatham police services board, said he was surprised to learn about the charges.

Travis didn't give a specific reason for wanting to step down temporarily, and Stowe said he assumed his colleague had work-related concerns.

The charges stem from an incident in early January, said Dresden police Chief Ed MacLean. He said an impersonation charge isn't laid unless an individual actually believes a civilian is a police officer.

Travis is a provincial appointee to the Chatham Police Services Board and has had the position for over three years. A spokesman for the Chatham Police Service advises Board members are not given badges just identification cards.

FLASHES

By Tony MacKinnon



"CAREFUL!... APPARENTLY HE ISN'T SO JOLLY WHEN HE'S BEEN DRINKING AND MAY BE ARMED WITH A HOE!"

ONE CHANCE IN A BILLION

By Jennifer Clay

The DNA test, although relatively new to the criminal field, has already reached a high level of legal acceptance in Canada and internationally. Meanwhile, the technology continues to advance and new methods are being subjected to scientific examination and legal scrutiny. This article will examine the different types of DNA technology, their applications to criminal investigations, anecdotal accounts of the effectiveness of DNA tests on microscopic evidence plus a detailed list of questions lawyers would ask when faced with DNA evidence.

Since the first use of DNA testing in a 1987 British murder case, the technology has been used internationally to examine evidence in thousands of criminal cases.

Due to its accuracy and versatility, the DNA test has become one of the most important technological tools for the Crown and defence alike. In criminal investigations, the test can be used to:

- 1) establish the association between the victim and the suspect in a murder, sexual assault or other violent crime;
- 2) identify the weapon used;
- 3) identify where the crime took place;
- 4) determine if a string of murders or sexual assaults was committed by the same person or whether it was a copycat offender;
- 5) exonerate wrongly accused suspects (20% rate of exoneration); and
- 6) identify the remains of a victim.

Types of Technologies

Due to the rapidly evolving nature of DNA technology, there are now at least four different DNA systems which are used in criminal cases. Each system can be distinguished by the level of discrimination, the size of sample required, the time to complete the test, and the level of legal acceptance.

RFLP, the oldest DNA technique, and the first choice of many labs, is also known as "Restriction Fragment Length Polymorphism." This technique requires the lab to take the entire DNA sequence in a person and cut it into small fragments. The lab then examines very specific sections of that DNA which differ significantly from person to person. The fragments which differ are called *polymorphisms* and scientists have discovered more than 100 such sections to date.

This means that with this technique, the DNA lab is able to provide very high levels of accuracy on the order of one chance in millions or billions that two unrelated individuals could share the same DNA profile.

Although RFLP results have been legally challenged, DNA evidence is being considered admissible in virtually all of the cases in which it is entered. Depending on the number of polymorphic regions which need to be examined, the test could



take anywhere from 3 weeks up to 8 weeks. The only drawback of this technique is that one must have sufficient, good quality DNA to work with. In many forensic cases, this is simply not possible.

Polymerase Chain Reaction

After working with RFLP techniques for many years, DNA labs were frustrated that so many cases were unresolved due to the inability of RFLP techniques to examine minute pieces of biological evidence.

The solution to this problem came with the invention of PCR, the *Polymerase Chain Reaction* which involves the amplification or copying of specific sections of DNA known to be variable in the general population. The amplified "copies" of DNA are then analyzed by standard techniques. Currently the two single regions which are most frequently examined are D1S80 and DQ.

Another PCR-based system is the Polymarker system which simultaneously amplifies 5 different variable regions of the human genome.

The advantage of PCR is that testing can be completed with 72 hours and if the suspect is excluded, the police can look for another suspect and/or more evidence.

The disadvantage of PCR testing is that the level of discrimination is lower than the RFLP system. With a PCR-based system, it can be as low as 1 in 10.

In order to understand this, it is important to know that if a suspect's DNA and

the crime scene DNA matches, the lab will then use a population database to determine the frequency with which the matching DNA appears in the general population. If it is relatively uncommon DNA (e.g. 1 in 1 million), then it is more likely that the suspect and the perpetrator are one and the same. However, if the DNA is very common (1 in 5), then the evidence would not be as convincing.

In general, it can be said that the RFLP system is many times more accurate than the PCR system, due to the greater variability of the DNA sequences at the RFLP loci. Therefore, if at all possible, the DNA lab will choose RFLP as the preferred technique.

In terms of legal acceptance, the RFLP technique has a longer history in the courts and for this reason, is generally preferred. However, with the continued development of new PCR systems, the level of discrimination will increase to a level which is comparable to the RFLP system.

Mitochondrial Sequencing

If we look to the future, there is one technology on the horizon which is worth mentioning due to its ability to analyze biological samples which do not contain genomic DNA.

Genomic DNA is present in nucleated cells only and is the target of RFLP and PCR techniques. However, some samples such as cut hair contain *mitochondrial* DNA which can only be analyzed using Mitochondrial Sequencing Systems. This will increase the overall power of the DNA test systems and increase the number of types of samples suitable for DNA testing.

Evidence

The advantage of DNA technology is the wide variety of samples which can be examined. Since DNA is present in every nucleated cell in the body, it can be recovered from blood, semen, bone marrow, teeth, saliva, hair, urine and most other biological samples.

Unlike other molecules, it is also highly stable and can be found in samples, even if they were frozen or dried. Although the RFLP technique can make use of DNA from any of these samples, the size of the sample is often very small forcing labs to resort to PCR.

A perfect example of the benefit of PCR testing is one which involved a malpractice suit against a dentist by a patient who claimed that a crown was incorrectly set causing the loss of the tooth. The dentist insisted that the tooth did not belong to the patient.

The DNA lab obtained the tooth in question as well as a blood sample from the patient. The DNA from the tooth was insufficient for the purposes for RFLP testing but the DNA lab proceeded to run a PCR test using both the D1S80 and the "DQ Alpha" probes.

The results were "textbook" perfect indicating that only 1 in 600,000 individuals in the population had the same DNA pattern as the patient and the tooth in question.

Another case which illustrates the usefulness of the PCR techniques involved a vaginal swab and vaginal wet mount in a case of sexual assault.

Both samples were poorly preserved and yielded only small amounts of highly degraded DNA. However, when subjected to standard PCR techniques using the DIS80 probe, both samples yielded a DNA pattern which matched that of the suspect. The frequency of that particular pattern in the general population was 1 in 3500 and the suspect was convicted of sexual assault.

One final example dealt with a piece of evidence in a drug related charge. RFLP analysis was not even attempted due to the small quantity of evidence. However DQ and the Polymarker PCR systems were used and yielded frequencies ranging from 1 in 3000 to 1 in 43000. The case is still pending.

All of these examples demonstrate two important facts;

- 1) PCR is superior to RFLP when dealing with minute pieces of evidence, and
- 2) PCR results are generally orders of magnitude less conclusive than RFLP results but sometimes can yield high probabilities if the suspect's pattern is very uncommon in the population.

Regulation and Control

In Canada, there are no bodies which regulate DNA testing *per se*, however any laboratory which conducts DNA forensic testing should be aware of protocols set forth by the Technical Working Group on DNA Analysis Methods (TWIGDAM) and in most cases, there should be adherence to these standards.

TWIGDAM consists of lab personnel from the RCMP, FBI and other government organizations.

The first step in any DNA test is the collection of the evidence; for example, a dried blood sample, a vaginal fluid sample, or a sample of blood from the victim (in cases of murder). In many criminal cases, such samples may be old and could even be degraded. Therefore, the lab which undertakes DNA analysis must be sure to have the proper quality control to detect bacterial contamination and degradation.

Ensure Strict Continuity of Evidence

In any case involving evidence which is transferred through many hands and locations, the Chain of Custody of the sample must be proven beyond a reasonable doubt.

- Where and when was the sample collected?
- Was it properly labelled at the site?
- Were there witnesses present when the sample was taken?
- How and where was it stored?

If the Chain of Custody cannot be proven, then the DNA evidence could be dismissed.

Legally Obtained Sample

The current criminal legislation allows the suspect to refuse to provide any evidence which can be used against him.

However, in a sexual assault case, it is usually necessary to obtain a sample from the suspect as a comparative control. Although there are a wide variety of samples which can be used for testing (e.g. hair roots, skin samples from the cheek, blood samples), it is illegal to forcibly take a sample from a suspect so there may be grounds to challenge DNA results if the suspect did not voluntarily provide a sample.

Use of Most Powerful DNA Probes

In any forensic case, it is preferable to make use of RFLP technology if possible. However, when one chooses RFLP as a technique, one can make use of up to 100 different DNA probes. It is known that some DNA regions have lower variability than others, so the power of each DNA probe used in any criminal case should be examined.

Using Appropriate Population Statistics

The most highly contentious issue in DNA testing has always been the statistical results. For example, once a DNA test is completed and the evidence is found to match the suspect, the lab must determine the chances that the match could be random. This is done using population databases which are assembled by analyzing a randomly selected group of people to determine the distribution of DNA patterns in that population.

It is important to note that there are known to be differences between the three main races; Caucasian, Oriental and Black and therefore, it is desirable for the laboratory to compare the suspect's DNA pattern to all three races and then select the most conservative estimate of probability.

While this appears to be a simple pro-

cedure, there have been many challenges to this part of the process. In the past, defence counsel has maintained that their client comes from a very small community in which the population is closely related and therefore not represented by one of the three population databases. However, such arguments have been largely refuted since the statistics can be recalculated to take small populations into account.

In addition, the process of genetic integration would take many centuries and there are very few populations in existence today which are so isolated as to be considered genetically distinct. The main argument to support the DNA results in such instances is that, even if the population is small, a five-probe match between a suspect and the evidence matches is considered "proof beyond a reasonable doubt" in a legal sense.

This then leads to the legal question of how and when the sample came to be at the scene of the crime.

Conclusion

While the DNA test will continue to be challenged in the courtroom, it has come a long way in the past few years! This powerful technology is now one of the important tools in the investigator's arsenal. It objectively answers many questions of identity and relationship. However, like many other applied sciences, DNA testing will not replace the jury but will continue to be an important investigative tool for many years to come.

Jennifer Clay is the Director of Sales and Marketing for Helix Biotech Corporation in Vancouver. Helix Biotech is the only company performing commercial DNA testing in Canada. They have branch offices in Oakville, Ontario and Montreal, Quebec for French services. For further details phone Brenda Arbuckle at 1-800-395-4995 or Fax 905 849-7312.

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Instant Audio-Visual Link Now Possible

by Blair McQuillan

It's no secret that communication and law enforcement goes hand-in-hand. Officers need to have current information at their fingertips in order to stay on top of the ongoing battle against crime. In an effort to recognize and assist in the need for state-of-the-art information collection and distribution San Antonio based Image Data Corp. has developed, the Photophone.

The Photophone, as its name suggests, allows police departments to establish an instant audio-visual link with other departments world-wide. The system can transmit or receive colour or gray-tone images of mug shots, ballistics, samples of handwriting, suspect bank notes and travel documents, as well as various reports and forms of forensic evidence.

The Photophone can be utilized in any location where there is an available telephone and power source. The system operates on normal telephone lines or 56 and 64 kilobit lines. After plugging in the power and modular phone cord the system is up and running. Transmission costs are no more than normal phone charges.

The Photophone camera is a high resolution, solid-state, CCD with C-mount 12.5-105 mm zoom lens. While this may sound intimidating the system is very user friendly. Once the camera is focused on the desired object, all that is left is to dial the number and press "send". The reception is automatic and on screen menus direct the operator through the transmission. A built-in "Help" system assists the operator in the event that any trouble occurs.

With speeds up to 14,400 bits per second, images are quickly transmitted to the receiver once the number is dialed. Image reception is always identical to the image sent due to a digital error correction system. The correction system insures the same quality and clarity as the original no matter the distance the image travels or



how much static is on the line.

Any images which are transmitted or received are automatically stored in the Photophone's internal hard drive. The stored images can then be reviewed or retransmitted at a later time.

As many as 10 images may be held on Photophone's temporary storage system. When using a 3.5-inch floppy disk the system has a capacity of 1.44 megabytes and 21 megabytes with a hard drive, which may be increased to 48 megabytes.

The Photophone has many colour capabilities. The colour system contains normal, medium, high and document resolution. The manufacturer suggests using high resolution for any police related tasks.

The colour Photophone, on high resolution, utilizes 128 shades of gray and is capable of storing 508 images on the hard drive. When using 256 shades of gray the hard drive will hold 473, while 325 images can be stored when using the 16 million available colours.

The Photophone is able to electronically alter contrast and brightness in order to reveal more detail in image regions which are too bright or too dark. A zoom feature also allows greater detail in se-

lected areas of the image.

The system is compatible with most cameras, monitors and VCR's as it operates on standard video signals. The Photophone can be connected with multiple cameras or be used to copy frames off video tape through an auxiliary video input. An auxiliary output connects the system with large monitors or video projectors and to video printers in order to make copies of screen images.

A total of four versions of the Photophone are manufactured by Image Data Corp. Two systems are compatible with any personal computer and come with only the hardware and software. The two remaining versions come with their own computers available in desktop or portable.

The work station unit, excluding the monitor weighs 21 pounds and is 5.5 inches high, 14.3 inches wide, with a 15.8-inch depth. The monitor is 13 inches and weighs 18 pounds. The portable version fits in a cloth carrying case and can easily be stored in the trunk of a car.

Aside from the previously mentioned applications the Photophone can be used for relaying fingerprints, line-up photos and video tape of physical evidence. In addition, the system can capture and print photographs from surveillance cameras, reprinting selected pictures in less than 90 seconds.

Roughly 5,000 Photophones are currently in use around the world. This includes more than 200 used by law enforcement agencies, 35 by the Netherlands National Police and 100 by immigration officials in Canada, the Netherlands and Japan.

With so many applications and its time saving value the Photophone is quickly becoming a necessity for police forces world-wide. But we don't have to draw you a picture, the system does that itself.

Photophone is distributed in Canada through Confertech Canada Inc. For more information contact: Drew McVeigh 1 800 668-4703 Fax 416 622-6905.

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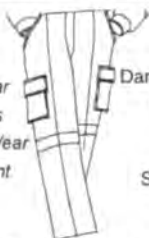
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Major purchases by police agencies keep industry moving

By Morley Lymburner & Myron Love

In recent months many Canadian police agencies have switched from revolvers to semi-automatic pistols.

The Vancouver Police Department issued a contract recently for 1,200 Model 96DT .40 calibre pistols as its official sidearm.

The "DT" version of the Model 96 selected by Vancouver is a double action only pistol equipped with tritium night sights. They also selected Beretta rubber grips which appear to be more popular than the plastic or wooden grips.

Halton Regional Police has selected Beretta as well but went with the 96D Centurian .40 calibre for its 392 gun order.

In the mean time it would appear the .38 calibre revolver will soon be history in Manitoba and Saskatchewan. The police forces in Saskatoon, Regina, Winnipeg and Brandon have all received approval to buy new guns and bullets.

While Winnipeg and the Saskatchewan forces are opting for .40 calibre pistols, Brandon's police are trading in their .38s for 9mm semiautomatics.

"We researched a number of guns and narrowed our choice to the Beretta and the Glock," says Brandon chief of police Brian Scott. "We consulted the police forces in Cal-

gary and Edmonton and decided on Glock because the price was a little less."

Brandon chose the 9mm semiautomatic because of the efficiency and speed of reloading. "We also found it was comfortable for smaller officers, including females, with small hands," Scott notes.

Ninety Glocks were ordered for standard issue along with 20 slightly smaller models for plainclothes and executive officers. They are scheduled for delivery about the middle of May.

The Winnipeg force has opted for .40 calibre guns but had not yet decided which manufacturer they were going to order the pistols from. "We feel the .40 calibre is a better gun and holds a better bullet," says Insp. Bruce Taylor. Taylor reports that Winnipeg City Council has approved \$700,000 to buy up to 1,150 guns over the next two years for the 1,139 officers. The bullets to be used will be 165 grain hollow point bullets.

In Saskatchewan, the Police Act dictates that all police equipment in the province be standardized. "Thus, both the forces in Regina and Saskatoon are changing to .40 calibre pistols as the new issue," reports Lionel Aadland of the Saskatoon Police.

Saskatoon has contracted for 350 of the pistols over three years. Presently the tactical unit has 9mm semiautomatic pistols and they will be the last to switch to the government regulated .40 calibre.

In other news the Winnipeg RCMP have a new tool in their repertoire to help train officers in safety and survival. According to Sgt. Denis Arbez, RCMP headquarters in Winnipeg took delivery of a roughly \$200,000 FATS III last June and have recently commenced formal training of members of the force. This is the first police force in western Canada to have FATS III, notes Arbez, the program coordinator.

"We are still setting up the program," he reports. "We have put all members of our Brandon sub-division through the program and started with the Carman sub-division at the beginning of February."

The program consists of a two-hour lecture followed by survival situations simulated on a compact disc. The individual scenarios range from 14 seconds to three minutes.

"We see this as becoming a standard part of our basic safety and survival training programs," Arbez says. "We will be incorporating this safety program as a requirement of every officer's annual shooting qualifications."



MONEY CONCEPTS

If you need assistance in determining financial benefits contact an independent financial planner or call (905) 642-4540 for help in finding one in your area.

By Cindy Malazdrewicz

USE IT OR LOSE IT !!! The February 22, 1994 budget sounded the death knell of the \$100,000 personal capital gains exemption. However, the government has given us one last chance to claim tax-free gains in place on budget day. What you must do is deem that you have sold the property, without giving it up—this is known as crystallization.

To accomplish this, you must file a special form with your 1994 T1 tax return. On it, you will indicate the assets on which you are electing, together with their adjusted cost base (ACB) and their fair market value on February 22, 1994. The difference between your elected amount and your ACB will be a capital gain, which must be included in your return. You next deduct your capital gains exemption to eliminate the gain. This higher cost base means lower capital gains in the future, when you actually do sell the asset.

Stocks, bonds and mutual funds have published values on February 22, 1994 and you should be able to calculate your ACB from statements and other sources. The process for mutual funds is more complex as each fund forms a separate pool. When you crystallize, you create a future tax credit for that individual fund. The credit has only a 10 year life and can

be used to offset capital gains distributions, or the ultimate capital gain when the mutual fund is sold. Remember that assets within your RRSP grow tax-free.

Your vacation property could become a very serious tax liability to future generations. At death, cottages pass tax-free to the surviving spouse. However, when the spouse dies, a final tax form is filed, and in it the cottage is deemed sold at fair market value. The estate or beneficiary must pay the capital gain.

The capital gain exemption was allowed on vacation properties until March of 1992. Again the fair market value of the cottage must be established as of budget day. The ACB must be determined using the original purchase price as well as the cost of any improvements. There is a formula in the special tax form which calculates the allowable capital gain on the vacation property.

You must bear in mind that there could be some hidden costs in making the election. Your taxable income could be boosted 'on paper' for the year. Some tax credits are income dependent and could be lost or reduced for the year.

It is important to act upon this 'gift' from the government. Get some good professional advice to help determine what is best for your taxes this year and in future years.

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How Safe Can U B?



By Blair McQuillan

Remember the old saying "if it looks like a duck, quacks like a duck and walks like a duck, it must be a duck?" The meaning behind this colourful adage is true... at the very least it is if your talking about ducks. However, we all know that sometimes appearances can be deceiving.

Take a product known as *Purse Plus* for example. This item, which appears to be nothing more than a common women's handbag, is

capable of concealing a handgun. This allows female officers to be prepared, protected and inconspicuous at the same time.

The weapon of choice can be concealed within an inner pouch located in the middle of the purse. Because there are no zippers or cumbersome clasps the weapon can be drawn freely and swiftly when needed.

Jan Dixon, owner of UB Safe Supplies, discovered this product being manufactured in the United States and immediately recognized the lack of such a product in Canada. And after 20 years of police experience she can certainly identify a good product for cops when she sees one.

"If there is one thing that frustrates a lot of female officers it's the simple matter of trying to conceal a gun," Jan states. "previously female officers were forced to either wear the gun like the men with a shoulder harness or simply dump it into a regular purse and hope you could get it out when it was needed."

"But these purses supply the best answer to the problem. They are made of first rate leather and look like a real classy bag to carry on or off duty. The best part is that no one can tell you are carrying a gun... unless they are dumb enough to try something that's threatening."

The handbags are specially reinforced so

they do not sag from the weight of the gun and come in three different styles and a variety of colours. They are handcrafted and come with a lifetime guarantee.



In addition to the *Purse Plus* UB Safe Supplies also distributes a Cordura brief case which conceals weapons. This is perfect for anyone, male or female, working in plain clothes and in need of a place to hold their weapon when it is not practical to be wearing it.

For more information on these unique products contact: Jan Dixon, UB Safe Supplies, 268 Lakeshore Road East Oakville, Ontario L6J 7S4 or phone 416-235-8324.

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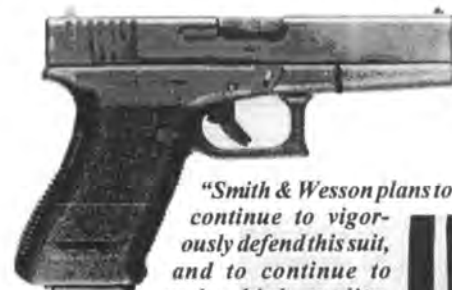
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Battle of the guns heats up



"Smith & Wesson plans to continue to vigorously defend this suit, and to continue to make high-quality Sigma Series pistols."

With this statement in a recent press release Smith & Wesson has given notice to the North American handgun market that it is business as usual regardless of a civil action brought by Glock Inc. for patent infringement.

Glock brought the action as a result of alleged patent infringements regarding the polymer framed gun released by S&W last year.

In its press release Glock Inc. claims Smith & Wesson infringed upon its 1988 patents as well as "common law trade dress claims."

The "dress claims" portion refers to the fact that the new Sigma gives the appearance of a Glock and thereby "likely to cause confusion in the mind of the average consumer."

If successful the statutory and common law remedies available to Glock would include an injunction on future manufacture, use and sale of the Sigma series guns.

For its part Smith & Wesson announced recently that out of 12 patents applied for on the Sigma six have so far been granted. "The Sigma Series was developed exclusively by Smith & Wesson over a period of years," the press release stated.

For his part Mr. Gaston Glock stated in their press release last fall, "These patents are my personal property. If someone stole my wallet or stole my car I would call the police. The situation here is no different, except that I can't call the police; so, I must rely on the courts."

In one tongue-in-cheek statement in the September 1994 issue of American Handgunner a writer stated, "Suffice to say that if imitation is indeed the sincerest form of flattery, the Sigma is a very sincere pistol."

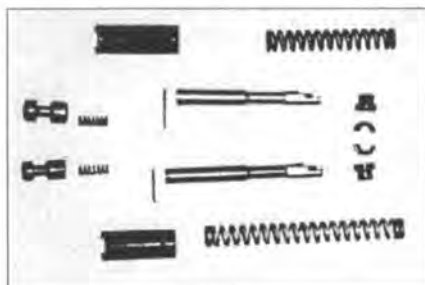
Other U.S. Gun magazines have quoted Smith & Wesson admitting that "they have adapted the strong points of the Glock... to the Sigma design."

Times have certainly changed since the first introduction of the Glock to the North American market. Many gun enthusiasts nicknamed it the "Combat Tupperware" from Austria. It was not long before manufacturers realized that this lightweight easily maintained weapon appealed to the changing demographic make-up of the police community. Since then many companies have undergone re-tooling and considerable R&D to catch up.



It is difficult to determine what the future will bring in this dispute but a visual analysis of the two weapons would certainly indicate a similarity reminiscent of a Pepsi/Coke challenge.

Stay tuned! This has all the earmarks of a real western shoot-out between these two titans of the industry.



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Change of mind... change of strategy for cops

Gino Arcaro

In *R.v. Prosper* the accused was arrested for theft over \$1000.00 and care or control while impaired. The right to counsel was read to him from a card informing of the right to apply for free legal aid.

The accused invoked his right stating that he wanted to speak to a lawyer. He was given a list of legal aid lawyers. When this list was unsuccessful he was given a telephone book to continue his search.

The police were unaware initially that all but one lawyer were unavailable outside regular officer hours. However, they informed the accused of this fact upon learning it.

The accused chose not to call private lawyers because of his inability to afford them. Subsequently, he provided breath samples to police.

The Supreme Court allowed the accused's appeal for the following reasons:
 a Section 10(b) Charter violation occurred. The S.C.C. stated that saying "you have the right to obtain and instruct coun-

sel without delay" is insufficient. Two additional elements are required to fulfil section 10(b);

- 1) information about how to contact counsel free of charge where an accused person meets the legal aid financial criteria;
- 2) information about how to access duty counsel, either staff or private practice lawyers, who may provide immediate temporary legal advice regardless of financial status of the accused.

Once an accused has invoked his right to counsel, the police must provide him reasonable opportunity to exercise it; a reasonable opportunity depends on the existing circumstances and is not specifically defined in terms of a definite time period.

Police officers have an additional obligation when an accused changes his mind after invoking the right to counsel. If the accused no longer wants legal advice the police must, at this point;

- (i) tell the accused of the right to a reasonable opportunity to contact a lawyer,

and

(ii) inform the accused of the obligation of the police to "hold off" questioning during this period.

If the accused waives his right to counsel, the crown has the onus to prove that the waiver was free and voluntary, and not the product of any direct or indirect compulsion. Additionally, the crown must prove that the accused had knowledge of what is being given up.

The police, however, may disregard the "hold off" period if compelling and urgent circumstances exist. The following circumstances are not considered compelling and urgent.

(i) the two hour presumption under section 258(1)(c)(ii) regarding impaired driving;

(ii) mere investigatory and evidentiary expediency;

in this case, the police failed to inform the accused that they had to "hold off" their investigation until the accused had a reasonable opportunity to contact a lawyer, when he changed his mind about invoking his right to counsel.

According to Chief Justice Lamer the two hour presumption does not, by itself, constitute compelling or urgent circumstances. An accused's person's right to counsel supersedes the presumption afforded the Crown.

Using this presumption is simply one method of proving an accused's B.A.C. at the time of the offence. The Crown, for instance, can call an expert witness to give evidence of what the accused's B.A.C. would have been at the time of the offence based on the Blood/Alcohol readings obtained.

If an officer is faced with a decision in a situation where an accused has to exercise the right to counsel but the expiry of the 2 hour limit is imminent, the right to counsel must take precedence over the time limit.

Gino Arcaro is a Professor at Niagara College and the author of *Impaired Driving: Forming Reasonable Grounds and Criminal Investigation and The Formulation of Reasonable Grounds*. You may call him at (905) 834-7556 for questions or commentary. The answers to your questions will be published in this column.

If you wish to order any of Gino's books turn to page 31 in this issue.

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FIRST RESPONSE

Managing an unconscious adult

by Tracy Mitchell-Ashley



Officer James Walker is on solo patrol when a call comes over the radio: "respond to a residence - man down. Cause unknown." Uncertain of what he'll find, he flips on his lights and sirens and, adrenaline pumping, heads to the scene.

James is met at the front door by a frantic wife who doesn't understand what has happened to her husband. He wishes that some other EMS personnel were here, but he's the first on scene. "Anne" leads him to the family room where he finds "Allan" fifty-five years old, lying face-up on the floor. Allan does not respond to James's shout across the room.

A quick glance for any hazards determines that it is safe to proceed. There is no indication of struggle or of a fall to explain the man's state. James approaches him wondering if he is already too late.

"I just came home and found him like this," Anne says.

Trying to remember the routine, James asks about medical problems Allan might have. He learns that Allan is diabetic, and that he suffers from high blood pressure and angina. James sends Anne to get his medication. Keeping Anne busy allows him to do his job and work more effectively on her husband.

The ABC's (Airway, Breathing, and Circulation priorities) are running through James's mind. He pulls a pair of latex gloves over his hands. Gently he shakes Allan and hopes for a response. He calls out to him again. He is met with unnerving silence and a distinct lack of movement.

Because Allan is unconscious, James remembers that he cannot control his airway. Muscles relax when someone is in this state, and the tongue can sag back into the throat and block breathing. James knows that he's got to control and maintain Allan's airway for him. So, using the head-tiltchinlift, James places one hand on Allan's forehead and the index and middle fingers of his other hand under Allan's chin and tilts his head back until his jaw points straight up.

With the airway open, James checks for breathing by looking, for the chest and stomach to rise and fall, and by listening and feeling for breaths. He counts to ten while he checks. James knows that adults should breathe at least twice during that

period.

Allan takes two breaths and James breathes a sigh of relief.

"What's next?" thinks James. "Circulation." James locates Allan's carotid pulse in his neck and times it for ten seconds. He has a pulse.

Anne returns with Allan's medications and James asks her to grab a blanket. His ears perk up at the sound of sirens approaching.

Having established the ABC's, James rolls Allan into the recovery position with his face pointing down so that he won't choke on his tongue or on fluid if he vomits. He takes the Afghan Anne brings and drapes it over Allan to keep him warm.

Voices at the front door indicate that back-up thankfully has arrived, and James sends Anne to meet the ambulance crew. He gives the attendants a quick report of what Allan's current status is, helps them load Allan and they depart. For the first time in a while, James starts to relax.

James wonders what caused the collapse but knows that the doctors will figure that out. His part was to ensure that Allan had an airway, could breathe, and was circulating his blood. This contributed to saving Allan's life.

For further information contact Scott Ashley of Active Canadian Emergency Training
1-800-205-3278.

Treatment Summary

UNCONSCIOUSNESS

- ✓ Call out to person. If no response, gently shake and call out again
- ✓ Open Airway, (Head tilt chin lift or jaw thrust)
- ✓ Check Breathing, look, listen, feel, (10 seconds)
- ✓ Check Circulation, feel for pulse
- ✓ If breathing and pulse are present roll the person into the recovery position



Head tilt, chin-lift
look, listen & feel



Recovery position

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The Last Noose

Manitoba

This is the sixth of a series outlining the details surrounding the last persons to hang in each province

By Blair McQuillan

James Edwin "Ted" Sims arrived at work early on the evening of Saturday July 15, 1950. Ted was a Winnipeg police detective. He had dropped his wife off at the airport that evening where she departed for a two week vacation in British Columbia and then reported for duty with time to spare.

At roughly 11:40 p.m., with about twenty minutes left before his shift began, Sims fielded a call from Olga Kafka. Olga frantically informed Ted that her boyfriend, Henry Malanik, had just stabbed her husband Adolph.

This news was not very surprising. On April 18, 1950, both Henry and Adolph were fined \$50 for firing weapons during a battle for Olga's affections. At the time of that incident police had seized a .32 calibre pistol, two .22 calibre rifles and a .12 gauge shotgun. In a fateful decision the court ordered all weapons returned after the fines had been paid.

Sims briefed two young detectives, John Peachell and William Anderson on the situation. Ted Sims knew there was an element of danger involved in this particular domestic dispute and decided to accompany the young detectives to the scene.

The three officers arrived at 19 Argyle, across the street from an elementary school, where they encountered Olga Kafka. Malanik and Kafka had left the scene.

The four went inside the house where detective Peachell sat at the breakfast nook to take Olga's statement. Detective Anderson remained in the livingroom and Detective Sims leaned in the doorway of the kitchen of the two-storey home.

Olga informed the officers that Malanik had stabbed Adolph but the wounds were not serious. She said that Adolph had gone to the hospital and that she had sent Malanik, who was heavily impaired, back to a flophouse where he was residing.

As Peachell took notes, Henry Malanik stammered in through the front door and into the livingroom with a .12-gauge shotgun in hand.

Henry was very angry and threatened to kill everyone in the house. In an attempt to gain control of the situation, Sims held his hands up to show he was not about to use force and asked Malanik to drop the gun.



Malanik's response came in the form of a gun blast which struck Sims in the stomach and knocked him to the floor. Malanik's second shot shattered a door-frame and hit Anderson in the neck. The detective fell through a window and landed on the front lawn.

In response, detective Peachell broke from the breakfast nook and shot Malanik three times with his .45 calibre revolver. Malanik fell beside Sims and began to weep. He stated he had made a mistake and did not mean to shoot innocent people, especially officers.

While on his way to the hospital an escorting officer was told by a sorrowful Malanik that he would not have shot the policeman if he had not been in his way. When the escort asked him about the shotgun shells in his pockets Malanik glared at the officer then shouted at him, "Kiss my ass!"

At 6:31 a.m. on Sunday July 16, 1950, "Ted" Sims died of bullet wounds to his stomach in the Winnipeg General Hospital. Sims was survived by his wife, daughter, and two sons. Malanik stood trial for murder three months later, on October 16, 1950.

Henry Malanik was born in Ragusa, Croatia, then known as Yugoslavia, in 1907 and became a Canadian citizen at the age of 5. He had married in 1929, with Adolph Kafka standing at his side as best man. In 1948, when Malanik's wife left him he

moved in with the Kafka's. Adolph travelled a lot and while he was away Olga and Henry Malanik began an affair.

Henry moved to a flophouse at 671 Main Street after Adolph learned of the liaison. However, this did not stop the two from continuing their affair.

On the day of the shooting Malanik had been invited to a wedding. He knew his ex-wife would be among those in attendance and was reluctant to attend.

Malanik started drinking in the early afternoon before going to the reception held at the Winnipeg Rumanian Association Hall. Bill Krystik was the bartender at the affair and also happened to be Malanik's roommate. Krystik supplied Malanik with tumblers of whiskey and moonshine for several hours. Malanik became offensive and was thrown out of the hall when he shouted at the band for taking a break. It was at that point that he decided to go visit Olga. Unfortunately Henry encountered Adolph as well and ultimately Detective Ted Sims was to make the sacrifice for antisocial behaviour.

John L. Crawford was to be Malanik's lawyer. He wished to prove to the jury and Mr. Justice J.J. Kelly, that Malanik could not have possibly formed intent to kill due to his impaired state on the night of the murder.

Bill Krystik was the key witness for the defence. However, Krystik crumbled under the stressful questions asked by the prosecutor William Johnston. Krystik told the court that Malanik met with Olga often, in fact he claimed the two met almost every other night. Johnston also questioned Krystik in regards to the drinks he poured for Malanik, which he believed may have only contained water.

"How big a drink were you pouring?" Johnston asked Krystik. "Half a tumbler," he answered. "Any water in the tumbler?" "I couldn't tell you." "Where did you get the home-brew?" "I couldn't tell you."

Krystik did little to help his roommate's case and Malanik did even less in his own defence when he took to the stand. Malanik told the court that he had been drinking before he went to the wedding and that he drank heavily during the reception due to the fact that Krystik kept pouring him home-brew.

"What was the next thing you remember?" Malanik was asked. "The next thing? I remember lying down. Blood around me. On my head. Wondering where I was. I laid quietly there. All of a sudden I heard a bad racket. Someone says 'You son of a bitch, you've killed a policeman.' I got blows to my chest. I don't remember any more."

There was nothing left except for the

predictable closing statements. Crawford told the jury that Malanik "...was just too drunk to form an intent to do that act. The man was sodden right back through his mind, he couldn't intend to do anything."

William Johnston then took the floor. "This was no purposeless action. Malanik didn't go get a gun and fire aimlessly and wildly around him. He proceeded with a purpose. Only after Malanik was himself wounded and no longer able to carry out his intent, did he have remorse."

Mr. Justice Kelly then spoke to the jury before they deliberated on a verdict. "I must advise you that if by reason of consumption of liquor a man is so drunk as to render him incapable of forming or having the intention necessary to constitute the offence, he cannot be convicted of murder. Drunk he was no doubt. But how drunk?"

The fact that he shoots an unknown man, and then reloads the gun and apparently takes a shot at Peachell, who fortunately had withdrawn his head from around the corner of the door - You have to consider whether his conduct in the house that night was of a rational man, or was the conduct of one who, by reason of the consumption of the excessive amount of liquor did not know what he was doing, or

was acting as one who had no knowledge or idea of intent in what he was doing."

Henry Malanik was found guilty by a jury of his peers. He was sentenced to be hung on Wednesday, January 17, 1951.

After John Crawford made an appeal on Malanik's behalf a second trial was held in May. Again Henry Malanik was found guilty.

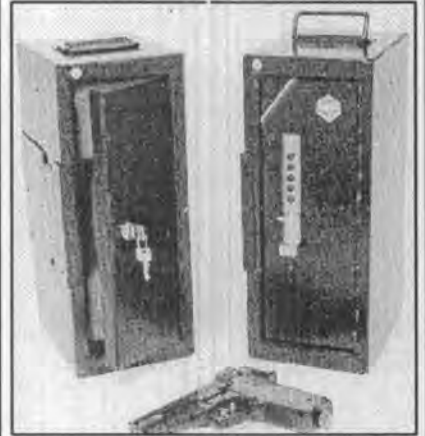
Henry Malanik was hung on Tuesday, June 16, 1952. Roughly one dozen uniformed officers attended the execution at the Headingly Jail at 2 a.m. that morning and stayed until Malanik was pronounced dead at 2:13 a.m. William Anderson, "Ted" Sims' partner, was among the officers present when Malanik met his end.

Up to that point Sims was the third Winnipeg police officer to be killed in the line of duty. The first was as a result of an accident and the second was shot in a bungled break and entry safe cracking incident when the officer was found waiting for the culprits. In that incident the murderer committed suicide.

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Height: UNKNOWN	Weight: UNKNOWN	Hair: BLONDE		Eyes: BLUE
Date Last Seen: SEP. 1983	Missing From: LAFAYETTE, LOUISIANA			
Known Abductor: VAUGHN GERARD ARCENEAUX				
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Up-Coming Events

April 6 - 8, 1995

Critical Incident Stress Debriefing Seminar

Kitchener - Ontario

Waterloo Regional Police Critical Incident Trauma Team and Family Service Bureau is sponsoring basic training in CISD and peer counselling techniques. For further details contact Ron Dowhaniuk at (519) 621-5090 or Barb Young (519) 653-7700 Ext.865.

April 17 - 21, 1995

Creating Change in Police Organizations

Banff - Alberta

The Edmonton Police Service will be hosting this event for police executives, police commission members, city managers, mayors and council members. For further details contact Sgt. R. Montgomery at (403) 421-2861.

April 19, 1995

Cellular Fraud Law Enforcement Training Seminar

Toronto - Ontario

The cellular Telephone Industry Association in conjunction with Bell Mobility and Rodgers Cantel will be hosting a training seminar for law enforcement personnel on the topic of cellular fraud from 09:00 to 16:00 hrs. To register call (416) 798-5061.

April 27 - 29, 1995

Crime Prevention Symposium

Mississauga - Ontario

Plan to attend the 2nd annual Crime

Prevention Symposium at the Days Inn, Airport Rd., Mississauga, Ont. For further details call Rosemary Raycroft at (705) 326-6465 or Fax (705) 325-7725 or Phyllis Bartlett (705) 689-8386.

April 28 - 30, 1995

Inter-Denominational Retreat

Pickering - Ontario

For members and guests of all police agencies this 34th annual retreat will be hosted by the Metropolitan Toronto Police. For further details call Larry Sinclair (905) 324-0600.

April 30 - May 3, 1995

1995 Ontario Traffic Conference

Mississauga, Ontario

Peel Regional Police Service will be hosting this year's Ontario Traffic Conference at the Toronto Airport Hilton Hotel. For further details contact Judy Woodley (416) 598-4138 or Harold Kennedy (905) 896-5100.

April 30 - May 2, 1995

CSC National Conference

Ottawa - Ontario

The Canada Safety Council's 1995 National Conference will show delegates they can fit their "piece" into Canada's traffic safety "puzzle." Delegates to this conference will leave with an action plan to address their own organization's traffic safety goals. For further information contact: Ethel Archard, (613) 739-1535 Fax (613) 739-1566.

May 2 - 4, 1995

Explosive Disposal Conference

St. Catherines - Ontario

The Canadian Explosives Technicians Association (CETA) will host the 1995 conference at Brock University in St. Catherines. This event is open to all military and police explosives technicians. For further information contact Bill Wiley (905) 688-4111 Ext. 4266.

May 1 - 3, 1995

Ontario Traffic Conference Annual Convention

Mississauga - Ontario

Hosted this year by the Peel Regional Police at the Toronto Hilton Airport Hotel the three day event will see a number of traffic safety issues discussed. Seminars and activities are open to registered non-members as well as members of the OTC. For further details and registration call (416) 598-4138 or FAX (416) 598-0449.

May 2, 1995

1995 Charity Golf Tournament

Brampton - Ontario

Organized by the Canadian Police Motorcycle Race Team on behalf of the Ontario Community Council on Impaired Driving - Drive Sober program. Golfing fee includes green fees, golf cart, bag tags, tees, shoeshine, welcome gift package, evening reception, dinner and more. Numerous prizes including a BMW motorcycle for a "Hole-In-One". To register contact Victor Phillips (416) 284-7344 or (416) 750-3513 Ext.255.

May 11, 1995

Traffic Accident Investigation Seminar

Aurora - Ontario

The Toronto Chapter of the Canadian Association of Technical Accident Investigators and Re-constructionists (CATAIR) is holding a one day seminar. For further details contact Bob Cole (905) 841-5777 Ex. 2062 or Fax (905) 841-7888.

May 27 - 30, 1995

Crime Stoppers Ontario Training Conference

Alliston - Ontario

This 11th Annual Training Conference will be held at the Nottawasaga Inn. This session will focus on training and police & the media. For further details contact Johanna Robinson at 1-800-567-2043 or FAX (705) 726-3067.

May 28 - June 1, 1995

Police Educator's Conference

Board of Canada

Fredericton - New Brunswick

The conference is open to anyone interested in training from a law enforcement perspective. This year's theme is "Violence in Society" and will include segments on family violence, racial violence, violence in the police family, elder abuse and violence in schools. For further details contact Insp. Eric Fiander at (506) 452-9701 or Terrence Quesnel at (506) 444-4459.

May 12, 1995

Evening of World Class Piping

Brampton - Ontario

The Peel Regional Police Pipe Band has once again organized this event to be held at the Central Peel Secondary School, 32 Kennedy Rd. North in Brampton. Also to be seen will be Pipe Major Alasdair Gillies of the Queen's Own Highlanders in recital. For further details Malcolm Bow at (905) 453-3311 or Fax (905) 792-0675.

May 31 - June 2, 1995

Radiocomm 95

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Delegates from the Radiocomm Association across North America are expected to attend this exposition of over 100 companies and 200 booths showing the latest in communications hardware and software. Further details contact Karl Eichner at (416) 447-2265.

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June 9 - 10, 1995
Georgian College LASA Reunion
Barrie - Ontario

Georgian College LASA program is hosting a weekend 25th Anniversary reunion for all graduates, consisting of wine & cheese social, sports day and dance. Contact Nancy Wagner at (705) 722-1535 Fax (705) 722-5175.

June 9 - 12, 1995
The Pas Peace Officers Fishing Derby International

The Pas - Manitoba
Members of The Pas RCMP region invite you to this annual event. Activities include competitions, banquets, fish fry and trophies. Those interested in registering and obtaining lodging are to contact Kevin McKenna or Malcolm Hollett at (204) 623-6491 or Fax (204) 623-5346.

June 12 - 16, 1995
Advanced Homicide Seminar
Toronto - Ontario

The Metropolitan Toronto Police Homicide Squad will be holding its 13th annual seminar at the Skydome Hotel. For further details contact the Homicide Squad at (416) 324-6150 or Fax (416) 324-6151.

June 17, 1995
Police Fire & Corrections
Canadian National Bench Press Championships

Edmonton - Alberta
Men's, women's and master division. Open to all current and retired police, fire and correctional officers in Canada. Competition to be held at Edmonton Police HQ. For further details and registration call Gary MacLean (403) 421-2829.

June 22 - 25, 1995
Canadian & International Police Motorcycle Championship Races

Shannonville - Ontario
The Canadian Police Officers Road Racing Team are happy to announce this event in association with the FAST Riding School. Event includes training sessions prior to race day for all contestants as well as a banquet and social activities. For further details contact Dave Stewart at (905) 831-2013 FAX (905) 831-1929.

June 26 - 28, 1995
Ontario Association of Chiefs of Police Trade Show

St. Catherines - Ontario
The OACP will hold its annual Trade Show in conjunction with its annual Conference. The Trade

show will be held at the Parkway Inn and is expected to draw over 100 companies. The show will be open to all members of police services as well as fire and ambulance personnel for the entire three-day show. Further details contact Ken Gansel at (905) 688-3911 Ext. 4420 or Fax (905) 685-5081.

June 25 - 27, 1995
Association of Quebec Chiefs of Police - Trade Fair

Trois Rivieres - Quebec
This annual conference will present a trade fair which will be open to all members of police agencies at the Delta Inn. The show will include around 50 booths of products and services of interest to law enforcement. For further details contact Giles Tremblay (819) 378-5433.

July 3 - 7, 1995
Canadian Identification Society

Halifax - Nova Scotia
This annual conference has a Trade Show associated with it that is open to members of police services. The event is expected to attract 20 corporate booth displays from companies interested in forensic ident issues. For details call Ron Yeomans (902) 426-1279 Fax (902) 426-8845

September 14 - 16, 1995
M.O.I.A. Conference
London - Ontario

The Michigan Ontario Identification Association Conference will include guest speakers plenary sessions and a trade show of interest to persons involved in Forensic Identification. For registration information contact Mr. Olszewski at (519) 661-5614 or Fax (519) 661-6494.

September 23 - 29, 1995
33rd International Association of Women Police Conference
Milwaukee, Wisconsin

This year's conference will be hosted by the Milwaukee Police Department at the Pfister Hotel. Conference will consist of guest speakers and training sessions. For registration information write IAWPP O Box 37872, Milwaukee, WI 53237-0872.

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LETTERS

To The Editor

Beretta 92 is recoil operated

I read with interest my friend Manfred Bentin's article on the Beretta M92. I would like to make one little correction under the locking system part.

The Beretta Model 92 is recoil operated and that's all! There is no short-stroke or delayed blowback involved, they are two different systems. Let me define the systems:

Recoil Operation: Breechblock (slide) is locked to the barrel at moment of high pressure. The barrel has to travel approximately 1/2" to unlock.

Short Stroke: Normally refers to the short movement of a semiautomatic shotgun barrel to effect unlocking. (As opposed to long recoil.)

Delayed Blow-Back: This is a system in which the barrel is not locked to the slide but opening is delayed during peak pressure by some mechanical device (i.e. rollers).

Manfred managed to get two more systems involved. I know what he meant to say, I think, and the Beretta 92 is recoil operated and a fine pistol.

Finn Nielsen
Section Head Firearms
Ontario Ministry of the Solicitor General
Centre of Forensic Sciences

I am Impressed

I would like to thank you for the FREE space in your classified section. I am impressed with the wide range of readership, having received calls from both police and private security agencies, from New Brunswick to British Columbia.

We received our first response 48 hours after the December issue came out. Over the next two weeks everything was sold out and delivered.

Our officers enjoy reading Blue Line and look forward each month for the new issue, keep up the good work.

S/Sgt. Brad Roelofson
Halton Region Conservation Authority

Editor's Notes

The classified advertisement was selling surplus scout car light bars, hand held and dashmount radar sets, flashlights etc. He sold them quickly but forgot to notify us to pull the classified ad. There were quite a few calls they received in which the caller was disappointed.

The classified section is a free service to law enforcement agencies and is a perfect venue to promote some cash-flow for that surplus equipment you have laying around. Give us a call or fax the details to us and we will get you in the next available

issue.

By the way... Brad reports they have 24 constable hats (never used) for sale at \$10.00 each. They have blue hat bands but these can be covered with whatever colour you want. Give Brad a call at (905) 854-2741 or Fax (905) 854-9891.

This is a good test to determine how well the Letters to the Editor section is read.

Enjoying Case Law

I am happy to remit my subscription fee for the new year. Please excuse my tardiness. (It's the back-burner effect).

I especially enjoy the Case Law section. It's interesting to see how much "new law" comes from my area.

J. A. MacDonald
White Rock, British Columbia

Magazine is fabulous

At this time I would like to tell you what a fabulous magazine you have. I have just recently started reading my supervisor's copy of your magazine and would like to get a subscription for myself.

I have read some American law enforcement magazines and didn't even know that there was one made in Canada right in my own back yard. I am currently a security officer for Northern Telecom but am keenly interested in policing.

I am looking forward to my receiving my first issue of your great magazine.

James W. Hope
Bramalea, Ontario

Editor's Notes

You make us blush Jim! It would perhaps be appropriate to point out that Blue Line is not restricted to just police officers. It has a readership that includes what I have described as "public, private and political police," as well as many who simply want to read how the profession is working out.

We try our best and we try to make it entertaining as well as informative with a minimum of bitching. If we do have something negative it is usually for a positive reason.

We urge our readers to relax and enjoy reading Blue Line and, coming this September, Ten-Seven. An excellent way to get the big picture of policing in Canada and to stay current.

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Patch Profile



With a daily population of over 60 thousand people, the University of Toronto is the largest University in Canada, incorporating three campuses. The St. George Campus is the largest, and is located in the heart of downtown Toronto. The Erindale Campus is located 30 Kilometers to the west in Mississauga, while the Scarborough Campus is located 30 Kilometers to the East in Scarborough.

Security duties at the University of Toronto originally fell upon the caretakers, however, in the early 1900's the University saw a need to establish their own Police Department, and in 1904, the University hired its first Officer. Through the years the University of Toronto Police Department has grown to a present day strength of 60 officers, which makes it the largest University Police Department in Canada.

The present crest was adopted in 1978 and is worn by all uniformed officers. The crest depicts the symbol of the University in the centre, with yellow lettering and a border. The centre symbol of the crest is a shield with the University colours of blue and white in the background. On the shield is a beaver representing Canada, two open books representing the pursuit of knowledge and a crown representing the University's royal affiliation. At the bottom of the shield is Latin on a white banner, which in English means "Tree of Knowledge". This statement is symbolized at the top of the crest with the tree.

Persons interested in swapping this patch may contact Cpl. Bonar Holmes, UofT Police, 1265 Military Trail, Scarborough, Ont. M1C 1A4. Fax (416) 287-7641.

Next month this column will be taken over by ex-constable Al Evans of Medicine Hat, Alberta. Al is starting a collection which he intends to donate to the Medicine Hat Police Service. You will read more about this in the next issue.

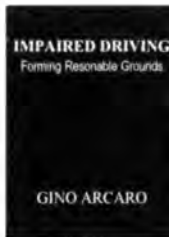
Energize Your Career

Here is a wide array of ideas on Blue Line's Preferred Products List



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 includes each issue with a true investigation which underscores the issues discussed in each chapter.

\$34.95



Gino Arcaro's latest book is a comprehensive study of Canada's Drinking Driver laws. Excellent resource for police officers, prosecutors or anyone interested in the administration of laws toward drinking drivers. Well indexed and quite current in the case law quoted.

\$33.00



"The ability to deal with the public in all its forms, moods and temper 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



Written by the author of "The Five Minute Policeman", this book was selected as the study text for the U.S. Parks Service Police for promotional candidates. Evaluated by the College training staff and staff psychologists around the world this book is must read material for anyone looking for managerial level careers.

\$17.95



Co-authored by Alain Trotter, M.D. (Director of Health Services, RCMP) and Jeremy Brown M.D. (Health Services, RCMP) this book was written to provide physicians with a comprehensive guide for assessing the health of police officers. This book displays a direct relationship between police work and health.

\$49.95



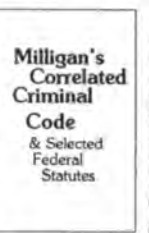
This book is about surviving high risk patrol. Advanced material ideal for academy and departmental training programs and for all law enforcement officers. 554 pages with 750 photographs and drawings. This very real-life book will not only teach you about the "Tactical Edge" it will also help keep you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

\$58.95



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 firearms to defeat those of assailants.

\$46.95



A Canadian Criminal Code written by a cop for cops, this book is unique in that it has an index at the front of the book which puts Criminal Code sections in street language in addition to the formal terminology. For this reason you will find the words "Shoplifting", "Kickback" and "shell-game" included with the appropriate section numbers provided.

\$22.95



Tales From The Police Locker Room captures many fine examples of police humour. No doubt some of these stories have been embellished somewhat as they have made their rounds, but they portray a side of police work that the public seldom sees. If you need to "lighten up" a bit this is the book for you.

\$14.95



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



The Ontario Highway Traffic Act (cross referenced to selected Regulations) and conforming with the Revised Statutes of Ontario 1990. This is the first comprehensive and reasonably priced version of the HTA released that is suitable for the pocket or briefcase. Order Today! Quantities are limited.

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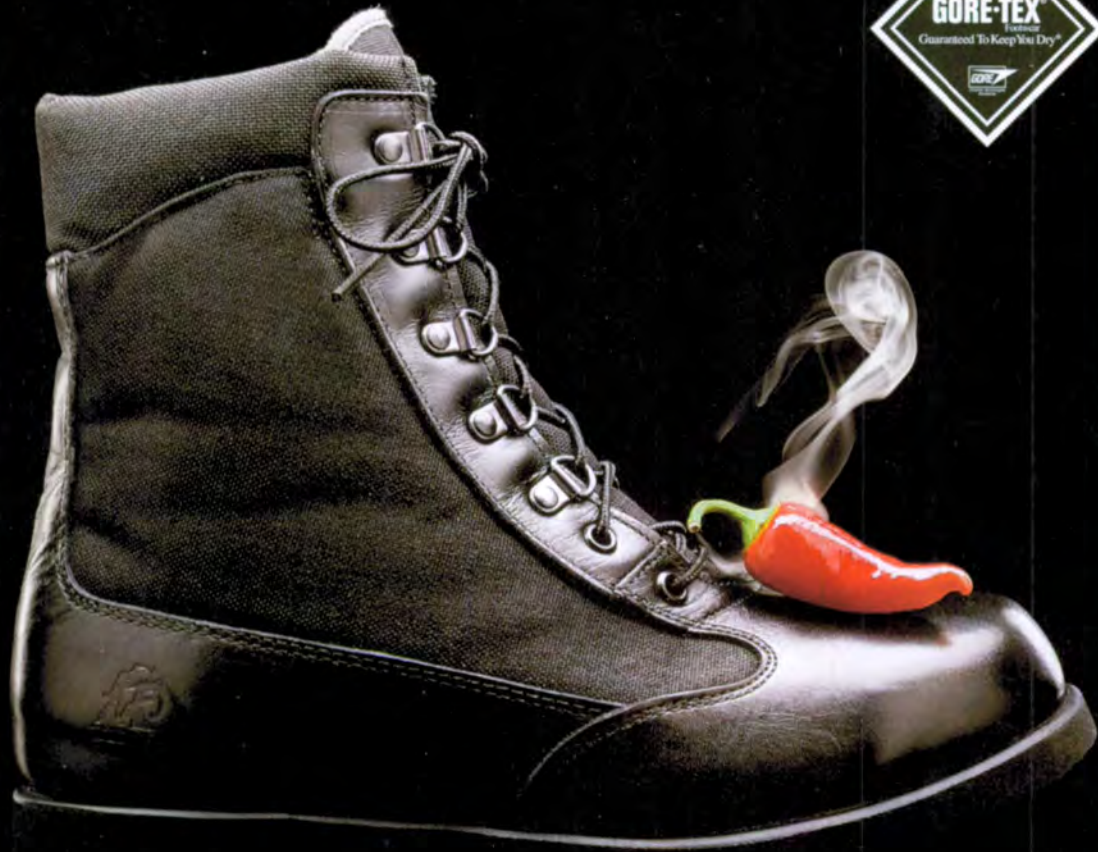
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