

# BLUE LINE

Canada's National Law Enforcement Magazine

November 1997



# RESPONSE 98

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MAGAZINE



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# BLUE LINE

Canada's National Law Enforcement Magazine November 1997



No police officer can look more impressive than when mounted on a horse. It is an image of another more tranquil age when the whole world moved at the pace of a horse's gait. The advantages of this image are not lost on the Chinese police authority. Over the past couple of years they have been attempting to create more mounted patrols for their bustling cities and popular municipal parks. One of the biggest obstacles they had to get over was the complete lack of officers appropriately trained for this type of work. They made inquiries with Canadian police officials and came up with retired Metro Toronto Police training officer Jim Davis. With well over 35 years of experience in the Governor General's Horse Guards and the Metro Toronto Mounted Unit, Jim was the perfect choice. In this edition Jim supplies us with a few reflections of his visit and the officers he met in China. Jim's story and photographic essay begins on page 6 in this edition.

In another photo essay Chuck Konkle gives us an overview of the first annual Emergency Services Day at the Canadian National Exhibition. Organizers invited police, military, fire and ambulance personnel from across the country to bring their people and their equipment to show the public how their tax dollars are spent to make them safer at home and on the streets. Chuck reports the event was a tremendous success.

On page 14 Saskatoon police officer Grant Obst writes about his face to face encounter with the effects of racism while simply doing his job. This is followed by an article explaining the function and purpose of the Canadian Centre for Police Race Relations. It makes fascinating reading and food for thought.

This month we present the first of a six-part series on what is happening to Ontario Policing. The changes are coming so fast that Blue Line has assigned an investigative journalist to dig into this and report back each month. The first instalment can be found on page 19 in a column called *Megatario*.

This edition is full of many other articles and columns of interest and we are sure there is something for everybody. Your comments are expected... and respected.

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## Are "Banana Republic" rulings becoming the norm in Canada?

by Morley Lymburner

Okay folks! I am having trouble with this one. Last June the Supreme Court of Canada became extremely polarized on points of law which I have never seen before. The majority decision in the *Feeney* matter not only flies in the face of numerous previous case law rulings but the Supreme Court actually gave the government six months to make a new law that will make the ruling fit. It has even taxed my ability to put a positive spin on it or to give you guidance in the matter.

Gino Arcaro's Case Law in this edition contains the full (more or less) story in this matter. In a nut shell it involves a police officer who entered a residence to arrest a man on a suspicion of committing homicide. The difficulty of the case law ruling from the Supreme Court of Canada is that it stated the officer needed a search warrant (or some sort of judicial authority) to enter the premises to search for a person. A rookie right out of a police academy knows that no such thing exists in law. You can get a search warrant for things but not people. When the Supreme Court was asked about this they decided to go full steam ahead and gave parliament six months to change the law so that their decision would be okay.

In my humble opinion this is the first time

that I can recall the Supreme Court of Canada actually creating law rather than interpreting it. This is the stuff that revolutions are made of and if the Supreme Court of Canada has not crossed the line it has certainly walked on the slippery edge. It certainly begs the question "who is running the asylum?"

When reading the case law it would appear that Justice John Sopinka has dissected and analyzed the *Feeney* case to a fine degree. But it is reminiscent of the three blind men describing what an elephant looks like. They are all correct in their deductions but they have not quite put the whole picture into perspective. They have also seriously misjudged the audience's opinion on the process.

Given the revelations in the Moran inquiry, and other matters in which wrongful convictions have been registered, it can be understandable that the public, and even the judiciary, would have their faith in police investigations shaken. It is difficult to fathom how this would affect the clear thinking of the Supreme Court of Canada but in this case my fear is that it has. I have never seen such a majority decision where the minority decision is at such extreme poles. Five Justices said the police fouled up so bad that it made the justice system look badly in the public's view. Four Jus-

tices state that the officers should be commended for a job well done. What are we minions to make of this? I am at a loss to know.

This all brings me back to what I have always professed. *Do not make bad rules work.* And you make them work by NOT following them. Cops can be the worst violators of this rule. They too frequently cut corners to "get the job done." No one begged you to become cops... you chose the job for better or for worse. Follow the rules and if flak comes your way simply explain where the blame is to be directed. And if you have done everything correctly then five justices in the Supreme Court of Canada take the flak. The unfortunate thing is that they really don't appear to take flak because there is no system in place to give them flak.

I contacted the Department of Justice in an attempt to get a copy of the new legislation to be released later this month. They could not supply me with anything yet because it had not been before Cabinet yet. I asked if there was a light at the end of the tunnel and was advised there is light. My only concern is how bright is the light going to be. In the meantime I can only suggest in similar circumstances you can only cordon off the house and wait for the suspect to willingly come out. It ain't necessarily justifiable but it is necessarily justice.



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# Chinese police acquiring skills from the hoofs on up



*Jim Davis is shown here directing several Chinese police officers in the fine art of police mounted patrol. Last spring Jim was invited by the Dalian Police to give them some pointers from his vast experience as a mounted police trainer from the Metropolitan Toronto Police. Jim was invited to tell Blue Line's readers about the experience.*

by Jim Davis

Two years ago the Dalian, China, Municipal Public Security Bureau (Police) started up a Mounted Unit. The biggest hurdle they had to overcome was that it had never been done before in China and they had no officers that had ever ridden a horse. Undaunted by their limitations the Dalian Police has been courageously training and gathering knowledge literally from the hoofs up and from around the world.

The purpose of this new unit is to provide a high visibility patrol function in the city's downtown core. The unit patrols the city square for both crime prevention as well as a public relations display for the citizens and tourists. A secondary use is for parades, special events and VIP escort duties.

As this is the first Mounted Unit to be started in China, the police leaders sent out inquiries for mounted police training and knowledge. I was honoured to be invited to conduct some Mounted Unit training for this agency and after 35 years of urban mounted police patrol experience felt that this would be an enjoyable challenge.

After a good "Canadian Air" flight, totaling 15 hours, I arrived in Beijing on May 31st. Two Beijing officers and two Dalian officers greeted me (I was not too hard to pick out of the crowd) and literally whisked me through customs and immigration. Much to my surprise the next two days were spent touring the Great Wall, the Forbidden City, the Great Temple and Tiananmen Square. My gracious hosts also wined and dined me at a four-star hotel called the "Tianlun Dynasty."

An "Air China" 767 took myself, my Dalian interpreter and host Zhang Di for the



one-hour flight to the city of Dalian. I was further surprised to find I had attained the level of local celebrity status when we were greeted by a television crew and senior police officials. After a cordial greeting I was whisked away and taken to a comfortable room in the "Police Hotel." This terminology, given my police experience, certainly raised my eyebrow and put a well humoured smile to my lips. Many things can be misconstrued in translation. My interpreter's only way to describe something similar to a ranking officer's living quarters in a police facility as opposed to a jail cell was to describe it as a "hotel." His sensitivity was appreciated.

Dalian, China, is a big beautiful, modern, progressive city located on a peninsula jutting into the Yellow Sea. A city of six million people that, along with the ultra modern architecture, building construction and manufacturing, seems to be very western in appearance. In fact all of China is opening its doors to tourism and western business. No where is this more evident than with what can be seen in its modern hotels, clean safe cities, and beautiful zoological parks. This Western appearance is most striking when one views the American impact every where. Most notable of which includes advertisements for tobacco, Coca Cola, McDonalds, K.F.C. and even "This Bud's for you."

After our supper at the "Police Hotel" we started our discussions and I was first introduced to the very keen and enthusiastic Mounted Unit staff. The Mounted Unit is made up of ten male and five female officers (Knights) with ten mounts purchased from Hong Kong and Manchuria. At the time of my arrival two new mounts were in training and



*Dalian Police Headquarters is the centre piece of this modern city of 4 million situated on a peninsula jutting into the Yellow Sea.*



the police had aggressive plans to double the unit size over the next year. The senior officers include a Unit Commander, a Political Officer, a second in charge Training Officer, Assistant Trainer, Supply Officer, Army Veterinary Officer and they all are attached to the Senior Patrol Commander.

The next two weeks were very busy. Due to the language differences all of my instructions, other than universal body language, had to be translated through my very capable aid Alex Sun. I had originally hoped that the training level of the unit was beyond the basic level so as to allow for advanced training skills. This was not the case however, and I found that much of my time was spent on basic equitation, section drill, street proofing, neck reining and sword drill. I found that each of these fine officers were very eager and made the task of teaching much easier.



I filled my days introducing the officers to various aspects of Metropolitan Toronto Mounted Police training skills. As this is the first and only Mounted Unit in China, I felt a deep sense of responsibility to impart what knowledge I could in a brief period of time.



I was always conscious of the fact that they had no one else to guide or assist them in the intricacies of urban mounted police patrol. I made it clear to them that it would normally take 15 weeks of intense training to make a street-wise mounted officer.

I was very impressed with their modern stabling facilities. The two custom six-horse transports, dress uniforms and patrol uniforms were something to behold and would be the envy of any Mounted Patrol Unit. I couldn't help but admire the fact that they had done an outstanding job in such a very short time to produce such a well organized Unit.

I was honoured to be invited to attend China and doubly honoured to impart some training and knowledge, if only for such a brief time. It will take many more years of training to bring this Mounted Unit up to Western standard. Training is a never-ending task and a prerequisite for Mounted Police Units. Upon taking my leave on June 15th I assured them that we are available for future assistance. It is hoped that with the conclusion of my visit their equitation policing journey will blossom and thrive.



*Jim Davis shown at the centre of this picture with (left) Dalian Police Director Zhap Xin Ming, Huang zhen fu, Police Political Officer (left of Director) Li zhen xiang, Director of Dalian Police Patrol Division, (Right) Zhang di, Police Secretary of Foreign Affairs, Tian ping, Director of the Mounted Patrol,*



*Many of the lessons learned were appropriately punctuated by the occasional lesson from "the school of hard knocks." The supervisor of the unit (left) found out the difficulties that can arise while attempting to teach a horse to jump over obstacles.*

Albert (James) Davis was one of the original founding members of the Governor General's Horse Guards Cavalry Squadron where he has ridden for over 32 years. He has participated in most of the escort positions including escort commander. Early on in his involvement with the Guards Jim was introduced to the Metropolitan Toronto Police Mounted Unit and became an active member in 1960. He then spent the next 34 years as an officer attached to their Mounted Unit performing many patrol and ceremonial duties. He was designated a Riding Instructor in 1966 and the Riding Master in 1988.

Jim retired from the Police Service in 1994 but still assists the Unit in the preparations for competitions that take place at the Canadian National Exhibition and in the United States. He is currently the President of the Canadian Mounted Police Association and the editor of its newsletter "Hoofbeat".

For further information about the Association you may call Jim at 416 261-5093 or Fax 416 261-2316.



# Accused can be fingerprinted without charges being laid

by Sue Pritzker

In a B.C. Supreme Court ruling it was decided that fingerprinting a suspect prior to formal charges being laid was not an invasion of privacy.

"The principles of fundamental justice are not violated by the requirement that persons arrested for indictable offences provide their fingerprints," Mr. Justice Preston stated in his decision last December.

There has been much debate in B.C. concerning whether or not fingerprinting was a direct violation of Section 8 of the Charter.

In February 1995, Chukar Mattu was arrested for assaulting a woman with a tire iron. He was never formally charged, but several months later his fingerprints were found at the scene of an armed robbery. Mr Mattu argued at his trial for robbery that the Identification of Criminals Act had been violated because the police had taken his fingerprints before laying any charges. He argued that the fingerprints should be dismissed from the evidence.



Photo - Strehle Finger Print Labs

In a previous hearing, the B.C. Supreme Court had ruled that a person had to be both in custody and charged with an indictable offence to be fingerprinted. In this case the accused was fingerprinted after being taken into custody for a drunk driving charge. The fingerprints were sent to the RCMP database, where they were then linked to an armed robbery. Since the accused had not been formally charged at the time of his fingerprinting, the judge felt that the act had been violated.

However, in the Mattu case the judge dismissed the appeal stating that no act had been violated based on the theory that "all persons in lawful custody" includes those persons which at the time of arrest are found committing summary conviction acts under the criminal code.

"A disjunctive reading of Section 2.1 of the Identification of Criminals Act would include in the category of persons who were subject to fingerprinting all persons 'in lawful custody,'" Mr. Justice Preston informed the court.

The judge also concluded that police have a common law right to take an accused's fingerprints at the time of arrest. The existence of this law means that there was no charter violation.

Mr. Justice Preston noted that "the argument that the taking of fingerprints was justified as common law was not before the courts in the preceding cases."

Mr. Justice Preston stated in his conclusion that "the importance of the process of collecting and maintaining fingerprints is to be balanced against the magnitude of the intrusion of the process into the affairs of those who are required to provide fingerprints". In this case, the fingerprinting of Mr. Mattu did not sacrifice the fundamental principles of justice.

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Height: 190 cm Weight: 95 kg Race: Cau  
D.O.B.: 1960/07/16 Age: 35 Build: Medium

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# The Clipboard

**Buried:** Elliot Ness, the famous federal agent who broke Al Capone's liquor operations during prohibition, was laid to rest in a Cleveland cemetery in September.

His ashes had been kept by his son and his son's widow for 40 years.

Rebecca McFarland, vice-president of the Cleveland Historical Society, said that Ness did a lot for the city and it seemed appropriate that he should receive a proper burial.

Ness died of a heart attack at the age of 54 while working in Coudersport, Pa. His family was so poor they couldn't afford a proper burial.

**Searching:** RCMP officers in Montreal came across \$74,000 worth of two-dollar coins that were stolen from a CN Rail yard in July 1996.

Officers are still looking for another \$2.9 million worth.

The coins were stolen after a truck drove into Montreal CN Rail yards and made off with 1.5 million two-dollar coins.

The coins were discovered in a warehouse on the Kahnawake Mohawk reserve during a September raid.

The money was found along with over \$100 million in drugs, illegal cigarettes and alcohol, paper currency and stolen property.

**Dropped:** The number of crimes reported in Sudbury, Ont., declined during the first eight months of 1997.

A total of 8,207 criminal offences were reported to the Sudbury Regional Police during the eight-month period, that's down from 9,760 at the same time last year.

Police Chief Alex McCauley said the drop in reported crime is due to an improving economy and effective police work that has placed repeat offenders behind bars.

"A lot of crime is committed by the same people, over and over again," McCauley was quoted as saying.

**Guilty:** Staff Sgt. George Corcoran, an Ontario Provincial Police officer, plead guilty in mid-September to stealing \$80,000 from the force and defrauding a business of \$100,000.

Between 1992 and 1994, while working as a sergeant with the Brockville detachment, Corcoran was entrusted with about \$80,000. At his suggestion the money was put into a safety deposit box and he held the only key.

In May 1994, Corcoran was promoted to detachment commander at the Kanata detachment and asked to return the key, but failed to do so.

In August 1994, two officers viewed the register for the box and found money had been removed on three occasions.

Corcoran's bank records indicated he made deposits into his account around the same times.

Also in 1994, Corcoran tried to replace the missing money by defrauding an Ontario company.

A sentencing hearing will take place in Brockville, Ont., sometime in December.

Corcoran's lawyer, Mike Edelson, said the officer has serious mental health problems.

**Sentenced:** A 16-year-old youth responsible for stabbing a detective at a courthouse in Newmarket, Ont., was sentenced for the offence in September.

The offender plead guilty to the attempted murder of Det. Bob Wiche and an aggravated assault on Det. Dave Kingston, who was stabbed while attempting to aid Wiche.

The youth received a three-year sentence.

Wiche was stabbed in the back while attending a preliminary hearing on a manslaughter charge in June.

The charge against the officer was later dropped.

The youth was a friend of the individual Wiche was accused of killing.

**Acquitted:** A New Brunswick RCMP officer who had been charged with sexually assaulting a woman, was found not guilty in late September.

Cpl. Andrew Munro was charged with assaulting the woman at Biggar Ridge, N.B., in 1995.

The woman had claimed that Munro forced her to perform oral sex in the front seat of a cruiser after he questioned her for several hours regarding missing money.

Munro, a 20-year veteran, told the court nothing sexual occurred between them.

The woman's ex-boyfriend also testified that the woman told him a different story about the assault than the one she told the jury.

**Sworn In:** The Peterborough Community Police Service swore in its new top cop in early October.

Deputy Chief Terry McLaren replaced Kevin McAlpine who left to become the chief of the near by Durham Regional Police Service.

McLaren joined the Peterborough force two years ago.

**Review:** Metropolitan Toronto police stations reviewed their files in early October to ensure court cases hadn't been misplaced.

A memo was released to unit commanders after police in the suburb of York came across a number of files dating back to 1993 in a filing cabinet.

Police said the problem, which was clerical, has been fixed. However, over 100 cases involving minor offences had to be withdrawn as a result.

It is believed the problem was isolated to one division.

**Awarded:** Ontario's Hamilton-Wentworth Regional Police Service and B.C.'s Co-ordinated Law Enforcement Unit have both won an international policing award.

The Webber Seavey Award for Quality in Law Enforcement will be officially presented to the forces by members of the Interna-

tional Association of Chiefs of Police in Orlando, Fla., on Oct. 27.

The two forces competed for the award with over 185 other police services.

**Seized:** Canada Customs inspectors made three cocaine seizures in a single day at Toronto's Pearson International Airport in September.

A drug-sniffing dog initially alerted inspectors to a container which held over 30 kilograms of cocaine. The drugs were stashed in a shipment of fruits and vegetables from Trinidad on Sept. 27, officials said.

On the same day, an additional 6.4 kilograms in cocaine was seized in two separate incidents involving passengers from Antigua.

**Burned:** Four vehicles owned by Quebec's provincial police force were burned in early October at the service's headquarters.

A van owned by a Quebec government agency was also set on fire.

No one was injured as a result of the crime.

Witnesses told police they saw four suspects flee the scene in a grey car.

It was not immediately known if biker gangs were involved in the fires.

The province has been trying to crackdown on the Rock Machine and Hell's Angels, who have been battling for control over the province's drug trade.

**New Force?:** A British Columbia Indian band may soon have their own police force.

Penticton Indian Band Chief Stewart Phillip says the members voted in favour of establishing a native police service.

Roughly two dozen band members have already undergone police training at the First Nations Justice Institute, although more training would probably be needed.



## Emergency Services show their stuff



Carabinieri Officer

*Metro Toronto Police Colour Party lead the parade held at the Canadian National Exhibition in late August. The Federal Italian Police (Carabinieri) were the featured nation's police force of the day and represented by a special colour party in the parade. This was the first year of the new annual event which features displays of emergency services equipment and personnel.*

by Chuck Konkle

6:30 a.m., Saturday 23 August 1997 a crisp and sunny morning on Toronto's waterfront. The Canadian National Exhibition (CNE) grounds are silent at this early hour; the Midway is quiet; the bandshell, deserted. The only sounds to be heard are the rush of water onto the breakers and cawing of seagulls over Lake Ontario.

Over the next few hours that would all change dramatically. In a well co-ordinated, albeit friendly, invasion, several hundred police, fire, ambulance and military personnel and their

equipment would descend on the CNE to take part in the 1st Annual Emergency Services Day.

With the quiet help of a small army of volunteers and members of the International Police Association, the multi acre CNE bandshell site would soon be transformed into one of the largest displays of contemporary emergency apparatus that Toronto has seen in the past decade.

The day began fittingly with a huge parade. Marching units and colour parties including a contingent of Carabinieri representing Italy, the 1997 CNE "Feature Nation", led a cavalcade of

pipe bands, motorcycles, police, ambulance and fire vehicles and even medal winning athletes from the World Police Fire games, through the grounds and past a reviewing stand where dignitaries, led by the Honourable Art Eggleton, Minister of National Defence, took the salute.

After the march-past, people strolled about a landscape highlighting items as diverse as mobile command posts, antique and current police cars and a bevy of monster fire trucks including a huge Pearson Airport rig. There were exhibits of bomb disposal teams, ultra modern ambulance buses, hazardous waste command posts, a canine unit, Canadian Navy amphibious craft and divers and a water show by the Toronto Fire Boat, William Lyon McKenzie.

There was also a sobering display of vehicle fatalities and state of the art countermeasures offered by diverse traffic units with hardware ranging from accident reconstructionists to motorcycles to sleek expressway cars. In an equally contemporary commentary to the sad reality of life in many parts of the world, the Army demonstrated mine clearance equipment including a Warsaw pact mine kit and an RMI - remote mobile investigator - robot.

There were things for young people too - like Elmer the Safety Elephant, a robot named "Pee Cee Herman", a DARE race car in police colours and safety displays from the Canadian Red Cross.

As they wandered the grounds, the public was greatly entertained by bandshell performers representing various police services; while the nearby waterfront played host to the Ontario Canoe championships and, in a cause near to law enforcement hearts, Special Olympics competitions and challenges. Some of the teams

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The only thing missing to make the day truly complete was the planned appearance of HMCS Okanagan, a Canadian Navy submarine which, according to insiders, was just a few days short of berthing and becoming an integral part of the festivities.

But if a real sub didn't make it, there was always this piece of trivia for those that cared to know. The participants devoured 500 giant sub sandwiches and 1,200 donuts courtesy of the day's gracious sponsor Guild Electric, 20 cases of soft drink compliments of Coca Cola Canada and enough coffee to keep them awake until next year's extravaganza; which, by the way, promises to be even bigger and better!!!

Staff Sergeant KGE "Chuck" Konkel organized the 1st Emergency Services Appreciation Day. He is a 20 year veteran of the Metro Toronto Police. He previously served with the Royal Hong Kong Police and wrote a best seller, the "Glorious East Wind" - based on his experiences there. He is currently completing a police thriller set in Mexico which is scheduled for international release in 1998.

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# Less than lethal force

## Response options – In search of the 'Phaser'

by Joel Johnston



It is a very post-modern approach to create a gadget to 'solve' problems. Whether or not the gadget is suitable for the task, safe, effective (or even truly works in the real world) seems to be of secondary concern when weighed against the potentially huge profit margins that exist if we can be made to believe that it may work.

Protection of people and the preservation of life and property is at the core of the police mandate. Law enforcement professionals the world over endeavour to resolve conflict, to de-escalate confrontation and to deal effectively with violent and dangerous behaviour at the lowest possible level of intervention.

Sometimes the lowest possible level of intervention involves the use of a firearm, where a subject is shot, and may subsequently die. This normally occurs in situations where a subject, acting unlawfully, has placed the life of others in imminent jeopardy of grievous bodily harm or death.

While the notion of saving lives is positive and must always be striven for, it cannot be striven for at the expense of the lives of those sworn to uphold the laws that we as a society have generally agreed upon, or those who would be innocently victimized by people engaging in unlawful, violent and dangerous behaviour.

The concept of weapons that have less lethal consequences, is not a new one, it is ground that has been covered many times. Stun guns, taser guns, glue guns, net guns, bean bag guns, Arwen guns, grapple nets and poles, mace, pepper sprays... the list goes on. Mass marketing of law & security, and personal defense gadgets to a fearful, impressionable public, liability conscious administrations, and organizations that are financially strapped to provide the proper training to their personnel makes perfect sense to the entrepreneur. They are all potential buyers of the solve-all gadget.

Imagine if police officers didn't need to use their guns. Even in the face of imminent deadly force by a subject engaged in unlawful, violent behaviour. Imagine if we had a tool, a gadget, that would ensure we never had to use physical force against people, and certainly never had to shoot people with a firearm. We wouldn't have to train, and we wouldn't have to worry about the high-liability issues of use of force, as long as our people knew how to aim or deploy the gadget. ...Wouldn't that be nice!

We all witnessed a great fraud perpetrated against law enforcement, and the general public, in the early 1990's when pepper spray was mass marketed to the law enforcement community and an increasingly frightened public.

A number of police officers were killed or severely injured as they placed their faith in canned sprays that would, as claimed, 'stop anyone under any circumstances'. Similarly a number of women were sexually assaulted, murdered, and/or severely injured while holding this misplaced faith in a product that was and continues to be touted as having the ability to 'take the fight out anyone'.

OC spray use has been linked to dozens of in-custody deaths across North America. True it has not been tagged as the causal factor in all but one of these deaths, but it is a product that we are unfortunately learning about every time we use it. However in the mad rush to market the 'answer' to the lethal force problem these issues were never properly addressed. The users and the recipients remain the 'laboratory rats'.

The Learning Channel on cable television has recently been running a program for public consumption on less than lethal weapons. A seemingly innocuous topic, save for the criminal ele-



ment who view these perhaps previously not considered weapons as potential options for their endeavours (armed robberies, sexual assaults, home invasions, muggings, car-jackings, etc.).

The other real problem with programs like this one, is that they mould and shape public perceptions and beliefs. True the weapons are out there, they have been invented and they are available for use. However when they are deliberately placed in the context as a replacement for conventional firearms for law enforcement professionals, it is a dangerous and misleading notion that has very real and very serious repercussions. People who view these shows are jury members, administrators, judges, lawyers, members of the media, lobbyists, special interest group members, and just regular people who form public opinion. Professionally directed, written and edited shows like these have a tremendous impact on a public with limited knowledge.

When tools or gadgets such as these are shown as replacements for the firearm, we confuse an impressionable public, we begin to create standards that are in many cases not achievable in real-world confrontations, and we create indecision among law enforcement professionals when faced with a deadly threat. Yet the media and bureaucrats cling to the pie in the sky dream that some magic answer, some comfortable solution, exists to effectively deal with extreme behavioural problems, where no one has to get hurt.

A very key distinction has to be made here: Between

1) a spontaneous, imminent deadly force encounter, where someone is literally about to be killed or grievously injured by someone engaged in violent, unlawful behaviour, where there is no time to escape and no opportunity to negotiate;

And

2) a non-spontaneous, potentially dangerous situation, where time to make decisions exists, there is some distance from the threat, some physical cover is available, and no one is in imminent jeopardy of death or grievous bodily harm.

At this time there is no tool or gadget that exists to solve the spontaneous deadly force encounter.

Someone is about to be killed or grievously injured, imminently, by a violent lawbreaker. This means stabbed, bludgeoned, burned, folded, mutilated, spindled, shot or hurt in any other way the warped human mind can conjure up. Clearly there is a need to stop this imminent action immediately. There can be no room for error, and simply slowing the person down will not suffice. They must be stopped NOW!

Should we pepper spray such a person? Mace them? Spray them with glue? Tase them? I can speak from personal experience. Having been sprayed with three different varieties of law enforcement strength pepper sprays, having been

exposed on several occasions to tear gas (mace), it didn't even slow me down, let alone stop me. I have been hit with 100,000 volts from a stun gun and it didn't even cause me to drop the training knife.

The firearm deployed to a vital, incapacitating target (heart, spinal column, brain stem, centre of mass) on the body is the only tool that has a reasonable chance of stopping someone immediately. I truly believe that if someone had a loved one who was in imminent danger of being killed by a violent lawbreaker, they would want that person stopped NOW! They likely would not approve of the deployment of glue, or pepper spray under such circumstances, hoping that it would work.

#### So when do you use them?

In situations where time, distance, and cover exist, and where no one is in imminent jeopardy, law enforcement professionals already refrain from deploying lethal force. Officers are trained to disengage and contain, to communicate, to summon specially trained units (negotiators, emergency response members, canine units, etc.).

When there is time and no one is in danger, law enforcement professionals will use alternative weapons in an effort to control resistive, even violent behaviour. But make no mistake. There is no less lethal option available to replace the firearm. Their contexts of application are completely different.

When law enforcement officers shoot at a static paper target in a controlled, safe, training environment they hit the target about 80% of the time. Bear in mind this is a stress-free environment where the target doesn't move and poses absolutely no threat to the officer. In real-world deadly force encounters law enforcement officers hit the target about 15% of the time when aiming at the largest, slowest moving part of the target - 'centre of mass'. This is because now a life is in danger, the target moves, the environment is strange and dynamic, and the officer's heart races.

I have had members of juries ask me "why couldn't the officer shoot the knife out of his hand?". Others have asked "why didn't the officer shoot him in the leg?". After a recent police shooting here in Vancouver a member of the media telephoned and asked why our officers didn't throw a net over the gun-pointing subject. Reasonable questions for the uninitiated.

This simply demonstrates a lack of understanding of the dynamics of confrontation, the effects of stress on performance, the ineffectiveness and inappropriateness of many of these 'less lethal options', and the limited abilities of human police officers. It also very clearly demonstrates the effect that Hollywood has on people's perceptions.

Given that officers only hit the desired target about 15% of the time in actual street confrontations when they aim at centre of mass, can you imagine what that percentage would fall to if officers began aiming at small, illusive, fast moving targets like hands, knives, guns or legs? It would likely be less than one percent.



Shooting the leg or arm will not stop a violent, goal-oriented assailant from carrying out his task. On many occasions even centre of mass shots have failed to stop violent, drug-induced, goal-oriented assailants, with tragic results. Aside from the obvious lack of control of an imminent deadly force threat, the other problem is that errant bullets travel somewhere, potentially endangering innocent lives.

In a true deadly force encounter, these 'less lethal' weapons are indeed frequently less lethal for the perpetrators of violence, but far more lethal for those charged with controlling such violence.

#### Is there a solution?

We have all seen one solution. Even if you weren't a fan of the original Star Trek you couldn't help but to have seen the 'Phaser'. There was no confrontational problem that the Phaser couldn't solve. Remember the Phaser

could 'freeze', 'stun', or cause people to disappear. Set the Phaser on 'freeze', and the assailant or enemy was frozen in place. He couldn't move, he couldn't even breathe, but he wasn't hurt. Imagine if we in law enforcement had the Phaser. We could freeze people in their tracks, with the knife, gun or club in their hand. They could do harm to no one. Further we could cart them into court for the judge or jury to see them as we saw them on the street. They would be wearing the same clothes, have the same look in their eyes, be in the same state that they were in when we arrested them. They would not be sanitized, sobered up, and wearing their 'Sunday best'. Presumably this would make gaining convictions more likely.

This is, however, a serious subject and street-level law enforcement isn't Hollywood, it's real-life. We should never stop searching for a solution to this seemingly unsolvable problem of extreme violence. We are obligated to continue to search for such answers. But in realistic terms we are a long way off, and until we address the problem of violence in our culture at the grass roots level we will continue to have to deal realistically with deadly force behaviour. The only real tool at our disposal still remains the firearm.

Joel A. Johnston is the Control Tactics Coordinator for the Vancouver Police Department and the Defensive Tactics Editor for Blue Line Magazine.

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# Bridging the gap in Saskatoon

by Grant Obst



Recently, my partner Constable Sean Taylor and I were on patrol in one of the most crime-ridden, poverty-stricken neighbourhoods of Saskatoon. It's our usual beat, and we work there by choice. There are very few dull moments and we often find ourselves in the thick of things—just the way we like it.

It was about 7:30 in the morning. We were half an hour away from finishing our last 12-hour night shift. By 8:00 a.m. we would be off duty for four days. We were caught-up on our paper work and just making one last tour of the district before heading back to the station. Things were winding down - or so we thought.

## Prostitutes

We were cruising slowly through an industrial area where prostitutes usually bring "johns" to complete their transactions. The rising sun was shining brightly and we didn't expect to find any activity in the area. Just then I caught some movement out of the corner of my eye.

Up ahead to the right of our police cruiser we saw a young aboriginal woman. She wore a tight sweater and a short mini-skirt. Her hair was dyed orange and she wore heavy make-up. We assumed she was one of the "working girls."

We thought it was strange that she was alone, walking across a deserted parking lot. There were no vehicles around and she looked upset. Sean steered the car in her direction and as we got closer we could see that her clothes were extremely dishevelled. Her sweater was on backwards and her torn underclothes were visible, hanging like rags.

## Assault Investigation

As she heard our car approaching, she turned to look at us. Tears had caused her heavy mascara to run down her cheeks and we were sure that she needed help. She glanced at us several times but made no move to come towards us. She continued walking across the lot, obviously not wanting to have anything to do with us. Her pace quickened and she walked with greater determination.

I called out to her, asking if we could speak with her. She began to walk faster as she crossed the gravel yard of the grain terminal lot and we continued to follow her. I asked her again if we could help her. Sean and I had both decided that we were now involved in a sexual assault investigation.

The distressed young woman continued on mute, carrying her black spike-heeled shoes in one hand. She yelled back at us, "I just got raped, and I know where he lives." Again I asked her to stop so we could talk to her, but this time I got out of the car and started to walk beside her so I could speak to her without yelling. Without looking at me she repeated, "I know where he lives and I will handle it."

## Calming Efforts

I continued to try to calm her down. I explained that if she didn't let us help her, the same thing could happen to someone else. She said that her way would ensure "this jerk would get what's coming to him."

I tried several more times to reason with her, but without success.



I have always prided myself on being able to communicate with people, even under extremely difficult conditions. Many times, Sean and I have defused potentially violent domestic disputes simply by talking with the parties involved. We talked a distraught man down from a bridge when suicide seemed his only alternative. And recently, several of my colleagues and I were able to get another emotionally distressed young mental health patient to put down a knife she had been holding at her throat. But this situation presented me with a roadblock. There was no way this upset young woman was going to let me help her. She was not prepared even to tell me her name let alone share with me any of the details of her assault.

## White Law Agents

I also couldn't help but get the feeling that this victim saw me and Sean as agents of the white man's law - a process she didn't trust. It is also quite likely that any contact this young lady had with the police in the past probably had her on the wrong side of the law. There was no way she was going to tell these two white cops what had happened to her.

Dejected, I got back into the car to discuss the situation with Sean. We were not prepared to simply write this one off as "no complaint." Sean also pointed out that the next murder we investigated would be directly related to this incident if we didn't do something.

As we spoke, our victim continued across the railway tracks towards the residential area of our district. We followed, continuing to try to get her to speak to us - with no result.

## Aboriginal Officer

It was apparent to us that at the very least we had to try to identify this woman, even if that meant following her home. Sean scanned the on-board computer to see if there were other officers on duty who could help us find out who she was. As we scanned the roster, Constable Ernie Loutit's name jumped off the screen at us. Ernie is an Aboriginal officer who has been with the Saskatoon Police

Service for about ten years. He is a well-known and respected police officer among the Aboriginal community in our district. Like Sean and me, Ernie is also a member of the patrol division, working on the West Side of Saskatoon. He is very familiar with many of the street people in the area.

We got on the radio to Ernie and he said he would be there as soon as he could. In the meantime, I got out of the police car and began following the victim on foot. It was obvious that she had decided to avoid us by using back alleys to make her way home.

As we waited for Ernie to make his way to our area, we saw two more women we knew to be prostitutes. Sean explained to them what we were doing and asked if they would speak to the woman we were following. As the two young women approached our victim, Ernie arrived.

## Full Statement

I really didn't think Ernie would have much luck convincing this victim to talk to him, but to my astonishment, he hadn't spent more than two minutes speaking to her outside his patrol car when she climbed into the car with him and began relating the details of the incident. Eventually, Ernie was able to get a full statement, including the details of the assault, a description of the suspect and the vehicle used in the offence.

As we arrived at the police station to pack-up our equipment and head home, I explained to Sean that I'd be spending the next few days at the Canadian Centre for Police Race Relations' Annual General Meeting. We both thought it was fitting after our experience that night, but it was also a good example of how much more work has to be done to bridge the gap between the police and aboriginal community in our area. More effort must be concentrated on developing mutual trust between the police and the Aboriginal and visible minority communities we serve and on increasing their representation in police services. Situations like this one accentuate the need for organizations like the CCPRR.

## Expansion - Not Cuts

Many police services are continuing to be forced to cut training and community-based policing initiatives. It is precisely these areas that must be expanded if we are going to gain the confidence of all the communities we serve. More time and resources have to be directed toward cultivating the relationship between the police and our Aboriginal and visible minority population.

Some politicians and taxpayers may say we simply can't afford to increase police budgets to establish and expand programs to accomplish this. I suggest we as a community can't afford not to.

Constable Grant Obst has been a police officer in Saskatchewan for fourteen years. He currently works as a District Constable in the Patrol Division of the Saskatoon Police Service. Grant also serves as the President of the Saskatchewan Federation of Police Officers and is the Canadian Police Association's designate to the Canadian Centre for Police-Race Relations Board of Governors. He was recently re-elected as Vice-Chair of the CCPRR Executive Committee.

## The Canadian Centre for Police-Race Relations

As Canada's population becomes more diverse, the need for mutual understanding and respect between police officers, visible minority and Aboriginal communities becomes more crucial. The Canadian Centre for Police-Race Relations has been working with these partners for more than six years to advance and promote positive police-race relations. The Centre's newest program of work, a national educational program, will help local police services, visible minority and Aboriginal communities work together to improve race relations and reduce incidents of a racial or racially-based nature.

The Canadian Centre for Police-Race Relations was established in 1991. It represents a partnership between federal, provincial and municipal governments, police services, the private sector, Aboriginal and visible minority communities throughout Canada.

In September 1995, the Centre became an independent, non-governmental organization. One year later, a new Executive Director and an action-oriented program of work were in place. The staff, including two police secondments was secured to carry out this program of work and advance the Centre in its new role. Executive Director Al Cook is confident of the positive results of this program of work. "The Centre has taken a very exciting direction and I know we have the right team for the job."

### A National Program

The Centre has responded to requests from and initiatives by First Nations, Aboriginal and visible minority communities from across Canada by developing its national program of work. The program includes a series of community-police problem-solving workshops which began in May this year. The Centre provides experienced facilitators and the framework for community and police representatives to work together on mutually agreed agendas. The emphasis in all workshops is on identifying practical issues, developing ways of dealing with these issues and planning future cooperation.

Inspector Terry Friday was seconded to the Centre in March 1997 for this work by the Ottawa-Carleton Regional Police Service. He is an experienced trainer and community police officer who comes to the Centre after having setup Ottawa-Carleton's Diversity and Race Relations Unit in 1994. Ottawa-Carleton Regional Police Chief, Brian Ford, appointed Inspector Friday to establish the Unit for the new amalgamated police organization. "Chief Ford recognized the challenges of policing the diverse population of Ottawa-Carleton," says Inspector Friday.

As the Centre's Director of Training, Workshops and Evaluation, Inspector Friday supervises and facilitates workshops designed to meet the needs of specific communities and police services across Canada. Constable Jocelyn Mimeault of the Royal Canadian Mounted Police will assist Inspector Friday with this program of work when he joins the Centre in September. Constable Mimeault has extensive experience working with Aboriginal communities in Saskatchewan. In addition to his involvement with this program of work, he will be developing a community outreach program to consolidate links with First Nations, Aboriginal and visible minority communities and police training institutions.

As part of this program of work, the Centre will develop and deliver workshops across Canada between May 1997 and May 1998. The first of these workshops was held in Moncton, New Brunswick on May 1 and 2 to address the issues of youth gangs, violence and racism. Teachers, youth, police and community members worked together to identify concerns and develop effective communication and conflict resolution skills. Police participants encouraged a former gang member, then on probation, to attend these workshop sessions. Inspector Friday remembers the young man was reluctant to speak on the first day but was sharing his experiences as a member of a visible minority gang by the second day. He described conflicts between his gang and other white and skinhead gangs and their tactics for control and recruitment. After making contact with other workshop participants he has begun working to use his knowledge of gangs to help prevent this type of racial conflict.

"The basis for all workshops is to leave participants with the ability to be resourceful, develop partnerships in the community, discuss issues and find solutions to specific issues. The Moncton workshop was designed to assist that community to become a conflict-resolving community," says Inspector Friday.

The House of Commons Security Service requested the second workshop and it was delivered on June 28 and 27. This workshop was designed to identify the skills, knowledge and attitudes necessary for security staff who interact with people of diverse cultural and ethnic backgrounds. The sessions paired security officers with youth representing diverse cultures. Together they examined factors that affect communication between security staff and visitors to Parliament Hill. This was a pilot workshop conducted in French and based on its evaluation, the Centre will deliver the same program in English to more members of the staff.

The Centre is also a partner in a project of the Odawa Friendship Centre which has conducted two police-community relations workshops in Ottawa and is planning a series across Canada. The Centre is contributing an evaluation component and assisting with program development.

### Publications and Information

The Centre's bulletin *Relations* is published bi-monthly and features success stories and inspirational articles on issues of police-race relations. Communications Officer, Joanna Kerr says circulation of this information is vital for community groups and police to learn from the work of others and create a larger network of information-sharing and cooperation.

A copy of the Centre's most recent publication, *Police-Race Relations: A Resource Book*, edited by Professor J. V. Stein, was launched at the Alberta Government's 11th Annual Managing Diversity Summer Institute in Calgary this July. The manual offers a compilation of training activities and resources recommended by race relations and diversity trainers. Copies have been distributed widely to police chiefs and training institutions across Canada.

The Centre for Police Race Relations  
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*In 1973 the Halton Regional Police Service, in an effort to reassure employees of all genders and ethnic backgrounds, decided to create an employee charter of rights. This formulation was accomplished through a collaborative process that included all employees of the police service. Its purpose was to leave no doubt in anyone's mind as to the type of treatment they should expect from their peers and supervisors. The following is the results of this innovative concept.*

## HALTON REGIONAL POLICE SERVICE MEMBER CHARTER OF RIGHTS

**INTRODUCTION:** Whereas every member has the right to be treated fairly and within the intent of our philosophy of fair, equitable, unbiased, sensitive and informed treatment of all members within our participatory management environment, it is the view that the dignity and basic fundamental human rights of all employees must be respected.

This Charter is created to confirm and protect these rights notwithstanding that other documents of governance within the Police Service may more aptly apply. In conjunction with these related documents, the Service wishes to open all avenues of communication, using all methods, to ensure that the philosophy of fair, just and ethical treatment prevails.

**GOVERNANCE:** The rights asserted within this Charter may be invoked by any aggrieved member at any time when he/she is of the opinion that fair, just and ethical treatment has not been applied. Notwithstanding the fact that other procedures may also apply to any particular dispute, a member may select the Charter as a method of eliciting rights without fear of retribution by any other person. Anyone who feels that his/her rights have been infringed or denied may apply to the applicable body of governance in order to obtain such remedy as the body considers appropriate and just under the circumstances, in accordance with the Charter procedures. The decision of this body as to whether someone's rights have been violated shall be determined as final subject to the application of law.

**LEADERSHIP & MANAGEMENT:** The following are the leadership and management beliefs of the Halton Regional Police Service:

- That all members have equal value to the well-being of the organization and contribute to the achievement of our service goals to the public. That there must be open and constructive communication at all levels and that all conflicts should be resolved.
- That all members should adhere to the highest standards of personal and professional competence, integrity and impartiality.
- That all members have a responsibility to encourage that the conduct as described herein is followed by their peers and managers, and that they be committed to work together to continue to enhance and develop a genuine "workplace".
- That all members should operate under fair and equitable personnel practices.
- That all members should provide a safe, healthy and mutually supportive work environment.

That all members must maintain a work place free from harassment and discrimination and ensure that all members comply with this policy. That the confidentiality of all parties and witnesses to a complaint must be protected to the greatest degree possible. Anonymous complaints shall not be considered.

**ETHICS:** Ethics has been defined as the supreme principle of "right" or "justice", a standard of conduct that shuns offensive, abusive, vengeful or discriminatory conduct. This moral sense of conscionable conduct must be an integral part of all persons within the Halton Regional Police Service.

**JUSTICE/FAIRNESS:** The aspect of "just and fair" treatment has been described as the "crowning glory of all virtues" and as a reality of "truth and action". When fair practices are evident, especially when we are called upon to exercise authority, those who are subject to authority are more likely to be receptive to its impact and consequence when they perceive and acknowledge the just and fair application of the management process. All members shall act in a manner that is fair and just, without discrimination or prejudice.

**PRINCIPLE:** The understanding and practice of principle has been based upon the belief that it is the basic adherence to the truth upon which all other truths are based. It is the standard by which we govern our behaviour. All members will be professional and open to debate/discussion and to search for truth when issues arise for which the question may be asked, "What is right, fair and just under the circumstance?"

**HONESTY:** Honesty in all its aspects is the undeniable requirement of all members. There is an unqualified expectation that the police, above all others, will be honest in the fulfilment of their duties. In its application it brings a demand to comply consciously with the command ethic discipline. That is, to obey all lawful orders. If one should disagree with the order or its intent, it will become a duty to discuss that order with the authority who issued it at an appropriate time. If, following the discussion of the issue, the order remains unchanged, then it must be complied with and assurance given that the subsequent compliance of the subordinates will be as if the order were one's own.

**INTEGRITY:** Integrity is most often demonstrated by the exercise of the completeness of a response to the demands of office. Members shall be totally committed to the purpose and function of their office and stand to its defence when others would opt for an easier route. As long as personal belief stands for the function of an office, so must one's integrity and determination not waver from its demands.

**CITATION:** Within the values which hold us together as a proud service organization and as members in a free and democratic Canada, by evidence of our subscription below, we hereby endorse and support the principles, values and beliefs contained in this Charter which was created by the members, and for the members of the Halton Regional Police Service and from this day forth shall represent our management operating doctrine and way of life.

*Signed and sealed the 25th day of November, 1993*







# SURVEILLANCE



by Hal Cunningham

## Your vehicle choice

Part 3

If you have now gained the personal confidence and mastered the art of ACTING the proper choice of your surveillance vehicle will determine how well you can perform.

Mention surveillance vehicle and too frequently "VAN" is the first vehicle related to our chosen profession. I agree that it is an excellent video and observation location. The criminal and project target also relates surveillance to the van. If there is even the hint from their lawyer that they will be the subject of a surveillance project in the future, a van will also be mentioned as a warning that "they're watching you." The most suspicious vehicle parked on the street is the van with the dark tinted windows for hours at a time. If a van is used for the difficult "eyes" on the targets street, ensure that you are driven in and later driven out by another operative. During mobile work the van is much more acceptable due to the numbers now on the road. A diverse fleet of vehicles, models, manufacturers, colours and sizes offer the frequent changes that mobile caravan or parallel techniques require.

A vehicle that offers large windows to allow a lot of light to shine through and backlight you is not suggested. Raised headrests and sometimes having the front visors down take away the visibility through your vehicle. After you choose the model you prefer, select a neutral colour and a darker interior colour. The dark interior allows less of an opportunity for light to be picked up inside during day and night hours.

Refrain from impressive accents to the exterior such as unique mag wheels, trim packages, extra antennas, dealer stickers, or any other identifying marks. Repair all missing wheel covers and damage immediately.

I personally would not choose any white or red tones for the exterior paint choices. My performance and confidence was severely inhibited once by a bright gold Camaro and I refused to use it in my operations. A factory tint is required. This will somewhat protect the surveillance operator from exposure and pick up all the exterior light for a nice reflective cover from outside viewing. Your eye can be protected from the target due to the sun and clouds reflecting away from your car and one would have to be very close to even detect you in the vehicle. The reflection of outside light and lack of back lighting conditions will allow for observations, video and photography closer than believed possible.

Choice of a performance engine is paramount and options such as AM/FM radio, air conditioning, larger tire size, and other creature comforts is appreciated. Ensure the radio equipment is installed under the drivers seat and the antenna is incorporated within the existing radio antenna. Technicians should install an amplified microphone to keep transmissions out of sight. Chewing gum permits you to talk on the radio without the target thinking you are certifiable under the Mental Health Act. All equipment, photographs, notes, video/cameras and personal belongings

should be stored out of sight in cases and on the front right floor and rear floor areas within your reach. My briefcase is on the right front floor because, due to my radical driving, that's where it's going to end up anyway.

By concealing your equipment you're always prepared in case the target approaches your vehicle and challenges you. I am not a fan of headlight modification system to shut one off for a change in appearance during night surveillance. You're better off to have "shade" (other vehicles) between your vehicle and the target vehicle, or at least considerable distance.

Know your vehicle and ensure on each and every "eye" location that your headlight running system is shut OFF. Leave those running lights on in any stationary surveillance position and the crew can pack up and go home due to your oversight. Do not let your vehicle show any identifying features inside or outside. It should appear as one of the many vehicles on the road and go totally unnoticed in the crowd. As with your appearance, demeanour, ACT, and body language, your proper vehicle choice will allow you to perform with confidence.

### Next month: Surveillance clothing

Hal Cunningham has been declared an expert in surveillance by the courts and has started an instructional techniques course on the subject. For further information contact him at 416 716-3107.



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# Celebrating gender differences

by Robert F. Lunney

"Women are seen as more successful bosses than men because they work harder and their feminine approach is better suited to the modern team-based office." This statement taken from a recent story on the Reuters wire service, referred to an Australian study, which surveyed workers in Canada, the U.S., and New Zealand. Consultant Linda Bisnette helpfully pointed out that they are not saying that men can't be "empowering leaders" too, but "These results help to discredit the myth that women are unsuited to leadership positions and suggest that men might have something to learn from women".

At face value, this could be taken as an example of the pitfalls of gender stereotyping. The qualities of empathy, caring and hard work are characteristics of many supervisors and managers, female and male. The underlying message, however, is that the world of work is changing in our informational society and that knowledge workers desire and require differing supervisory and managerial methods than was appropriate to the industrial age or in the military tradition. Police officers are primarily knowledge workers. Despite the undeniable physical elements of the job, police officers today must possess a considerable knowledge of the law, criminal procedure, business systems and information technology.

Having tiptoed around the trap of stereotyping, I'm now going to blunder back in by admitting that it was my observation that women's attributes are proving exceptionally valuable in supervisory and management roles. Many women who earned promotion are adept at managing detail and any task requiring precision and accuracy. Where men tend to generalize and take unwarranted risks, women focus on meticulous attention to detail. This ability combined with a willingness to accept accountability produces highly effective and dependable performance. Look around you. Is it not true that highly qualified women have been selected for tasks where efficiency of process is a major requirement of the job? The "Catch 22" is that many of these jobs meet the insidious criteria of the day-job or inside job, adding weight to another part of the stigma experienced by women in policing.

There remains a tendency for women to gravitate to specialized roles: Crime Prevention; Drug Education; Sexual Assault or Child Abuse investigator; Fraud investigator; Courts administration; and other jobs once the exclusive domain of women before the advent of integrated staffing. In many instances this is

attributable to self-selection. In other cases it is due to gender stereotyping by male managers. Women officers are ambivalent about this tendency. The more assertive and ambitious regard it as evidence of a glass ceiling or exclusionary decision making, being diverted from the front line core policing roles where unreserved recognition is available. Others are aware of those factors, but actually perpetuate the stereotype by seeking out the day jobs, away from front line action, because it suits their personal desires, social needs or family situations. These must be difficult choices for



Photo by Delbert Kostura

women aspiring to promotion. In the back rooms of the police culture, boldness and a willingness and ability to do the "dirty work" is still considered a prime asset for acceptance and promotion. Time spent in a "day job" may become a comfortable backwater, detrimental in the competitive career process.

The prototype of the community policing organization presents an extraordinary opportunity for women to change the confining and stultifying structure of too many of the roles they have accepted, by employing their natural abilities in an exciting environment. There is evidence in the business world that women are succeeding brilliantly as small business entrepreneurs. Entrepreneurial skills are precisely what are needed to exploit the elements of community policing: Partnerships; Problem Solving; Empowerment; and Ownership.

Women in front line roles in policing should reach out with desire for the opportunities offered by Community Stations or Neighbourhood Beats. These will be the

ground schools for police leaders of the future, and they offer tremendous opportunities for personal growth and fulfilment.

During the early years of integration, women were forced to contend with a strong internal police culture entirely male dominated, with every process determined by male tendencies. Even today, some women still get ahead by relying on male models of power or hardball strategy. These women mistake survival for success. They complain about the glass ceiling, but they have helped erect it; by accepting a heritage of men's fighting strategies. Its time now to put that behind us in favour of a more authentic approach.

The capacity for superior intuitive powers is commonly attributed to women. Intuition is the sum of applied knowledge and practical thought; processed through the subconscious capabilities of the mind. Intuition is a prime ingredient of strategic thinking. It can be consciously learned, improved and tested through decision making. Leadership candidates among both women and men should focus on development of their intuitive powers, but women may have an innate ability. Women are also credited with natural powers of social intelligence: The ability to understand how and why individuals and groups behave as they do and to effectively work with them to achieve desirable goals.

I would argue for understanding and celebration of gender differences. Both men and women should reclaim their natural biological complementarity. Gender differences then become opportunities for learning and growth. Let's put gender competition to rest and relieve women from living out male behaviour patterns in policing.

Women's destiny is largely in their own hands. Women cannot expect a male dominated culture, however well intentioned its leaders or the supporting efforts of sympathetic partners, to willingly surrender to change the methods and attitudes that has perpetuated its existence. Women must achieve the next progressive steps not through reliance on legislation and regulation, but by bold and determined action on their own terms and in their own way. By using the skills acquired through education that many women possess in abundance, by using unique approaches to problem solving and innovation occurring to women by nature; and by demonstrating persistence, determination and energy.

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**Editor's Note:**—This column is based on two precepts. The first is that Ontario is undergoing radical changes in policing over the next six months and this will require considerable attention. The second, and perhaps most important, is the adage "how Ontario goes so may go the rest of the country." Due to these factors Blue Line Magazine has taken on the services of a professional investigative reporter to keep on top of things and report back to you each month. If the column is not asking the questions you would like answered simply let us know by mail, phone, fax or email information found at the front of this book.

## What is going on with Ontario policing: Running up the down escalator

by Dee Kramer

Probably the most significant change will be the amendment to the Police Services Act, Bill 105, which is meant to come into effect in January 1998. I say "meant to" because the changes the Act is asking for are so enormous that it is going to take more than a wave of a hand in the Legislature to make these changes a reality.

The Act is very extensive. Some of the more significant changes are structural. Some municipalities (576 in number), that for historical reasons received free policing from the Ontario Provincial Police (OPP), are now going to have to collect property taxes and pay for their policing.

But it is not "a given" that the OPP will do their policing. That is just one choice. There are other possibilities. Municipalities can contract with the OPP, but they could also form their own police service. They could amalgamate into, or share policing with a neighboring municipality (the most popular choice so far), or choose to have the OPP oversee their rural areas while subcontracting their urban areas. It is all up for grabs!

Choosing what to do has been overwhelming. Some municipalities don't feel they have the expertise to make a choice, some feel that the OPP will be getting the contract just because that is the easiest option, and others worry that if they accept a low quote it means they will be receiving inferior service.

Connected to these changes is the redrawing of municipal boundaries. Many people are saying the municipal elections to be held this month will be very exciting. Not only could the municipal boundaries in Ontario be redefined, but Metro Toronto is being recreated into a "megacity", with significant organizational and budget changes.

The Act will also give more civilian authority to the Police Service Boards. The composition of the Boards will change to have more community members, and municipal councils will have the authority to approve police budgets. The implications of this are still evolving.

Another major step is a reshuffling in the Solicitor General's office. The legislation cuts in half the number of discipline oversight agencies. The old Ontario Civilian Commission on Police Services now takes over two other departments: the Boards of Inquiry and the Office of the Police Complaints Commissioner. The idea behind this is to have a stronger filtering system so smaller issues can be resolved at the more local level.

The second huge wave of change comes from the 27 recommendations made by Justice Archie Cambell in his report commonly known as: "The Future of Policing". The Cambell Report highlights the problems with the Bernardo investigation. Paul Bernardo raped or sexually assaulted at least 18

women, and killed three women between May 1987 and December 1992.

The Cambell Report concluded the delay in identifying Bernardo was not because of "human error or lack of dedication or investigation skills", but because of systemic failure. It was possible for Bernardo to fall between the cracks because there wasn't a system in place "based on cooperation, rather than rivalry, among law enforcement agencies." He goes on to say, "There were times during the separate investigations of the Scarborough rapes and the St. Catharines rapes and murders that the different police forces might as well have been operating in different countries."

Crimes no longer happen within jurisdictions - they often are world-wide operations, and this development demands the sharing of information.

Breaking down territorial barriers between jurisdictions is much easier said than done, but working on achieving this is one of the major goals of the police restructuring. The commitment to implement the recommendations comes with a \$25 million - over five years - price tag. The money is being spent on training and a data base that links information across national jurisdictions. The system, called ViCLAS (Violent Crime Linkage and Analysis System), will have officers inputting detailed information of their investigations while they are in progress (for more information on ViCLAS see the August/September 1997 issue of BlueLine).

This focus on technology is demanding a new

kind of leadership. Police chiefs and their deputies have to be more operationally oriented and take a very hands-on approach with the front-line officers. They also have to be comfortable with the evolving technology, and the boundarylessness of the new policing. They have to be willing to turn to other municipalities, other jurisdictions, and the OPP especially for interjurisdictional crime. And they have to be excellent administrators who are good at media relations. Quite a tall order!

The third wave is hitting the Ontario Provincial Police who have been going through three years of major restructuring. The OPP has centralized its 12 specialized areas of expertise at its head office in Orillia. The tactical units, homicide investigations, and forensic identification teams are all now based in Orillia and are deployed across the province as they are needed regionally.

Restructuring, however logical and efficiency-motivated, usually means staff reductions. The OPP has a strong commitment not to reduce the number of front-line police, but new recruits now have to go through a much more stringent selection process focusing on physical endurance and stamina. Early retirement or severance packages have been offered to quite a number of administrators and chiefs of smaller municipal jurisdictions. This has not been without its inevitable difficulties.

Policing in Ontario is changing so fast, that all I can say is keep tuned to this column. The next enthralling episode will be brought to you next month!



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# International cooperation the answer to firearm misuse

by The Canadian Firearms Centre



When it comes to keeping firearms out of the wrong hands, an international study has shown that international cooperation is the answer because no country acting alone can do the job.

The United Nations International Study on Firearm Regulation also shows that many other countries around the world share Canada's deep concern about the risk that firearms pose when they fall into the hands of criminals.

James Hayes, of the Canadian Firearms Centre (CFC) observed that firearms misuse is a complex problem with no easy answers. "However," said Hayes, "I find it interesting that in the United Kingdom, which has very strict regulations on firearm ownership, the rate of firearm homicide per 100,000 population is only one-fifth Canada's. The United States, which has uneven regulation of firearms from state to state, has a firearm homicide rate that is ten times Canada's."

"Canada is not alone with its new firearms regulations," added Hayes, who coordinated the international project team. "The survey shows that many countries have taken steps to improve their regulations over the last five years."

The study, which was completed within 14 months, is the first of its kind. Forty-six countries, representing two-thirds of the world's population, all world regions, and a cross section of developed and developing countries, responded to the detailed questionnaire.

"In Canada, we are interested in how much commonality of approach there is around the world," says the CFC's Tony Dittenhoffer, a research expert with the international team. "This survey gives us a birds-eye view of what countries have been doing regarding firearms regulation."

## Crossing borders - international concerns

A major frustration for many of the countries that participated in the U.N. study is the illegal trafficking of firearms across international borders, made possible by weak firearm regulation in some countries. "Guns originally used for military purposes very quickly cross borders in civilian hands after conflicts often through criminal networks," says Hayes. "There are strong concerns around the world about smuggled arms and how they relate to organized crime and illegal drugs."

In Canada, the federal government and the province of Ontario have formed a Core Group to combat the illegal movement of firearms. The Core Group will support cooperation among law enforcement agencies, share information on illegal firearms, and target specific areas where firearm trafficking is suspected. The provinces of Quebec and British Columbia are expected to join this initiative soon.

Hayes says the U.N. study showed that import and export controls are not enough on their own to restrict the smuggling of firearms. According to the report, more consistent regulations are required worldwide to combat the prob-



Photo - Dave Brown

lem. Law-enforcement agencies also need to trade information on the illegal movement of firearms and cooperate in tracing firearms. Hayes says the survey will help in the development of international policies to deal with firearm-related crime and public safety problems.

The study showed that all of the participating countries regulate firearms to some extent. Most recognize that firearms have several legitimate civilian uses, such as hunting or target-shooting. And many countries reported that they have undertaken significant policy or program initiatives within the last five years to further protect their citizens from the criminal and violent misuse of firearms.

## The U.N. responds

The resulting draft report provided valuable input for developing policy recommendations, which were used as the basis for a U.N. resolution sponsored by Australia, Japan, Canada, and Mexico, and co-sponsored by 33 countries representing Africa, South America, Europe and Asia.

According to Hayes, "The survey is an on-going process. In the meantime, Hayes noted, Canada has an obligation to comply with the recommendations that have already been made."

## Building an international consensus

While Canada played a leadership role in the new United Nations international study on firearm regulation, the CFC's Tony Dittenhoffer, a research expert with the project team, says the team members worked hard to ensure that the study reflected the consensus of all countries.

"The study and its recommendations are the product of a lot of collective work and collective thinking," says Dittenhoffer. "And the leadership role Canada played was essential to achieving the consensus." The CFC's James Hayes, coordinator of the international project team, recalls how each U.N. member country was "very interested" in the study's contents. "Every page of the study gives new information on this subject," he says. "The survey results give governments a valuable instrument to use as a basis for regulating the misuse of firearms. The survey is also a good starting point for those involved in research and policy work - it shows them what questions to ask."

The idea for the survey was born in May 1995, at the Ninth United Nations Congress in Cairo, when Japan put forward a resolution asking for an international study to find out what regulatory and administrative controls exist in

various countries to deter illegal activities involving firearms. The resolution received the unanimous support of the 138 countries represented at the Congress.

## Justice Minister accepts House of Commons recommendations

Responding to recommendations from a parliamentary committee, the Justice Minister recently agreed to amend the draft regulations on firearms to simplify procedures and lower costs for certain individuals and businesses.

In February 1997, the Standing Committee on Justice and Legal Affairs presented 39 recommendations on how to improve the draft regulations, which had been tabled in November 1996. Amendments to the draft regulations include making fees for visitors who come to Canada with firearms payable only once a year, instead of every 60 days, and reducing certain fees and the cost of some business licences. This will be of benefit to the motion-picture industry and the import-export industry, among others.

Other amendments include treating most reproductions of antique firearms as antiques, not firearms. In this way, these reproductions will be exempt from all except the safe-storage provisions of the Firearms Act. The federal government will also work with the provinces and territories to ensure that Canadians' privacy is well protected across the country when they provide information for firearms permits and register their firearms. The federal government will also attempt to clarify or simplify many of its administrative procedures related to privacy.

Before making its recommendations, the Standing Committee heard from representatives of such groups as the motion-picture industry, hunters, historical re-enactors, manufacturers, museums, Aboriginal people, public-health bodies, and Chief Provincial Firearms Officers.

For a copy of the Government Response to the House of Commons Standing Committee on Justice and Legal Affairs, which describes the amendments to the firearm regulations to date, call 1-800-731-4000.

## United Nations recommendations - measures to regulate firearms

Member nations should:

- consider implementing regulations on firearms, including safety and storage rules, appropriate penalties for firearms offences, amnesty programs, licensing systems, and record-keeping systems.
- promote bilateral, regional and international cooperation, particularly with regard to smuggling and technical assistance;
- ask Interpol to develop a standard, international system for classifying and identifying firearms, and
- encourage other international organizations like the World Customs Organization and the World Health Organization to undertake work on the trade of firearms and the exchange of firearm information.

# Canadian Firearms Centre *Bulletin* #10

The Canadian Firearms Centre (CFC) is the group of federal and provincial partners charged with implementing the Firearms Act. The purpose of this column is to provide basic information on specific areas of the Act and on the implementation process. The Firearms Act is not yet in force. It is expected to come into effect in 1998. The exact date will be announced beforehand.

Inspections of People's Homes Sections 101 to 104 of the Firearms Act allow inspections to ensure compliance with the Act, but they place strict limitations on inspection powers. For example, inspectors may inspect someone's home only if they have reasonable grounds to believe the home contains: a) a business involving firearms or other items regulated by the Act; b) records of such a business; c) a firearms collection; d) records of such a collection; e) a prohibited firearm; or f) 10 or more firearms. Even then, inspectors must give the occupant or owner reasonable notice of an inspection, unless the home is being used for a firearms-related business. Inspectors must seek the occupant's consent for the inspection or get a warrant. If there is no consent or warrant, an inspection cannot take place.

There are also limits on where inspectors may inspect. Inspectors may inspect only those places in the home where they can reasonably expect to find firearms, prohibited or restricted weapons, prohibited devices, prohibited ammunition, or records of a firearms collection or business. Under Section 105 of the Act, an inspector may ask to see a firearm that he or she be-

lieves is in your possession. This is to allow the Registrar to verify information in the Registry. In that situation, the inspector must give you a reasonable amount of time to produce the firearm.

**NOTE:** The inspection powers in the Firearms Act are not search and seizure powers. They may only be used to ensure compliance with the Act and regulations. If a criminal offence is suspected, then police must resort to the search and seizure powers provided for by other laws, such as the Criminal Code.

### *Inspections of Businesses*

Firearm-related businesses have been inspected routinely in the past, and will continue to be inspected under the Firearms Act, to ensure compliance with the law. A major role of inspections is to check business records and inventory, to make sure that all firearms are stored safely, that firearms transactions are recorded properly and that all firearms handled by a business can be accounted for.

At present, inspecting records is a very time-consuming task because, in many cases, thousands of ledger entries have to be checked manually. The registration of all firearms in the new, automated registration system will make the task much easier for businesses and inspectors alike. It will also help inspectors to identify patterns of theft and underground networks that may be supplying the black market with firearms.

If you have any questions about the Firearms Act and Regulations, you may call toll-free telephone number, 1-800-731-4000.


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# S-days take city by storm

## Snowmobile-Student-Safety-Survival-Security

by Blair McQuillan



High school students in Sudbury, Ont., are learning how to snowmobile safely thanks to a joint program between the police, a local high school and sponsors.

The S Days program, established in Feb. 1992, is a unique two day event that teaches students about snowmobiling, safety, survival and security.

"As far as I know it's the only program of its kind in Canada," said Sudbury Regional Police Const. George Hagen, the creator of the S Days program. "It's a two day venture. The first day is in-class theory and the second day is a practical day."

S Days, which is held at Lively District Secondary School every February, is a certificate course that is open to students over a two-year period.

On day one, first year students learn about municipal, provincial and federal snowmobile-related laws, basic survival skills and snowmobile mechanics.

"It's minor stuff," Hagen says of the mechanics course. "We teach them how to change belts and plugs and how to do some troubleshooting."

At the same time, second year students are given the opportunity to learn about snowmobile product information and orienteering.

All students must complete first aid training and work together during a survival course.

The survival course is a hands-on session in which students are split into groups and rotate through various mock survival scenarios. They include two separate snowmobile accidents, a case where a snowmobiler has fallen through the ice and a shelter survival situation.

"We break them up into four groups," Hagen said, "They then rotate through the stations and garner whatever information they can."

The course, which averages 80 students a year, is concluded with a trail ride at the end of the second day. The ride gives students the opportunity to apply more of the skills they've learned, including applying proper procedures at road crossings and recognizing speed limits.

"The trial ride is usually about 70 kilometres," Hagen said. "On average it lasts for about five hours."

S Days instructors include members of the Sudbury police, the local OPP detachment, Whitefish First Nations Police, the Walden Fire Department, Sudbury Air Ambulance and local businessman Ron Kanerva.

The police usually handle the legal aspects of the course, while the fire and air ambulance crews oversee some of the practical sessions.

Hagen and a representative from the Ministry of Natural Resources are responsible for teaching the survival and orienteering classes.

"I like the outdoors," said Hagen, who is also



a provincial instructor with Fur and Harvest Management. "I've also taken training in survival and orienteering."

Kanerva, who owns a local snowmobile dealership, has supported the program since it began. He gives lectures and supplies snowmobiles for the mechanics course.

"We give riding and technical seminars," Kanerva said of his business' involvement. "It educates the children and stops accidents at the grass roots."

Hagen said stopping snowmobile related accidents and deaths is the program's main focus.

"S Days started as a result of some fatalities in the area. We took it upon ourselves, as a community based initiative, to do something about it."

Hagen first contacted Lively District Secondary School in Jan. 1992, the same season in which five young snowmobilers lost their lives, and asked if he could conduct a half-hour seminar in the library. The school granted him an hour, but many students were unable to attend so the principal asked him to come back a month later.

"I suggested we make it a bigger event," Hagen said. "We more or less put the program together from that point."

Lively's Vice-Principal, Scott Darling, said the school was more than willing to accommodate Hagen's request.

"We thought there was a natural partnership between the law enforcement and educational institutes," Darling said. "It's an excellent educational tool."

Darling, an S Days organizer for the past two years, said both the school and students benefit from the program.

"The benefit to the school is the security of the students. We're concerned about them 24-hours-a-day, seven days a week," he said. "If you train them properly when they're teenagers, they'll be life-long safe drivers."

Hagen said the region's new-found sense of security isn't the only positive aspect of the program.

"In the five years we've been running the

program we haven't had a fatality. If you talk to stop officers and trail wardens they'll tell you they've noticed a difference in the young snowmobilers because of the program."

Hagen also said past students have noticed how helpful the program is and many approach him to offer assistance with future sessions.

"I've had students who've gone through the program phone me and ask if they can come back and help."

In recent years other schools and police services have observed S Days classes and are now interested in starting their own programs, Hagen said.

"Over the last couple of years I've been getting phone calls from other agencies that want to come and see how it's done," Hagen said. "We've gotten some positive feedback from the agencies that have tried it."

Two Sudbury-area high schools, Confederation and St. Charles College, have both implemented their own S Days programs. St. Benedict and Chelmsford will start two more this year.

Manitoulin Island OPP have also started an S Days program with their local high school and nearby Espanola is planning to follow suit.

Police services and schools currently planning to implement the S Days program have an advantage now that Hagen has produced a free how-to manual. The instruction book has also been given to other interested agencies.

"The manual has gone out to all the snowmobile clubs in the province, all the snowmobile associations (in Canada) and some went to the international snowmobile meetings in Barrie this year," Hagen said adding that both the Ontario and Canadian federation of snowmobile clubs endorse the program.

Hagen said S Days has been a great success and he hasn't made any plans to change the program's curriculum in the near future. He said his main goal is to see S Days expand to other police services and municipalities.

"This year we're hoping that it takes on a new life of its own throughout the province."

# Stats released on alcohol abuse in fatal traffic collisions

In late September Transport Canada released information on the blood alcohol concentrations (BACs) of drivers fatally injured in motor vehicle collisions in the Canadian provinces and territories during 1995. The figures indicate that 35.4% of those killed in motor vehicle collisions had a blood alcohol concentration over 80mg in 100ml of blood and a further 8% had alcohol levels present in their blood but less than the legal maximum.

The information is derived from the Traffic Injury Research Foundation (TIRF) Fatality Database, which consists of data collected from reports prepared by provincial coroners, medical examiners and investigating police officers. Access to this data is provided by provincial and territorial agencies under cooperative agreements with TIRF.

## Rate of Testing for Alcohol

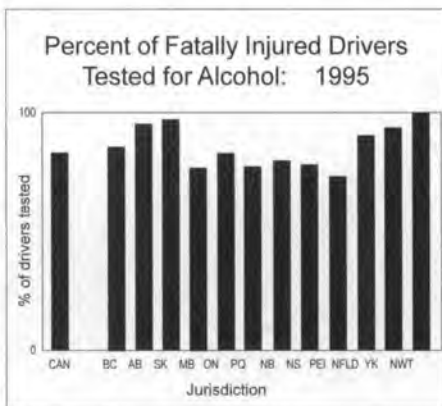
In Canada, the rate of testing deceased drivers in motor vehicle collisions has been uniformly high, so considerable confidence can be placed on the data reported. For example during 1995 the rate of testing ranged from 75% in Prince Edward Island to 100% in the Yukon and the Northwest Territories. Testing rates were over 90% in five jurisdictions and over 80% in eight jurisdictions. The average across all jurisdictions was 84% - 1617 of 1924 fatally injured drivers were tested for the presence of alcohol in blood. This is comparable to a testing rate of 85% in the previous year.

## Alcohol levels

In Canada, among tested drivers, 43.4% of them had been drinking and of these 35.4% had excessive BACs. The number in excess of the legal limit presents a figure that is down slightly from the 36.6% reported the year before and reaches a nine-year low. The previous low levels reported were in 1990 which tied with the 1994 level. The highest reported year in the past nine years was 1987 when the figure was 43.1% of tested deceased drivers and the fairly consistent downward trend since then may indicate a more responsible public attitude toward alcohol.

## Gender

Of the 1,617 fatally injured drivers tested, 81% were male. Among males, 46.6% had been drinking, compared to 30.1% of the females. Males were also more likely than females to be in excess of the legal limits - 38.3% versus 23.4%.



Over the nine-year period, the incidence of illegal BACs among fatally injured female drivers has been consistently lower than among males. The percent of males who were over 80mg decreased between 1987 and 1990, increased in 1991, and then decreased each year thereafter.

The trend for women differed slightly from males over this 9-year period, especially between 1994 and 1995. Over this recent time period, the percent of females increased from 17% to 23.4%, while the percent of males who had excessive BACs decreased from 40.7% to 38.3%.

## Age

Drivers age 21-25 were the most likely to have been drinking (57.4%); those age 26-35 were the most likely to have illegal BACs (47.7%). The percent of fatally injured drivers who had been drinking and the percent who had excessive BACs declines dramatically after age forty-five.

The overall downward trend in alcohol use by fatally injured drivers differed slightly across age groups. Fatally injured drivers aged 46 and over showed the largest decrease over the nine years — from 29.2% in 1987 to 16.9% in 1995. The 26-35 year age group also showed substantial decreases in the percent of over 80mg fatalities, from 54.9% to 47.7%. Among fatally injured drivers under 21 years of age, the percent with excessive BACs has varied little over the 9-year period. In 1995, fatally injured drivers aged 26-35 (47.7%) and those aged 21-25 (46.5%) had the highest incidence of illegal BACs.

## Vehicles

Fatally injured drivers of trucks/vans (excluding tractor-trailers) had the highest incidence of drinking (49.5%) and illegal BACs (42.7%). The lowest incidence of drinking and illegal BACs was found among tractor-trailer drivers — none of the 29 fatally injured tractor-trailer drivers had consumed alcohol.

Over the nine-year period, fatally injured drivers of trucks/vans (excluding tractor-trailers) had the highest percent of illegal BAC, and the percent of illegal BACs was very comparable for automobile drivers and motorcycle/moped drivers, particularly in recent years.

The percent of motorcycle drivers exceeding the legal limit has decreased since 1993. The percent of truck/van operators who exceeded the limit increased by about 2% from 1994 to 1995. Among automobile drivers, the incidence of illegal BACs decreased from 1987 to 1990, increased in 1991 and has declined thereafter. The decline since 1993, however, has been small (35% in 1993 compared to 34% in 1995). In the case of tractor-trailer drivers it is worthwhile noting that over this 9-year period, 1995 was the only year in which none of the fatally injured tractor-trailer drivers had consumed alcohol. However this is mitigated by the fact that the numbers have traditionally been so low that it has been impossible to determine trends.

For further information contact:

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# On any Sunday

What are you doing this weekend?

Competition shooting helps keep your skills sharp!



by Dave Brown

Photo: James Poirier - Glack

As the last shot echoed away at the 1997 Canadian Police Combat Association's National Championships, the planning had already started for 1998.

The Winnipeg Police Service has hosted the National Championships at its impressive Art Bridgewater Memorial Park shooting range for the last decade, but 1998 will see the yearly pistol match move to the Edmonton Police range.

While shooters have enjoyed the overwhelming hospitality of the "Friendly Manitobans"—as it states on their licence plates—many were looking forward to a new venue and a fresh start for police combat shooting.

Police Pistol Combat, or PPC shooting, began as a means for officers to practice for yearly qualifications and, not just incidentally, sharpen the skills that may be required on the street.

While the street relevance of the sport has diminished in light of more modern techniques, it remains an exciting competition that the whole family can enjoy.

Designed around the once ubiquitous revolver, the sport requires shooters to accurately engage silhouette targets at distances ranging from 7 to 50 yards, firing anywhere from 6 to 24 rounds at a time and utilizing a variety of shooting positions such as standing, kneeling, sitting and prone.

Many of the revolvers used for competition tend to be highly customized and designed specifically for PPC shooting. There are also side events for service revolvers, service semi-automatics and snubnose revolvers.

While it may seem strange to shoot a revolver sport in a world dominated by semi-automatics, it remains an excellent way to practice basic marksmanship skills as well as hone the mind and inspire self-confidence in ability. In light of the increased use of semi-automatics for police carry, however, The Canadian Police Combat Association (CPCA) took

a radical step in 1997 with the introduction of the Duty Pistol Event into Canadian PPC shooting. This is an entirely new event, designed specifically to attract more police officers into the sport and to practice the actual skills they may need to one day save a life.

### **Duty Pistol Event**

The Duty Pistol Event is designed so that the average police officer can literally step out of their patrol car and be entirely equipped to shoot a competition. It specifically allows only the duty pistol that the officer carries, or for civilian PPC shooters, the same type of pistol carried by officers in Canada. This means that there are no highly customized guns, competition sights, reduced trigger pulls or add-on accessories of the competition class pistols. In fact, even blackening the sights to reduce glare is banned. Holsters and magazine pouches must be exactly as issued. A level II retention holster (or higher) is required for those not issued gear.

The equipment rules are designed so that there is a level playing field among all competitors and only skill and ability determine the winners. It also means that newcomers can shoot the Duty Pistol Event with no costs involved for equipment; only an inexpensive entry fee and ammunition. As opposed to the precise accuracy and leisurely time limits of the regular combat events, the duty pistol event is primarily up close and personal. Times are a much more realistic recreation of real situations and the entire event introduces a "hot range" concept to the sport. This means that the shooter is solely responsible to keep the pistol stoked up and functioning, from the initial load command to the final stage. They are restricted to a maximum of three magazines, and those confined to 10 round magazines can easily, if busily, keep up. With the introduction of this new event, the CPCA records a separate awards and class system just for this

event. The 1997 Canadian National Championships in Winnipeg was the very first time the event was tried at the national level and, judging by the feedback from the shooters, it promises a lot of fun for the future.

### **A Day at the Range**

The entire sport of combat shooting has also evolved in other ways. While numbers of participants in handgun shooting are down across the country, there is an increased family orientation about the sport. Years ago, departments funded competitive shooters with money for ammunition and travel. This has largely disappeared with the increasingly tighter budgets of most agencies. The shooters that were there just to party have been replaced more by families out for a weekend of fun together.

While the social aspect of the sport is still the number one reason why shooters come out every match, combat shooting has moved away from its historical party-hardy roots, when "pistol shooter" really meant "drink-till-midnite, piss-till-dawn."

### **Shooting for Fun**

The Canadian Police Combat Association has seen the future of pistol shooting in Canada. Dwindling numbers of participants in the traditional events have forced a rethinking. CPCA President, Claude Labossiere even admits the introduction of the new Duty Pistol Event is to get more officers involved in the sport. He says that it is only part of the drive for new CPCA members and he cites a lower CPCA fee for first year shooters, and an inexpensive entry fee for those wishing to shoot only the Duty Pistol Event as significant steps toward enticing new shooters into the sport.

While the welcoming of civilians into the sport as associate members in the last few years really brought a fresh competitiveness and an increased awareness of safety, the need still exists to get police officers away from behind the television set and onto the range.

1997 Grand Aggregate Champion, Robin Comes, points out that shooting is not an intuitive activity. It requires mental discipline and concentration on target basics such as sight picture and trigger control. Competition in any of the events helps to sharpen skills but, most important, inspire a sense of self confidence. The result can only be more competent officers and increased safety for the citizens they are sworn to protect.

Shooting for fun can be one of the very few recreational activities in the world that may also save your life.

Somewhere in Canada, there will be a pistol competition this weekend. The participants will all have a lot of fun. The officers that take part will be more confident in their abilities and more valuable to their departments and their partners. Everyone benefits (except the bad guys). What are you doing this weekend?



Dave Brown is Blue Line Magazines Firearms training editor and is also the coordinator of demonstrations for Response 98. Blue Line's second annual trade show to be held next April 21 and 22. For further information you may contact Dave by Phone/Fax at 204-488-0714.



# Forensics lab bites down on crime

## Canada's first forensic dentistry lab

By Brad Daisley  
The Lawyers Weekly

Canada's first facility devoted exclusively to forensic dentistry is now open for business at the University of British Columbia.

The Bureau of Legal Dentistry (BOLD) officially opened April 28 at the university's Faculty of Dentistry will focus its efforts on the use of forensic dentistry in criminal investigations and prosecutions. A key project will be the study of DNA extraction from teeth.

The bureau's forensic work and research efforts are viewed by its head, Dr. David Sweet, as necessary in part to overcome the increasing ability of criminals to cover their trail.

"I think the perpetrators of crimes are becoming more sophisticated. Rapists are wearing condoms; they are not leaving the kind of evidence they used to.

"They are reading books by Patricia Cornwell, a mystery writer whose sleuth is a forensic scientist and others who are telling people in much detail how forensic science works, and they are prepared to try to hide or not leave any evidence."

### Smaller traces

"That means the forensic scientists have to be much more sophisticated as well, because they are looking for even smaller traces of evidence at the crime scene," said Dr. Sweet, a lecturer in the Department of Oral Medicine and Surgical Sciences who acts as a forensic odontology consultant for the provincial coroner's service, the RCMP and the Vancouver and Victoria police departments.

"This laboratory will provide an opportunity to develop techniques that look with more specific tests at even smaller amounts of evidence that are left behind, and to develop analysis techniques that can draw conclusions about who was at a crime scene or reconstruct the events of a crime."

Forensic dentistry, described as "the overlap" between the dental profession and the legal profession by Dr. Sweet, is not uncommon in Canadian court rooms.

There are some aspects of legal practice, both civil and crimi-

nal matters, that require dental input because there is dental evidence involved.

"I spend most of my time analysing dental evidence in either criminal or civil matters, and then advising either lawyers or the courts on my findings," said Dr.

Sweet, who handles about 60 cases a year involving the use of dental evidence to identify unknown bodies.

Another 12 to 15 cases involve human bite marks.

One of his most famous cases involved the identification of a murder victim in 1991.

The victim, a 29 year-old cocktail waitress, had been shot four times in the head, tossed in a dumpster in a downtown Vancouver alley, soaked in gasoline and set on fire.

The dumpster's shape worked to increase the heat of the fire, and the body burned at 2,000 degrees Fahrenheit for 30 minutes leaving only a few charred remains.

The victim's teeth, however, survived the heat in surprisingly good condition.

When a local man reported his girlfriend missing a few days later, Dr. Sweet was called in and matched the body's teeth to the missing woman's dental charts.

At the same time, a woman was arrested for using the victim's credit cards. She led police to a possible suspect. When police searched the suspect's car, they found traces of blood and an empty gas can in the trunk.

Investigators quickly concluded the woman had been killed in the car, or that the car had been used to transport the body to the dumpster.

### No blood link

But there was still no way to link the blood stains with the victim. All attempts to extract tissue samples or DNA evidence were impossible because there was so little left of the body. Once again, the police turned to Dr. Sweet. With X-rays, he determined three unerupted and impacted wisdom teeth had survived the fire in fairly good condition. He then removed the teeth and

found enough tissue inside them for DNA analysis.

The result was a positive match with the blood in the suspect's ear and a guilty plea.

Dr. Sweet said his interest in forensic dentistry began in the early 1980's when he was a practising dentist in Cranbrook, B.C. Local police asked him to assist in the identification of a car fire victim who was believed to be one of his patients.

"The thing that I remember the most is how little there was left of this poor body," he said.

The victim's teeth, however, had survived the blaze well enough that he was able to identify some dental work he had completed only a few months earlier.

In 1995, Dr. Sweet completed a PhD in forensic science at the University of Granada in Spain, where he developed a new technique for extracting DNA from saliva left behind in a bite mark.

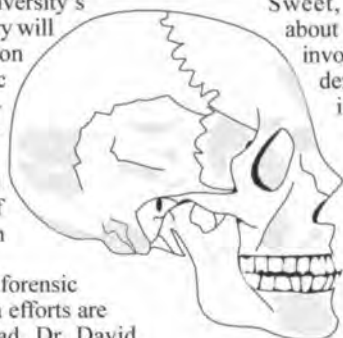
Dr. Sweet is particularly interested in this research because there are so many problems trying to match bite marks physically with dental impressions.

The DNA extraction technique he developed is now well known and widely used.

While at UBC, Dr. Sweet proposed developing a laboratory and research facility devoted solely to forensic dentistry. The provincial government liked the idea and agreed to fund it as part of a crime fighting initiative it was promoting. The government subsequently contributed \$500,000 to the project for construction of the lab and equipment purchases. UBC provides salaries, office space, and administrative support.

One of BOLD's first projects will be to study how DNA in teeth breaks down as a body decomposes. "The body goes through so many changes and perpetrators can put the body through so many different things that we don't know what happens when, for example, the teeth come out of salt water or fresh water or if they've been buried in a shallow grave that has acidic soil. All these environmental studies have to be done."

Dr. Sweet is also looking at new ways to catalogue material for DNA analysis from teeth.



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## Warrantless forcible entry into house to make an arrest

### *R. v. Feeney* (1997) Supreme Court of Canada

by Gino Arcaro

Determining whether a set of circumstances constitute reasonable grounds to arrest an offender without a warrant may be the most significant decision that a police officer makes on a consistent basis. Deciding whether to forcibly enter a house to make an arrest without a warrant is equally significant. Officers commonly make these decisions, not while sitting in the comfort of an office referring to statutes or case law, but, within minutes or seconds, while potential danger exists to life.

These two decisions are examples of the unique difficulties that are inherent to a police officer's decision-making and problem-solving demands. The Supreme Court of Canada, in *R. v. Feeney* (1997) made significant rulings regarding these issues.

**Offence:** The offence relating to the *Feeney* case was murder.

**Circumstances:** The body of an 85 year old man was found in his home, at 8:20 a.m. He had suffered five blows to the head with an iron bar or similar object. The exact time of death could not be determined. The victim had last been seen alive the previous evening. During the preliminary investigation police found blood splattered inside the victim's house and a pack of Sportsman cigarettes at the crime scene. Upon information received, three officers attended at the scene of a motor vehicle collision about half a kilometre from the victim's house. The victim's pick-up truck was found in a ditch. A witness informed officers the truck was in the ditch at 6:45 a.m. She identified the suspect by given name only and ad-

vised she had seen him walking along a road a few minutes earlier where the victim lived carrying a bottle of beer or cup of coffee. The suspect's residence was known to be a trailer situated on another person's property. Upon arrival at the property where the suspect lived, a witness informed the police the suspect had stolen a truck from the property where the trailer was situated and that the suspect returned home at 7:00 a.m. He had been drinking and was currently sleeping in the trailer behind the residence.

The officer in charge of the investigation went to the trailer, knocked on the door, and identified himself by saying, "Police." After no answer was received, the officer entered the trailer went to the suspect's bed, shook the suspect's leg and said, "I want to talk to you." The officer asked the suspect to get out of bed and move to the front of the trailer in better light. The officer saw blood splattered all over the front of the suspect and read the right to counsel and cautioned the suspect. The right to counsel did not include reference to a toll free number. The officer arrested the suspect and asked whether he understood his right to counsel. The suspect did not initially respond. When asked again, the suspect answered, "Of course, do you think I'm illiterate?" Immediately afterward, the officer asked the suspect how he got the blood on him. The suspect answered that he had been hit in the face with a baseball bat the day before. The officer seized a pair of blood stained shoes, a package of Sportsman cigarettes and the blood stained t-shirt worn by the suspect.

At 12:17 p.m., the suspect left a message

for a lawyer to call the police station. At 12:33 p.m., a breath sample was taken. The suspect was not informed that he did have a choice about whether to give the breath sample in that situation. The suspect was detained in a cell. At 9:10 p.m., two detectives began interrogating the suspect. The suspect stated, "I should have a lawyer," but the questioning continued. The suspect confessed that he struck the victim, stole cigarettes, beer, and cash from the victim's house. He put the cash under his mattress in his trailer. A search warrant was obtained to search the suspect's trailer and to seize the shoes, the Sportsman cigarettes, and the money beneath the mattress. A second interrogation occurred at 3:05 a.m. It lasted for 1 1/2 hours. The suspect had not spoken to a lawyer. Two days after the arrest, the suspect was fingerprinted at 9:25 a.m. and again at 10:54 a.m. The suspect spoke to a lawyer for the first time in between the fingerprinting sessions.

#### Existing laws

Section 495 Criminal Code creates a police officer's powers of arrest without warrant but does not establish guidelines or procedures regarding forcible entry into dwelling houses to arrest an offender without a warrant. A warrantless arrest must include subjective and objective grounds. Section 495(1)(a) C.C. creates the subjective requirement for a warrantless arrest, referring to the condition that the individual police officer must believe that reasonable grounds exist that the offender committed an indictable offence.

The objective requirement was added by the S.C.C. in *R. v. Storrey* (1990). This refers to a conclusion that must be made by a judge that reasonable grounds actually did exist to believe that the offender committed an indictable offence. The test used to make this conclusion is, "Would a reasonable person standing in the shoes of the officer believe that reasonable grounds existed?" In other words, the objective test is an evaluation of what a reasonable person would believe with the officer's same knowledge. A problem exists when an offender, whom the police believe on reasonable grounds has committed an indictable offence, is in a house and the police are not given consent to enter. A search warrant to search a place for an offender cannot be obtained because no such warrant exists. Search warrants may be obtained to search places for physical items only. The Criminal Code has no provision that establishes a search warrant to search any place for an offender.

The S.C.C., in *Eccles v. Bourque* (1975), authorized police officers to forcibly enter dwelling houses without consent to make arrests with a warrant, if reasonable grounds existed that the accused person was in the house and proper announcement preceded the entry. In *R. v. Landry* (1986), the S.C.C. authorized the police to enter a house without permission

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to make an arrest without a warrant, if the requirements of sec. 495 Criminal Code and those in *Eccles v. Bourque* are met. The Supreme Court made the Landry decision because the Criminal Code does not provide for a warrant to search a place for an offender and to prevent offenders from hiding inside a house to avoid arrest. Therefore, a combination of these three case law decisions and sec. 495 C.C. establish the following rule:

A warrantless arrest following forcible entry into a house is lawful if:

- i) subjective and objective reasonable grounds exist that the offender committed an indictable offence;
- ii) reasonable grounds exist that the offender is inside the house, and
- iii) proper announcement is made before entering;
- iv) before forcing entry, admissions into the house must be requested and denied;
- v) if exigent circumstances exist, a proper announcement and request for admission are not required.

The accused was convicted of second degree murder after a jury trial in the Supreme Court of British Columbia. He appealed to the British Columbia Court of Appeal who unanimously dismissed the appeal.

The accused appealed to the Supreme Court of Canada who allowed the appeal in a 5-4 decision, and ordered a new trial. The three questions surrounding the accused's appeal to the Supreme Court of Canada were:

1. Did the police violate sec. 8 Charter during their investigation?
2. Did the police violate sec. 10(b) Charter?
3. What evidence, if any, should be excluded under sec. 24(2) Charter?

The primary issue raised in the appeal was the authority of the police to enter a private dwelling house to make an arrest without a warrant. Justice Sopinka wrote a lengthy judgment for the majority. The dramatic conclusions may have significant impact on the procedures used by officers in the future to arrest offenders in dwelling houses. In this case, Justice Sopinka ruled that:

- reasonable grounds existed that the accused was in the trailer, based on the information received by the police.

- however, subjective grounds did not exist.

This conclusion was based on two factors:

- a) the testimony of the officer in charge of the investigation that he did not believe he had reasonable grounds to arrest the accused when he entered the trailer;
- b) the officer did not arrest the accused immediately upon entering the trailer.

Instead, the arrest was made after the blood stains were seen on the accused's shirt.

- objective grounds did not exist in this case for the following reasons:

- a) the absence of subjective grounds implies the absence of objective grounds, unless the officer has an unreasonably high standard;

- b) the objective requirement created by *Storrey* is an addition to the subjective requirement created by sec. 495 C.C. The objective test does not replace the subjective test. Therefore, if reasonable grounds did in fact objectively exist despite the

absence of the officer's belief that reasonable grounds did not exist, the objective requirement is not met. If the officer did not believe that reasonable grounds existed but the belief was wrong because reasonable grounds objectively did exist, then the final conclusion will be that reasonable grounds did not exist unless it is determined that the officer's standard of determining reasonable grounds was unreasonably high.

- four prominent facts composed the evidence known to the police prior to entering:
  - i) the deceased person's truck appeared to have been stolen before it had been involved in the collision.
  - ii) the accused had been seen walking near the scene of the accident
  - iii) a witness assumed that the accused had driven the deceased person's truck because the accused had been involved in a collision at the same location while driving another vehicle earlier.
  - iv) an occupant at the accused's residence told the police that the accused returned home at 7:00 a.m. after drinking all night and had earlier been involved in a collision, while driving another vehicle, at the site where the victim's vehicle was found.

This evidence did not constitute reasonable grounds to arrest the accused for murder. It constituted mere suspicion only. Consequently, when the accused entered the trailer, the subjective and objective belief was predicated on mere suspicion.

- the Landry authority to forcibly enter a

house to arrest a person without a warrant no longer applies.

The police must now obtain a warrant before forcibly entering a house to arrest an offender. Before forcibly entering a house to arrest an offender for an indictable offence, the following new procedures apply:

- i) a warrant must be obtained first. Justice Sopinka stated that the police must obtain judicial authorization for the arrest by obtaining a warrant to enter the dwelling house for the purpose of arrest,
- ii) the warrant must be obtained on the basis of reasonable grounds that the offender committed the offence and that he or she is inside the house.
- iii) a proper announcement must be made before entering.

An exception occurs when an officer is in "hot pursuit" of an offender. The Court did not fully address an exception for exigent circumstances, stating that there was no need to for this issue to be decided in the *Feeney* case. The Court stated that exigent circumstances did not exist in this case.

This new law creates confusion about two prominent issues:

1. Since the Criminal Code does not provide for a search warrant to search houses for offenders, what document must be used as the warrant?
2. What are the police expected to do in emergencies when they are called to a house and hear circumstances that indicate an indictable offence is being committed inside the house?

(Continued...)



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In response to the first question, Justice Sopinka stated that, "If the Code currently fails to provide specifically for a warrant containing prior authorization, such a provision should be read in. While the absence of such a provision could have a profound influence on the common law power of arrest, its absence cannot defeat a constitutional right of the individual. Once a procedure to obtain prior authorization is created, the concern that suspects may find permanent sanctuary in a dwelling house disappears."

Regarding the second question, Justice Sopinka "refrained" from deciding whether an exigent circumstances exception exists to the new warrant requirement. Exigent circumstances includes an emergency where the safety of the police or public is in danger, or where the possibility exists of destruction of evidence. According to Justice Sopinka, exigent circumstances did not exist in this case because "the situation was the same as in any case after a serious crime has been committed and the perpetrator has not been apprehended." In his opinion, the safety of the public or the police was not in jeopardy. Regarding the blood stains, the Justice stated that the police had "no knowledge of evidence that might be destroyed."

Justice Sopinka did not agree with a unanimous decision by the British Columbia Court of Appeal, in which Justice Lambert wrote, "The police were facing a situation which could be classified as an emergency, or as exigent circumstances which would require immedi-

ate action, and that in addition they were facing circumstances where the possibility of the destruction of evidence, particularly evidence in relation to bloodstains, was a real one and had to be addressed."

**Right to counsel - sec.10(b) Charter**

The majority ruled that the police violated the accused's sec.10(b) Charter right to counsel. The reasons for this ruling were:

- the right to be informed of the right to counsel begins immediately upon arrest or detention. According to *R. v. Therens (1985)*, detention occurs when a police officer assumes control over the movement of a person by demand or direction. In this case, detention began when the police officer shook the accused's leg and told him to get out of bed. The accused should have been informed of the right to counsel at that time. Instead, the right to counsel was read after the accused moved to the lighted area where the blood stains were seen.
- the accused was not given a reasonable opportunity to exercise his right to counsel. He was not given access to a telephone before he was questioned inside the trailer about the blood on the shirt and shoes. Consequently, the statement in the trailer was taken after a sec. 10(b) Charter violation.

**Search warrant - sec. 8 Charter**

The majority ruled that the search of the trailer with a warrant constituted a sec. 8 Charter violation. The reasons were:

- the police learned about the shirt and shoes as the result of the initial search and inter-

view inside the trailer.

- the location of the stolen money was learned as the result of the interrogation at the police station.
- all of the evidence was obtained after a Charter violation had been committed.

**Fingerprints - sec. 8 Charter**


The accused's fingerprints were found on the victim's refrigerator and on an empty beer can found inside the victim's truck. Taking fingerprints from an accused constitutes a search and seizure related to the accused person's body. The S.C.C., in *R. v. Beare (1988)* ruled that taking fingerprints from an offender following a lawful arrest is reasonable and does not constitute a Charter violation. However, the majority ruled that since the arrest in this case was unlawful and involved a number of Charter violations, the taking of the accused's fingerprints constituted a sec. 8 Charter violation.

**Admissibility of evidence - sec. 24(2)**

The final issue related to the admissibility of the evidence obtained by the police including the shirt, shoes, cigarettes, fingerprints, and statements made inside the trailer and at the police detachment.

Admissibility of evidence is determined by applying sec. 24(2) Charter. The prominent element of sec. 24(2) Charter is whether the admission or exclusion of evidence obtained after the commission of a Charter violation will bring the administration of justice into disrepute. The S.C.C., in *R. v. Collins (1987)*, established general policies that must be used to determine whether evidence will be admitted or excluded. Disrepute was defined as a concept that involves some element of community views. A "reasonable person test" was established as the standard used to make the determination regarding the reputation of the administration of justice. The test involves the perception of a reasonable person, defined as an average person within a reasonable community. Included in the number of factors created by the Collins case, but not exclusively, were elements that pertained to the fairness of the trial. The majority of the S.C.C., in *R. v. Stillman (1997)*, refined and clarified the trial fairness factor by summarizing the following rules:

1. Each piece of evidence must be classified as conscriptive or non-conscriptive. Conscriptive evidence refers to evidence that the accused is compelled to incriminate himself at the behest of the state by means of a statement, the use of the body or the production of bodily samples. Non-conscriptive evidence refers to evidence that the accused was not compelled to participate in the creation or discovery of the item, such as physical items.
2. The Crown has the onus to prove on a balance of probabilities that conscriptive evidence would have been discovered by non-conscriptive means. Failure to do so will result in the determination that conscriptive evidence will render the trial unfair. As a general rule, this evidence will be excluded without consideration of the seriousness of the breach or the effect that exclusion will have on the reputation of the administration of justice.
3. If the Crown successfully proves that conscriptive evidence would have been dis-



# ABDUCTED

This is a monthly column supplied by the Royal Canadian Mounted Police Missing Children's Registry in cooperation with Blue Line Magazine.

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	Name of Child:	Sex:		
	Date of Birth:	Race:		
	Height	Weight:	Hair	Eyes
	Jermaine Allan Mann	Male		
	85-09-06	Black		
	106cm 14 Kg	Short Black	Brown	

Photo-aged enhancement, 1990  
Date Last Seen - Missing From:  
19 June 1987 from Toronto, Ontario, Canada. Child is company of his father. Child has a small birthmark on left foot.

Known Abductor

Allan Mann (Father) is presently 45 years old (52-09-24). He is 175 cm (5'9"), 66 Kg (146 lbs.) with brown eyes and black hair. From date last seen, Allan had an Afro. He is known to wear a mustache. Noticable scars on leg, hand and back of neck. Pierced right ear. He could be wearing glasses. Allan is a trained designer/draftsman in aeronautics. Allan and Jermaine are believed to be in Canada.

covered by non-conscriptive means, the admission will generally not render the trial to be unfair.

The shirt, shoes, cigarettes, and money were not conscriptive evidence. However, the seizure of these items occurred after serious Charter violations. The police "showed little regard for his sec. 10(b) rights." Consequently, these items were excluded under sec. 24(2) Charter. The statements and fingerprints were conscriptive evidence. They were excluded because their admission would adversely impact the fairness of the trial which would harm the reputation of the administration of justice. In summary, the majority set aside the conviction and ordered a new trial.

Dissenting judgment Justice L'Heureux-Dube, and three other Justices opposed the ruling stating that the arresting officer did have reasonable grounds to believe that the accused committed the murder. The S.C.C. decision in *R. v. Silveira (1995)* was referred to as an example that a private dwelling house does not offer immunity from a police investigation.

Justice Dickinson was quoted from *Eccles v. Bourque* that, "the criminal is not immune from arrest in his own home nor the home of one of his friends." The entry into the trailer was considered lawful. The search warrant was properly issued. The fingerprinting was an incident of a lawful arrest and did not violate the Charter. The accused was properly informed of the right to counsel. The police have no obligation "to assure themselves positively that an accused understands what his right to counsel entails. It was recognized very early in Charter jurisprudence that placing this burden on the police would be prohibitive and would inhibit legitimate police investigative techniques." The police did not violate sec. 10(b) Charter by questioning the accused because he did not invoke his right to counsel. In this case, the police had no indication from the accused that he wanted to speak with a lawyer. Finally, the dissenting minority "commended" the police for acting quickly to prevent further violence after a "savagely physical beating inflicted on a helpless victim for no apparent reason."

#### Transition period

The Supreme Court of Canada, upon realizing their judgement would require legislative changes to uphold its own decision in this matter, granted a six month transition period on June 27, 1997, to determine the document that will be used as authorization to enter a house to arrest an offender and who will have jurisdiction to issue it. The requirements created by the *Feeney* decision were stayed for the time period beginning May 22 and ending November 22, 1997. During this time, the procedures established in *Landry* will apply to circumstances where forcible entry is necessary into a dwelling house to arrest an offender without a warrant.

Gino Arcaro is Blue Line Magazine's Case Law Editor. He is presently a professor of Law Enforcement at Niagara College and the author of numerous texts including *Impaired Driving* and *Criminal Investigation—Forming Reasonable Grounds*.

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## Up-Coming Events

November 8, 1997

### 5th Annual "In Harmony With The Community"

Newmarket - Ontario

The York Regional Police Male Chorus is hosting this musical extravaganza. Police choirs from Toronto, Waterloo, Halton Region and Ottawa Carleton will also perform. For information call Lowell McClenny 905 773-1222, ext. 7910.

November 8 - 13, 1997

### International Association of Women Police 35th Annual Training Conference

Dallas - Texas

Officers from over 36 countries will convene for the conference to share information on technology, increase professionalism and develop ideas and methods for improving the quality of life for all our communities. For further details phone or fax 972 727-7239.

December 3 - 5, 1997

### ICA Conference

Orlando - Florida

The Second Annual International CPTED Conference is being hosted by the Florida CPTED Network. This conference will bring the world's top CPTED specialists, criminologist and experts together to discuss strategies, techniques and initiatives that are being applied around the world. For more information call Stan Carter at 941 358-9888.

December 15 - 17, 1997

### Negotiator's Recertification Course

Guelph - Ontario

This course will be hosted by the Guelph Police Service in conjunction with the Canadian Critical Incident Association. The course is open to all members who have completed the Negotiators Course at Canadian Police College or equivalent. Certificates will be issued. Contact Sgt. Rod Curran at (519) 824-1212 or FAX: (519) 763-0516.

March 2 - 6, 1998

### Sexual Assault Investigators seminar

Toronto - Ontario

The Metropolitan Toronto Police Sexual Assault Squad is hosting the 1998 Sexual Assault Investigators Seminar at the Colony Hotel in Toronto. The five day seminar will deal with many aspects of sexual assault investigation and give the sexual assault investigation specialist invaluable knowledge which will enhance their investigative skills. Seminar and panel speakers will include professionals from many different areas of expertise, all of whom will bring a wealth of knowledge to the attendees. Registration is \$200 per person and a special room rate is offered at the hotel. For more information contact Det. Ruth Schueller or Det. Marie Drummond at (416) 808-7474.

April 15 - 18, 1998

### Leadership '98 Conference

Vancouver - British Columbia

Brochures for the conference were mailed out to all police agencies in

September. If you have not received a brochure, or would like more information about the conference contact Chief Constable Peter Young at (604) 525-5411.

May 4 - 8, 1998

### Sudden Death Investigation for Police and Medical

Investigators

Edmonton - Alberta

The Edmonton Police Service Homicide Section and the Office of the Chief Medical Examiner for the province of Alberta are hosting this seminar specifically designed for police officers, coroners, medical examiners and medical investigators who are on the front line of sudden death investigations, as well as police officers who are being considered for a homicide or major crimes position. A variety of topics will be presented in one hour lecture, with plenty of time allot-

ted for discussion and questions. For further details contact Det. Doug Fisher or Det. Keith Kilshaw at (403) 424-7248.

May 14 - 19, 1998

### 13th Annual Peace Officers Memorial

Celebration

Cleveland - Ohio

During National Police Week, the Greater Cleveland Peace Officers Memorial Society, in co-operation with many other law enforcement organizations, sponsors the annual memorial celebration. Held each May, the celebration allows officers from across the United States and Canada to honour all fallen law enforcement and corrections officers, in addition to sharing in camaraderie and fellowship. For further information contact the Greater Cleveland Peace Officers Memorial Society at (216) 621-3830.

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# TEN-SEVEN

Law Enforcement News From Blue Line Magazine

## Thousands pay tribute to fallen officers during 20th annual memorial service

Thousands of officers from across Canada and the United States gathered on Parliament Hill on Sept. 28, for the 20th national memorial service for officers who have lost their lives in the line of duty.

Almost 5,000 officers paid tribute to the six officers who were killed in the last year, and the 419 others who have died since Confederation.

Police, RCMP and correctional officers in dress uniforms marched to the front lawn of the Parliament Buildings.

As bagpipers played officers remember their fallen comrades and reflected on the hazards of their occupation.

Also in attendance were about 100 relatives, friends and loved ones of some of the slain officers.

Sharon Miller stood at the front of the crowd as officers marched by saluting this

year's six fallen law enforcement officials.

Miller's husband Dean, a fishery officer died in a training accident on Sept. 18, 1996.

"I think this is great," Miller was quoted as saying. "I think he would have loved it if he was here to see it. It's a good way to meet people who can share our experience."

Andre Nadon, vice-president of the Canadian Police Association, spoke of the need to remember not just those who sacrificed their lives, but also the families they left behind.

"This memorial day allows us to collectively offer our sympathies to friends and relatives of the loved ones who were slain and whom we must never forget if life is to have any meaning and value.

"This year again six more absurd and unnecessary losses of life have been added to the list, deeply bereaving as many grief-stricken

families."

The name of every officer who has died on the job since 1977 was read aloud during the service.

The reading, a traditional part of the ceremony, took over 10 minutes.

Wreaths were placed beside the six caps of the slain officers. Near the end of the service colleagues held the caps as the officers in attendance walked by for a final salute.

The national memorial service began on a much smaller scale twenty years ago, when Ottawa police decided to commemorate the death of an officer with a formal service.

David Kirkwood, a 21-year-old police officer who had been on the force for just three months, was shot and fatally wounded on July 11, 1977.

His colleagues vowed that he would always be remembered.

### Six officers slain over past year

Six names have been added to the list of Canadian law enforcement officers who have been killed while on duty.

The latest fallen officers to be honoured at the 20th national memorial service include:

- Fishery Officer Dean J. Miller, who died on Sept. 18, 1996. Miller was a member with the Department of Fisheries and Oceans.

- Conservation Officer Kevin R. Misfeldt, Jan. 24, 1997. Misfeldt served with Saskatchewan Environment and Resources.

- Correctional Officer A.H. Harrison, who died on Jan. 28, 1997 while serving Springhill Institution.

- Senior Const. Tom P. Coffin, who was gunned down on May 31, 1997. Coffin was a member of the Ontario Provincial Police.

- Corrections Officer Diane Lavigne, was killed on June 26, 1997. Lavigne worked for the Montreal Detention Centre.

- Corrections Officer Pierre Rondeau, who was murdered on Sept. 8, 1997. Rondeau was a member of the Montreal Escort unit.

## The Great Mac Attack!

Life viewed from behind the badge and imagination of Tony MacKinnon



## Number of Winnipeg street gang members declining, police say

The number of young people involved in Winnipeg street gangs is declining for the first time in recent history, police said in early October.

"We're starting to see a few bright lights on the horizon," Sgt. Al Cameron, the head of Winnipeg's street crime unit, told the press.

"The gangs kept growing by leaps and bounds during 1995 and 1996 but things seem to have levelled off in 1997 and even improved a bit."

Approximately 200 gang members, many of them young people, have stopped taking part in gang-related activities, Cameron said.

Gang membership has levelled off at about 1,375 after years of tremendous increases.

In 1995, there were roughly a dozen street gangs operating in Winnipeg.

There are currently five active gangs. The Indian Posse and Manitoba Warriors are the two largest. The smaller gangs have either been taken over or disbanded.

"They used to say the only way out of a gang was to be carried out, but there are one hundred and ninety-some examples of how that is no longer the case," Cameron was quoted as saying.

Winnipeg street gangs have undergone expansion and moved into rural Manitoba,

Saskatchewan and Ontario.

There are Warriors chapters in both Ontario and Saskatchewan. A gang closely tied to the Indian Posse, called the Central Posse, is present in Kenora, Ont.

Along with a decline in gang membership, Winnipeg has experienced a reduction in high-profile street crime.

During previous summers gang squabbles have led to shootouts, but 1997 has been quiet so far.

Traditional gang-related activities like auto theft and robbery remain high, but they are not increasing at the rate they did in the early 1990s, during which time auto thefts jumped up by al-

most 200 per cent.

Cameron added that while street gangs are not as openly violent, they are moving into other areas of crime and often work with biker gangs in an effort to control prostitution and drug trafficking in the inner city.

"This isn't a case of massive rehabilitation but we have to count our blessing where we can," Cameron said.

"They are just moving on to more lucrative endeavours that tend to draw less attention.

"Fortunately, the crimes they are moving to are less random and less violent."

*"We're starting to see a few bright lights on the horizon."*

- Sgt. Al Cameron

## Deputy chief sits on federal HIV, drug panel

Canada should decriminalize the possession of small amounts of illegal drugs for personal use, Vancouver's deputy police chief told a federal panel on HIV and drug use in early October.

Ken Higgins said addiction should be handled by medical personnel and drug dealers should be handled by law enforcement and legal professionals.

"I'm not soft on drugs," Higgins was quoted as saying. "People who traffic in this sort of misery should be dealt with very severely."

"Let's get the addicts out of the way for the time being and concentrate on the trafficking and let (the health-care system) try to deal with addiction."

Higgins, who sat on the panel in Ottawa, said he was motivated to speak out because of the HIV-AIDS epidemic and because the current system simply isn't working.

"If we wiped the chalkboard clean and said how would we deal with the situation now, the last thing we'd come up with is the present system," the media quoted him as saying.

The B.C. Centre for Excellence in HIV-AIDS recently reported that almost half of the 6,000 to 10,000 addicts in the eastside downtown area of Vancouver are believed to be infected with HIV.

Higgins represented the Canadian Association of Chiefs of Police on an 11-member panel that delivered a report to Health Canada last May.

The panel on HIV, AIDS and injection drug use made a number of recommendations including letting doctors prescribe narcotics for drug addicts, decriminalizing small amounts of drugs for individual use, increasing the number of methadone programs and setting heavy penalties for selling narcotics to minors.

Higgins, who has spent a great amount of time working in the downtown eastside of the city, said decriminalizing possession of drugs like cocaine and heroin is a necessary measure in the ongoing fight against HIV and AIDS.

He said Criminal Code changes should be made in order to show that current possession laws aren't working.

The Canadian Association of Chiefs of Police has never formally advocated reducing the nation's drug penalties.

However, the association has stood behind the idea of increasing funding to fight organized criminals importing illegal narcotics into the country.

In 1993, the Canadian Police Association, which represents 4,000 police officers, urged the federal government to remove marijuana possession from the Criminal Code and make it an offence which would result in a ticket, like a speeding offence.

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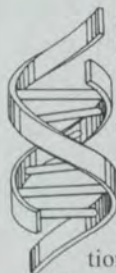
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## Canada to have DNA databank in two years: Scott



A DNA databank used to store genetic profiles of criminals should be operating in Canada within the next two years, Solicitor General Andy Scott said in late September.

Legislation allowing the storage of genetic information was re-introduced in the Commons after being axed when the election was called last spring.

"The government remains committed to this legislation because it further strengthens our ability to combat crime, especially violent crime," Scott was quoted as saying.

The newly proposed bill is almost exactly the same as the old one. The legislation would allow police to store DNA samples taken from the hair, saliva and blood of individuals convicted of serious crimes, including sex offences.

Scott is also proceeding with a controversial element of the bill that mandates DNA samples only be taken from individuals who have been convicted of an offence.

The Canadian Police Association, which has spent years lobbying for a databank, is opposed to the conviction portion of the law because it doesn't allow police to take samples from suspects at a crime scene.

Other groups concerned with individual rights are opposed to the DNA storage facility because they fear the samples could be used to gain information about an individual's personal traits.

However, the proposed legislation would make such action an offence.

"There's no question that the use of DNA in an investigation poses complex legal and ethical considerations," Scott was quoted as saying.

He said the public will have an opportunity to voice concerns as the legislation is carried through parliamentary proceedings.

The assistant commissioner of the RCMP, Jean L'Abbe, said he supports the legislation.

"We have to have a balance between human rights of people and what we call the right of the felon or offender," L'Abbe was quoted as saying. "I think it's reasonable."

The databank, which will be operated by the RCMP, will cost about \$2.9 million to build and an estimated \$3 million a year to run.

## Manslaughter charge against officer dropped

Manslaughter charges laid against a Toronto-area police officer were abandoned by prosecutors in September.

York Regional Police Det. Robert Wiche had been charged in relation to the June 1996 shooting death of Faraz Suleman, 16.

The charge was tossed out of court at the conclusion of a preliminary hearing.

"These criminal proceedings are at an end for Detective Wiche," Brendan Crawley, a spokesman for the Ministry of the Attorney Gen-

eral was quoted as saying.

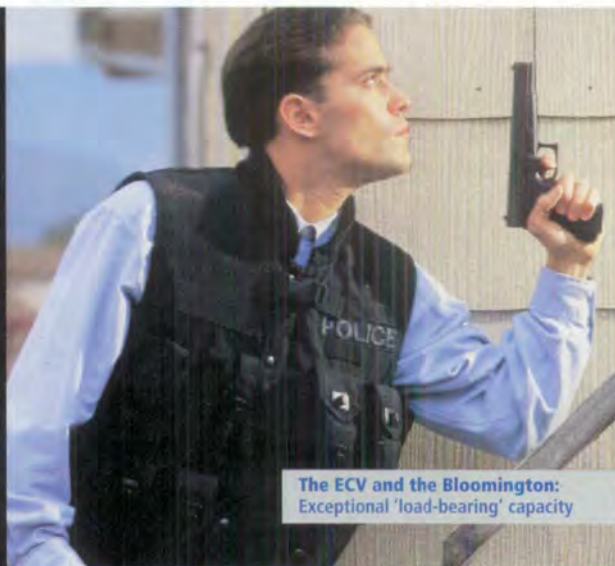
Wiche, 38, shot Suleman at the end of a car chase when the suspect struck the officer with a stolen Jeep he was driving.

The shooting was the end result of an attempt on behalf of the police and Suleman's mother to apprehend the youth, who was wanted in connection with two car-jackings, peacefully.

Civil suits launched by Suleman's family against Wiche and the regional force are ongoing.

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## Police to use internet as means of getting information to the public

A dozen Halifax police officers are prepared to storm the city streets armed with cellular phones, laptop computers, digital cameras and scanners.

The officers will use the equipment to get information regarding crimes and other offences out to the public over the Internet.

The police will scan the photographs and information onto the force's website. The project's main goal is to supply information to citizens in the hopes that they can help solve criminal cases.

"We believe having this information available almost immediately will help our community (become) a safer place to live in," Chief Vince MacDonald told a news conference in late September. "This is really going to help us."

"The technology ... will provide the citizens of Halifax Regional Municipality the opportunity



MacDonald

to become uniquely involved in crime prevention, and it may even be able to help us to solve an incident on-line."

Initially the program will provide information about disasters, missing people, suspects and escaped convicts.

One of the officers to be involved in the program, Const. Chris Gorman, said the technology should be a benefit to the service.

"It has to help," Gorman was quoted as saying. "It's not going to hurt. It's going to get information out to the people faster."

Sgt. Bill Cowper, the department's Internet communications officer, said he expects about 20,000 people to use the service on a regular basis once it's up and running.

Mayor Walter Fitzgerald said he hopes other police forces will also take on the initiative.

The Halifax Police Service's website address is [www.police.halifax.ns.ca](http://www.police.halifax.ns.ca).

## Durham police website first to let citizens file crime reports on-line

*Survey page will also give police feedback from community*

The Durham Regional Police website will be the first in Canada to allow web surfers to file reports on some crimes and give police feedback in the form of a survey.

The website, which was officially opened on Sept. 23, was created by Const. Leon Presner.

"I thought that, considering the size of our department, we needed a website," Presner said. "It's just another means of communication."

One of the site's most innovative options for the future is a police report page which allows citizens to fill out their own report and e-mail it to police. The reports can be filled out in minor case where there are no known suspects.

"It's coming," Presner said of the plans to open the report page. "We'll be the first in Canada to have that."

The site features a number of different options for web surfers including crime prevention

tips, community services listings, community alerts and warnings about ongoing scams.

The site also provides information for children and teens. Two sections, called Teen Planet and Kid's Zone contain youth-related articles and activities.

Editorial for both kids and adults comes from a variety of sources, Presner said.

"We not only have police officers contributing stuff, but civilians and kids (as well)."

The site also contains a community survey, which gives citizens an opportunity to supply police with comments and concerns.

Presner, a part-time Trent University computer science student, said he has tried to create a site that is more than just a bulletin board.

"Everything has to be useful," Presner said. "That's what my main focus is."

The Durham Regional Police website address is [www.police.durham.on.ca](http://www.police.durham.on.ca).

## Police want prostitutes to aid in crackdown

Calgary police made an appeal to former area prostitutes in early October as part of an effort to have pimps taken off the street.

A year-long investigation called Operation Predator resulted in 100 pimping, extortion, threat and violence related charges being laid against 15 people, vice officers said.

"We think we've knocked over the top dogs," the media quoted Staff Sgt. Chris Magnusson as saying.

The 13 male and two female suspects are believed to have been operating between Calgary, Vancouver, Saskatoon and a number of other western cities.

Now police want the ex-hookers to help them build their case.

"The message we'd like to get out is come forward," Magnusson was quoted as saying.

"The more charges we have against them, the longer they're going to be put away."

## Changes already made, Kinnaird says

The chief of the New Glasgow, N.S., police service, which came under fire after a man died in its holding cells, says recommended changes regarding the facility have already been completed.

Chief Stephen Kinnaird said his department has been cleared of any wrongdoing in the death of Pictou Landing resident Joseph Prosper.

"I don't think there was a screw up," Kinnaird was quoted as saying in September.

The chief said two of the three inquiry recommendations made by Judge Clyde MacDonald have already been addressed.

Prosper was found dead in a police holding cell last September. MacDonald determined that he died from a drug overdose. Prosper had consumed alcohol and taken at least 40 anti-depressants prior to his death.

MacDonald ruled the police department was not responsible for Prosper's death, but he said he does want the force to implement the recommendations.

MacDonald asked the town to ensure officers have up-to-date CPR training, commissioners are appraised annually and camera surveillance is improved.

Kinnaird said commissioners check on prisoners in person every 15 minutes and also monitor them with surveillance cameras. If a problem arises, the commissioners call in police officers.

In Prosper's case, he had fallen into a deep sleep and the commissioner called for help after he noticed he had stopped snoring.

MacDonald said that although performing CPR probably wouldn't have saved Prosper's life, he found it disconcerting that no one tried the procedure.

Kinnaird said both commissioners and police officers are certified in performing CPR and are re-tested every three years.

However, the chief added that in light of MacDonald's recommendations, testing may now be done every year.

Kinnaird also noted that while testing can be done no one can be forced to perform CPR, especially in cases where a person may have a communicable and potentially fatal disease.

"I don't think there can ever be a directive to say you must do it," Kinnaird was quoted as saying.

Kinnaird said that as for MacDonald's concern over the surveillance system, it was improved when the force moved into a new building this summer. The cameras are closer to the cells and have better lenses.

MacDonald said that although the old system didn't play a factor in Prosper's death, it lacked clarity. Guards could not make out clear details, just shapes and movements.

Kinnaird also said the commissioners are evaluated each year by the department, however he is unsure if the inquiry wants something more.

## Halifax's port police to get axed

*Local force, security to take over port duties in new year*

Ports Canada Police in Halifax were recently told the force will be disbanded on Dec. 31.

The work done by the 30-year-old force is expected to be taken over by city police and private security guards.

Canada's six major ports forces were originally told they would be disbanded in 1995. But Sgt. Ken Raulston of the Police Association of Nova Scotia said the 15-members of the force still find the move unsettling.

Raulston said rising crime levels are a concern, but waterfront crime is under control. However, before ports police arrived crime was prominent in the area.

"You can go anywhere from corruption to petty gambling, petty theft and drug dealing," Raulston was quoted as saying. "Now because it's not happening, they don't want us any more."

The president of the Halifax Port Corp., David Bellefontaine, rejected the concerns, saying Revenue Canada's Customs and Excise division, Immigration Canada and the RCMP will still be enforcing laws at the port.

Raulston said he hopes eligible officers will be hired by the local force after the disbandment takes place prior to the new year. The others will most likely retire.

## Seniors set to bust up telemarketing scams



Telemarketers who prey on seniors and scam them out of thousands of dollars are now being targeted by older folks looking to even the score.

SeniorBusters, a volunteer organization for those over 50, will help fight fraud by taking information from victims and other citizens who've received suspicious calls from telemarketers.

"Seniors are brutally victimized by this form of crime," Ontario Provincial Police Staff Sgt. Barry Elliot was quoted as saying.

The SeniorBusters volunteers will be responsible for calling victims back to make sure they aren't targeted again, storing information in a database and helping to educate others about the phone scams. The organization is also dedicated to providing emotional support for those who need help.

Nicole Mathieu, a project co-ordinator, said the four SeniorBuster phone lines are already getting up to 100 calls a day.

Ontario Premier Mike Harris was in North Bay in early October to help launch the project.

Harris made the first official call to an elderly victim from SeniorBuster headquarters at the Ministry of Correction Services building.

## Angry inmates protest allowance cut by forming a work stoppage

About 200 inmates at the Maplehurst Correctional Centre in Ontario began a work stoppage on Oct. 2, protesting the loss of their weekly allowance.

Inmates stopped working in the laundry and kitchen to protest the loss and will not resume their daily chores until the \$5-a-week allowance is re-instated, said Doug Kisko, an inmate representative. The allowances were cut on Oct. 1.

Ross Virgo, a correctional services spokesman, said Maplehurst is the only facility still conducting a work stoppage. Two other centres held short protests, but quickly returned to work.

Virgo said the allowance was first intro-

duced in 1989 at \$8 a week. One year later it was increased to \$10.

However, the provincial government reduced it to \$5 two years ago.

Kisko said a number of inmates, who enter the jail with little money, depend on the allowance to purchase tobacco and other personal items. If the inmates don't have any cash they will be more inclined to steal from others and create violent situations, he said.

Supt. Michael Stephenson said the protest hadn't caused any major disruptions at the prison. Staff have been doing work usually done by prisoners.

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## Woman launches suit against RCMP after attempted murder

*Victim claims force failed to protect her from attacker*

A B.C. woman who was almost killed by her ex-common-law husband launched a lawsuit against the RCMP in late September for failing to protect her from her attacker.

Bonnie Mooney escaped from Roland Kruska by diving through a bathroom window after he arrived at her home with a sawed-off shotgun on April 29, 1996.

Mooney's friend, Hazel White, was murdered by Kruska, who also wounded Mooney's daughter Michelle, 12, and then set the house on fire before killing himself.

"In part, I'm doing this for Hazel," Mooney was quoted as saying. "She didn't deserve to die a needless and violent death like that."

She also said she launched the suit with Michelle's future needs in mind.

Michelle, now 14, suffered permanent shoulder damage from the shotgun blast that almost took her arm off.

Mooney said she is hoping the suit will create changes so that other women don't have to go through the same ordeal she did. She added that she would like the RCMP to be more accountable in the future.

Neither Mooney nor her younger daughter, Kristy, now eight, were physically injured. However, Mooney says they both suf-

fer from the emotional scars.

In documents filed in B.C. Supreme Court Mooney claims that RCMP officers in Vanderhoof and Prince George didn't "take reasonable steps in all the circumstances to safeguard and protect" her and her family after two previous incidents involving Kruska. Both incidents had been reported to police.

During one incident, six months prior to the shooting, Mooney had to be put in the hospital after Kruska beat her with a cane.

In a statement of claim, Henry Wood, Mooney's lawyer, said the Mounties failed to delve into Kruska's violent history, which included convictions for manslaughter and sexual assault.

The claim states that officers "ignored or minimized" Mooney's complaints of threats and violence from him.

Court documents site "inadequate training and education of RCMP members with particular regard to domestic violence and the patterns of behaviour associated with certain types of violent personality, such as Kruska's" as factors leading to the murder and subsequent law suit.

Sgt. Russ Grabb, an RCMP spokesman, said lawyers will study the court documents and then file a statement of defence.



## Piche family drops wrongful death suit against cop, board

The family of a man shot to death by a Saskatchewan police officer in 1995 announced they were dropping a wrongful death lawsuit because of financial difficulties.

Beatrice and Frank Piche originally filed the lawsuit against the Prince Albert Board of Police Commissioners and Const. David Schluff after their son Floyd was fatally wounded.

At a news conference held in late September, lawyer Ron Piche said the family was dropping the lawsuit for financial reasons.

"If we had the taxpayers' dollars, we'd go all the way," Frank Piche was quoted as saying.

"Right now, they're hiring two lawyers that cost a lot more than what we were asking for."

The Piche family was seeking \$85,000, an apology and an explanation of why their son was shot by Schluff.

Floyd Piche, 28, was killed after a bullet struck him in the chest on March 31, 1995. Piche was shot after he approached Schluff with a knife.

Piche, who had escaped from prison earlier that month, was being chased by police after a woman called to have him taken from her home.

Schluff shot Piche after he turned towards the officer, who had fallen to the ground.

In a news release Ron Piche said the City of Prince Albert intended to devote its resources to disputing the family's lawsuit.

The release stated that the City of Prince Albert had hired a private lawyer, in addition to utilizing the city solicitor's legal team.

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## Civilian employees reach settlement in harassment case



Four civilian police employees and the City of Moncton, N.B., reached a settlement in a sexual harassment suit in early October.

The employees, all women, filed sexual harassment complaints with the New Brunswick Human Rights Commission in May 1996 against Cpl. Floyd Meunier.

Moncton council voted to pay each complainant \$5,000 and cover their legal costs.

Deputy mayor Joan MacAlpine said she was glad the city took responsibility and that the case had already gone on too long.

Meunier has been suspended with pay since the complaints were filed. He is currently waiting for his disciplinary hearing, which began in September, to reconvene. No date has been set.



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Hats off to the following students enrolled in the *Certificate in Police Leadership* at Henson College, Dalhousie University.

This is a partial list of graduates, as some individuals could not be contacted, and for reasons of privacy, others have asked not to be included with this announcement.

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OPP, Red Lake, ON

**Cst. Walter Antoniuk**  
Winnipeg Police, MB

**Cst. Michel Boissonnault**  
RCMP, Bathurst, NB

**Cst. David Boyce**  
RCMP, Lloydminster, SK

**Cst. Tami N. Cogan**  
OPP, Kemptonville, ON

**Cpl. Kevin Crowder**  
RCMP, London, ON

**Sgt. Adele Y. DesRochers**  
Carleton University Police, Ottawa ON

**Chief Alan DeWolfe**  
Berwick Police Department, NS

**Cst. Brad Fawcett**  
Vancouver Police Department, BC

**Cpl. Al Fouquette**  
New Westminster Police, BC

**Chief Rod Freeman**  
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Halton Regional Police, Burlington, ON

**Cst. Lori Jackson**  
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RCMP, Wabowden, MB

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# CRIMINALLY FUNNY

Humorous tales of laughable oddities from both sides of the thin blue line



## Woman gets 15 years for shirt theft

A woman in West Palm Beach, Fla., was sentenced to 15 years in prison for stealing four packages of undershirts in late September.

While the punishment may seem harsh it actually isn't.

Under new Florida legislation an offender who commits a violent felony within three years of being released from state prison must serve the maximum penalty for the offence.

The accused, Theresa Ann McKenzie, 33, was the first person in the country to be tried under



the law, which came into effect on May 31.

In June, McKenzie attempted to leave a discount store with the undershirts partially hidden in her purse.

When she was stopped by a store manager she told him to unhand her and then threatened to cut him. The threat escalated the charge to robbery, a violent offence, instead of the lesser crime of shoplifting.

McKenzie had been released from jail in Oct. 1994 after serving four years for selling crack.

## Would-be bank robber gets a burn to 'dye' for

A thief in Virginia Beach, Va., gave a new meaning to the term hot pants in mid-July after a dye pack hidden in the loot he stole exploded in his trousers.

The incident began when the man walked into the Life Savings Bank and demanded tellers hand over their cash. Bank employees complied, but secretly added an explosive dye pack that heats up to about 400 degrees when activated.

The robber stuffed the cash and the dye pack down the front of his pants before leaving the bank.

Witnesses told authorities they saw "an explosion taking place inside his pants," police spokesman Mike Carey was quoted as saying.

"He was seen hopping and jumping around."

The suspect removed his smouldering pants and fled in his boxer shorts.

## Cut-up Cases

### Escaped con hitches to jail

An escaped convict who decided to hitchhike his way to freedom in mid-June didn't get to enjoy life on the outside for very long.

The 46-year-old convict had escaped from the Beaver Creek Correctional Camp near Gravenhurst, Ont., for only a few minutes when he was picked up by OPP Const. Maureen Martin.

Martin was on her way to the correctional camp to investigate the escape when she noticed a man hitchhiking along the road.

She stopped, arrested the man and closed the case on the missing fugitive.

### Sleepy burglar caught napping

An alert Calgary police officer investigating a home invasion caught a would-be burglar catching some shut-eye in mid-August.

Const. Deb Gallant was dispatched to a city townhouse after a neighbour noticed a broken basement window.

Once on the scene Gallant found compact discs, a video game system and stereo equipment stashed in a couple of suitcases by the front door. The officer also discovered an open bottle of rye sitting on the kitchen counter.

Gallant said the crime scene appeared to be a typical one until she walked upstairs and found a man taking a nap in the main bedroom.

The sleepy suspect was charged with break and enter with intent to steal.

### Drunk caught in police parking lot

A drunk driver was kind enough to make the job of police in Chatham, Ont., a little easier in September.

Instead of having to pull the drunk over on the street, he literally ran right into them.

The impaired motorist was apprehended in the police service's parking lot after he drove into a parked car belonging to an officer on duty.

The man was taken into the station and charged with a number of offences.

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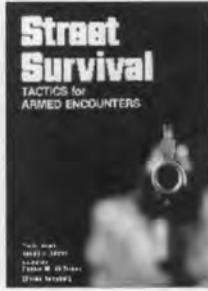
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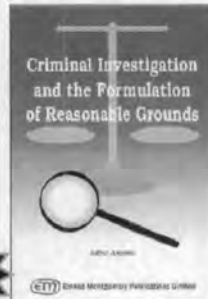
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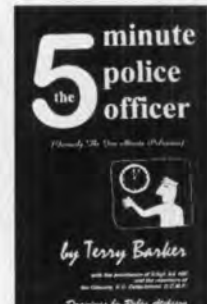
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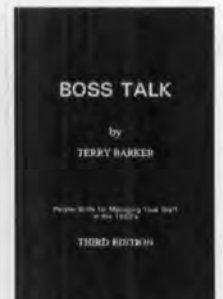
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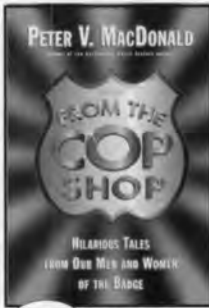
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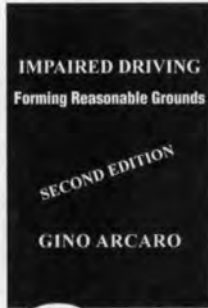
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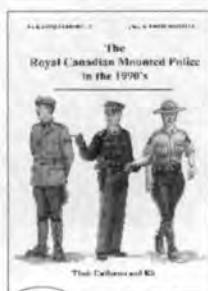
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