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February 1989



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Cover story:



On December 21st, 1988, at Metropolitan Toronto Police Headquarters, Chief of Police Jack Marks swore in Constable Sarah Whiting. In a police force the size of Metropolitan Toronto this would not normally make news. Constable Whiting, however, is nine years old.

Sarah, who has been waging a battle with cancer for several years, was selected as the officer to present the Force's cheque for \$275,000 to the United Way Campaign of Greater Metropolitan Toronto. To perform this task Chief Marks swore her in as "Constable for a day."

Constable Whiting was equipped with a uniform and it was apparent from her bearing that she wore it proudly. Sarah's battle has cost her a right leg and one lung but she is an obvious fighter. The United Way played a big role in helping her and her family fight the illness into remission.

The ceremony was preceded by a full police parade up University Avenue led by Deputy Chief William J. McCormack. The ceremony at police headquarters included such dignitaries as Miss Toronto, Santa Claus and Dr. Anne Golden, President of the United Way of Greater Metropolitan Toronto.

The members of the Metropolitan Toronto Police Force are to be congratulated on their two month campaign that proved to be their biggest ever (story, pgs 12 - 13).

Editorial

INTEGRITY

Am I my brother's keeper?

Integrity! This word is sometimes overused in the police field of endeavor. So much so that its usage appears to lose its full meaning. It is one of those "buzz-words" that the college taught us.

The integrity of the police force and the integrity of the individual is very important. It means honesty by definition and reputation by common usage. It therefore takes in a wide field indeed.

Integrity appears to be a lofty ideal to many of us. The problem with lofty ideals is that when an individual or group feels they have fallen short of its definition they may tend to lose all hope.

In reality your integrity can only be broken from within. If it exists with an organization or individual then only that organization or individual can destroy it.

Integrity is like a brick wall that has been built with great care over a long period of time. If everything is done properly then the occasional storm may chip at it but it will never crumble.

However very few of us are built with the required care. We as police officers

are all too familiar with this aspect of human nature. Where we fail is when we recognize a fault within ourselves, or our organization, and fail to heed the advice we give so many others.

Everyone of us requires support. It is only human nature. If we are too proud to ask for help directly we sometimes start sending messages to our friends in code. These "S.O.S." signals are sometimes recognized but we at times feel that the individual appears so strong he will probably make out okay.

When it comes to our attention that he was not as strong as we thought we begin to feel a little guilty that we did nothing. Some of us just write the person off as a "bad guy" and try to forget him. But forgetting is not that easy.

As police officers we cannot afford to do this. We are our brother's keeper. We have to try a little harder. If we see colleagues having problems it takes only a little effort to talk to them and hear them out. Just let them talk.

Last month I was invited to attend a meeting of the Police Employee Assistance Programs of Ontario. Attending this meeting were members of Ontario police forces who deal with fellow employees who need help and advice. These members were selected for their integrity. Employee assistance programs have been one of the greatest strides forward in the police profession. These individuals have the ability to keep their own integrity while helping those in need to regain their own.

DO YOU NEED HELP? Call them. The boss will never find out. He can't find out unless you let him see your crumbling wall.



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It is useful to consider whether the conduct of the police would have induced the average person in the position of the accused into committing the crime."

These were the words of Supreme Court Justice Antonio Lamer in his summation that brought a stay of prosecution against a reformed B.C. drug dealer. The Supreme Court of Canada recently came down with a unanimous decision in this landmark case that officially recognizes the defence of entrapment.

In dismissing one conviction and upholding another the Supreme Court of Canada spelled out the future for Canadian police officers, Crown attorneys and defence lawyers.

The top court of the land laid out six points to consider in matters of entrapment;

The rationale for recognizing the defence of entrapment is to preserve the administration of justice from improper police practices or abuses of the state;

The issues of entrapment are to be considered by a judge alone and not a judge and jury. This is due to the fact that entrapment must be explained carefully to provide guidance in the future. Only a judge can determine whether an action has brought the administration of justice into disrepute;

The Crown does not have to establish beyond a reasonable doubt that there was no entrapment. It is up to the defence to prove that it was a factor in the commission of the offence;

A stay should only be considered in the "clearest of cases" where the accused has shown that the conduct of the police goes beyond the acceptable limits of the community;

Before a judge can determine that entrapment is an issue he must be satisfied that all the elements of the initial charge have been proven beyond a reasonable doubt;

The conduct of the police must be assessed on an objective basis. That is on the basis of the action taken by the police rather than on the way in which this action affected the state of mind of the accused in particular.

Supreme Court rules on entrapment

(Mack Vs. The Queen) (Regina Vs. Showman)

In his summation Mr. Justice Lamer stated, "there must be sufficient connection between the past conduct of the accused and the provision of an opportunity, since otherwise the police suspicion will not be reasonable."

The Justice stated that the accused's predisposition to commit the offence is of some relevance in assessing the police's initial approach.

This case developed out of a British Columbia investigation involving an "ex-druggie" by the name of Norman Mack. He stated that he had given up the drug addicted lifestyle he once lived and only gave in to a police informer after months of persistent persuading and an offer of a lot of money.

Mr. Justice Lamer stated that the police did not seem to be interrupting an ongoing criminal activity and that the offence would not have been committed if not for their direct involvement. This random testing of a person's virtue was not proper activity for the police.

The following are the ten commandments of entrapment as laid out by the Supreme Court of Canada for judges to consider in such cases:

1. The type of crime being investigated and the methods employed to detect it;
2. Whether an average person in the place of the accused would be induced into committing the crime;
3. The persistence of the police to get the accused to commit the offence;
4. The type of inducements used by the police (ie. deceit, reward, trickery or fraud);
5. Whether the police became involved in ongoing criminal activity;
6. Whether the police exploited human emotions such as compassion,

sympathy and friendship;

7. Whether the police exploited a human vulnerability such as a physical or mental disability or a substance addiction;

8. The proportionality of the accused and the police activity in the commission of the offence;

9. Implied or expressed threats made by the police to the accused;

10. Whether the police conduct is directed at undermining constitutional values.

In summation Mr. Justice Lamer stated, "Obviously the (accused) knew much earlier that he could make a profit by getting involved in the drug enterprise and still he refused. I have come to the conclusion that the average person in this position might also have committed the offence, if only to finally satisfy this threatening informer and end all further contact."

The second case heard at the same time did not fare as well for the accused. David Showman had been convicted of selling drugs to an undercover police officer. His defence was that a friend of his had convinced him to commit the offence and that the police had made a deal with his friend to get introduced.

In this case Mr. Justice Lamer stated that nothing indicated the police went beyond reasonable limits. He noted that the use of undercover officers and informants is a common and necessary practice due to the difficulty of detecting drug offences. He stated that the police did not exploit the friendship in setting up the meeting and the conduct of the police would not shock the community at large. Therefore the conviction stands.

In the gravest extreme

The decision to use deadly force

- Robert Hotston -

"... To justify violent self-defence, a person must reasonably believe that his life is in danger. The reasonableness is tested under the circumstances in which the person finds himself at the time... When confronted with a crisis, a human being acts in accordance with the situation as he perceived it at that time."

- remarks of an American Superior Court judge when asked to comment on the Bernhard Goetz case (the man who shot three youths in the New York Subway) -

Policing in Canada can be a dangerous job, as evidenced by the number of officers killed in the line of duty (forty-nine since 1977). To defend themselves against armed opponents, most Canadian police officers are issued with firearms. However, the use of these weapons presents a weighty responsibility and calls for great discretion.

Under what circumstances should police resort to the use of their firearms? What factors do, or should, influence that critical decision that is most often made in the fraction of a second? What preparations do, or should, police officers have for confrontation involving deadly weapons?

A police officer in Northern Ontario, wounded in a gunfight, shoots and kills his assailant.

An Ontario Provincial Police constable, assaulted by a person he has arrested for impaired driving, warns his attacker to "stop or I'll shoot." The officer fires one shot from which his assailant later dies.

A police officer from a regional police force in southwestern Ontario is penalized five days vacation time and reprimanded for shooting at a car during a high-speed chase. The ruling is based on the fact that there was no evidence to show that his life was in danger.

In Toronto, a police constable draws his service revolver in an attempt to apprehend a knife-wielding youth. The youth lunges at the officer, cutting him under the eye. Rather than shoot, the officer clubs the suspect to the ground, dislodging the knife. The officer says that he used his gun as a club, rather than shooting, because the situation "just hadn't gone that far."

To shoot or not to shoot

Whether staring down the barrel of a gun or being assaulted





by an intoxicated individual, there are police officers who will or will not perceive the situation confronting them as life-threatening. Judging a legitimate threat and responding properly is influenced by a police officer's beliefs, background, previous exposure to violent encounters and training.

Deciding how to handle the threat, usually in a time span of seconds, is a matter of training, experience and self-confidence. How does the police officer develop the judgment to know where to draw the imaginary line between using and not using deadly force? Considering that criteria such as circumstances, degree of fear and threat are largely subjective factors, the question remains: when is the use of deadly force justifiable?

Justifiable force: The legalities

There is little doubt that where police agencies have a restrictive firearms use policy, the use of deadly force can be more easily justified. The Criminal Code, various provincial police acts and individual policy reflect the fact that the possibility of a fatality or grievous bodily harm exists as soon as the police officer draws his gun, making the decision to do so a crucial one.

With few exceptions, Canadian police officers may draw their firearms only when they believe the situation to be life-threatening to themselves or someone else, or to prevent the escape of a person being arrested for a serious offence when other means are insufficient. Officers may not discharge their firearms with intent to kill or disable except to protect life or to prevent grievous harm. Any force used must be reasonable and justifiable and the officer is criminally and civilly responsible for any excess used.

Considerations in the use of deadly force: The realities

In reality, the use of deadly force by police officers is governed by three criteria: "ability", "opportunity" and "jeopardy." It is these criteria which set the parameters by which the decision to use deadly force is judged as being justified. Fundamentally, these can be defined as:

"ABILITY" - the assailant has the

power to kill or cripple. This usually means a mechanical weapon or a "disparity of force," such as where the assailant is so much larger or stronger than the officer; there is a greater force of numbers arrayed against the officer; or the suspect possesses professional skill, such as karate.

"OPPORTUNITY" - the assailant is capable of employing the power to kill or cripple.

"JEOPARDY" - the assailant is acting in such a manner that a reasonable person would assume that he intended to kill or cripple. This requires an overt action by the assailant, either physical or verbal.

What has been set out in the foregoing are essentially what might be referred to as the "attack potentials" inherent in any violent or potentially violent confrontation which might result in the use of deadly force. Broken down even further, these potentials, which the officer will have to review, might be defined as "intent", "weapon" and "delivery system."

The officer (and those judging his actions) will have to ask the following questions: Do the attacker's words or actions place the officer in immediate danger? Is the weapon being used by the attacker capable of causing serious bodily harm? Does the assailant have the opportunity, in terms of strength, distance, and advantage, to use the weapon? Only once these potentials are reviewed can the officer consider his response.

Response considerations

Having assessed the threat, the police officer must consider his response. The officer must not preclude himself from using force options other than those which could cause death or serious injury. He must not eliminate the option of using a lower level of force. Secondly, he must be sure that the target of his response is clearly identified. Finally, he must, to the best of his ability, ensure "target isolation" to reduce the risk to third parties who might be present (including other police officers). Making a decision not to use deadly force is not in-

decisiveness. Indecisiveness is a form of "giving up", letting the assailant make the decisions for the officer.

Assessing the reasonableness of force used

Determining whether the officer's use of force, whether it be deadly or otherwise, is justified is based primarily on his articulation of the situation that he confronted. He must be able to explain clearly, concisely and effectively the events that occurred before, during and after the force encounter. In order to show that his use of force was proper and justified, he must show that it was reasonable, necessary and non-aggressive (ie. that he did not initiate the confrontation.)

Those assessing the reasonableness of his action, whether they be his superiors, a jury or a coroner's inquest, will ask the following questions: Did he give the assailant/suspect an opportunity to comply without resorting to force? Did he consider or try disengaging from the confrontation? Did the assailant/suspect, by his action, limit the officer's options to control the situation? With the assailant/suspect's compliance, did the escalation of force cease? The answers to all of these questions should be "Yes."

The officer's use of force will be considered excessive if it was grossly disproportionate to the need for action; if it was inspired by malice rather than carelessness or overzealousness; or if it shocks the conscience of the community or the court.

The officer-offender relationship

The use of force in a violent encounter is a product of the relationship that exists between the police officer and the offender. This relationship often enters into the assessment of whether the force used was appropriate. In assessing this relationship, a number of questions will be asked: How did the relationship begin? What were the respective abilities of the offender and officer for delivering force (ie. number, age, sex, skills)? What was the offender's level of resistance? What special circumstances existed, if any?

Such special circumstances affecting the use of force may include sudden

assault, the officer's physical position with respect to the offender, the officer's reasonable perceptions of the situation, the offender's ability to escalate force rapidly, the officer's special knowledge of the offender (ie. previous known assaultive behaviour toward police), and the officer's injuries or level of exhaustion.

Based upon the officer's articulation of the events and his relationship to the offender, his use of force may be found to be reasonable. Conversely, his liability may hinge upon whether the force used was necessary or whether his tactical decisions, leading up to the use of force, were improper. In effect, did the officer cause force to be used?

Conclusion

A police officer's handling of a violent encounter is a product of many factors. However, the role of training is paramount in developing proper responses to such situations. Much police training does not present a realistic picture of what it's like "on the street" and how to respond to a variety of situations which may be encountered. Officers receive training in the law relating to force, physical control techniques, firearms and crisis intervention, but seldom on how to recognize the development of violent situations.

Officers should be moved through realistic street training in a variety of circumstances to give them the opportunity to observe and analyze how violent confrontations develop, to assess how they feel and how they would respond. This way they become familiar with their limitations and where they would draw that imaginary line calling for the use of deadly force.

A police officer's decision to draw his firearm is perhaps the most crucial one he will make, after that it's lethal. A failure to provide the officer with the means to make the proper decision does him and the community he serves the greatest disservice.

Guest author: Robert Hotston

Robert Hotston is a Sergeant with the Peterborough Police Force. He is a 12 year veteran of that force and holds a Master's Degree in Criminology from the University of Ottawa. He is a member of the National Tactical Officers' Association (NTOA) and the Police Marksman's Association (PMA). His professional interests are in officer survival, training, special weapons and tactics as well as legalities with regard to use of force.



Related suggested books:

"STREET SURVIVAL:

Tactics for armed encounters"

Ronald Adams, Thomas McTernan,
Charles Remsberg
Calibre Press - Evanston, Illinois

"THE TACTICAL EDGE:

Surviving High Risk Patrol"

Charles Remsberg
Calibre Press - Northbrook Illinois

"STRESSFIRE, Vol.1 of Gunfighting for Police"

Massad Ayoob
Police Bookshelf - Concord,
New Hampshire

"THE OFFICER SURVIVAL MANUAL"

Devlin Rutledge
Flag Books - Flagstaff, Arizona

"MODELS FOR MANAGEMENT: Deadly Force"

International Association of Chiefs
of Police
Gaithersberg, Maryland

"POLICE TACTICS IN HAZARDOUS SITUATIONS: A risk reduction guide"

San Diego Police Department
West Publishing - St. Paul, Minnesota

"OFFICER SAFETY" (Instruction Manual)

Ontario Police College
Aylmer, Ontario

Technology at work

"PC-COPS" and "Neighbourhood Watch" combine to combat crime in Etobicoke

- Louise Dueck -

The concept of community involvement in crime prevention has taken a practical turn in the community surrounding the Metropolitan Toronto Police Force's number 22 Division in Etobicoke.

vention Office of 22 Division. The program is designed to link citizens and businesses in the community with the police to communicate information which assists in preventing offences and/or apprehending offenders.



Const. Walter Bigley, Crime Prevention Officer (standing) and Const. Al Martin, PC-Cops System Operator use state of the art computer technology to help make Etobicoke safer for residents and businesses alike.

PC-Cops is a microprocessor automatic dialer system developed jointly by the Central Etobicoke Neighbourhood Watch programme and the Crime Pre-

vention Office of 22 Division. The program is designed to link citizens and businesses in the community with the police to communicate information which assists in preventing offences and/or apprehending offenders.

community registered with the program. In the event of an occurrence such as a Break and Enter, Fraud, Homicide or Missing Person, the automatic dialer is set in motion to dial program members with information and to solicit assistance. Conversely, a program member can dial in to report an occurrence.

The computer records every telephone number dialed, those answered, those busy and those with an answering machine. If a number is busy, the computer will redial that number in five minutes; if there is no answer it will call back thirty minutes later. The dialer will call only between the hours of 9:00 A.M. to 9:00 P.M. Messages are approximately 60 seconds long.

Organization and membership

Currently one police officer, Constable Al Martin, qualified in Computer operation, is working full time with the PC-Cops System. He is building its data bank, improving its capabilities, and continually sending out telephone messages related to areas of interest and concern to program members.

Membership in the PC-Cops System is not automatic. To participate, community residents and business persons are required to sign a consent form. No cost is involved, and the utmost confidentiality and security are assured to all phone numbers registered.

PC-Cops had its inception in 1986 with a Neighbourhood Watch Block Captain who had heard about the "Surveyor 8" dialer system used by the Halton Regional Police Force. The Block Captain approached the 22 Division Crime Prevention Officer, and a visit to Halton was arranged. The possibilities were then discussed between general Etobicoke Neighbourhood Watch program members and Crime Prevention officers to install a similar system as a way of further stimulating Neighbourhood Watch participants in Central Etobicoke.

The program's history

The potential of such a communication system became obvious, and the Central Etobicoke Neighbourhood Watch Committee decided to purchase one for their local police. A funding campaign, "Dollars for Dialing", was commenced on October 22, 1986. In less than one month

over \$14,000 was raised.

The Committee purchased a 640k personal computer with a 20 megabyte hard drive, a Hercules graphics card, an amber monochrome monitor, a Roland dot matrix printer and the "MICROLOG" (who created the PC-Cops system) software package. The complete package was presented to the Unit Commander of 22 Division as a gift from the community in December, 1986.

Does it really work?

During an 18 month evaluation period, from January 1, 1987 to July 1, 1988, the new system placed 29,971 calls to the community, with an answer rate of 79.8%. Two types of calls were placed, "Alert" and "Information."

The "Alert" calls are primarily for urgent situations requiring immediate public notification or request for assistance, such as a lost child occurrence. The "Information" call, used less frequently, is a reminder message advising members of Crime Prevention techniques.

The citizens' response to the system has far exceeded expectations. In 1987 there was a 38% decline in Break & Enters, compared to 1986.

Constable Al Martin emphasizes that the program does not replace Neighbourhood Watch; rather, it enhances the structure of the program. It is merely an aid; Block Captains still do the legwork. The computer has the capacity for 100% registration of community businesses and homes.

Present value and future prospects

The dialer system has given the police of 22 Division a phenomenal vehicle to communicate with the community and is also seen as an important investigative tool. As well it holds unlimited possibilities for use as a tool in proactive policing.

On November 17, 1988, the concept of a Computer Automated Dialer System was approved by the Police Commission for all Metropolitan Toronto. As each district comes on line, Constable Martin will implement the program on compatible computer equipment, hopefully purchased by a residents' group within the district.

Resources and material available

To assist other police districts and forces as well as Neighbourhood Watch groups, a videotape has been prepared entitled "PC-Cops." The video features Tom Hunt, Chairman of the Central Etobicoke Neighbourhood Watch Program, who led the fund-raising campaign; retired Staff Supt. Jack Webster; S/Sgt John Howlett, Coordinator of Crime Prevention Programs for the Metropolitan Toronto Police Force; Constable Walter Bigby, Crime Prevention Officer from 22 Division; and Constable Al Martin.

Cops computer operator

Six cassettes have been reproduced and are available through Sgt. Howlett, (416) 324-6306, for community viewing and promotion. Similar types of computer dialing programs are currently operating in Halton Region, Ottawa, London, Windsor, Sudbury Region, and St. Thomas Police Forces.

Regional correspondents wanted

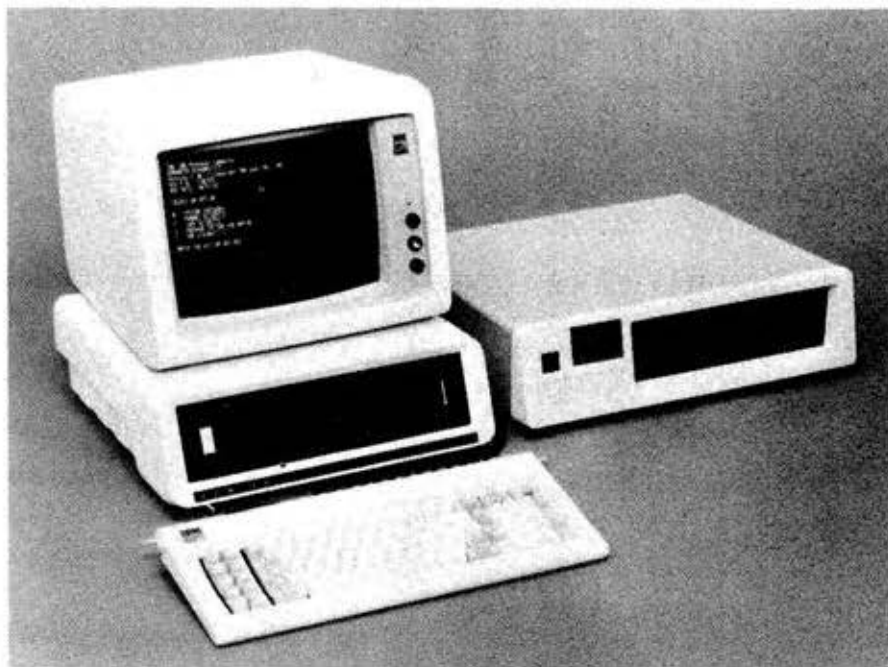
Do you have an interest in the police profession? If you do and you have a talent or interest in some facet of police work we would like to hear from you.

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If you are interested we would like you to send us a brief resume about yourself, a photograph if available, and a sample of your writing or material. Please send to

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Standby power assures continuous operation



The Molec Sytron 'Powerlex' from Britain is an uninterruptible power source designed for use with microcomputers. It not only provides a two-hour normal operating reserve, it also serves as a line filter to improve operation with emergency generators, and can be used to power emergency lighting, telecommunications, security and surveillance systems.

Forces trimming their ranks! Battle of the badges

OPP and RCMP belly to belly in
weight-loss competition

The OPP and RCMP are trimming the fat in their organizations and it's all to benefit children helped by Ontario's Sunshine Foundation.

On Tuesday, January 17th, the two forces launched a two-and-a-half month weight-loss campaign at a weigh-in held at Bloorview Children's Hospital in North York.

Collectively, there are more than 40 uniform and civilian personnel who have pledged to lose more than 1,000 pounds (that's the equivalent to half a police cruiser) while raising at least \$5,000 through pledges. The weight-loss program was donated and is administered by Weight Watchers.

"It's not a matter of a few overweight people losing lots of pounds," said Provincial Constable Jack MacKay of the OPP's Information Services Branch. "As it is, we had a group of employees who wanted to lose an average of 10 pounds each and we thought it might be fun if we turned it into a contest to raise money for the Sunshine Foundation."

MacKay, who has pledged to lose 20 pounds by the middle of March, stands to make more than \$500 if he sticks to the program.

Tips from Weight Watchers

The Weight Watchers program consists of a diet and counseling about eating habits and food shopping tips. Linda Shrive, director of special programs for Weight Watchers, the final arbitrator of exactly how much weight was lost by each participant, had a few tips that would benefit everyone.

"Never shop when you're hungry," said Shrive. "And buy small quantities so that if you do slip and have a binge, it's a small binge and not a blow out."

Participants are provided with a food exchange list so they know what foods can be substituted when they are in a grocery store. Shrive recommends participants never go into a store without it.

"Another very important tip is for dieters to stay away from the bulk food section. It's too great a temptation to nibble as you shop," she said. "We lay out

a food program which provides safe guidelines for healthy weight loss. Our program even provides for a little wine and beer as soon as the second week, French onion soup on week six and cake on week eight. It's also flexible enough to fit anyone's lifestyle."

OPP Academy helps with trimming

Provincial Constable Chuck Cox, force fitness coordinator at the OPP Academy, put together individual exercise programs for participants to help them shed their weight.

"For some I can recommend a fairly

or disabled, was founded by a Philadelphia police officer in 1976 and brought to Canada in 1987 by Provincial Constable Ed Czach of OPP London Detachment.

Ed and his wife Donna established the Sunshine Foundation following the 1985 death of their son Paul who had muscular dystrophy.

"We are so pleased that both forces and Weight Watchers are donating all the proceeds to the foundation. The money raised will enable us to make a few more precious dreams come true," said Donna.

Last October the foundation's Peel-Toronto chapter chartered a Worldways Canada L-1011 and flew 220 special children to Disney World in Florida. The \$100,000 airlift, the third for the Canadian foundation, was the highlight of a busy year that saw approximately 750 dreams come true for Ontario youngsters.

While more airlifts are planned for this year there are other, simpler dreams



OPP and RCMP contenders weigh in Jan. 17 at Bloorview Children's Hospital in North York. Weight Watchers' Linda Scrive checks the scales for Louise Hutkai, OPP Information Services Branch; Sgt. Al Rogers, RCMP; OPP Prov. Const. Ed Czach, the Canadian Founder of the Sunshine Foundation and RCMP Special Constable Nancy Myer.

rigorous program of regular exercise because they are already fairly fit and active," said Cox. "For some others, who may have been relatively inactive for sometime, we'll start out with brisk walking and work our way up from there."

Sunshine Foundation

The Sunshine Foundation, which raises funds to fulfill the dreams of children who are chronically or terminally ill

yet to be realized. For example, at the weight loss kick-off, one young man, confined to a wheelchair, was presented with a printer for his computer.

Other dreams include pairing celebrities with deserving youthful admirers, providing vacations for the youngster and family and arranging other special outings and gifts to make a special child feel a little better.

Competition is keen

There's a lot of competition for donors at the RCMP and OPP offices. So much so that participants are running out of people to ask in their own offices.

"I think I've asked just about everyone in my office," said P/C MacKay. "I'm still looking for other sponsors and so are the other participants. We want to raise all the money we can for the children who are helped by the Sunshine Foundation."

Anyone wishing to support either the OPP or the RCMP in the "Battle of Badges" can do so by sending a cheque to: The Sunshine Foundation of Canada, 101 Meadowvale Drive, Suite 141, London, Ontario, N6L 1C9.

O.P.P. makes a big splash for United Way

Blue Line Magazine invited Peter West and Jack McKay of the O.P.P. Information Services Branch to give us an insight into how their Force set up their United Way Campaign. They submitted the following report and produced a good recipe for other forces to follow.

A fund raising campaign's success depends on the number and generosity of its donors. The success of this year's Ontario Government Employees United Way Campaign was no exception. From September 23rd to November 9th, forty-three Ontario Government ministries participated in the most successful United Way Campaign on record, raising an incredible \$1.95 million for United Way Agencies in the Metropolitan Toronto area.

"Last year's campaign had two outstanding features," said O.P.P. Insp. Bill Currie, chairperson of the Ontario Government Employees campaign. "First, there were no real problem areas. During the six-and-a-half week campaign, everything went off without a hitch. Ninety per cent of participating ministries or agencies surpassed their goals.

"And secondly, this year's campaign was filled with enthusiasm and fun. We had a good time while we raised the money," he said. "Employee participation rate was in excess of 70 per cent."

While the campaign officially started

near the end of September, preparations had begun in mid June with the selection of an executive committee and volunteer trainers. Planning and analysis of the previous year's campaign took place in July with canvasser, treasurer and special events volunteer training completed in August.

"The official kickoff, September 22nd, got a tremendous boost when the government employees paraded to Queen's Park," said Currie. The parade led to a lunch hour festival at Queen's Park where participating ministries had set up booths selling everything, from opportunities to dunk an OPP officer in a tank of murky 50 degree water, to Ministry of Natural Resources pine trees in flower pots. Food ranged from pie to pizza with all proceeds going to the campaign.



S/Sgt. Gord Barker (Indian and Municipal Policing) gets into the swim of things, doing his part to raise money for the United Way.

The ministry of the Solicitor General and OPP kickoffs followed within a few days and featured more food and activities including neck and shoulder massages and a giant tape and record sale.

According to Currie, three years ago the ministry had the worst fund raising campaign compared to any other ministry. Now it stands somewhere close to the middle.

"Back then we raised a mere \$24,000. I wasn't even canvassed back in 1986," said Currie. "This year ministry employees generously donated \$78,000 and I think we can attribute this upswing to an enlightened awareness within the ministry and OPP to the pressing needs of the community. Well in-

formed donors are likely to respond in a generous manner," he said.

One of the highlights of the OPP campaign was the sale of microwave popcorn. What started out as a cute idea to raise a few dollars while having a few laughs ended up raising a staggering \$10,000 with the sale of 310 cases to OPP detachments across the province.

"We could smell popcorn being popped throughout our building for weeks afterwards," said OPP S/Sgt. Irena Lawrenson of Information Services branch who was in charge of popcorn sales and distribution. "In our own branch, we often had a skid of cases sitting in the hall waiting for shipping."

Another special event which raised \$40,000 was the government employees' Super Raffle. Tickets, which sold for \$2.00 each or three for \$5.00, entitled the purchaser to a chance at 47 different prizes including a laptop computer and a trip for two to Jamaica.

Special events were important, but it was the success of the personal canvass that made this year's campaign such a success.

"We wanted to reach the 27,000 donors who donated in 1987 and encourage them to increase their gift," said Currie. "We determined that if they donated an additional \$12.00 each on average, it would bring in an additional \$320,000 and then we could reach our goal of \$1.7 million."

While the stated goal was \$1.7 million, the executive council decided early in the campaign that the United Way needed more money than that and it went back to the 43 campaign teams and asked them to raise the total to \$1.9 million.

"We ran the second largest campaign in Canada," said Currie. "Asking the ministries to raise their goals was a risk we believed was worth taking."

Aside from the \$1.95 million raised, there is a second way to determine the overall success and vitality of the government employees' campaign. "This year, not one of our 43 ministry chairpersons quit," said Currie. "I think that speaks well of the organization and the support each team received."

This could be a vital point for Currie who next year moves up from his volunteer, part-time position of chairing the government employees' campaign to a full-time, professional three-year secondment as head of the United Way Campaign of Greater Metropolitan Toronto.

Inference drawn from paraphernalia

(Regina Vs. Froese)

The Manitoba Court of Appeal concluded that an accused knew hashish oil had been concealed in a parcel she received from Jamaica after they drew an inference from items found in her house indicating she was a usual trafficker. In the decision the court said evidence led "to the irresistible conclusion" that someone in the household "was in the business of dividing up hash oil for sale" and that further evidence made it hard to imagine she did not know the content of the parcel she received from Jamaica.

The woman and her husband had vacationed in Jamaica in May 1986, where they met a man who told them he would send them some Jamaican souvenirs.

Canadian Customs officials intercepted a parcel that had been sent to the woman's address. The RCMP and customs officials searched the parcel and found a quantity of hash oil in hidden compartments worth about \$30,000.00.

They forwarded the parcel to the

woman with a special alarm system built into the package that would notify them when the parcel was opened.

When they heard the alarm go off the officers approached the rear of the house and saw two men and a woman who had been in the house with the opened parcel.

The officers armed with a search warrant entered the house and found that the boxes contents had been dumped upside down in the middle of the floor. A further search of the house revealed 13 foil-wrapped balls of hashish which the woman admitted owning; two sets of measuring scales, one of which contained slight deposits of hash oil; and empty vials capable of holding drugs in liquid form.

The woman was convicted at trial but she appealed stating that the evidence did not prove the crucial elements namely, that she knew the drugs were in the box, and had the intention to traffic.

Mr. Justice Huband responded to

this defence by stating that "the intention to traffic element of the case is of lesser significance. If there is admissible and cogent evidence on the question of knowledge, then it would seem to me to be equally admissible and of even greater cogency with respect to purpose."

"In this case", continued the Justice, "the charge is possession for the purpose of trafficking. The presence of scales and vials shows more than bad character. The evidence leads to the irresistible conclusion that someone in that household was in the business of dividing up hash oil for sale.

"It is reasonable to then infer that when a package of hash oil having a potential value of \$30,000 arrives at the door, the person who receives it does so as part of a pre-arranged plan." Evidence brought before the trial judge was determined to draw that judge to an inference of drug trafficking and no other rational conclusion. The conviction was upheld.

30's cure for 80's crimes

Richard Lanigan, a 34 year old St. Catharines construction foreman, was recently sentenced to 3 1/2 years for conspiracy to traffic in heroin. After the conviction the RCMP drug squad could have patted themselves on the back and walked away. They did not.

They noticed that Mr. Lanigan lived a life style that was far beyond his financial means. So the Mounties contacted the Income Tax Department and asked them if they were interested. They were.

They found that among Mr. Lanigan's assets were three houses, two boats, a luxury car, a truck, a mobile home, jewelry, and a valuable collection of Royal Doulton figurines.

As a result of the investigation the RCMP added a further charge of Possession of Property Obtained by Crime and Lanigan received a further 4 years in prison. The Tax department came away with \$170,000 worth of Mr. Lanigan's

assets. Does crime really pay? Not if you have some coppers on the ball.

Shoplifter to pay \$70,000 to security guard

(Stevenson Vs. Vance)

A man from Truro Nova Scotia was recently ordered to pay a security guard \$70,000 for injuries sustained while trying to apprehend him. The judgment was made by the Nova Scotia Supreme Court who described the accused's actions as "contemptuous, uncaring and callous."

The case began when a female floor walker for a department store observed a man put on a pair of new work boots and walk out of the store. The security officer followed the man to his pickup truck and asked him to return to the store to pay for the boots.

The accused immediately slammed the car door on the woman's hand and accelerated rapidly dragging her beside

the truck. The woman screamed pleading with the accused to stop but he continued on and struck a parked car in the process.

The security officer managed to open the door and drop to the road - under the rear wheels of the truck. The accused left the scene and abandoned the vehicle.

Officers found that the truck had been reported stolen and when searching the vehicle found that the accused had dropped his wallet on the seat.

The security officer suffered a fractured pelvis and ribs as well as a torn hand and ankle. She now suffers from epileptic seizures. The accused was convicted in criminal court for Hit and Run and Theft as well as assault. The security officer brought the civil action at the conclusion of the criminal case.

In granting the award Mr. Justice Grant said that the accused "disregarded every principle which actuates the conduct of gentle people." He then awarded the security officer \$2,500 punitive award, \$35,000 for pain and suffering, \$14,600 for loss of wages and \$18,000 for loss of future wages.

When dealing with a Careless Driving charge you can forget about all "what if's". In the case of Regina Vs. McIver in 1965, the defence of "what if" was effectively shut down.

This was a simple accident in which the defendant struck the rear left corner of a parked car. On his charge of Careless Driving the defendant did not defend himself. His lawyer supplied the court with a couple of reasonable possibilities and suggested that the investigating officer was not a witness to the incident so his theory should be just as good.

The presiding judge stated: "No conclusion can be a rational conclusion that is not founded on evidence. Such a conclusion would be a speculative, imaginative conclusion, not a rational one."

In the absence of any explanation by the defence a conviction was registered. The superior court re-affirmed this judgement and further added that the Crown did not have to be burdened with disproving hypothetical defences. It was noted that the case was mostly circumstantial against the defendant. This was the first case in which the "Hodge's" rule was used in a Provincial Act prosecution. This rule is from stated case in 1963 in which the Supreme Court ruled that a person may be convicted on circumstantial evidence if the facts of the case are consistent with the guilt of the accused AND inconsistent with any other rational conclusion.

In Mr. Gunraj's study of the case he states: "It is advised that whenever Justices of the Peace begin to speculate and theorize as to what may have happened, instead of dealing directly with the issue of a reasonable explanation by the defendant ON PROVEN FACTS, they be brought back to earth (forcefully and respectfully) by C.J. McRuer's decision."

But he didn't mean to

Sorry! That is no defence. In 1965 in the case of Regina Vs. McIver this issue was dealt with at length. The bottom line was that the Crown need not prove any intent on the part of the accused. The mere fact that he was found doing it is enough to register a conviction.

The accused must prove himself that

A history of careless driving

- Morley Lyburner -

Part 2: "But what if ..."

the offence was committed through no fault of his own. For instance he may show that the offence was caused by someone else's negligence or due to a mechanical failure.

It was in this case that the defence of "Beauchamp" was laid to rest. The Crown no longer had to prove that the offence committed was worthy of severe punishment.

This takes in another case that is interesting. It refers to the case of John Vs. Humphreys from 1955. In this case a man was charged with not having a driver's licence. The only defence brought was that the Crown did not prove that a licence did not exist. The courts ruling was a powerful statement that every officer should know.

"...when a statute provides that a person shall not do a certain thing unless he has a licence, the onus is ALWAYS on the defendant to prove that he has a licence because it is a fact peculiarly within his own knowledge..."

This matter was re-affirmed by the "McIver" case and still stands. The interesting part about the "Humphreys" rule was that it is still being used in matters of driving without insurance. In these matters there is no onus on the Crown to prove that a policy is in effect. It is rather up to the accused to prove it.

Another point should be made here. The word "licence" did not mean a driver's licence. It meant permission to do something that not everyone can do unless he has written permission. (ie. insurance, ownership).

The final nail was driven into the Beauchamp defence in 1978 when the Supreme Court of Canada made its rul-

ing in the case of Regina Vs. Sault Ste. Marie.

Again the highest court in the land stated that all offences under Provincial acts are strict liability offences unless the section specifies an intent to commit it must be proved.

It re-affirmed other cases that stated the onus of proof on the Crown only goes as far as proving the act occurred. It is up to the defence to prove that it occurred not by his own fault. When the highest court in the land states something, all inferior courts must conform.

Defence to the rescue... again

The case is Regina Vs. Wilson 1970. It was made after McIver but before Sault Ste. Marie. It stated in essence that mere inadvertance is not Careless Driving. Now this would appear to fly in the face of O'Grady Vs. Sparling which stated that inadvertant negligence is careless driving.

Regina Vs. Wilson is used quite a bit by the defence but it should be pointed out here that the court in "Wilson" only ruled that a conviction may not be sustained. It did not anticipate later rulings which, it can be argued, can overrule this case.

In any event the Wilson case does not interfere with the laying of the charge but only with the conviction and what the court has to ponder about the evidence presented. Wilson again affirms what other courts state. The defence must give evidence to the court before "Wilson" can be applied.

Another point of note in this case. The appeal in Wilson was dismissed and so no higher court ever addressed the issue.

CASE LAW:
BREATHALYZER

Charter warning interruption frees accused

(Regina Vs. MacIsaac)

A Ruling out of Prince Edward Island's Supreme Court should put officers on the alert. In this judgment a driver who interrupted the officer making a demand was deemed to have been denied his 10(b) Charter right (right to counsel).

In this case the accused was stopped by the officer and the officer placed him under arrest for driving while his ability was impaired. The officer gave the accused a demand for the breath test and then started to advise the accused of his section 10(b) right to counsel. Before the officer could finish the accused interjected, "I refuse to take it. I don't want to take it!"

The officer at this point asked the accused if he understood the demand he had given. The accused said he did and again repeated that he would not supply. At this point the officer continued on by advising the accused of his section 10(b) right to counsel.

In spite of being given his rights on the second occasion the Supreme Court felt that the officer should have informed the accused that he was not bound by his previous response. The officer could then repeat the Charter and then seek a response to the demand.

"In my opinion," stated Justice Alex-

ander Campbell, "the clear duty falls upon the officer administering a Breathalyzer demand to charter a detainee PRIOR to his response. As this was not done, the accused is entitled to an order excluding the evidence of his response to the officer's demand."

The Supreme Court of Prince Edward Island is noted for unusual judgments but in this case there appears to be a good case for the defence. Provincial Court judges in other provinces are not bound by this judgment but it could be a sign of things to come and officers should be cautious in this area.

CASE LAW:
SEARCH

"Pat down" violates rights, but evidence admissible

(Yearwood Vs. Regina)

Two screwdrivers taken from a suspect from a police "pat down" were ruled admissible in a Nova Scotia appeal court recently. The ruling was made in spite of the fact that the same court ruled the officers had violated the accused's section 8 Charter right not to be arbitrarily searched.

The case developed when two Halifax police officers spotted the accused and an accomplice enter the Provincial Court parking lot. The officers were patrolling the lot due to a rash of auto entries in the vicinity. The two suspects ran when they saw the officers approaching.

The officers eventually caught the accused and gave him a brief "pat down". The officers found that the accused had stuck two screwdrivers down the front of his pants. He was eventually charged with possession of burglar tools under section 309(1) of the Criminal Code.

At trial both officers admitted that they had never seen the suspects attempting to enter the cars in the lot. They advised the court that they chased the suspect simply because he ran when he saw them in the lot.

Both the judge at trial and the Appeal Court judge agreed that the "pat down" was a breach of the accused's section 8 Charter right. Both courts agreed, however that the search was not serious enough to bring the administration of justice into disrepute and that the evidence would be admissible.

In making his findings Nova Scotia Appeals Court Justice Leonard Pace stated, "I must put myself in the shoes of the public. I don't think the evidence should be excluded in these circumstances because I don't think the public would be shocked by the circumstances of this search... The breach was only technical in nature."

In summation Justice Pace quoted from a ruling by Supreme Court Justice Lamer in the case of Regina Vs. Collins in which it was stated "real evidence that was obtained in a manner that violated the Charter will rarely operate unfairly for that reason alone." Justice Pace then added, "The two screwdrivers existed apart from the violation of the accused's rights. This evidence can not be ignored."

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Famous Trials

The Fatty Arbuckle Trial

The power of the press has been demonstrated many times over the course of history to be a real fact. Many people in the profession are aware that they can create a feast or a famine in any place they wish. They have also been known to destroy people's reputations and careers.

One case in point was the 1921 Fatty Arbuckle Rape-Killing case. This case was outlined in great detail in David Yallop's book "The day the laughter stopped." It made an interesting, if unnecessary, piece of literature.

Roscoe "FATTY" Arbuckle had risen from a knockabout childhood to commence working as a Keystone Cop in the early days of motion pictures. His talents were quickly recognized and he quickly moved from a \$5 a day actor to a \$3,000 a day star comedian. (It was said even his dog made \$300. per day).

In 1921 Arbuckle attended an impromptu party at San Francisco's posh St. Francis Hotel. It was at this party that he

met an up-and-coming young starlet by the name of Virginia Rappe. This name was a stage name changed from Rapp but was pronounced by herself as Rahpay (many jokes were making the rounds during this trial that she had not been raped but rahpayed).

In any event the young lady was found dead in a bedroom and Arbuckle was the only person paying attention to her. The attention was helping her to the washroom when she began throwing up and placing her in bed when he felt she was ill.

Arbuckle found himself facing charges of rape and murder after a complaint was received from Rappe's companion, Maude Delmont. This woman had a colorful past that consisted of at least 40 extortions.

who kept putting her hands over her ears in the jury room whenever someone tried to talk to her about the case.

In the third trial it was admitted that witnesses had been badgered by the D.A. and that the victim's medical records were suppressed. The whole world then found out that the woman had a chronic and progressive bladder disease, pregnant at the time of death, five previous abortions since age 13 and an infestation of gonorrhea (Arbuckle never contracted this ailment).

The cause of death was a ruptured bladder. The case for the prosecution was that it was Arbuckle's weight on her body that caused the rupture. There were two doctors at the same party that diagnosed her problem that evening as "just drunk". The other partygoers then stripped her and dangled her nude upside down, dropped her in a cold bath, fed her bicarbonate and one member placed an icecube between her legs.

During the trial Arbuckle had left the court room at one point to go to the washroom. Upon returning he found the door to the court closed and locked. He knocked on the door and the officer on the other side asked, "Are you attached to the court?" His response after a deep breath was, "Not very deeply."

The third jury found him more than not guilty. They added that "acquittal is not enough... we feel a great injustice has been done... the happening at the hotel was an unfortunate affair for which Arbuckle was in no way responsible."

Despite all this he was made the scapegoat for Hollywood's corrupting influence. His films were banned and he was barred from performing. When the ban was lifted the damage had been done. His career was ruined by the hate of people and the greed of the press.

Ironically in the United States, and many other countries, there is still a clause in most contracts called "The Arbuckle Clause." This clause is added routinely and is basically a morals clause that allows termination of the contract for moral indiscretions. What a heritage for a great actor.

The press of the day went to town on Arbuckle. What better target for the press to increase readership. In very short order this man was convicted in every newspaper in the country. It then went to trial in a court of law.

He was tried a total of three times. The grand jury and a police court refused to indict him on a murder charge. When it was reduced to manslaughter by an enthusiastic District Attorney it finally was given its first trial.

The first trial ended in a hung jury. He would have been acquitted if it were not for the wife of a friend of the D.A.

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Electronic jails

Prisons of the future are here today

Doctor Milton Avol did not go to work for 30 days last year. Instead the Los Angeles neurosurgeon, nick-named "Ratlord" by the media, began a sentence where he was confined to a crumbling, rat-infested, tenement building owned by himself. The 63-year old surgeon had repeatedly refused to make municipally ordered repairs to his building and the courts felt this to be an appropriate sentence.

crowded prisons, high rates of recidivism and spiraling costs. Opponents point out its technical flaws and the Orwellian threat of 'Big Brother is watching.'

In both Canada and the United States, electronic tagging has a patchy experience. The legality of a probation order of this nature is clear. Section 663(2)(h) of the Criminal Code advises that the accused must "comply with such other reasonable conditions as the court con-

up the system after reading a Spiderman comic strip.

There are two basic types of tags: 'active' and 'passive' ones. Both are linked to a central computer connected by telephone line to a monitor in the offender's home. The active system dials the detainee's number at random times during the hours he or she is required to be in the house. The offender either speaks to the monitor or inserts his electronic identification tag - on a necklace or wrist strap - into the computerized device.

The more popular 'passive' system uses tags on the wrist or ankle which emit continuous radio signals to a monitoring device attached to the phone. When the detainee steps outside the range of the monitor, a signal is sent to the police station and the violation is recorded.

Manufacturers have done their best to entice authorities into trying their wares but fewer than 2,000 offenders have been tagged and there is little research on new technology. The first large scale use



Rodents and slumlords make great news, but what caught the public's interest was the use of the electronic tag or "leash" that watched the movements of the offender. Supporters of this tagging system hail it as the answer to over-

siders desirable for securing the good conduct of the accused and for preventing a repetition of the same offence or the commission of other offences."

Electronic tagging is the brain-child of a judge from New Mexico who dreamed

of the system was commenced in 1987 when 1,200 petty criminals in Michigan were forced to wear the devices. Most offenders receiving the devices so far are people who would never go to jail in the first place and the use has been restricted

to many criminals of wealthier stature. Most schemes require the offender to pay a fee for the rental of the device. The fees range from \$10 to \$15 per day.

Critics of the system advise that to date the use of these devices has been simply to augment the probation system rather than to reduce the prison overcrowding problem. Other problems revolve around who is to monitor the computers or telephones.

It is believed that police forces may wish to augment their bail and parole sections with these devices for some persons with reporting requirements on their bails. The system is believed to work better in high population areas as there is a ready availability of cellular systems able to carry the radio frequencies with a minimum of interference.

The first pilot project in Canada was conducted in Vancouver in October 1987. It draws on offenders sentenced to 90 days or less who have a stable residence and whose presence at home will not

cause undue stress for family or neighbours. A journalist from the British Publication "Police Review" interviewed this offender and made the following report.

"At precisely 6:50 am each day, 'Bill' could leave for work. By 4:30 pm he would have to be back; as he stepped in the door a light on a monitor linked to the telephone lit up to register his return. For the next 14 hours and 20 minutes, and throughout the weekends, Bill was under house arrest.

Bill, 27, educated and from a comfortable middle-class part of Vancouver, began his 14-day sentence - later cut to 10 days - with a two and a half square inch radio tag on one ankle. On weekdays, he worked as a trail-marker in the mountains near the city. If Bill went outside at other times the electronic monitor would record a violation, his sentence would be nullified and he would go to jail.

He did not volunteer for tagging. In issuing the sentence, the judge gave weight

to evidence that Bill had recognized he had a drinking problem and was committed to overcoming it. Bill told "Police Review:" "Electronic monitoring is only available for people who recognize what they have done and are trying to make retribution for it.

"I don't think I'd have qualified if I didn't have a job. Monitoring is good for intense people who need to stay away from the prison environment. It's better than jail."

Bill said the longest tagging sentence he had heard of was three months. He said he had a phone number to ring for the probation officer in charge of the programme if there was any problem with the tag."

At the present it is up to the future to determine the use and availability of these devices. It is viewed as a positive step toward alleviating the criminal justice system. Perhaps more answers to technical difficulties will come from 'Spiderman' comic books.

New Brunswick Highway Patrol to be disbanded

New Brunswick Attorney General Conrad Landry announced that the eight year old New Brunswick Highway Patrol is to be disbanded by May of this year.

Landry advised that the decision to disband the NBHP will mean a saving of two million dollars per year. The duties will be taken over by the existing RCMP detachments across the province. He advised it will mean the elimination of overlaps of personnel, buildings, and communications with the RCMP and an overall increase in police coverage for the Province.

The NBHP was formed in 1980 with a strength of 25 officers in the Fredricton area. It was designated a "police force" with full powers of investigation and arrest in 1981. Its main mandate, however, was restricted to patrolling the provincial highways and investigating accidents.

The force grew to a final strength of 131 officers in 16 detachments and 107 vehicles. By contrast the RCMP's "J"

Division has 288 officers in 37 detachments. They also supply municipal policing for 12 communities with 74 officers.

The NBHP always had lower wages than both the RCMP and municipal forces and as a result suffered from a 25% turnover rate.

The poor wages and benefits were pointed out to the rest of the country after Constable Aucoin was shot and killed on a New Brunswick highway in April 1987. The officer's widow and two young children were to receive a \$50,000 life insurance policy and a provincial widows welfare cheque of \$380.00 per month.

Upon hearing of the poor benefits members of the Metropolitan Toronto Police Force, in a ground swell of support, collected over \$25,000 for the family in under four weeks. Upon hearing of the generosity of the force the Province of New Brunswick matched the amount raised. Forces across Canada and the United States raised further funds

when knowledge of the poor benefits were made known to them.

Constable Aucoin was the only officer on the force to lose his life and his murderer was later convicted and sentenced to life in jail.

The disbandment decision followed a study of the force by Prof. Alan Grant of Osgoode Hall Law School. In his study he stated the basic problem was not with the personnel but in the organizational idea of taking two interrelated aspects of police work and separating them.

"What you end up with is the worst of all possible worlds, duplicated police premises using duplicated vehicles with a duplicated command structure."

Attorney General Landry said the RCMP will encourage qualified NBHP members to apply to join the federal force and promised to find government jobs for those members who did not qualify or are not interested in joining the RCMP.



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- COM-AIR Headsets work with all general aviation radios.
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This is the Law: Ontario

Compulsory Automobile Insurance Act

Motor vehicles owned by certain people or groups of people are exempt from the general conditions of the Compulsory Automobile Insurance Act (Ontario). They are as follows;

1. The Governor General
2. A Department of the Government of Canada
3. The operator of a motor vehicle owned or leased by the Governor General or a Department of the Government of Canada
4. A member in good standing of the Conservative Mennonite Automobile Brotherhood Assistance Plan

Compulsory Automobile Insurance Act Sec.3(1)

According to the Compulsory Automobile Insurance Act,

1. The operator is responsible for ensuring that the insurance card is in the motor vehicle;
2. The Operator is responsible for surrendering the insurance card to police;
3. The insurance card must be surrendered when the motor vehicle is operated on a highway, and when demanded by a police officer.

Compulsory Automobile Insurance Act Sec.2(3)

A justice is authorized to suspend the driver's licence of a person convicted of certain offences against the Compulsory Automobile Insurance Act for a period of up to one year. These offences are;

1. OWNER - Operate or permit operation of an uninsured motor vehicle on a highway
2. OWNER - Present a false or improper insurance card on request to a police officer
3. OWNER - Knowingly make a false statement when applying for transfer or validation of a motor vehicle permit.

*NEXT MONTH: Fail to Remain
(H.T.A. Vs. Criminal Code)*

REACT extends the arm of the law

"Emergency.. Any station. This is Phil. Possible impaired driver heading west on Highway 7 about four miles past North Bay. Vehicle is a 1985 Pony silver. Ontario licence HNW 321. Please notify police. Repeat. Emergency... Any Station..."

Standing by to receive calls like this one on CB Emergency channel 9 are members of REACT teams in Canada, the U.S., and Great Britain. REACTers, as they are called, monitor Channel 9 for distress calls from land and marine travelers, but calls about impaired drivers now rank second only to accidents, according to Ron McCracken, director of REACT Canada.

"Most CB operators realize the threat posed by impaired drivers, on the road or waterways," said McCracken. "They often support police efforts to apprehend these people. REACT teams, monitor Channel 9 in their homes, can augment ongoing enforcement campaigns. In some areas of Canada, REACTers may offer the only monitoring service available - for all kinds of emergencies."

Founded in 1962, REACT International is a non-profit, public service organization. Its purpose is to provide organized citizens two-way radio communications in local emergencies. In Canada, REACT is working to increase public awareness of the correct use of CB radio in all emergency situations. REACT also advocates use of road signs displaying the standard symbol advising motorists of monitoring by police, REACT and others.

Combined with monitoring programs, CB radio can be effective and convenient. Quick reporting and continuous updates of a developing emergency are possible. The moment people equipped with a CB radio encounter an

impaired driver, they can immediately alert police of a REACT monitor. Callers need not change travel plans to seek out a telephone in a remote or unfamiliar area. CB radio also enables callers to update police or REACTers on later actions of impaired drivers.

"Unfortunately, CB radios are not used to their full potential," said McCracken. "Most operators know little about effective emergency calls." Common problems include failure to call correctly and to repeat the message often. As a result, many calls about impaired drivers and other emergencies are lost.

McCracken described what monitors should hear when receiving calls about impaired drivers. As in the CB call above, information given over Channel 9 should include a clear description of the vehicle; the precise location and direction of travel; and the vehicle plate number.

Dr. Bill Mercer, research director of B.C.'s Counter Attack Program, offers a note of caution for REACTers reporting impaired drivers to police or others who monitor Channel 9. He advises them that police forces must work on priority calls first and that a lot of the REACT calls come at the busiest times for the officers. (Friday and Saturday night)

Dr. Mercer points out, however, that the reporting of impaired drivers to police does work. Statistics in B.C. show that 10 to 15 per cent of all drivers charged with impaired driving offences were apprehended as a result of calls to police.

For more information write to:

REACT Canada, Inc.,
Box 942,
Sutton, Ontario
L0E 1R0

The lighter side

Items and oddities
from the street and the court

The Governor who didn't run - did run

New York State Governor Mario Cuomo, who refused to run for President last November, finally did run... but for a thief.

The Governor and his driver, New York State Police Officer Mary Ellen Fitzpatrick, were driving through the City of New York when they observed an officer chasing a man carrying a bag of money and running from a subway station.

Officer Fitzpatrick jumped from the state limousine, removed her high heeled shoes and commenced to pursue the thief in her stocking feet. The Governor in the back of the car saw the driver chasing the thief and he left the limousine as well to join in the pursuit.

The officer and the Governor managed to corner the bandit in a local grocery store. It just could be that Governor Cuomo might have been a better running mate than was expected.

The Ketchup Caper

Pickpockets and thieves who frequent Kennedy Airport in New York City have come up with a unique gimmick. They wait until they find a person burdened down with luggage and squirt them with ketchup. Then, while one person attempts to clean it off, the other one makes good an escape with the person's luggage.

Variations of this scam have been quite successful lately. The main targets have been Japanese tourists. They have been hit so hard that it prompted the Japanese Government to issue a warning to travelers to avoid New Yorkers carrying ketchup bottles. Nothing was said about guns or knives.

Mailboxes a hazard

The mailbox, that concrete-filled milk can that has become a piece of roadside Americana, has also become a deadly highway hazard, the Missouri State Highway Department has warned.

Missouri has thousands of roadside mailboxes along its 32,000 mile state highway system. State authorities advised that in 1987 roughly 2 per cent of all accidents with fixed objects involved collisions with these mailboxes. Six people died as a result of those accidents, and eleven were injured.

No sex please, we're lawyers

A popular British lawyer's trade magazine has a section that offers its readers "professional advice". Recently the publication had this little tidbit:

Q. I am a 32-year-old assistant solicitor working for a medium sized general practice, specializing mainly in litigation. Last month I had an appointment with an established client, an attractive blonde divorcee who had purchased a defective vacuum cleaner from a local shopkeeper who had refused to replace it or refund her money.

As I took down the details I could not help noticing that her dress was extremely low-cut and she kept giving me long lingering looks. Our eyes met and within seconds we were making passionate love on my desk. I have met her on several subsequent occasions, when the same thing happened. I am married with three children. What should I do?

A. Your client should be able to obtain redress under s.13 of the Sale of Goods Act (1979), provided it can be established that the goods were not of merchantable quality or fit for the purpose which they were sold.

Modern day headhunter fined

A 72-year-old Philadelphia doctor has been placed on two years probation and fined \$35,000 as part of his penalty for trading in human heads.

Dr. Martin Spector, an ear nose and throat specialist, had been receiving body parts from morgue and hospital employees, and had been selling them to research centres. He had earned more than \$10,000 from this sideline business.

The good doctor was caught by police after a courier service company got suspicious of a foul-smelling leaking package picked up for delivery.

Doctor Spector was also ordered to work 1,600 hours in the city's jails. Wasn't Frankenstein made from the spare parts of criminals?

LETTER TO THE EDITOR

Thank-you for publishing my article ("What is the I.P.A." January 1989) in your first issue of Blue Line. A magazine such as yours is an ideal medium for our organization to make itself known to police officers.

Personally, I wish you every success in your venture and herewith subscribe for the next ten issues.

Best of Luck,
Paul Dean
Secretary, Region Two,
Canadian Section
International Police Association

Editor's Note: I would like to thank Paul for the kind words of encouragement and the article he wrote. We hope to hear more from Paul in future issues. Police fellowship and encouragement is what we support.

FLASHES

by Tom MacKinnon



Now that you can see out of your windshield, could you pass me out my flashlight?

Officer elected to school board

A Metro Toronto Police officer, who ran second in the Municipal Election last November, may now take his seat on the Scarborough Separate School Board.

On November 14th Officer Pat Marum ran second behind School teacher Lynda Sacco in Ward 21. On November 15th Ms. Sacco handed in her resignation to the school board from her teaching position. At that time it was pointed out that she was disqualified from taking her seat as she was in breach of the Board's rules that prohibit a working teacher from running for a Board position. The seat was declared vacant and the process went to an interview stage and then a 16 member board selected Marum to take the vacant seat.

Officer Marum, who works in the Auto Recovery Squad, had previously applied for secondary employment but was advised there was no conflict with the Police Act and that the Force's approval was not necessary.

Pat's tenacity has been known to Scarborough residents when he became the leader of the Scarborough Tax revolt group called SHAFT. This organization has been holding out from paying their property taxes until the Municipality adopts a fairer method of assessment. Pat advised that this organization finally received data files that he had applied for through the Provincial Freedom of Information Act. These tax records will give his organization the ammunition required to force the City into a fairer market value system of taxation.

November ballots on belts

Montana residents voted down an initiative on the November 8th ballot to repeal the state's seat belt law.

The final results showed 210,190 voters against repeal of the belt law to

155,054 favouring repeal, says Michael J. Stephen of the Montana Safety Belt Coalition, Inc.

In Oregon, however, voters rejected the state's belt use law. The belt use law became effective September 27th, 1987, but enforcement was stayed, pending results of the referendum.

Security devices defy car theft in tests

Police and other experts in Great Britain have failed to break into a Rover 800 Sterling fitted with a series of new security devices that are likely to be introduced by car manufacturers in the future.

Austin Rover developed its "Security Concepts Car" to demonstrate the next generation state-of-the-art security systems. It then asked a team of experts to test their effectiveness.

Normally a skilled thief can break into a car in seconds but the experts found that even after causing a great deal of damage and noise with the alarm sounding, it took five minutes to break into the trunk and hood of the Rover Security Car. Even so, the side doors defied entry and the cab remained secure.

The most noticeable feature of the Rover is the external door locks, having a super locking system activated by an infrared transmitter. All door latches are fully enclosed to prevent manipulation. Removing the ignition key inhibits the electronic engine management system, immobilizing the car. Audible warnings are fitted to remind the driver that he has not removed the key, that he has not locked the car or set the alarm.

The alarm system is triggered by doors, hood and trunk and also includes an ultrasonic sensor to detect movement within the vehicle. A continuity strip is fitted to the windows on one side of the car which triggers the alarm should the glass be broken. While the alarm is acti-

vated the ignition system is immobilized.

Should the vehicle's electrical system fail for any reason, access is obtained via a non-pick trunk lock which itself is enclosed in a steel cage to resist attack. Inside the trunk is a backup battery. Wheel rotation sensors are fitted to detect movement, should an attempt be made to tow the car away, and another sensor detects jacking for attempted wheel removal.

All these options could be considered for some police vehicles left unattended.

More information can be obtained by contacting Austin Rover Group, Canley Rd, Canley, Coventry England CV5 6QX.

The coffee stain scam

The Holiday Inn motel chain in the United States has been taken to the cleaners by a man who recently pleaded guilty to mail fraud with a simple scam that soaked the company for nearly \$6,000.

Keith Froeming sent letters to 180 Holiday Inns nationwide claiming a waiter had spilled coffee on his wife's suede skirt, and enclosing a photocopy of the resulting \$30.16 cleaning bill.

Most of the motels reimbursed Mr. Froeming, although there was in fact no skirt nor a Mrs. Froeming.

A Denver Colorado judge sentenced the man to four years in prison and his girl friend to four months, and they were ordered to make restitution.

The couple were caught after bank officials became suspicious of the high number of cheques being deposited from the same hotel and with the same \$30.16 amounts.

It was noted at trial that Mr. Froeming had been previously convicted of numerous counts of forgery and arson. Probation officers and police are still trying to find all the Holiday Inns involved in the scam.

True Crime

Luck and persistence

- Geoffrey Cates Books -

Does luck play an integral part in the solving of a crime? Or are the results achieved because the groundwork was laid and eventually the chickens must come home to roost?

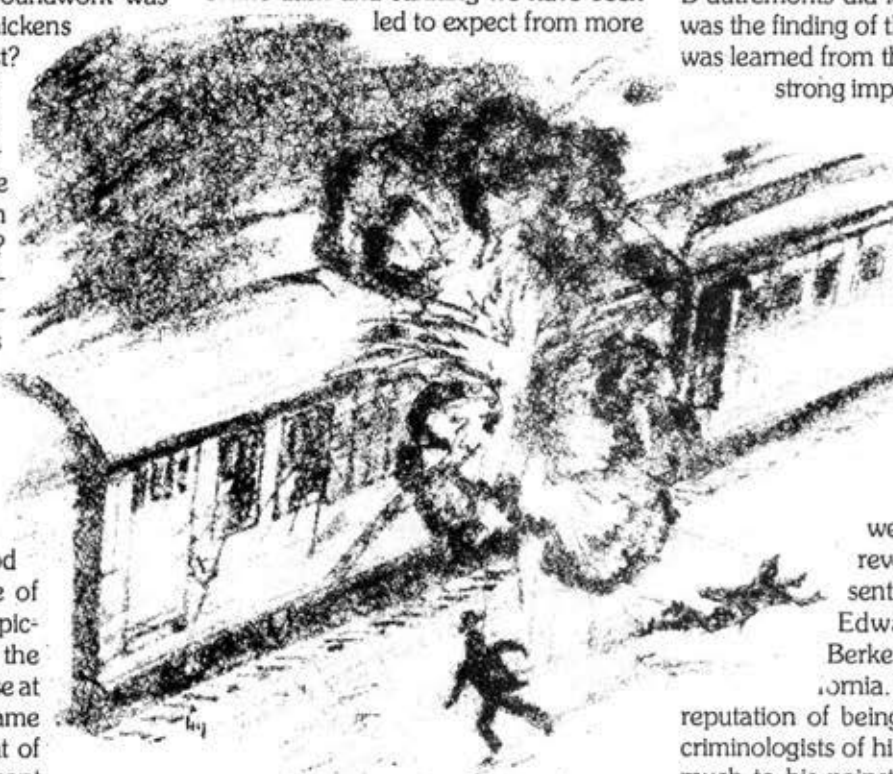
Was it chance that caused American Army Sergeant Thomas Reynolds to idly look over the most wanted posters on that day in March 1927? Or would someone eventually discover the whereabouts of the three killers involved in the attempted robbery and subsequent murder of four men near the town of Siskiyou, Oregon in October 1923?

We do know the good Sergeant recognized one of the wanted men whose picture was on a poster in the post office of the army base at Alcatraz Island. The name under the poster was that of Hugh D'Autremont. Sergeant Reynolds had known the person as an army private name Brice when they were both stationed at Manila in the Philippines. This was the lead that was to eventually solve a crime that had been committed four years previously and was to bring the wanted men to justice.

The crime was one of murder and robbery and it happened in October 1923. On that day, Hugh D'Autremont, along with his twin brothers, planned to ambush a freight train carrying money and securities, as well as passengers in Oregon.

The attempt was bungled from the beginning. In the events that followed we

see the D'Autremonts as being third rate thieves, dangerous, but possessing little of the dash and cunning we have been led to expect from more



exotic train robbers. Two of the brothers did manage to force the train to stop as it was coming slowly out of the tunnel, by jumping on the engine and pointing a gun at the engineer.

One of the brothers placed explosives around the door of the mail car. Displaying a modicum of incompetence that would have brought tears to the eyes of any of the great train robbers, he placed too much explosive. Rather than neatly blowing the mail door away, the explosives caused little real damage to the door, but managed to engulf the mail car in flames.

This no doubt unnerved the other two brothers. Seeing they were not about to lay claim to any of the bounty, they panicked and shot both the engine driver and the fireman. A brakeman who came up the line to investigate, received the same fate. The murderers fled the scene and were not heard of again until the arrest of Hugh D'Autremont (alias Brice), over three years later.

How did the police know who the murderers were long before they were caught? It was through the investigation of the evidence found at the scene. The D'Autremonts did leave some clues. It was the finding of these clues, and what was learned from them, that has such a strong impact later in their trial.

When the local law officers investigated the scene of the tragedy, one of the first things found was a pair of blue denim overalls near the detonator. Shoe covers soaked in creosote, so as to keep off the scent of dogs, were at the scene, and a revolver. The items were sent for forensic tests to Edward Heinrich of Berkeley University in California. Mr. Heinrich had the

reputation of being one of the leading criminologists of his time and it was due much to his painstaking efforts that so much was brought out from the evidence before him.

He first examined the overalls. They had particles of Douglas fir and fir pitch on them. It was quite likely the man using them was a lumberjack. Heinrich determined he was a left handed man from the finding of fine particles that landed in the right hand pocket.

There was a single human hair found near one of the top buttons on the overalls. By carefully scrutinizing this under a microscope, he determined the age was about 21 and he was a white man. The height of the suspect was found easily enough by measuring the overalls.

However the piece de resistance was found tucked in one of the pockets of the overalls and had been overlooked in the initial search by the law officers. This was a postal receipt and turned out to be as good as a calling card and not untypical of the slovenly way the suspects had carried out the crime.

The postal receipt was easily traced and found to belong to Roy D'Autremont. When police arrived at his address, only the father was there. He explained he had not seen his sons for a few days and had no idea where they were. Pictures of the D'Autremonts were taken from the house and a canteen and water bag believed used in the robbery were also seized.

The clothes belonging to the brothers were checked. A hair found on a sweater belonging to Roy matched the one found on the coveralls. The canteen and water bag were traced to an army surplus store in Roy's home town. These items were found to have been sold to three men answering to descriptions of

the D'Autremont brothers.

With this evidence the police felt they had overwhelming evidence against the three brothers. More good news awaited them when the investigating officers checked again with Mr. Heinrich. He had done a careful check on the revolver found at the scene. Although the serial number had been filed off the outside, Mr. Heinrich found, after taking it apart, there was a serial number on the inside of the handgun. This was traced to a store in Seattle. The man purchasing the gun there had used the name of William Elliot. Documents were taken back to Edward Heinrich who confirmed the handwriting to be identical to Roy's.

After three and a half years, however, only one brother had been apprehended. The capture of Hugh D'Autremont had led to renewed interest in the case. As a result, details and pictures of the case found their way into various newspapers and periodicals.

About a month after the arrest of Hugh D'Autremont, Albert Cullingworth

of Steubenville Ohio, was reading the Sunday supplements. In the paper was an article and pictures dealing with the case. Mr. Cullingworth knew why two of the faces looked familiar. They were the Goodwin twins who worked at the same plant.

This news was passed onto the F.B.I. and the twins were arrested and readily admitted their true identity.

It was four years from the time the offence had taken place until the day of the trial in Jacksonville Oregon. The star witness for the prosecution was, needless to say, Edward Heinrich. He gave his evidence with such clarity and so convincingly that, along with the other evidence, a verdict of guilty was soon returned. To try to save their necks, the D'Autremonts gave full confessions thereby filling in the few remaining pieces of the puzzle. They were spared hanging, but all three sentenced to life imprisonment. A just reward for a cowardly and tragic crime.

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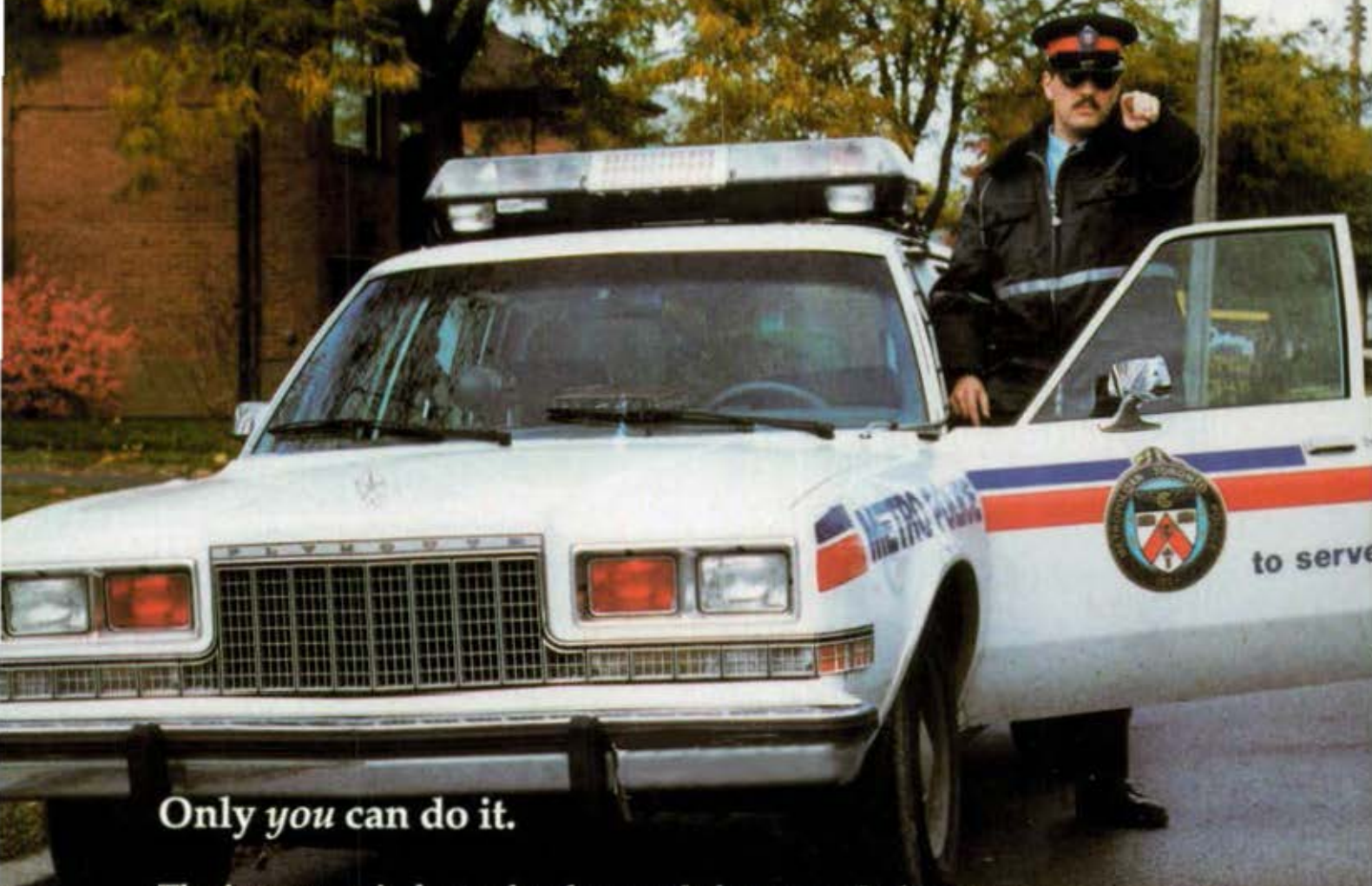
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