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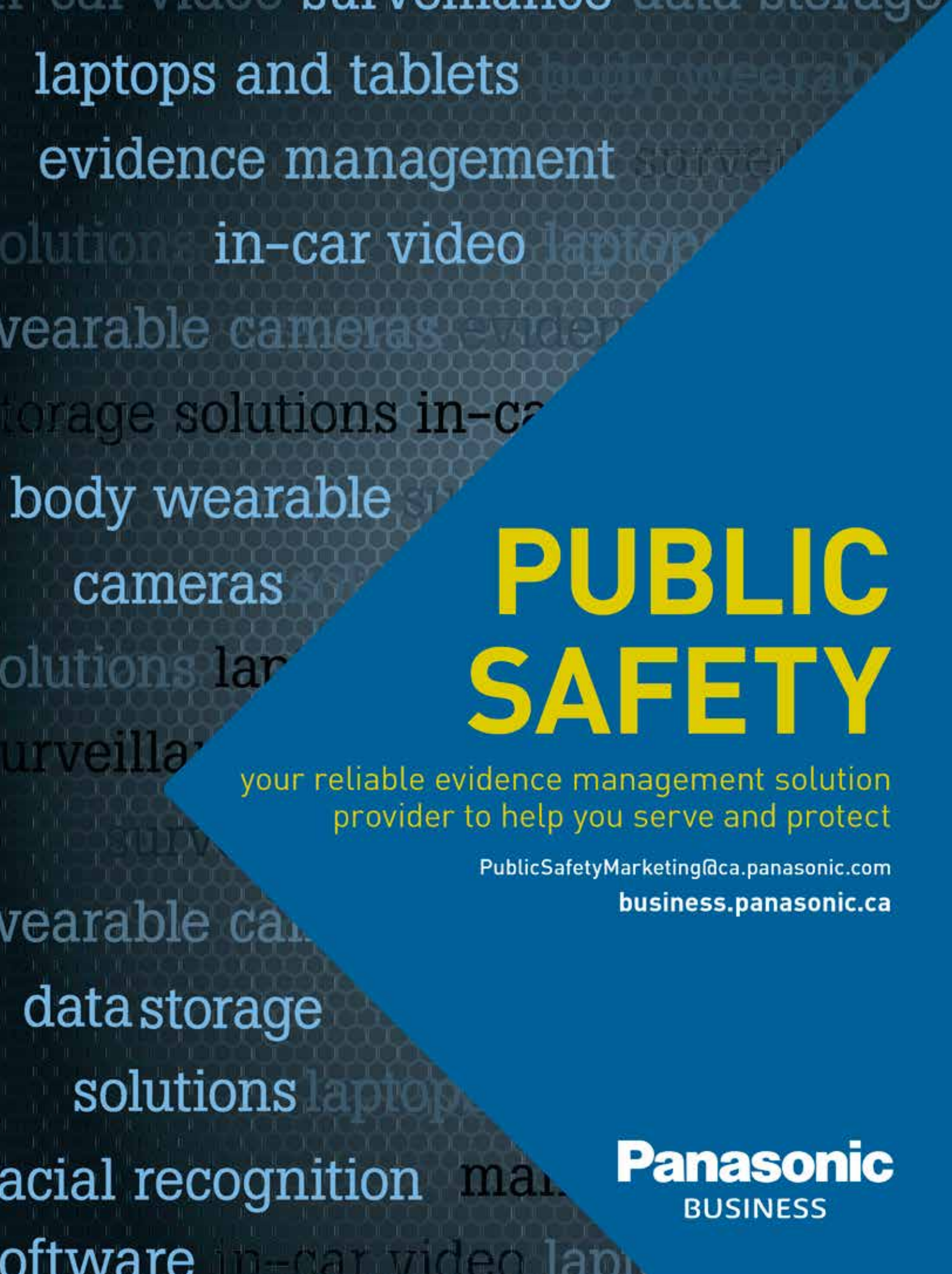


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by Morley Lymburner



The Johnny Appleseed phenomenon

The store was stark and bare, with framed lists of brand names adorning the painted green walls. I strode excitedly to the centre kiosk and, as I had been coached to do, tore a slip of paper from the pad, filled in my name and address and entered "264B" in the appropriate slot.

I handed the paper and a \$10 bill to the well-dressed older man at the counter. He looked at me intently, then retreated without a word through a passage way, returning with a tightly wrapped package. Do not open this until you get home, he instructed. I nodded and he smiled, winked and said "Happy birthday."

I had just turned 21 and the purchase, Bacardi Rum, was my rite of passage at the local Liquor Control Board of Ontario outlet. The process was easy compared to my parents day; they had to produce an official government booklet in which every purchase had been dutifully recorded.

The federal government instituted prohibition in 1916. Although considered a social experiment at the time, it was met with varying degrees of resistance. Quebec, in usual form, refused to comply and was granted an exemption.

In 1927 the experiment was deemed not only a failure but a disaster. The provinces quickly filled the vacuum left by the repeal of prohibition.

Today, alcohol is controlled by provincial statutes which reflect the community standards of tolerance to its distribution and consumption. Ontario residents can't take home beer from a bar like they can in Alberta, and at one time grocery stores could no sell any alcoholic beverages.

We are today faced with a federal government study looking into legalizing marijuana. Headed by former Toronto police chief Bill Blair, it's tasked with determining how to control its sale, distribution and taxation but apparently is not considering individual community tolerances to the stuff.

We are in for a wild ride if the GWO (the Great Wizard of Ottawa) decides to enforce pot growing and distribution on a national scale. The dandelions in June will be nothing compared to what is coming. You think Johnny Appleseed did a good job? Get ready for countless imitators merrily strewing billions of pot seeds across the countryside... and the inevitable Disneyesque movie honouring these 'pioneers of pot'.

Greater wisdom must prevail. Marijuana laws must be made provincial offences... like liquor laws. Legalizing pot is no different than legalizing alcohol in 1927, other than the ease of producing, growing and distributing it. The federal government should simply repeal the law and let the provinces determine the tolerance levels of communities and citizens.

Ample recent evidence from Vancouver and Toronto has demonstrated that pot has been controlled and enforced mostly at the municipal level through the bylaw, zoning and health departments. There is no doubt they will invariably ask for the assistance of local police.

This also begs the question of the savings long touted by free drug use advocates; the tax windfall and money saved from disbanding police units set up to catch them. Where's the savings from moving tax money and expenses from one pocket to the other; from federal coffers to provincial, then municipal?

Pot stores will initially open on every street corner, but most will close almost as quickly. Unlike alcohol or tobacco absolutely everyone can grow weed. Anyone with a seed and a clump of dirt can compete.

The light at the end of the tunnel will soon be obscured by clouds of smoke built on the foundations of repealed alcohol and marijuana laws. The next cry from the lunatic fringe will be "the government has no right to tell me what I can ingest."

Just as the right to assisted suicide is deemed to be of concern only to the individual who requests it, so too will controls on drugs. The new mantra will be that the "victimless crime" of consuming any substance should be left up to the individual and immediately purged from the criminal code.

Victimless? Study after study has shown that cannabis produces a laconic attitude that distorts an individual's ability to judge time and distance – two crucial requirements to safely drive a motor vehicle. THC adheres to fat molecules and will not purge from the system as efficiently as alcohol. It also increases appetite. Connect the dots. Your body burns fat and diets burn it faster. We now have to be concerned with road safety as well as public health.

There are many factors to consider but the first must be to repeal marijuana laws from the Criminal Code and let the provinces take over. Let controls be enforced in the same manner as liquor laws, traffic and zoning bylaws. Let each province and municipality determine their tolerance levels to the stuff and we can all move on.

One more thing. Ontario should also repeal its ban on Roundup. I don't want the stuff growing on my lawn.



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POLICING THE NATION'S CAPITAL

*Leveraging the
power of community*

Cst. Andrew Goodall, from Platoon E Central division of OPS, maintains security around the perimeter of a giant sinkhole that emerged about three blocks from Parliament Hill.

by Peggy Staruch

Demonstrators amass outside the US embassy and CANSEC16 military trade show to protest a Canadian arms deal with Saudi Arabia. A gigantic sink hole opens at the corner of Rideau and Sussex Streets, just three blocks from Parliament Hill. Water gushes from a broken main and surrounding buildings are evacuated because of a reported gas leak.

That may sound like a lot to deal with over a two week period but Ottawa Police Service (OPS) officers also participated in a province-wide drug bust, investigated two shootings (one fatal), and hunted an armed and dangerous fugitive.

On any given day an OPS officer can interact with at least four different policing agencies working in and around the national capital. Policing Ottawa can be very complex. Events like the North American Leaders Summit, held in June, present unique demands to ensure the safety of foreign officials and area residents.

Canada's 150th anniversary next year will present its own security challenges but there's plenty to do before then. The OPS will host the 111th annual CACP conference in August, with the topic of *Public Safety in a Digital Age: Real Victims — Real Crime*. Discussion

will revolve around the growing significance of technology as an evolving threat to public safety. It's yet another avenue of crime that police agencies nationwide now have to consider.

Policing is complex across Canada, as services deal with and adapt to changing environments. Policing Canada's capital is a feat all on its own.

A trusted partner in community safety

A 2014 StatsCan report ranked the OPS first in the country in public confidence. "Among the census metropolitan areas, residents of Ottawa were more likely to state their local police were doing a good job," concluded the Public Confidence in Canadian Institutions study.

While the OPS complement of 1,309 sworn and 634 civilian members is tasked with juggling multiple roles in a very high-profile environment, it also has to deal with shifting demographics and increasingly complex crime.

Chief Charles Bordeleau identified three key priorities: Road safety, guns and gangs and violence against women. These issues are not unique to Ottawa, but they resonate within the community and OPS membership.



Road safety

"Road safety is consistently at the top of the list of concerns for residents in Ottawa," said Bordeleau. "Key partners like Safer Roads Ottawa, MADD and Crime Prevention Ottawa have helped in communicating a message of road responsibility city-wide. We hope through education and awareness, we can make roads safer for all users in the city."

The Leave the Phone Alone campaign has made great strides in educating Ottawa-area drivers about the dangers of distracted driving.



Ottawa-area youth participate in one of many outreach tournaments hosted by the Ottawa Police Service.

The program is the first of its kind to target younger students, engaging them as change ambassadors to influence friends and family to stop texting and driving. The program also engages in monthly traffic blitzes to raise awareness, working in co-operation with the RCMP, GPS and the OPP.

“Leave the Phone Alone recently won the Canadian Council of Motor Transportation Administrators for its 2016 Police Partnership Award. Our program is aimed at educating the public and initiating a cultural change in the perception of drivers that texting and driving is dangerous and illegal,” said OPS Emergency Operations Directorate Supt. Scott Nystedt.

“Distracted driving is quickly taking over from impaired driving as the number one cause for road fatalities. It’s an important message that needs to be shared.”

Road safety is also encouraged through education and enforcement. Initiatives such as Safe Driving Week and Road Safety Week, along with RIDE and the Selected Traffic Enforcement Program (STEP), all contribute to safer driving practices and road sharing for all users.

Guns and gangs

Ottawa has recently seen gun-related incidents increase. While a rise in gang-related shootings may not be new for other cities, attitudes about gun use are changing.

“We are seeing a trend where young people, some of them gang members and some involved in only minor criminal activity, are turning to extreme violence to settle disputes that are often trivial in nature,” said Bordeleau. “The solution to addressing and preventing this violence must include police, community groups, individual community members and the loved ones of those involved.”

Ongoing collaboration with partners like Crime Prevention Ottawa, the Youth Services Bureau, OPS Youth Section and the Boys and Girls Club of Ottawa have helped shape the response to this issue. The service employs targeted, sustained and effective enforcement aimed at criminal gang activity such as drug trafficking, firearm possession, robberies, home invasions, human trafficking for the purpose of prostitution and, of course, murders.



Chief Charles Bordeleau responds to media questions.

“The discharge of firearms in our community presents a serious threat to public safety. We want to send a clear message to those who choose to arm themselves: ‘You are a risk to public safety and we will proactively investigate you with the firm intent of removing you from our community’,” said OPS Criminal Investigations Directorate Insp. Chris Renwick.

Violence against women

Perhaps the most progressive of the chief’s mandates has been the OPS Violence Against Women initiative. Ongoing consultation with community frontline agencies has yielded many positive changes to the way officers assist victims of sexual assault and domestic abuse.

“Sexual assault or domestic violence cases are very complex,” said OPS Criminal Investigations Directorate Insp. Joan McKenna. “There are issues that need to be examined, like providing the victim or survivor services in their own language, along with proper assessment of cultural sensitivities, and determining if there is enough evidence to lay a criminal charge.”

The OPS has been proactive in encourag-

ing community discussion to find solutions. It has hosted several town halls with frontline agencies and solicited feedback on how to offer better services for victims. This led to the creation of a new standard operating protocol for frontline officers.

“We recently started an intensive three-day course for frontline officers in order to help focus on the victim and provide a more informed initial response to sexual assault complaints,” McKenna explained. “They learn about scene management, victim support workers and victim sensitivity. This will provide an in-depth understanding of the challenges involved with sexual assault cases and enhance frontline knowledge in our response to crimes of sexual violence.”

May was Sexual Assault Awareness month and the OPS partnered with Bell Media and local community agencies to raise awareness about the issue. This collaborative effort included three public service announcements broadcast on all Bell Media networks. The media blitz included not only television and print coverage but a large social media push. The OPS hopes that increasing awareness



Canine Training Unit Cst. Jamie Desormeaux works with an officer's best friend; Frigo. Staff Sgt. Marc-Andre Sheehy practices a rescue exercise as part of the Tactical Unit.

will result in greater discussion about this issue, ultimately leading to community-driven solutions.

Taking a look back

The OPS had humble beginnings, starting in 1847 as the Bytown Association. The first chief constable, Roderick Ross, was appointed in 1855. Until 1866, officers were paid \$1 for every culprit they brought in instead of an annual salary.

All municipal police services in the Ottawa Carleton Region were amalgamated in 1995 under Bill 143. The newly formed Ottawa-Carleton Regional Police Service had a staff of 830 sworn officers and 350 civilians and handled more than 270,000 calls in 1996. By way of comparison, the OPS handled 811,419 calls for service in 2015.

The Ottawa-Carleton region was amalgamated into the city of Ottawa in 2001 and the Ottawa Police Service was given its present name.

The future of policing

Keeping up with the shifting trends in crime, managing constrained budgets and still delivering the high level of service Ottawa residents have come to expect have been important issues for the OPS. The introduction of the Service Initiative (SI) in 2012 was a way to keep on top of these pressures while looking at effective and innovative ways to serve the community.

The SI Project Team, in consultation with members, works to enhance the OPS policing model, ensuring it is sustainable, focused on policing responsibilities and geared towards continuous improvement of service delivery.

“The service initiative is about sustainability for us as a police service,” said Borden. “We need to ensure we are focused on our policing responsibilities and continuously looking for ways to improve service and adapt to our changing landscape.”

Peggy Staruch is a Communications Specialist: Executive Branch with the Ottawa Police Service. She can be reached at staruchp@ottawapolice.ca





BYTOWN POLICE PAID BY THE HEAD

The National Capital Region has been policed by a number of agencies over the years. From the Bytown Association for the Preservation of the Public Peace — formed during Bytown’s unofficial incorporation in 1847—to various municipal forces, provincial and federal police agencies, the Ottawa area has a rich policing tradition.

Ottawa policing has continued to evolve to meet the needs of the community. When the town of Bytown incorporated and adopted the name of Ottawa in 1855, Chief Roderick Ross became the first chief constable. Life as an officer was not easy, with duties consisting largely of keeping public order. Much of the threat to that order involved liquor.

Rather than earn a salary, officers were paid \$1 for every culprit they brought in. Since those humble and difficult beginnings, the Ottawa Police Service has evolved into today’s highly trained and technically equipped service.

Women in policing

Hired December 31, 1913, Flora Ann Campbell became the first female Ottawa police officer. Born in 1883, Campbell worked as a probation officer and superintendent of the women’s hostel before joining the force.



Although her duties were supposed to be the same as her male counterparts, Campbell was unarmed and did not wear a badge or uniform. She was given arrest powers but seldom used them.

Her actual role was to deal with charged women appearing in court. In many cases

where the women were first time offenders, charges were dismissed and Campbell was tasked with helping them find employment. Her approach was to resolve as many conflicts as possible without stepping into a courtroom (similar to the ‘Restorative Justice’ process today). She also investigated allegations of child neglect or abuse. Campbell died in 1961. Her years of

service demonstrated the value of women in policing to both the police commission and the community.

Today, the OPS takes pride that almost 40 per cent of its employees are female. They work in all sections of the service.

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MERIT

Multiagency Early Risk Intervention Tables

Transformation is the initiative's goal



by Peggy Staruch

Every police agency is facing the dilemma of addressing budget expectations, growth, changing demographics, growing demands for service and the increasing complexity of crime.

This is why the Ottawa Police Service (OPS) launched the Service Initiative (SI) — a transformational program meant to enhance the sustainability of its policing model though continuous improvement of service delivery and a renewed focus on policing responsibilities.

“The needs of our city are changing,” said D/Chief Jill Skinner, executive sponsor of the SI program. “We, too, need to change to ensure we are adapting to the needs of our community while being as effective and efficient as possible.”

The SI consists of five projects meant to transform the OPS policing model:

- Demand management, to reduce demands on police resources across the organization.
- Frontline deployment, to improve the deployment of frontline officers and coordinate their efforts.
- Investigative, to better serve crime victims and hold offenders accountable through integrated investigative processes.
- Control centre, which leverages intelligence information to improve public and officer safety.
- Courts, to streamline processes related to court file quality and management, attendance and prisoner management.



The OPS is looking to implement incremental changes to its policing model over the next few years to improve service, realize money and/or staff efficiencies, create cost recovery or revenue opportunities and enhance partnership. Building on its community policing philosophy, the OPS will include members, partners, stakeholders and the public as key contributors to these changes.

The Multiagency Early Risk Intervention Table (MERIT) pilot is one example of how the OPS is looking to improve service, better manage demands and enhance partnerships. The goal is to integrate various agencies serving people in the community — police, mental health resources, social agencies and school boards — into a formal process that allows complex, high-risk cases — or those requiring a coordinated response from more than one agency — to be discussed and dealt with in a more effective and efficient manner.

The initiative has already produced results, reports the pilot project lead, OPS Cst. Ryan McEachran.

“As frontline emergency responders, police officers are literally experts in risk management; they are experienced in identifying potential risk situations and escalation,” said McEachran. “We’re now witnessing real results in how these skills can help mobilize community partners to provide long term, sustainable solutions with a greater understanding of risk.”

“From our experience, a risk-based versus incident-driven approach to working in partnership across sectors has demonstrated positive outcomes for individuals, families and ultimately our communities in Ottawa.”

One example involves a 15-year-old youth who exhibited multiple acute risk factors — suicidal, substance abuse, truancy,

chronic runaway, depression, prostitution, parent-child conflict — resulting in more than 42 police calls for service within a one year period. With no judgment on previous attempts, the risk factors were too complex for one agency or solution to work in isolation.

The situation was taken to MERIT. Partners all agreed on a joint short and longer-term solution involving a plan with many partner agencies and connecting services. The good news is there have been no more calls for service involving this youth.

“We’ve seen it work first-hand and we are encouraged by the results,” said OPS Chief Charles Bordeleau. “Factors like inadequate housing, poverty, lack of access to mental healthcare and unemployment can prolong dealings with police. If we bring in all agencies to look at all aspects of a case, we have a better chance of resolving it permanently.”

MERIT is not the only new initiative on the table. The OPS is also creating cyber crime and human trafficking units to adapt to shifting crime trends.

“The cyber crime unit will enhance our ability to investigate offences committed by way of, and involving the use of, technological devices,” said SI investigations lead S/Sgt. Patricia Ferguson. “In addition, we are making our current human trafficking unit pilot a permanent team... (Its) mandate will ensure those who perpetrate the very serious and damaging offences that accompany the trafficking of young people into the sex trade are brought to account by the criminal justice system.”

These are just a few of the changes taking place at the OPS to reform its current policing model and get ahead of not only current pressures but those on the horizon.

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Leave the phone alone

Ottawa distracted driving campaign gets national attention

by Nora Duguid

A head-on collision on the way home from the cottage instantly killed Matt Morling's grandmother and the driver of the other car. Morling came close to suffering the same fate. A coroner's investigation revealed the other driver was likely distracted when the Aug. 2009 collision occurred.

"My grandmother lost her life and I almost lost mine," said Morling. "It was upsetting to know that it was a conscious decision made by him to do that. It was a choice he made and it angered me that someone would choose to put others at risk."

Distracted driving is quickly overtaking drunk driving as the biggest hazard on our roads. A recent Traffic Injury Research Foundation (TIRF) survey, based on available data, found distraction was a contributing factor in an estimated 23 per cent of fatal crashes and 27 per cent of major injury crashes in Canada in 2012. Distraction-related fatalities have increased 26 per cent and major injuries have increased 14 per cent since 2006, according to a 2015 Canadian Council of Motor Transportation Administrator's (CCMTA) report.

It also discovered that inconsistent messaging nationally resulted in local law enforcement and city authorities putting out a lot of divergent ideas, causing a lack of cohesion. While the CCMTA and Transport



Canada can provide some leadership on this front, a unified voice and strategy on the issue is badly needed.

The TIRF report calls for sending out a single viral message and indicates that distracted-driving education will not develop to its full potential unless it is consistent across the board.

The Leave the Phone Alone (LTPA) initiative, launched in the spring of 2012 by the Safer Roads Ottawa (SRO) program, initially partnered with a local radio station. It also

put up six large road signs across the city and began a successful social media outreach.

Ottawa Police Service (OPS) Sgt. Denis Hull approached SRO in early 2014 with the idea of launching a more robust texting and driving campaign. Assigned to keep city roads safe, he knew texting and driving was a significant challenge. The number of distracted driving collisions in Ottawa alone had doubled from about 3,000 in 2008 to 6,000 in 2013. It remains a top priority for city residents and this unfortunate trend is similar

in municipalities across Canada.

“I have truly been amazed at the level of support that the Ottawa Police Service has brought to the initiative since 2014,” said SRO co-ordinator Rob Wilkinson.

Hull researched the issue and realized it was necessary to engage at three basic levels: enforcement, partnerships and education. His LTPA campaign has become well-known in Ottawa. Informally launched at the inaugural Redblacks football game in October 2014, it continued through 2015 with monthly awareness blitzes in the national capital region in co-operation with the RCMP, OPP, Service de Police de Gatineau and military police.

Local police agencies weren’t the only ones to recognize the program’s value. Hull credits partners Bell Media, the Canadian Automobile Association (CAA), Canadian Council of Motor Transport Administration (CCMTA) and SRO for quickly providing media coverage and financial and other support.

Support soon followed from others, including the CACP, OACP and the Ottawa Redblacks.

The Police Association of Ontario and Ottawa Police Association have both supported the initiative and police services across the country have requested information and presentations.

The initiative spans all of Ontario in terms of co-operation and branding. The next step is to expand it nationally. The goal is unification: a single catch phrase instantly recognizable no matter where you live. There are currently at least seven or eight different distracted-driving campaigns in Ontario alone.

How the messaging gets out is equally important. Hull recognized that children tend to be the change ambassadors in their families and communities. Targeting soon-to-be drivers and teaching them about the dangers of distracted driving could easily influence family and friends and begin meaningful change in how the culture of texting and driving is viewed.

“The change we want to affect will only come if we get them to buy in at a young age,” said OPS S/Sgt. Brad Hampson.

The educational component of the LTPA campaign sets it apart from other initiatives. All four Ottawa school boards have adopted the program and are rolling it out to area schools. There are resources for students of all ages, including activity books, educational videos, thumb-band reminders, classroom pledge posters and stickers.

There is also a structured teaching manual and all of the program’s teaching components are available on the OPS website, accessible to any agency that wishes to pursue the program.

“What truly makes this initiative so very different is the focus on engaging the youngest residents of our community in the campaign,” said Wilkinson.

Teens and young adults are the most likely to text and drive, since they were born into a world where the Internet and social media has always existed.

“Young people are the most comfortable



with technology and no one in that group remembers a time without Internet or email,” explained Hull. “We need to educate kids about the dangers of distracted driving before they even get their licenses. More than that, we want kids to be our own agents of change by reminding their parents and friends to leave the phone alone while driving.”

The message appears to be hitting home. Students at Chapel Hill Elementary school were the first to get in-class instruction on the LTPA program on Feb. 2, 2016. They then began doing their own presentations, taking what they learned into other classrooms.

“We can’t ask for more than this, that school children continue passing on the

distracted driving message on their own”, said Hampson.

The benefits to this program are clear: education, partnerships and enforcement will serve to improve road safety for the community-at-large. This new kind of messaging is starting to catch on. It has become an effective and innovative use of enforcement – a viral messaging that reflects the OPS desire for safer roads in Ottawa and across Canada.

Visit www.ottawapolice.ca or contact OPS corporate communications to learn more about the LTPA program. **Nora Duguid** is a recent Carleton University Journalism program graduate who did a placement with the Ottawa Police Service.

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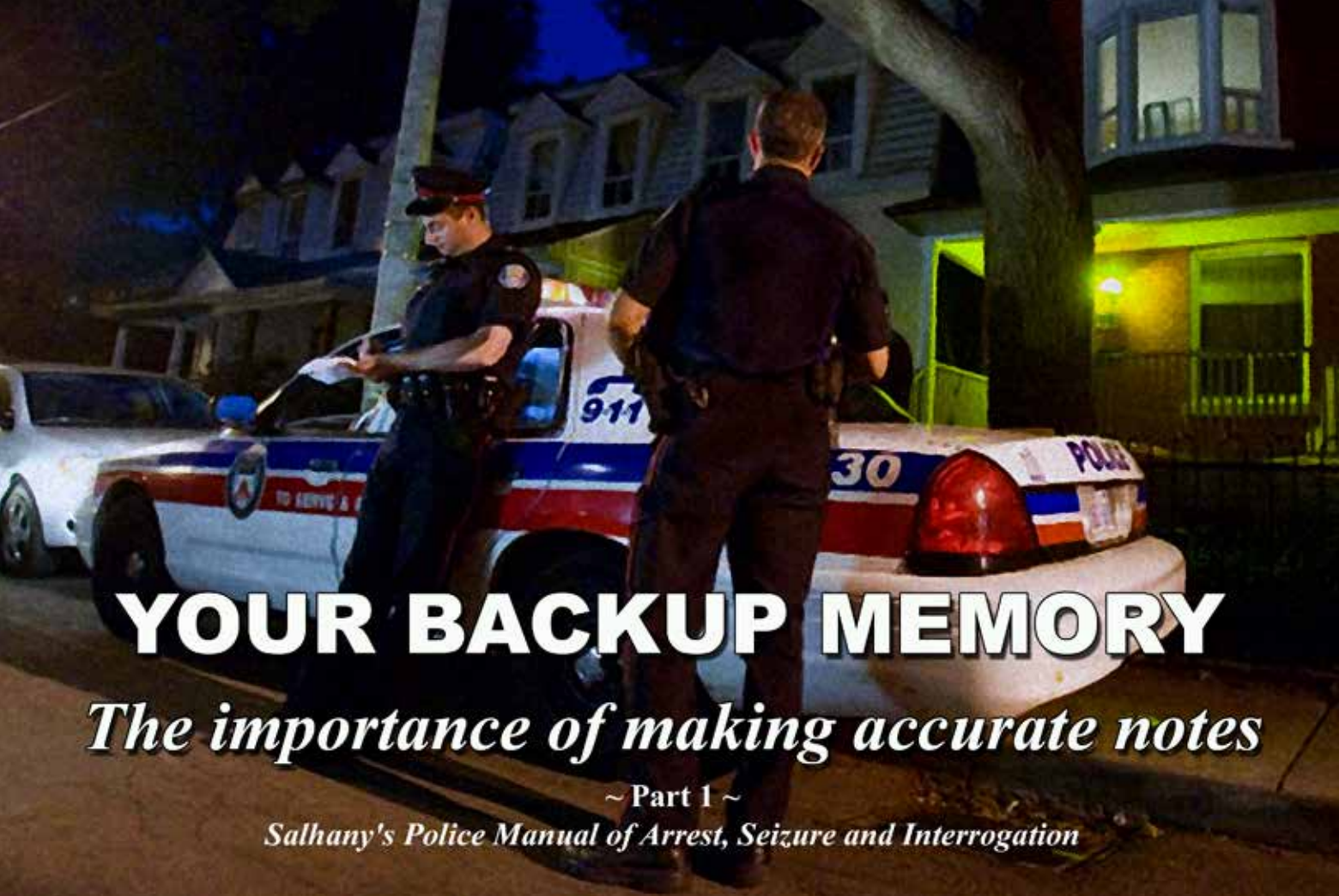
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YOUR BACKUP MEMORY

The importance of making accurate notes

~ Part 1 ~

Salhany's Police Manual of Arrest, Seizure and Interrogation

by Ian D. Scott and Joseph Martino

One of the core difficulties that can contribute to an unsuccessful prosecution is the failure by police officers to prepare proper notes of an investigation. The preparation of notes should never be approached as if it was a burdensome task that police officers must reluctantly undertake because they were taught to do so at their police college. It is an integral part of a successful investigation and prosecution of an accused, as important as obtaining an incriminating statement, discovering incriminating exhibits or locating helpful witnesses.

The preparation of accurate, detailed and comprehensive notes as soon as possible after an event has been investigated is the duty and responsibility of a competent investigator. The judicial system expects that officers, as a condition of their role as professional witnesses, are required to keep notes: Ontario (*Police Complaints Commissioner v. Kerr* (1997), 96 O.A.C. 284 (Ont. C.A.)), leave to appeal refused (1997), 107 O.A.C. 398 (note) (S.C.C.).

How should the notes be taken? Some officers prefer to do it by narrative; others in point form. It does not really matter so long as the notes are comprehensive. A good ballpoint pen that does not smudge

should be used. The lead of a pencil fades over time and leaves the officer open to the suggestion that something important was erased or changed.

Electronic notes present their own challenges due to their potential malleability; it can be difficult to determine whether an electronic note has been altered after the fact. It is our suggestion that notes taken by means of a computer be printed, and then manually dated and signed after review by the writer of the note. By this process, the information contained in the note is frozen in time and can be differentiated from any subsequent versions.

It is an unfortunate fact that the administration of criminal justice in Canada does not move quickly, although section 11(b) of the *Canadian Charter of Rights and Freedoms* purports to guarantee any person charged with an offence “the right to be tried within a reasonable time.” The delay in prosecuting crimes is a situation common to all provinces of Canada. Delays are much longer in the superior courts involving indictable offences because of the requirement that there be a preliminary inquiry where an accused requests it. This means that police officers, who are usually the main witnesses in the criminal courts, are expected to recall events of an investigation long after



their memory of they have faded. In the meantime, a police officer will usually have been involved in new investigations that will only add to the concern of the court about reliability of the officer’s evidence.

The importance of preparing complete, detailed and comprehensive notes will rarely be appreciated by the officer until he or she is called upon weeks, months or even years later to testify as to his recollection of the events of his investigation. When the case comes up for trial, the Crown attorney will ask the officer to review his or her notes to prepare for testifying when called at trial. The officer may have some recollection of the facts or may have none at all. In either case, the officer will soon discover how invaluable full and detailed notes of his or her investigation will be to the presentation of the evidence.



It is important that the notes be prepared as soon as possible after the event which the officer is investigating. If the officer at the time that he or she is called upon to testify has little independent recollection of an earlier investigation, the officer will be allowed to refer to his or her notes to assist in giving evidence. Since the court will be placing reliance upon the notes, and not the officer's limited recollection, it is important that the notes be recorded very soon after the event.

Judges recognize that memory becomes notoriously unreliable as time passes and other investigations and events take place. Judges also recognize that police officers must refer to their notes when testifying if the officer's testimony is going to be reliable. It is because an officer needs to refer to notes while testifying to assist in recalling events that occurred long in the past, that accurate, detailed and comprehensive notes are essential if the officer expects to be relied upon by the court.

Any witness, whether a police officer or an ordinary witness, who refreshes his or her memory from notes or any statement prepared prior to trial must produce them to the cross-examiner: *Morgan* (1993), 80 C.C.C. (3d) 16 (Ont. C.A.), leave to appeal refused (1994), 87 C.C.C. (3d) vi (note) (S.C.C.). A cross-examiner is entitled to examine the notes to consider whether they are consistent with the officer's oral testimony, to attack the accuracy of the notes by questioning the timeliness of the record, or to raise the possibility of invention. Moreover, a police officer is required to produce those notes to the defence as part of the disclosure process: *Stinchcombe* (1995), 96 C.C.C. (3d) 318 (S.C.C.).

It is also too often forgotten that detailed and comprehensive notes serve

another purpose. The notes themselves may be admitted into evidence in certain circumstances where an officer has absolutely no memory of an event.

This is recognized in law and called "past recollection recorded". To be admissible, the past recollection must have been recorded in some reliable way; it must have been sufficiently fresh and vivid to be proba-

bly accurate at the time; the witness must be able now to assert that the record accurately represented his or her knowledge and recollection at the time (the witness must be able to affirm that "he knew it to be true at the time."); and the original record itself must be used, if procurable: *Meddoui* (1990), 61 C.C.C. (3d) 345 (Alta. C.A.), leave to appeal refused (1991), 114 A.R. 80 (note) (S.C.C.);

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B. (A.J.) (1994), 90 C.C.C. (3d) 210 (Nfld. C.A.), leave to appeal allowed (October 6, 1994), Doc. 24182 (S.C.C.), reversed [1995] 2 S.C.R. 413 (S.C.C.) and *F. (C.)* (1997), 11 C.R. (5th) 209 (S.C.C.).

The notes should be made as close as possible in time to the event witnessed. The courts do not require that the note be made by the witness shortly after the event, simply that the note be made by the witness when the event was fresh in the witness's mind: *Coffin* (1956), 114 C.C.C. 1 (S.C.C.); *Shergill* (1997), 13 C.R. (5th) 160 (Ont. Gen. Div.); *B. (K.G.)* (1998), 125 C.C.C. (3d) 61 (Ont. C.A.).

Common sense tells us that unless the note was made when the event was fresh in the witness's mind, there is a serious risk that the note will contain errors that the witness will probably rely upon when giving testimony.

This does not mean that officers are entitled to delay preparation of their notes. They should prepare their notes as soon as possible after an incident. An officer who is unable to complete his or her notes before the shift has ended, should not delay completing the notes until their next shift.

A police officer who is questioning a witness or photographing a crime scene does not stop in the middle of taking a statement or photographing the scene because his or her shift has ended. The preparation of notes, where possible, should be completed



before the officer leaves one's shift.

If an officer does not have his or her notebook or duty book during the investigation, notes should be jotted down on any piece of paper that is available. Later those notes can be transferred to the notebook or duty book.

As a precaution, the officer should keep the original notes in a safe place or attached to the notebook or duty book, and brought to court in case counsel for the defence tries to suggest that there was an error made when the notes were transcribed to the notebook.

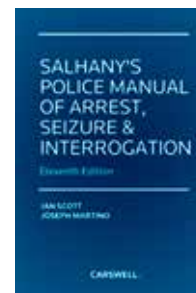
Copies of those original notes should also be made part of the disclosure material.

Although notes should be prepared as soon as possible after the event, there is no arbitrary time limit for making them. The general rule is that the notes should be made immediately after the event recorded or so soon thereafter that the facts are fresh in the recorder's memory: *Gwozdowski* (1972), 10 C.C.C. (2d) 434 (Ont. C.A.).

However, that rule is subject to the recognition that freshness of recollection will often depend on the circumstances. For example, an unusual, unique or isolated event will probably be remembered long after a routine one or one of a continuous series.

NEXT MONTH - Changing notes

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Photo of Barbara Irwin in the living room of her Toronto home. An oil painting of her husband, Michael, a Toronto police detective slain on the job in 1972, is on the wall behind her.

ONE WOMAN'S FIGHT FOR FINANCIAL JUSTICE

Widow Barbara Irwin took on the politicians — and won

by Nick Pron (Photos by Jim Wilkes)

More than 40 years have passed, but Barbara Irwin remembers every moment of that last night she would ever spend with her husband.

Detective Michael Irwin, 38, was working the overnight shift and he teased his wife that her supper of steak, green peas and french fries was like “a great breakfast.” The couple talked about their coming summer holiday plans with their four children, Stephen, 11, John, 12, Michael, 14, and Cathy, 16. After watching a Toronto Maple Leafs hockey game, he said goodnight to his children and headed for the door.

“Bye honey, see you in the morning,” he said. “Keep the kettle hot. I might bring some of the boys home for coffee.”

“Be careful,” she said. He replied: “When my number’s called, it’s called. I will go.”

About four hours later she got the dreaded knock at the front door. Irwin and his partner, Detective Douglas Sinclair, 44, were checking out reports of a “a man with a pellet gun” when they were ambushed and gunned down in an east end apartment building by a drunk with a .22- calibre rifle who bragged that he



Michael Irwin

Douglas Sinclair

was a “graduate student” of prison. Sinclair was killed at the scene, Irwin died later in hospital, his wife of 18 years by his side. He never regained consciousness. The two officers were posthumously honoured for their bravery along with a third officer, Constable Samuel Fox, who killed the gunman, Lewis Fines, later that morning on February 27, 1972.

When the tributes ended, Barbara learned about the financial realities facing the widows of police officers back in those days. It cost her \$1,200 to bury her husband. And while she got his annual salary of \$12,828 for the rest of her life — if she stayed single — she was told

Toronto had a bylaw stating her yearly income would never increase, even as the cost of living began skyrocketing in the 1970s. So when she got a \$1.25 increase from a portion of the salary covered by the federal government, she had to write a letter to the police chief, advising him to deduct a buck and a quarter from her monthly pension cheque.

She also lost her dental plan coverage, and would have to pay for the cost of any future hospital bills, along with any medicine for herself and her children. She was shocked to learn that the common-law wife of the man who murdered her husband would be moving into a brand new, city-subsidized townhouse and get welfare cheques about \$2,000 higher than her annual police pension.

But rather than sit around and sulk about it, Barbara began a seven year battle to get financial justice for herself and other police widows.

“I never begrudged the fact that the (killer’s) widow and her four children were looked after by the city,” she said. “But my husband was killed protecting the city and I felt that myself and other police widows should receive cost of living increases.”

Police later learned that Fines had been taking pot shots at passing cars on the Don

Valley Parkway and could have killed several motorists were it not for the two officers losing their lives to stop him.

Barbara's battle was backed by the Toronto Police Association. Then president Syd Brown said at the time: "If a widow was worthy of receiving his salary when he was murdered, she should still be worthy of his true salary in subsequent years without its value eroded by inflation."

But the law said the amount of her monthly cheque was frozen forever. It was a time when city employees were seeking large pay hikes, some as high as 15 per cent, to keep up with inflation. Barbara still had a healthy mortgage on their modest, semi-detached home. With four young children, her food bill kept going up. When a bank turned her down for a second mortgage to help pay expenses, the Toronto Police credit union came to her rescue and gave her one. She was under pressure to get a job, but she wanted to stay home to help her children get through this traumatic period in their young lives.

Her son John had gone to the building where his dad had been murdered, staring at his father's blood stains on the floor before accepting his dad was gone forever.

The four children would often argue over who would sit in their dad's chair at supper-time. The family dog, Shetly, kept waiting by the bedroom stairs for her master to come home, pining so much for his return she eventually died.

"I lost my husband," said Barbara. "My children lost their dad. I didn't want to lose my children because I had to go to work and not be home for them as they were growing up." So she sat down at her kitchen table and began "the battle," writing letters to everyone, from the mayor of Toronto to the premier of the province, the head of the police commission, as it was called then, and the media. She became the "the point man" for the police union's campaign for a cost-of-living clause in pension cheques for police widows.

Her one-woman crusade became a media favourite. Soon, other police unions across the country were following her lead and fighting for the same rights for widows. But hers was not an easy battle.

One Toronto newspaper ran a half-page of letters to the editor about her campaign. Most of the letters were abusive. "Get a job," was one comment. "Tell your children to go out and work," said another. She kept getting nasty, hang-up phone calls. Some radio hosts at the time mocked her campaign. "Oh, poor widow," was one sarcastic comment. "She has a car, a camper and she just went on a holiday trip to England."

Her husband had bought the car and the camper before he was killed. Relatives paid for the trip. It wasn't widely known she had donated her husband's corneas so two young children could have sight.

All the negative comments made her even more determined to win her battle, not just for her family but for other police widows. The \$86 a month one other widow was getting had



Barbara Irwin, widow of Det. Mike Irwin who was killed while on duty in 1971, shows her Diamond Jubilee medal at Toronto Police headquarters.

not gone up a single cent in the 20 years since her husband was killed on the job.

"I was not going to lose this battle," she said. "I'd wake up in the middle of the night, go to the kitchen table, and just start writing."

The police commission was starting to feel the heat of her campaign. She met them in a closed-door meeting, no media allowed. She went with a lawyer that she paid for herself.

"I don't understand why you're here," one commissioner challenged. "You're getting a

good pension. And you're also getting baby bonus cheques."

Barbara said she could feel her blood rising over that remark. In one province, police widows whose husbands were killed in the line of duty got insurance cheques of \$190,000. She got \$22,000.

But she controlled her anger, stood up and asked them one question: "How many men here are also getting baby bonus cheques on top of your salaries?"

Slowly, most of the commissioners raised their hands. Not long afterwards, they were backing her battle.

She had a closed-door meeting with the city of Toronto's executive committee, and soon the bylaw that blocked cost-of-living increases for the widows of police officers killed on the job was dropped. Barbara had won the battle for her family and other police widows.

"I spoke out," Barbara, now 82, said. "If everyone kept quiet, there would be no changes. Let people know what you have gone through and it will help other people's lives."

Barbara never remarried and is proud that her three sons all joined the Toronto Police Service. Her daughter married a police officer.

"My father gave his life protecting the city," said John. "That's why I joined the service. You care about people and you can do something good."

(Sourced - Toronto Police Association Tour of Duty Magazine - November 2015)

An advertisement for a program called "Justice Studies for Working Frontline Officers". The background image shows a police officer in a car, looking out the window. The text is overlaid on the image. At the top, it says "WE ARE READY FOR YOU!". Below that, "JUSTICE STUDIES FOR WORKING FRONTLINE OFFICERS". A paragraph describes the program: "The Police Foundations Diploma program is offered both in-class and online to professionals and part-time students. The flexibility of online delivery allows students to tailor their schedule accordingly, study at their own pace, and on their own time, while in-class learning opportunities allow students the option of taking the program during the day, at night or on weekends. Advanced standing opportunities are available and are based on professional experience." A pink circular badge says "OFFERED PART-TIME & ONLINE". Below the paragraph, it says "Pursue an additional pathway of study at The University of Guelph-Humber. Earn both an honours degree from the University of Guelph, and a diploma in either Police Foundations or Community and Justice Services from Humber college." At the bottom, there are logos for Humber School of Social & Community Services and Guelph-Humber, along with website addresses: "guelphhumber.ca/justice" and "communityservices.humber.ca". On the right side, there is a vertical banner that says "WE ARE CHANGING LIVES".



THE ILLUSION OF PREDICTABILITY

The public perception of a “black swan event”

by Brad Fawcett

Manufacturers began introducing products in the 1980s intended to mitigate the use of deadly force by police. Today, many of these same companies are turning out body worn cameras to increase police accountability and improve officer safety.

It's doubtful if any technology or accountability system can prevent human error or improve decision making by normal people involved in extraordinary circumstances where there is no certainty of outcome.

Media framing and the rise of information potential combine to create an illusion of predictability and preventability with respect to in-custody deaths. We are programmed for pattern searching and will do so subconsciously as we search the data and video surrounding polarizing police incidents, ultimately finding what we hoped to in the matrix.

Police shootings in Canada appear as random events, due in large part to their rarity, which may approach the level of a “black swan” event – unprecedented and unexpected. However, after evaluating the surrounding context, we can usually conclude that “it was bound to happen” (*Taleb, 2007*).

Some will conclude that the lethal outcome was inevitable because of police training (or lack thereof) and culture, while others believe it was inevitable due to subject factors and behaviours. Some viewers sympathize with the police officers, pointing out that the

subject's behaviours left them with no choice but to employ lethal force. Others sympathize with the suspect, readily identifying missed opportunities or tactics that might have precluded the need for lethal force.

These events often result in extreme civil unrest, public inquiries costing millions of dollars and outcomes (usually years after the catalyzing event) that satisfy neither police nor the public they serve.

Modern police work is bursting with information potential, which implies that apparently random events can be quantified, predicted and ultimately peacefully resolved by applying a well-researched online learned solution.

Many police encounters resulting in a sudden, unanticipated death are now captured on video and replayed in a perpetual present, ultimately becoming a visual obituary pieced together from a variety of digital sources (*Conrad, 2000*). The video obituary becomes augmented with images and comments from the deceased's Facebook page, Instagram account or other digital life repository, typically showing a smiling, active individual who may bear little resemblance to the person police had to deal with.

Viewers can repeatedly watch the incident, frame-by-frame, subconsciously interpreting the subject's behaviour in sympathy with the individual described in the obituary. Viewers find evidence to support their position, all the while forgetting that the officers involved may not have perceived in real time

that which is apparent to those opining from the comfort of their home.

Obituaries tend to be beautifully written and speak to ethereal legacies, like a loving family (*Frallic, 2014*). We seldom read an obituary stating, “What to say about George? Certainly, no one could accuse him of having been a loving son, brother or father. He'd gladly have stolen the shirt off your back and he was generous to a fault with other people's money.”

Many reading an unkind obituary feel anger towards the author for printing the truth; glossing over bad habits and behaviours appears to be expected when encapsulating the life of a deceased person, especially when he/she died during an encounter with police. Cop killer memorials are now bigger than those of the officers killed by them (*Reporter, 2015*).

A problem is believed to be a problem because the public perceives it as such, not necessarily because it exists in objective reality. Various interest groups “struggle over the definition and construction of social reality” using the media (*Gurevitch & Levy, 1985, p. 19*). Journalists manage this area by framing the “problem,” thereby influencing public perception of the underlying causes and helping establish criteria for evaluating possible solutions (*Graziano, Schuck, & Martin, 2009*).

Claims made through the media gain legitimacy which, through subconscious processes, cause people to hear, see and



read information that supports the perceived problem and blinding them to evidence that contradicts it (Nickerson, 1998). Media framing created through interest groups and selected facts combined with the inability of police to contribute facts (because the incident is under investigation), analysis of an event and processes such as confirmation bias create an illusion of predictability with respect to in-custody deaths.

Coroners' recommendations and those arising from public inquiries typically include a demand for more police training, intended to reduce the need to use coercive physical force when dealing with difficult and/or dangerous people. The recommendation often lacks specifics, such as who should pay to develop and deliver the training or dictate the delivery modality.

The current trend appears to be focused on online or blended training (Police Sector Council, 2010). It is uncertain if the proponents of online education for police believe

that an 11 hour course delivered in such a manner will give front line officers same tools acquired through a four year psychology degree.

As Dr. Rick Parent noted, "it's unfair and unrealistic to expect that we can train a police officer with the complexities required for drug treatment and counselling" (Culbert, 2015). The value of online training courses for police was addressed in a previous article (see *Disconnected Training* in the January 2014 issue of *Blue Line*).

The *National Institute of Justice* (2012) noted that "there is a critical lack of scientific evidence about whether deadly force management, accountability and training practices actually have an impact on police officer performance in deadly force encounters, the strength of such impact or whether alternative approaches to managing deadly force could be more effective" (Vila, 2012).

Police agencies have attempted to shift their response strategy to calls associated

with apparent drug and/or alcohol intoxication and mental health issues. Police now view their role in such calls as providing support to paramedics. In other words, police respond when requested to do so by emergency health providers. Paramedics may request assistance when there is a tenor of violence or a need to force entry to provide emergency medical care. This creates an interesting dynamic when physical force is required to provide medical care for someone in distress.

The shift in police focus from subject control to medical support began in the mid to late 1990s in response to evolving research and recommendations on excited delirium and associated deaths proximal to restraint (Laur, 2004). The British Columbia Ambulance Service (BCAS) changed response codes in 2013 as part of its resource allocation plan. In short, it re-categorized a number of call types, resulting in ambulances not being dispatched until police or

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fire personnel make an initial assessment which confirms the need for paramedics or upgrades the response to code “3” from code “2” (Dow, 2014).

The re-categorization has meant that police officers are once again placed in the position of providing the initial response to what is essentially a medical issue with paramedics, again, responding to a request from police. Dow (2014) concluded that the change resulted in wait times doubling. BC police agencies can wait hours for an ambulance to take a subject apprehended under the provisions of the Mental Health Act (BC) to hospital. This prolonged wait is trying for police officers and can be intolerable for the subject, who may escalate their behaviour out of frustration, fear, paranoia, etc., resulting in police applying force.

The economics of policing is a significant concern at all levels of government (Stenning, 1994; Drake & Simper, 2004). The implementation of recommendations arising from Coroner’s inquests and public inquiries are not without cost. BC’s Independent Investigations Office (IIO) is responsible for investigating on and off-duty police incidents resulting in “serious harm.” IIO expenditures in 2013 exceeded \$6.5 million (Rosenthal, 2013).

The budget for the BC Police Complaints Commission was approximately \$3.1 million in 2014 (Ashton, 2014). Not included are the costs associated with Coroner’s inquests examining in-custody deaths or agency professional standards sections. How does one balance the economic costs associated with investigating police use of force with the reality that the vast majority of policing is carried out in a professional and satisfactory manner and with the majority of complaints being unsubstantiated? (Parent, 2014)

The rise of information potential is accompanied by data storage and analysis costs. Many police departments have a crime analysis unit “which provides assistance to operational and administrative personnel in planning and deployment of resources, providing street level operational personnel with timely information, assisting in countering crime developments, forecasting of crime developments, facilitating proactive patrol activity, providing assistance to the investigative process by increasing apprehensions and clearance rates, facilitation of departmental accountability and commitment to crime reduction, ongoing

exploration of opportunities to develop data and analysis systems which benefit all stakeholders in the Canadian Justice System, and for all analysis product” (Vancouver Police Department, 2015).

Canadian police agencies have made significant investments in data analysis, which is entirely dependent on the quality of information provided by those at the pointy end of the spear. Front end officers are becoming glorified data entry clerks with little understanding of how or if the data they capture is making their job more efficient, safer or more productive.

The explosion of information potential in policing gives rise to the hope that somewhere therein can be found the nugget of information that will allow for a non-violent resolution to an incident. Somehow the innovative use of data and online training will someday provide an officer with a subject-specific verbal pixie dust to calm the psychotic subject.

The data can make the previously obscured de-escalation path visible to the officer and the non-violent outcome predictable. Caution should accompany what faith some may have in the predictive value of the data. Much like the medical field, where new technologies such as magnetic resonance imaging (MRI) has allowed doctors to see what was previously invisible, its use in some specializations, such as back health, has not proven to be the boon it was forecast to be (see *Confirmation Bias* in the November 2014 issue of *Blue Line*).

Sometimes we see too much, especially with the benefit of 20-20 hindsight, and attach meaning to variables that might have little to do with what occurred on the street.

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Brad Fawcett is a 24 year police veteran and a past contributor to *Blue Line*. He is a full-time use of force instructor and court-qualified expert in use of force, police training and non-firearms prohibited weapons.

Back In The Day

by Robert Shirlow



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POLICE PLANNING

A caused occurrence



by Tom Rataj

“What do you do?”

That’s the question other officers and civilian friends often asked when they heard I worked in the Toronto Police Service Planning Office. One of my stock answers was that I was responsible for “everything that wasn’t anyone else’s job.”

While this wasn’t completely accurate, it provided a simple explanation for an often complex and involved job that is done daily in most law enforcement agencies.

The task varies from one agency to another, and even from one unit or level to another, depending on individual agency needs and size, staffing and sometimes just the whim of the unit commander.

In the broadest sense, a law enforcement planner is generally, but not always, responsible for a wide range of tasks, including planning, organising, developing and revising policy, budget, measuring and analysing performance, crime analysis, research and other related administrative functions.

As alluded to earlier, planning also often entails looking after things no one else is doing. In the 11 years that I did the job, my tasks were sometimes as simple as servicing the unit commander’s car because he was in a rush.

Other times the job was substantially more involved and complex, requiring weeks or months of meticulous and time consuming work. In my last posting at the station level, I was the official photographer, managed clothing and the gun locker and acted as the liaison for facilities management, the IT department, fleet management, city planners and various other agencies and government departments.

In some agencies, a law enforcement planner is similar to the role of an adjutant in the military, who is often the unit commander’s support person.

For the past few years there has been a



movement towards civilianisation of the law enforcement planning function, although a police officer still does the job in many agencies. There are pros and cons for both staffing models. My extensive and varied operational experience was often very valuable when fulfilling my planning functions; other times that experience was not really necessary.

Some civilian planners I worked with had many academically based skills that I lacked. That gave them some advantages but their lack of operational police experience was a distinct disadvantage.

In some cases, the planning function provides meaningful work for permanently injured or burned-out police officers who have not yet reached retirement age. While this isn’t always an ideal solution because the officer may not have the right skill-set, it still manages to leverage field experience that could otherwise be lost.

In a larger agency, a mix of civilian and sworn personnel would be the most effective and efficient, each bringing their strong points to the table.

Unfortunately there is no national association to encourage the sharing of information, research and experience, leaving planners to

establish connections with colleagues on their own or through referrals.

Ontario Association of Law Enforcement Planners

Originally founded in 1982 as the Ontario Police Force Planning Association, this association represents both sworn and civilian law enforcement planners from 45 law enforcement and public safety agencies in Ontario. It is the largest chapter of the International Association of Law Enforcement Planners in North America and is Canada’s only law enforcement planning group.

OALEP has no paid positions, is run entirely by an elected volunteer executive board filled by planners endorsed by their respective agencies and encourages networking among planners on a wide range of topics. To help with face to face networking, OALEP hosts business symposiums in the spring and fall.

In addition to networking and OALEP business, the symposiums feature guest speakers on a wide range of topics, often showcasing innovative solutions. I made some valuable connections with planning personnel from other agencies at the symposiums.

OALEP has an “Annual Report Award”

for agencies and also publishes its twice yearly *Blueprint* newsletter, which carries articles of interest, training opportunities, conferences and association business. Additional resources are available on its web site (www.oalep.ca).

International Association of Law Enforcement Planners

This organization was formed in 1991 with the merger of the Association of Police Planning and Research Officers and the National Association of Police Planners. The two associations, founded in 1969 and 1980 respectively, had a history of helping police planners work together, share information about innovations in equipment and techniques and deal with a wide variety of issues and developing problems.

IALEP has an online presence with a list-serve with more than 200 participants available to answer questions for other planners, a quarterly newsletter, an annual directory listing membership around the world and a web site with members-only sections.

It also has a professional training and certification program with basic certified law enforcement planner and advanced law enforcement planner courses.

Certification recognizes professional abilities and accomplishments, encourages professional development, is a reliable measure of professional competence and guides employers in developing accurate job descriptions.

The 2016 IALEP conference will be held in Waterloo, Ontario September 19-23, 2016. Visit www.ialep.org for more information.




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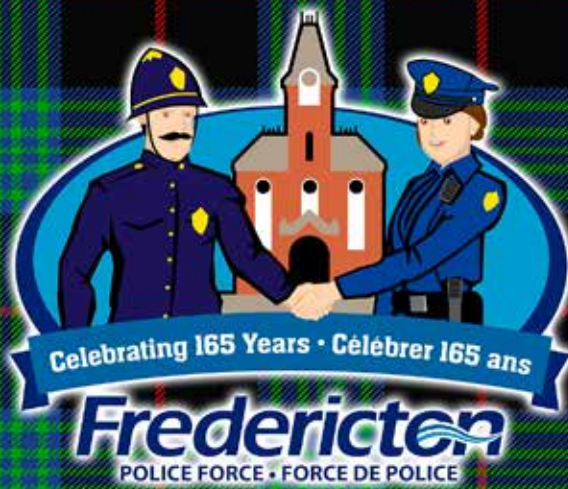
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by Danette Dooley

The Fredericton Police Force (FPF) is celebrating its 165th anniversary this year, though some argue the force has actually been around for 168 years.

Chief Leanne Fitch recently signed another contract and is enthusiastic about leading the organization over the next three years. Fitch has more than three decades of policing experience, serving one year as acting chief and seven as deputy chief before taking over the top job in her birth city in June 2013.



Fitch is the 13th FPF chief and the 13th female police chief in Canada's history. She is also in the history book as the first and only female municipal police agency chief in Atlantic Canada.

Although the official date for the establishment of the FPF was June 27, 1851, retired member Gary Forward says the force was actually founded three years earlier. In his Master's thesis, *The Origins and Evolutions of Policing and Criminal Justice in Fredericton, New Brunswick: 1785-1916*, Forward notes that his research points to the force being established June 22, 1848.

"The discrepancy could reasonably be explained as the actual date of formation versus the incorporated date of establishment," Forward wrote in his thesis.

The FPF is the second oldest municipal police agency in Canada, according to its Facebook page. Today the force has grown to 108 uniformed members and more than 30

auxiliary police officers and civilian members.

The city amalgamated with Nashawaak-sis, Marysville, Silverwood and Barker's Point in 1973, significantly increasing the size of the force. That's the same year the first female officer, Shirley Jollimore, was hired.

Another milestone came ten years later when the force moved into its new headquarters (where it still operates) on Queen Street.

"We almost doubled the size of the police force during the 1970s. The trend and taste of policing started to change," Fitch said.

Fredericton is broken down into five police zones, two on the north side and three on the south side. During the 1980s, Fitch said, the chief at the time (Gordon Carlisle) introduced the force's Emergency Response Team and other specialized services.

An intelligence-led organization, the force now operates 22 specialized teams, and has a full-time police officer dedicated solely to domestic/intimate partner violence co-ordination. This position works with other members and community partners to educate, prevent, and reduce domestic/intimate partner victimization and crime.

The force also works hard to help at-risk youth and is proud of its neighbour action team, the chief said.

With the new realities of policing — the force deals with everything from barking dogs to terrorist threats, says Fitch — the need for specialized officers and stronger partnerships within other law enforcement agencies and government and non-government entities is crucial.

"There will always be a need for generalists, patrol constables to do active response... but in this day and age policing is so much more complex... the days of the generalist

police officer are dwindling," says Fitch.

The FPF moved along with the rest of the country toward community policing in the mid-1980s. Members switched from the rapid response model to a community-based policing approach.

"The advent of community policing took hold but not as strongly as we would have liked," Fitch said of the initial efforts.

Fitch's research for her Master's thesis (University of New Brunswick), titled *Reviving the Peeler?: A Case Study of Organizational Change and Community-Based Policing (1995)*, noted that in the early 1990s community policing was still an add-on to the organization.

"It was attached to the patrol response unit and it was a certain section of people that were dedicated as community officers."

All members — rank-and-file, management and civilian employees — now take a community-based approach to policing.

"This is an approach on how we treat people in our community and how open we are to developing good, strong partnerships for the best interest of public safety," Fitch said.

Over the past decade, the chief said, the force has strengthened its efforts around employee training and development and career development support.

"For many years we had a fleet co-ordinator to take care of our vehicles but we'd never had a dedicated person to take care of our people in terms of career development support and training."

While there was an officer assigned to that job, that person also was the media liaison officer and the dual role was incongruent, Fitch said. "The duties weren't well aligned and it was a fairly significant burden for one person."

The force now has a dedicated employee development advisor.

Another great stride forward has been the province's introduction of a mobile radio communication system for interoperability of law enforcement groups to be able to talk province-wide.

The system provides service to more than 3,400 users including first responders, enforcement officer and public service employees.

"I'm really pleased to say that the Fredericton Police Force is the first municipality on the new system," said Fitch. "All of our radios are fully encrypted and able to communicate across the province."

The force has also introduced online reporting as part of its client self-service strategy. "We encourage people, when and where possible, to go online and report certain categories of crime."

The force is prepared to handle any eventuality. An emergency medical team is ready to deploy with other specialized teams such as the underwater recovery, emergency response and explosives disposal.

Fredericton is one of only two Canadian municipalities which includes a First Nation Reserve. Saint Mary's First Nation is located on the north side of the city and is policed by two constables.

"Our relationship has improved vastly over the years. We've developed a very strong and effective working relationship with St. Mary's. It's a unique policing relationship and one we're very proud of. The people contribute greatly to the culture and the fabric of Fredericton."

The force also has a great partnership with the local multicultural association.

Fitch said she is pleased with the force's newly established senior management team, which includes Inspectors Scott Patterson, Kim Quartermain, Brian Ford and Deputy Chief Martin Gaudet.

Civilian manager Marilyn Abbott Charters oversees the force's civilian staff in the newly created branch of operations and information. Like many organizations throughout the country, the FPF has felt the crunch of a reduced work force due to a downturn in the economy. The push now is to do more with less, balancing the current public safety realities with the need to develop more efficient, creative and innovative ways of serving the community.

"We remain ever proud of our members, who work hard day and night to provide the best level of service to the community as possible," noted Fitch.

The force is well on its way to redesigning the organization to meet the complexities of policing in the 21st century, said Fitch.

"Since 2012 the City of Fredericton has embarked on innovation and improvement exercises and the methodologies of Lean Six Sigma and the Fredericton Police Force has been actively engaged in training many of our staff in all areas including: certifications at green and black belt levels, waste walks, 5s improvements and staffing to demand projects all in an effort to provide top level policing during times of unprecedented austerity in our province."

Danette Dooley can be reached at dooley@blueline.ca

Fredericton Police Facts



The Fredericton Police Force didn't get its first chief until more than 50 years after it was founded. The province made a provision in the early 1900s for the city to appoint a police chief but the city refused to do so and left the highest rank as sergeant, which was held by Paul Phillips.

Phillips, who joined the force in 1883, more or less ran the force, the city notes on its web page, and was referred to in several photos and articles as the chief, even though the city council never permitted him to use the title. He retired in 1910 at the age of 67.

The first chief, John Hawthorne, was given the position in 1905 and stayed on for three years.

The other chiefs were:

George H. Winters – 1908
John H. Mcollom – 1913-1916
George Findlay – 1917-1921
Nathaniel Jones – 1923-45
J. D. O'Connell – 1946-1954
Alfred Barker – 1955-1957
Bryce Neely – 1957- 1972
Ronald Goodyear – 1972-1976
Lionel Poirier – 1976-1980
Gordon Carlisle – 1980-2005
Barry MacKnight – 2005-2012
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Officer attracting Chinese community to social media



WATERLOO - In just over a year, Const. David Chen has amassed nearly 4,000 followers on a social media site.

It's not Twitter or Facebook, but a merger of both of them — Weibo, the Chinese version of Twitter but with added features and without the 140-character restriction associated with tweets.

The Waterloo Regional Police officer created the account on the popular Chinese social media site last year after getting the green light from Police Chief Bryan Larkin as a means to educate local Chinese newcomers about Canadian laws and promote a wider understanding on how police operate.

It's the only police Weibo account in Canada, said the 29-year-old Chen, who speaks and writes in Mandarin.

"It's a hub for Canadian Chinese residents and international students to ask questions," he said.

"We are building a bridge from the police service to a culturally-specific social media community," said Chen, who was hired as a police officer in 2011.

Chen uses the hashtag: CanadianPolice-tips and to date has had 2.6 million views on his hashtag.

Chen said he tries to post daily and often multiple posts a week - all in Mandarin - about various aspects of Canadian law including domestic violence, traffic violations and how bylaws works.

"A lot of them simply don't understand the law," he said.

Campus police at the University of Waterloo and Wilfrid Laurier University send him posters on campaigns at the schools and he translates the information and posts it to the police Weibo site.

He also posts on other topics such as warning residents about phone and computer scams and how Crime Stoppers works as well as topics on mental health with links to local associations and groups.

"I've received tons and tons of thank you's," he said.

Chen said he also posts information and pictures related to local police events such as the recent open houses at the detachments. The open house at headquarters attracted 4,964

views. A recent post on the police dog Chase hard at work garnered 148 shares.

That's because he is followed by the Chinese police who repost his posts. The criminal investigations unit of the Chinese police has 40 million followers.

Chen said the Chinese police use Weibo extensively to post videos on crime prevention from how to avoid being defrauded to driving safely.

"It's an excellent example of policing on social media. We need to do something similar," he said.

Chen said he's passionate about reaching out to the Chinese community especially the international students who struggle with understanding Canadian norms. He knows how hard it can be to assimilate.

"I'm still trying to assimilate," he said. "I don't know much about hockey and baseball and those are big conversation starters."

Plus, he wants to encourage a better understanding of policing and to push it as a viable career option.

(Waterloo Record)

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HOLDING THE LINE

by Michelle Vincent

The perceptual lens



When you look at something, do you see the good? The bad? The ugly? We all have a way of perceiving what we claim is reality.

If the way we perceive our world serves us in our workplace and relationships, then there is no need to read any further! If there is room for improvement in your world view, you may want to continue reading.

Police officers come across challenging experiences. Some can be hard to digest at the end of the day. The interesting aspect of this is how the experience is perceived. Each person brings a different set of life experiences and biology to the interpretation.

I mention biology because there many biological factors can affect our interpretive experience, from irritability caused by allergies to shift work and lack of sleep. A domestic situation can bring back challenging memories of childhood or an understanding of what supports a family might need after a domestic assault.

Regardless of what we bring to the table, we have the opportunity to work on our perceptual lens and incorporate a positive influence that might help when attending calls but also assist in relationships. If our home and work life is amazing, then our perception of a challenging experience is likely to be more positive.

To improve or clarify our perceptual lens, we can find things in our world that feel good. A motorcycle ride on a beauti-

ful, sunny spring day; watching your child sleep; having a great work out and feeling at the top of our game. When we take as little as 60 seconds and focus on aspects that feel good, it leads to the production of serotonin, a feel good, peaceful chemical in our body. This thought, when fleshed out, perpetuates further connections to other great thoughts! It becomes contagious.

Working on this aspect of thought is much like working on various muscle groups. It takes some time and dedication to the process to experience success, however the convenient part is that this "mental work out" does not require anything other than you and your thoughts!

Dr. Andrew Newberg, a neuroscientist at Thomas Jefferson University, and communications expert Mark Robert Waldman wrote about a similar process in their book; *Words Can Change Your Brain*. They explain that when we use words filled with positivity, we strengthen areas in our frontal lobe, propelling motivational centres into action.

"A single word has the power to influence the expression of genes that regulate physical and emotional stress," they write.

This confirms and supports the process of thinking thoughts that feel good and their effects on our perceptual lens. Holding positive and optimistic words in our thoughts for longer periods creates positive change in various parts of the brain. As we

practice this type of exercise, we strengthen our ability to effectively see the good in many situations which we may have previously viewed in a different light.

An exercise I find highly effective is finding three positive aspects in an experience which caused a client to have a negative thought. Initially this can be challenging and, like working any new muscle, requires support and proper technique. Practice it regularly though and it becomes much easier to see the positive.

For example, suppose I recalled how a colleague cut me off in the middle of an arrest. Faced with thinking of three good things he does when attending calls, I might come up with:

1. He is good back up.
2. Quick to attend calls I am on.
3. Effective at de-escalating situations.

We always find what we are looking for in any experience. If we look for the good, we find it, but we also find the negative if that's what we look for. Working on the perceptual lens through which we experience life can be an effective way of bringing the positive into our work life and relationships!

Michelle Vincent is a 15 year York Regional Police officer with a Masters Degree in Arts in Counselling Psychology and a background in equine assisted therapy and workplace reintegration and teaching. Her counselling practice is supervised by a psychologist with a specialty in addictions and trauma. Contact: michelle@blueline.ca

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Loitering with a purpose

by Imran Ally

The differences amongst us are for a greater purpose. We could have all been one, with no disagreements and no variations, homogeneous like a field of grass, all blending together so that the eye could not tell two persons apart.

We could have the same language, face, eyes and hair; the same customs and traditions, cuisines, art and architecture — but that doesn't sound like an interesting or exciting world, does it?

Work environments, including policing, are becoming more diverse with every new hire. Faith is one aspect of this diversity and it's natural for colleagues and co-workers to become curious about different faiths.

Encouraging greater awareness and understanding of the different practices of faith groups can be rewarding, particularly for team building. It also helps to reduce misunderstandings, which may result in complaints or disciplinary action.

Police chaplains recognize that much of police work, by its very nature, is stressful. They understand that everyone is a complete person (body, mind and spirit) and care for

them in this holistic way. Police work is increasingly challenging and regardless of faith, a chaplain is always able to provide a listening ear in a confidential and professional manner whenever members experience emotional bumps and bruises, either on or off the job. However, when administering practices of a faith, there is no "Super Chaplain" who can do it all; hence, an active multi-faith chaplaincy is necessary to cater to all spiritual and religious care.

Multi-faith chaplaincy in policing is a practical approach to accommodating and understanding religious diversity. While the concept may be relatively new, it is becoming an integral part of all policing and law enforcement services. It does not consist only of police chaplains from different faiths but also provides a strong liaison with community clergy leaders, ensuring that the designated faith leader correctly addresses practices of all faith groups.

Spirituality in policing is often overlooked but it is the officers' spirits that make them human. It can be defined as a compelling inner sense of purpose and meaning toward selfless service to others, along with a deep connection to individuals and the community being served. Multi-faith chaplaincy provides

an understanding and practice of spirituality and emotional wellness in policing, vital to ensuring that the community is consistently provided with the highest quality of service.

Many police services still do not have a multi-faith approach to chaplaincy. Others are only beginning to establish and implement this unique "Unit." The model will be effective and productive when it's valued as a great internal asset to provide correct understanding and support to the police service, especially when there is an outreach effort involving specific faiths within the community. In addition, it will provide numerous other valuable services and hopefully not just be relegated to a ceremonial role.

Multifaith chaplains are not officers but their training and experience make them an excellent resource for policing. They never interfere in police procedures and their role can be best described as "loitering with purpose."

Imran Ally is a chaplain (Muslim) with Peel Regional Police. He is the Imam and Scholar in residence at the TARIC Islamic Centre in Toronto

This is a series of articles presented by members of the **Canadian Police Chaplains Association**. More information is available at www.cndpolicechaplains.org.



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Your brain can fill in the gaps

Gotta love a good conference — particularly when it gives you an excuse to travel to nice places. So there I was in Victoria, new ideas and brilliant thoughts filling my mind at a big psychology conference. I was particularly keen on a presentation by Dr. Geoff Loftus, who spoke about the practical implications of his work around perception and memory and how it plays out in the real world.

Dr. Loftus spent the early part of his career locked away in a laboratory doing basic science, but it occurred to him that it might be useful to actually apply some of the things he had investigated in the lab. If you have ever wondered what conceivable use psychology research might be to you in your everyday work, here's a good example.

Some years ago in Alaska there was an unfortunate encounter between a train and pick-up truck. For the sake of simplicity, let's say the train was running north on a north/south track, and the truck was heading northwest on a northwest/southeast road. Engineer Goodbody, a nice, reliable, honest-as-the-day-is-long kind of guy, was in the locomotive and the Bozo brothers, both drunk as skunks and well known to police far and wide, were in the truck.

Bobo Bozo, who wasn't wearing a seatbelt, was ejected and landed (splat) by the side of the road. His brother Ratling WAS belted up and died when the truck exploded.

Goodbody quickly stopped the train, ran back to Bobo and administered first aid until emergency services arrived — which takes quite awhile in the middle of Alaska. Oddly enough, Bobo survived. The question: who was driving the truck?

Goodbody was shocked, unaware that there was a second person in the truck. "I could tell there was going to be a collision just before it happened," he said in his statement. "I saw the truck... it could not have been more than ten feet away... I remember Bobo's face as clear as day — he was driving. We actually

made eye contact. I couldn't understand why he did not stop the truck!

"Yeah, he was driving. I don't know where the other guy was, maybe bent over or something... but I absolutely saw Bobo. Like I said, I saw him clear as day and he was only a few feet away."

The driver question was relevant since if it was Bobo, he would be charged with vehicular homicide. Bobo insisted that Ratling was driving. It was Ratling's truck so that would have made sense, but Goodbody appeared far more reliable and credible. Bobo was charged and the case went to court.

Minor detail: An analysis of the accident showed the truck actually made contact with the train car behind the engine. Given the speeds both vehicles were travelling and the angle of impact, Goodbody could not possibly have seen, let alone made eye contact, with the driver. He likely could have seen the truck for a fraction of a second before it hit the train, but any level of detail beyond that was simply impossible.

The truck was never closer than 70 feet to the engineer, and even at that it was behind him, where his view of it would have been obstructed.

Goodbody was adamant; adamant but wrong. He could not have seen what he thought he did. How can that be? Was he just lying because Bobo was a scuzbucket?

Here's where perception and memory come in. There are good reasons why Goodbody might both misperceive and misremember the event.

1. Stress: Our cognitive abilities are not at their best under periods of acute stress. It's likely that Goodbody become aware in the split second before impact that there would be a collision. This qualifies as stressful. Therefore, his perception of even the details he COULD see were likely distorted.
2. Short duration: He could only see the truck for a split second. When people see some-

thing only fleetingly, their brain likes to fill in the blanks. Since we know trucks have to have drivers, even though Goodbody could not see him, his brain filled in the gap and more or less created a driver.

3. Lack of attention: If you saw a truck about to hit your train, your attention would not likely be directed to the driver or their eyes. You'd be looking at the truck, the space between the truck and the train or even the train. Again, your brain fills in the gaps with what it thinks ought to be there.

We also know that our brain takes information learned after an event and inserts it into the event itself. Goodbody did not know there was a second person in the truck, so naturally, when he created his visual image of the truck, the only face available to insert was Bobo's.

It is also likely that Goodbody's brain was madly reconstructing the mental scene while he administered first aid to Bobo — even more reason to insert the only available image.

Memory is tricky. We like to think of it as a digital recorder but it is really more like a stenographer taking shorthand back in days of yore. You tend to get most of the basics, but there are inevitably gaps later on when you recreate the story so your brain fills them in with whatever appears to make sense. (It's kind of like the autocomplete function when text messaging. Mr. Google knows what words generally go together and guesses what should come next. It works much of the time but sometimes you get pretty funny messages.)

Goodbody was not lying. He was accurately relating his memory, but his memory was wrong. Bobo was acquitted.

As I am often reminded when absolutely positive that I put my car keys somewhere, and then find them elsewhere: just because you clearly remember something does not mean it happened.

Dr. Dorothy Cotton is *Blue Line's* psychology columnist, she can be reached at deepblue@blueline.ca

Police officers face risk of traffic injuries under many conditions

Police officers face an elevated risk of being injured in a collision when they are sitting in a stationary car as compared to low speed driving, as well as when they are responding to an emergency call with their siren blaring as compared to routine patrol, according to a new RAND Corporation study.

In addition, officers face a higher risk of being injured in a crash when they are riding a motorcycle compared to driving a car; driving solo compared to having a second officer in the car; or not wearing a seat belt compared to wearing a seat belt.

The findings provide the first quantitative estimates of the risk factors for injury to law enforcement officers in vehicle crashes — the largest cause of death among police in the United States. The results are published in *Policing: An International Journal of Police Strategies & Management*. No similar statistics are available in Canada but the findings could be a bellwether study to which Canadian law enforcement may wish to pay attention.

The American study finds that about one quarter of all crashes and 30 per cent of in-

jury crashes studied occurred when a police officer's car was stationary.

The study found that 80 per cent of all nonminor crashes — both those involving injury and those without injury — occurred when officers were driving without lights or siren and more than 70 per cent of the nonminor crashes occurred during routine driving.

16 local, county and state law enforcement agencies across the US were surveyed to collect details about officer vehicle crashes and which crash characteristics are associated with officer injuries. The departments queried represented a variety of sizes; were geographically diverse; and employed about 19,000 officers in total.

The survey yielded information about 854 crashes, including 90 which involved injuries to the officer driving. Findings from the analysis include:

Officers were at three to four times greater risk for injury in crashes when their emergency lights and siren were on or when responding to an emergency call compared to routine patrol. The speed of an officer's car, however, was not a significant risk factor.

The risk of officers being injured in a

crash when their seat belt is not used is two to three times greater than when wearing a seat belt. This is similar to the risk seen among all drivers in traffic accidents.

Motorcycle officers are about five times more likely to sustain injury in a crash than an officer in a car and about ten times more likely than officers in sport utility vehicles.

A single officer in a vehicle has more than twice the risk of injury in a crash compared to having another officer in the car. Conversely, having a non-officer in the vehicle increased the risk of injury. A possible explanation is that a solo officer faces distractions from the radio, data terminal or suspect passengers.

Suggested actions for law enforcement agencies to take to lower the risk of injury include restricting motorcycle use to situations where the use of other vehicles is not feasible and developing alternatives to bracket mounted mobile data terminals.

Officers often strike mobile terminals during collisions and agencies are encouraged to take more care in their design and function.

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The interRAI

Brief Mental Health Screener



A collaborative evidence-based approach to a mental health crisis

by Dr. Ron Hoffman & Dr. Greg Brown

The interRAI Brief Mental Health Screener (BMHS) was developed as a new screening system for police officers to complete when interacting with persons with serious mental disorders. It uses computerized logic rules based on scientific research to quickly flag risks in harm to self, others and self care.

It was developed by Ron Hoffman PhD, a former instructor at the Ontario Police College (OPC), along with John Hirdes PhD and his research team at the University of Waterloo, Greg Brown PhD at Nipissing University and the interRAI International Network of Mental Health (iNMH).

While the initial reason for the system was to provide police officers with an evidence-based tool to standardize their observations and assist in articulating their reasonable grounds to believe a person has a mental disorder, it soon became apparent that there were other benefits.

One of the most important stems from the fact that items on the assessment form are written in language understood by both emergency department nurses/doctors and the officers completing the form. The language includes terms such as “hallucinations” and “delusions,” which have long ago been integrated into everyday language. Since the average age of recruits today is 27 and most have a college or university education, they often already understand these terms.

InterRAI

InterRAI (International Resident Assessment Instrument) is a not-for-profit organization comprised of researchers from around the world who spend most of their time developing instruments to help vulnerable persons like those with mental illness.

The Ontario government partnered with interRAI to develop a mental health assessment form (the “RAI Mental Health” or RAI-MH) currently used in every Ontario hospital with mental health beds and other jurisdictions around the world. The RAI-MH is a 10 page paper assessment form mandated in 2005 for use on every patient admitted into an Ontario psychiatric hospital.

There are more than 300 items on the form relating to socio-demographic, mental and physical health, service utilization and functional characteristics and practically every behaviour imaginable!

Among other things, the information is used to help hospital staff accurately identify the exact nature of the problem and formulate a treatment plan. It also standardizes assessment methodology and tools across the entire province, enabling information sharing and consistency in treatment in every facility.

The full-length RAI-MH would likely be too time consuming and complicated to be used by police, so in the spring of 2007 work began on a Brief Mental Health

The form is titled "InterRAI™ Brief Mental Health Screener (BMHS) Police Assessment Form". It is divided into several sections:

- SECTION A. Identification Information:** Includes fields for Name, Sex, Birthdate, Postal Code, Homeless status, Date and Time Contact Initiated, and Occurrence Number.
- SECTION B. Indicators of Disordered Thought:** Includes scales for Mental State Indicators and Behaviours, Degree of Insight into Mental Health Problem, and Cognitive Skills for Daily Decision Making.
- SECTION C. Indicators of Risk of Harm:** Includes scales for Previous Police Contact in Last 30 Days, Persons Not Known to Carry or Use Weapons in Last Year, and Violence (Wanted/Abused/Intimidated).
- SECTION D. Indicators of Self-Harm:** Includes scales for Self-harm Attempts in Last 30 Days, Family, Friends, or Other Expressions of Concern, and Home Environment - Social Condition.
- SECTION E. Disposition:** Includes scales for Actions Taken and Hospital Information (if applicable).

Screener (BMHS) form designed specifically for police use. The form development involved a number of methods and procedures including; a literature review, an analysis of the RAI-MH database and input from an expert panel and advisory committee consisting of police officers, hospital staff and researchers.

In collaboration with Dr. John Hirdes, Dr. Hoffman was able to analyze over 41,000 completed RAI-MH forms to identify items for the BMHS, so it is truly evidence-based and should stand up in court.

The BMHS was piloted in collaboration with one large and one medium Ontario police service. Several additional police services have since begun using the form and many others are in the process of implementation.

Of particular significance is that plans are underway to ensure the completed BMHS is forwarded to local mental health agencies regardless of whether the officer takes the person to hospital. This should further assist with ensuring persons in need of care receive it before ending up in crisis and a potentially dangerous interaction with the public or police.

Frontline officers report that once they get the hang of it, it takes only minutes to complete. As to its usefulness, one officer commented during an initial training session, "hey, this is great... it helps me put into words that really weird stuff [behaviour] I am looking at!"

Of course, teaching officers how to speak the language of the health system constitutes evidence-based training which we all know is on everyone's minds today, in light of countless coroner's inquest recommendations. It also re-enforces the advantages of police working more collaboratively with the mental health system.

The first step toward establishing a more collaborative relationship between hospitals (health/mental health system) and police agencies (criminal justice system) is to speak the same language. As Niagara Health System Project Management Specialist Barb Pizzingrilli noted, "prior to the use of the BMHS, the police officers and nursing staff were often confrontational. After using the new form, they are working more as colleagues than adversaries."

While the BMHS form is intended to assist both police and mental health professionals, it ultimately benefits patients the most because they get the help they need in a much more accurate, appropriate and efficient manner.

Data from the pilot sites appear to show that using the form does, in fact, speed up the whole process. Police personnel and their managers will also be pleased since the BMHS captures police time spent dealing with mental health calls, which can be translated into a monetary figure.

There is no easy answer to the problems associated with police responding to persons experiencing a mental health crisis. However, using the BMHS contributes to early identification of mental health issues and evidence-based training. Equally important, because police are talking the same language as their mental health care partners, it acts as the first step toward achieving a more collaborative approach, ensuring that

vulnerable persons in our trust get the help they need when they need it most.

While the original BMHS process was paper-based, a new computerized version has been field tested since 2013 by the Brantford and Niagara Regional police services, offering a number of efficiencies to the process (See Tom Rataj's Technology column for more details).

The HealthIM BMHS programs runs on mobile computers, allowing police officers to complete an assessment in three to six minutes while also allowing them to electronically share the completed assessment with hospitals, mental health support agencies and their own records management system.

Visit <http://interrai.org> for more on interRAI or <https://healthim.com> to learn more about the BMHS or app.

A former police officer, OPC trainer and expert witness in police use of force in responding to persons with serious mental health problems, **Dr. Ron Hoffman** is an Assistant Professor in the School of Criminology and Criminal Justice at Nipissing University and an interRAI Fellow. **Dr. Hoffman** can be reached at ronhoffman@nipissingu.ca

Dr. Greg Brown is Associate Professor in the School of Criminology and Criminal Justice and the Department of Sociology, and Director of the Institute for Applied Research (IASR) at Nipissing University and former team leader of the OPC Research and Evaluation Unit.



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by Tom Rataj



Mental health assessment tools go digital

Dealing with persons with serious mental disorders is an ever-increasing part of the job for many front line police officers. Police are often called when someone experiences a crisis and poses an apparent threat to the public or themselves.

Although the vast majority of interactions are resolved peacefully, a few high-profile incidents end with the person in crisis seriously injured or killed. The resulting coroner's inquests often produce recommendations for more mental health training, de-escalation techniques and better less-lethal equipment.

Officers responding to such incidents are often called upon to make rapid mental health assessments, frequently followed by an apprehension and trip to the local mental health facility or hospital. Waits of three or more hours for a physician assessment are not uncommon.

Despite better police training in the past few years, field assessments are not always accurate enough to have the person committed at the hospital, resulting in many out-of-service hours with little valuable outcome beyond the initial crisis intervention.

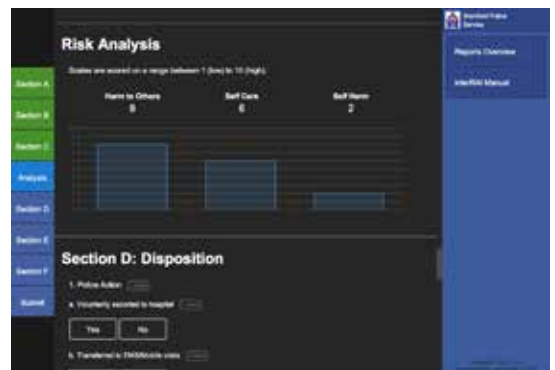
Digital help arrives

Fortunately a field assessment tool is now available in a digital format. As demonstrated at the 2016 Blue Line Expo, the computerised HealthIM Brief Mental Health Screener (BMHS) program puts a new tool into the hands of front line officers.

The easy to use program steps officers through a series of structured and progressive questions that take from three to six minutes to complete. They help officers assess the risks a person poses to themselves and others and their ability to care for themselves.

The results of the assessment are displayed on screen in easy to understand visual charts that help the officer make a complete and accurate decision faster and easier. The completed assessment report is in clinical language to better suit the needs of the healthcare professionals that will later use it.

The question and answer grading is based on work done by the international



non-profit research organization interRAI (International Resident Assessment Instrument). The questions have been academically developed and peer-reviewed.

The software runs on Windows or Mac OSX computers and can be readily implemented by any agency already using mobile computers. The completed assessment report can be printed in the police vehicle if so equipped, or electronically transmitted to hospitals, health care facilities and local Community Mental Health Organisations

(CMHOs) where arrangements have been established.

The report file size is small enough to be quickly transmitted over slow wireless connections. The data is encrypted prior to transmission to ensure security and privacy.

HealthIM can also be configured to automatically share data with most police records management systems (RMS) including NICHE and Versaterm, helping to prevent duplication of work and data entry and keeping the RMS up to date.

Testing

HealthIM has been field tested with the Niagara Regional and Brantford police services since 2013. Upgrades have been made based on user feedback and additional Ontario police services, including London, will implement the tool this summer.

HealthIM has been used in more than 2,000 incidents. Beyond helping officers make better and more confident judgements about their subjects, it has reduced hospital wait times by 57 per cent.

HealthIM recommends running a 90-day pilot project before implementation to help familiarise officers with the product and integrate it better with business practices and policies and procedures, which may need to be amended.

HealthIM works on an annual subscription model based on agency size and the number of mobile computers used. The BMHS data is encrypted and stored on the HealthIM server for further transmission or retrieval by previously approved mental healthcare providers and services. The HealthIM server is PIPEDA (Personal Information Protection and Electronic Documents Act) compliant.

Additional functionality and analytics is provided for police management and training purposes. Data stripped of personal identifiers can be analysed in a variety of ways by the police service and interRAI as specified in the licence agreement.

Founders

HealthIM was developed by two University of Waterloo graduates specialising in healthcare informatics with a focus on developing software solutions for the healthcare field. Both have previously developed other software.

They worked in conjunction with interRAI, an international consortium of academic researchers focused on improving care for disabled and mentally ill persons by developing clinical assessment tools and advocating for common clinical language and the development of evidence-based healthcare policy.

Visit www.healthim.com for more information.

Tom Rataj is Blue Line's Technology columnist and can be reached at technews@blueline.ca.

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Electronic monitoring insufficient to mitigate risk

A review of *R. v. Richardson*

by Jason Pilon

From the 1996 murder-suicide of Arlene May and Randy Iles to the 2015 triple homicide in the Ottawa Valley, the attention paid to crimes of domestic violence has never been so high.

As society's understanding of the root causes and ripple effect of partner abuse has increased, so too has the law slowly evolved to better recognize the seriousness of domestic violence and particularly the risk posed by repeat offenders.

Recently, in the context of a bail review, an Ontario superior court judge determined that a defence plan, which included a surety and even electronic monitoring, was insufficient to allay the court's concerns on the secondary ground in the case of a repeat domestic offender facing more allegations of domestic violence.

Jason Richardson was charged in April 2015 with numerous breaches of his outstanding bail due to alleged domestic violence against his ex-spouse. Richardson was detained on the secondary grounds under *s.515 (10) (b)* of the Code and brought a bail review before Judge Laurie Lacelle of the Ontario Superior Court of Justice in July.

The Crown continued to seek detention on the secondary ground. It argued that Richardson's continued detention was not only justified but necessary for the public safety and protection, having regard to all the circumstances, including any substantial likelihood that if released, he would commit a criminal offence or interfere with the administration of justice.

After outlining the governing principles under *s.520* of the Code and the S.C.C. decision of *R. v. St. Cloud, 2015 S.C.C. 27*, the court acknowledged that the defence had presented admissible new evidence which showed a "material and relevant change" in the circumstance of the case — thereby permitting the court to consider the analysis with respect to bail for Richardson under *s.515* of the Code "as if it were the initial decision maker" [para.6].

The "new evidence" was the availability of electronic monitoring for Richardson as part of his release plan. While the Crown did not dispute the admissibility or characterization of the new evidence of electronic

monitoring, accepting that it showed a "material and relevant change," it continued to dispute its significance. The court went on to consider several factors in deciding whether Richardson should be released pending trial.

First, the court considered "the history of Mr. Richardson with the victim and complainant... including the circumstances of the most recent alleged offences" [para.10].

The court recognized that the allegations included a practically non-stop series of threats, mischief, harassment, break and enter and multiple breaches of several court orders. The court juxtaposed the allegations against Richardson's known criminal record.

It noted that "Richardson's adult history of criminal offending is virtually focused on his efforts to come into contact with [the victim] for reasons which appear to include controlling her, continuing the relationship and on the face of the record involves no other motivation" [para.23].

The court then stated that "this history, including the circumstances of the most recent offences, demonstrates a single-mindedness in Mr. Richardson's conduct that is disturbing" [para.23]. It also noted that even his own father (and previous surety) agreed that his son has "simply not got the message that he needs to move on from his relationship with [the victim] and desist in his offending against her" [para.24].

In assessing this first factor, the court found that "he is a significant risk of harm to the victim if he is released, particularly, psychological harm, due to the fact that no doubt this potential presence of the accused without sufficient control would be troublesome for her, in that, if he were to reoffend there is a substantial risk of psychological harm to her" [para.24].

Secondly, the court addressed the grounds for concern that Richardson would interfere with the administration of justice "either by attempting to dissuade [the victim] from reporting any new breaches or in participating in the matters that are already before the Court" [para.25].

In response, the defence offered "electronic monitoring" to allay the previous court's concerns with regards to Richardson's risk of reoffending.

Lacelle remained unconvinced, stating

"I find that the electronic monitoring proposed, which no doubt capable of mitigating the risk in some cases, does not sufficiently mitigate the risk here, such as to reduce the likelihood of Mr. Richardson reoffending or interfering with the administration of justice to an acceptable level" [para.25].

More specifically, even with electronic monitoring, the court found that "the accused has not convinced [the court] that there will still not be a substantial likelihood that he will communicate with [the victim] and thereby cause her psychological harm or attempt to dissuade from reporting new offences or participating in the existing matters as a witness" [para.25].

On the issue of "electronic monitoring", the court recognized that it "works by deterrence. It does not prevent offending behaviour and it is not a prevention tool" [para.26].

The judge readily acknowledged that, in the context of domestic violence, "the court is concerned about preventing offences... [and]... it is not sufficient that some offences committed by Mr. Richardson might be detected more quickly than without an electronic monitoring program" [para.26].

The court went on to agree with the Crown that "for an offender [like Mr. Richardson] who has not shown any previous rational response to circumstances that ought to deter him, a system whose functioning is premised on the power of deterrence is not helpful" [para.26].

Moreover, on the point that deterrence was not enough to mitigate the risk posed by such an offender, Lacelle balanced the accused's criminal history against his current allegations. In particular, she noted that Richardson "has not been deterred by progressive consequences in the criminal justice system including charges, peace bonds, bail orders, sureties (including his father and a good friend), a probation order, and a jail sentence" and "the current allegations suggest his conduct is escalating" [para.27].

The court went on to find that "there is nothing in Mr. Richardson's history or the evidence... that suggests that he will be deterred by any rational appreciation of the consequences to him if he offends again" [para.27].

Quoting Richardson's father (and former

surety), the court stated, “he doesn’t get it yet” [para. 27].

Furthermore, on the issue and availability of electronic monitoring, Lacelle noted that while it can manage the risk involved in certain types of cases/offenders, it “will do nothing to monitor communications by Mr. Richardson” and “can do nothing to monitor whether he is able to procure a weapon of any kind” which the court considered to be “live issues” given the accused’s “evident failure to accept that his relationship is over” [para.28].

The court also found that the offender being able to remove the bracelet “with no difficulty” only served to “highlight that electronic monitoring cannot prevent an offence by a determined offender” such as Richardson [para.29]. In the end, Lacelle found that “for an offender like that, only the physical detention of a custodial facility is sufficient to... adequately manage his risk and protect the complainant from further harm” [para.29].

Eventually, Lacelle also went on to reject the proposed surety (Richardson’s new girlfriend), with whom the judge felt Richardson was “evidencing some controlling behaviour” [para.31] given that the court had concerns about the person’s “ability to control an individual who, on the face of the record, appears to control his domestic partners” [para.32].

Finally, the court emphasized the strength of the Crown’s case and the likelihood of a “significant jail sentence” (if convicted) since “sentences for criminal harassment and breaches in the domestic violence context for an offender with a history like [Mr. Richardson’s] may be significant because the courts recognize the heightened need for both specific... and general deterrence” [para.37].

In the end, Lacelle found that Richardson had not met his onus on a balance of probabilities of demonstrating that he would not offend or interfere with the administration of justice even if he were to be released with the additional condition of electronic monitoring. As a result, it was ordered that he continue to be detained on the secondary ground.

This case demonstrates that despite advancements in technology such as monitoring suspected offenders in the community, scientific improvements have still not reached the point whereby they can sufficiently allay the concerns that courts must have when dealing with “single-minded” and “determined” offenders — especially in the context of allegations of domestic violence.

Furthermore, the courts must remain particularly vigilant in such cases in order to maintain both public safety and confidence in the administration of justice.

Jason Pilon is an Assistant Crown Attorney for the United Counties of Stormont, Dundas & Glengary and the District of Akwesasne in Cornwall, ON. “The opinions expressed in this article are those of the author alone and do not necessarily represent the position of the Ministry of the Attorney General.”

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Penile swabs incident to arrest upheld



Canada's highest court has upheld police taking a penile swab from a sexual assault suspect following arrest.

In *R. v. Saeed*, 2016 SCC 24, police arrested the accused after a sexual assault complaint. He was allowed to speak to a lawyer at the station. At some point, police became aware that the sexual assault involved penile penetration.

As a consequence, Saeed was placed in a "dry cell," handcuffed to a steel pipe and seated on the floor with his hands behind his back to prevent him destroying evidence. Believing there were reasonable grounds the complainant's DNA would be found, the detective, through an interpreter, repeated the reason for arrest, again advised him of his rights and explained the process. The detective told Saeed he could take the swab himself or have a male officer do it.

Saeed pulled down his pants and used a cotton tip swab along the length of his penis and around its head. There were only two officers in the cell and they blocked the small door window so no one could look in. The swab came into contact only with the outside skin of Saeed's penis and took no more than two minutes. A subsequent analysis showed DNA matching the complainant.

In the Alberta Court of Queen's Bench, a forensic specialist called by the Crown provided an expert opinion that the complainant's vaginal DNA would be expected to be found after a sexual assault involving penetration, if no condom was used. He indicated that urination, humidity, warmth, sweat and the natural bacteria present on the skin could all cause this evidence to degrade. The suspect could also wash off or wipe away the DNA. Because of these factors, the expert said a swab should be

taken as soon as possible.

The judge ruled taking the swab violated s. 8 because there were no exigent circumstances (the imminent loss of evidence) justifying the search. The Crown had not established the swab was lawful as a search incident to arrest and therefore did not overcome the presumptive warrant requirement. Nevertheless, the judge admitted the evidence under s. 24(2). Saeed was convicted of sexual assault causing bodily harm and sexual interference.

Saeed challenged his conviction to the Alberta Court of Appeal. A 2:1 majority found the swab was not a proper exercise of the police power to search as an incident to arrest and therefore breached s. 8. The character of the technique was more intrusive than a strip search, it said, and more akin to obtaining bodily samples from a suspect (as in *R. v. Stillman*, [1997] 1 SCR 607). Thus, the warrantless taking was unreasonable under s. 8. However, the majority would not exclude the evidence under s. 24(2). Saeed's appeal was dismissed and his convictions upheld.

Saeed appealed to the Supreme Court of Canada, contending that police were not entitled to rely on the common law power of search incident to arrest to take the swab. A majority (7:2) disagreed, finding the swab lawful as an incident to arrest. *R. v. Stillman*, which involved taking hair, buccal and dental samples from an arrestee, did not apply.

The purpose was not to take samples of Saeed's own body (his DNA) but rather to obtain the complainant's DNA. The swab was quick and painless, not penetrative and no objects or substances were placed inside Saeed. Unlike *Stillman*, the swabbing did not involve forcibly taking parts of a person.

Finally, evidence of the complainant's DNA would degrade over time and could be destroyed, intentionally or accidentally. However, as a safeguard, the majority made it clear that any of Saeed's DNA collected during the swab could not be used for any purpose.

The majority then outlined the framework for taking penile swabs incident to arrest.

- The arrest itself must be lawful.

- The swab must be truly incident to the arrest, in that it must be related to its reasons and performed for a valid purpose, generally to preserve or discover evidence.
- Police must have reasonable grounds to believe that a penile swab will afford evidence of the offence for which the accused was arrested. "These grounds are not to be confused with the reasonable grounds required for the arrest," said the majority.

They are independent. Whether reasonable grounds have been established will vary with the facts of each case. Relevant factors include the timing of the arrest in relation to the alleged offence, the nature of the allegations, and whether there is evidence that the substance being sought has already been destroyed. For example, the police will generally lack reasonable grounds if the alleged sexual offence did not involve contact between the suspect's penis and the complainant.

Similarly, if the suspect is arrested several days after the alleged offence, the police will probably lack reasonable grounds because it is likely that the evidence will have degraded or been wiped or washed away in the interim. To be clear, meeting the reasonable grounds standard is more than a mere pro forma exercise. The potential for destruction or degradation of the complainant's DNA will always be a concern in this context.

The greater the time frame between the alleged offence and the swab, the more difficult it will be for the police to establish reasonable grounds for believing that the swab will afford evidence of the offence for which the accused was arrested.

- The swab must be conducted in a reasonable manner. The court outlined a number of factors police must consider in performing a penile swab:
 1. The swab, like a strip search, should as a general rule be conducted at the police station. "This requirement is even stricter for penile swabs than strip searches. Safety concerns may justify a strip search for weapons in the field. Safety concerns are highly unlikely to justify a penile swab in the field."

However, the court did not rule out the possibility that a swab may reasonably be performed in another suitable location, such as a hospital, if there is some valid reason for doing so.

2. The swab should be conducted in a manner that ensures the health and safety of all involved.
3. The swab should be authorized by a police officer acting in a supervisory capacity.
4. The accused should be informed shortly before the swab is done about the nature of the procedure, its purpose and police authority to take it. As a general rule this should be done before the swab to ensure the accused understands its nature and the steps involved to keep the procedure quick and efficient.
5. The accused should be given the option of removing his clothing and taking the swab himself. If not, it should be taken or directed by a trained officer or medical professional. Giving the accused the option of taking the swab enables him to minimize its intrusiveness.

If the accused resists, police may only use the minimum amount of force necessary to obtain it, proportional in the specific circumstances. However, resistance does not entitle police “to engage in behaviour that disregards or compromises his or her physical and psychological integrity and safety.”

6. The police officer(s) carrying out the swab should be of the same gender as the individual being swabbed, unless the circumstances compel otherwise.
7. There should be no more police officers involved than are reasonably necessary in the circumstances.
8. The swab should be carried out in a private area not visible to others.
9. The swab should be conducted as quickly as possible and in a way that ensures the person is not completely undressed at any one time.
10. A proper record should be kept of the reasons for and the manner in which the swabbing was conducted. A detailed record is important for a review to be effective and is likely to focus on whether officer conduct was reasonable.

The court cautioned that these factors will not be determinative in every case and “should not be taken as deciding the question of whether a penetrative swab performed in accordance with the common law police power of search incident to arrest would be reasonable and therefore Charter compliant. They are restricted to genital swabs conducted on the outer surface of the skin.”

Whether a particular swab incident to arrest accords with s. 8 will depend on the individual facts of a particular case.

Case outcome


The majority found the penile swab in this case did not breach s. 8. The arrest was lawful and police were searching for evidence related to the arrest — the complainant’s DNA. They had reasonable grounds to believe the DNA had transferred to Saeed. The swab was taken several hours after the sexual assault and there was no reason to believe Saeed had taken steps to destroy the evidence.

Finally, the swab was taken in a reasonable manner. Saeed was informed in advance of the procedure and its purpose. It was conducted quickly, smoothly and in private by Saeed, there was no physical contact with the officers and those involved took detailed notes about the process and reasons for the swab.

A different view

Two justices concluded that the warrantless swab breached s. 8 of the Charter because it was not authorized by the common law power of search incident to arrest. Justice Karakatsanis would have admitted the evidence under s. 24(2) while Justice Abella would have excluded it.

Saeed’s appeal was dismissed and his convictions upheld.



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Safety concern justifies police entry



The Ontario Court of Appeal has overturned a man's acquittals on drug charges after police entered an apartment in response to a neighbour's 911 call.

In *R. v. Lowes, 2016 ONCA 519* a person called 911 to report hearing her neighbours arguing and a male threatening to kill a female. She said she heard the woman crying and pleading, "Please don't kill me," and loud banging and crashing.

Police arrived within minutes and knocked on the door but there was no answer. Eventually, a

woman (Ms. Muller) looked out a third floor window. An officer explained the police presence but Muller responded that she was in bed and refused to open the door, insisting there was no one else in the apartment and telling the officer to leave. It was obvious to police that Muller was speaking to someone standing behind her.

As officers prepared to force their way in, Muller came to the door. She had no visible injuries and stepped outside to speak to them. She did not want police to enter and there were no sounds coming from inside but officers nevertheless forced their way in. They were concerned for Muller's safety and any other person who might be inside with the person heard uttering the death threats.

Police saw marijuana and other drugs inside and found the accused Lowes hiding under a cover under the bed. In the course of searching for anyone else officers found more contraband. Lowes was taken out, the apartment was "sealed" and a search warrant obtained and executed. The drugs were seized and Lowes was charged with several drug related offences.

At trial in the Ontario Court of Justice, police said they were concerned for Muller's safety based on the neighbour's 911 call, Muller's obvious lies about the presence of anyone else in the apartment and her demeanour in speaking to them from the window and door.

The judge found police could enter a residence without a warrant if they had reasonable grounds to believe entry was necessary to protect the lives and safety of others. In this case though, he ruled the entry was unlawful because police failed to take additional investigative steps such

as further questioning Muller or the neighbour, or applying for a telewarrant. He excluded the drugs and acquitted Lowes of the charges.

The Crown appealed the acquittals to Ontario's top court, which agreed the trial judge erred in finding the apartment entry unlawful. In its view, none of the investigative steps the judge identified were necessary or relevant as to whether police were under a duty to enter the premises to ensure the safety of Muller or another occupant who may have been inside.

"The circumstances in which the police found themselves strongly suggested that Ms. Muller was the victim of ongoing domestic abuse when they arrived at the residence," the appeal court said.

She clearly lied to the police when they first spoke to her. In these circumstances, the police would have been derelict in their duty had they accepted what Ms. Muller said without going into the residence.

As for a further discussion with the neighbour, it "would not in any way have

detracted from the emergency situation faced by the police.

Nothing the neighbour could possibly have said would have eliminated the immediate risk to the lives and safety of others, including Ms. Muller. Finally, the delay inherent in obtaining a telewarrant, assuming the police could get one, created obvious and significant risks that in these circumstances the police could not, in good conscience, take.

In sum, the appeal court found the police acted lawfully in entering the apartment, allowed the Crown's appeal and quashed Lowes' acquittals. However, it made no finding on whether the scope of any search conducted by police after they entered the premises exceeded what would have been reasonable in the circumstances. That issue would need to be decided at a new trial.

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DISPATCHES



Wendy Southall, retired Chief of Police of the Niagara Regional Police Service passed away at the age of 65 on June 1st, 2016. Southall was the first female police chief and first civilian to lead the NRPS. Southall joined the Metropolitan Toronto Police in 1970 but resigned after 8 years. In 1982 she was hired by the Regional Municipality of Niagara Police Service Board where she held a several administrative positions, eventually becoming Chief of Police in 2005, a post she held until 2012.

...



Gord Perrier has been selected as the new Chief of the Winnipeg Police Service. Perrier has been with the WPS since 1992 when he was hired as a Special Constable in the forensics unit. He has extensive investigative experience in numerous specialized investigative positions. Perrier holds a Masters' Degree in leadership from Charles Sturt University in Australia, and graduated from the CPC executive development program.

...



Larry Tremblay has been named the 30th Commanding Officer for the RCMP in New Brunswick. Tremblay joined the RCMP in 1985 after four years in the Royal Canadian Navy. He began his career in New Brunswick and held post in Regina, Milton and Ottawa. He was seconded to CSIS from 2004 to 2008 and held various positions in Ottawa including security for the Prime Minister, Governor General and Parliament Hill.

...



Colin Catonio, Deputy Chief of the Lethbridge Police Service has announced his retirement after 36 years of policing. Catonio started as a patrol officer in 1980 and was Deputy Chief of Police since August 2013. He took Policing and Criminal Justice at Lethbridge College before being hired, received a Certificate in Business Administration in 1997 and participated in the Governance Essential Program at Rotman School of Management in 2012.

...



Uday Jaswal has been selected as the new Deputy Police Chief of the Durham Regional Police Service, east of Toronto. He was sworn in on August 02, 2016. Jaswal joins DRPS from the Ottawa Police Service where he has worked since 1995. He was promoted to the rank of Superintendent in 2013 and has overseen the patrol directorate and steered projects including expanding the use of Tasers. He's a University of Ottawa graduate and is also the current chairman of the Youth Services Bureau of Ottawa.

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Blue Line launches new search tool



Blue Line Magazine is pleased to announce the launch of our new enhanced website search function.

Through the search field located at the top-right corner of each page, users can now search the Blue Line archives by simply entering a keyword or phrase related to the item you are looking for.

Instead of presenting bland text-based results, the search function displays the cover image of the issue in which the item appears, along with the month and year and a short section with the keyword or phrase. A maximum of five issues are displayed on each page along with controls to navigate to further pages.

Users simply click on the desired cover image or associated text to open an electronic copy of the magazine to the page on which the keyword or phrase appears. When the two-page spread opens, users can navigate the page using standard mouse controls: a single mouse-click zooms in or out to increase readability, and a click, hold and drag action lets you move the page in any direction when zoomed-in.

To navigate forward or backward in any selected issue, users just hover the cursor over the top or bottom corners of the two-page spread and click once to flip the pages in that direction. The launch version doesn't allow jumping to specific pages but pages can be flipped one at a time. If the search needs to be refined, the search box conveniently appears at the top of the results listing page.

This new tool unlocks the substantial content of Blue Line's archives, and allows all readers and past, present and future advertisers to quickly research anything that has appeared in the magazine.

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