


BLUE LINE

Canada's National Law Enforcement Magazine

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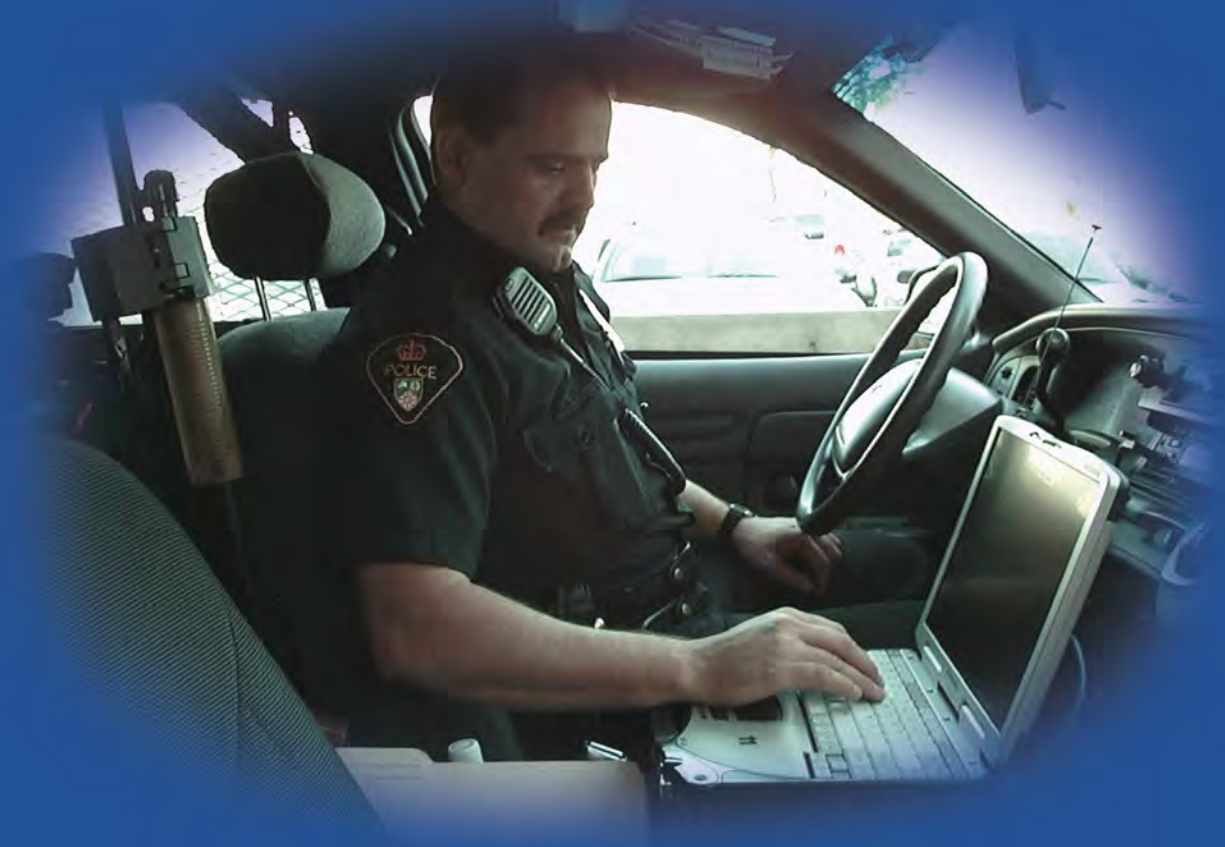


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St. Thomas Police
Celebrate 150 years
of dedicated Service.



Inside this issue
More than just
community policing

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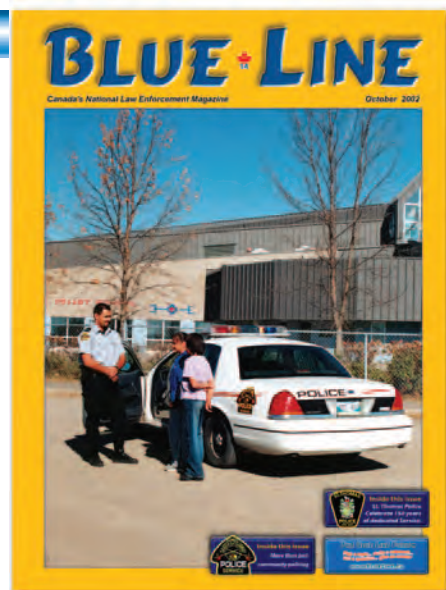
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Positive or negative - the choice is yours



Cover Photo: Dave Brown

Firearms editor **Dave Brown** profiles the Dakota Ojibway Police Service (DOPS), one of the most successful First Nations police agencies in the country. DOPS has recently signed up a sixth community and is also looking at a name change in the near future.

A great deal of sound and fury, signifying nothing; little has changed in Canadian policing since 9/11. There's no doubt the inaction by all levels of government will eventually become painfully clear, warns *Blue Line* Publisher **Morley Lymburner** in his publisher's commentary on page five.

Police in St. Thomas, Ontario — yes, that's the community where Ford builds its Crown Vics — are celebrating the force's 150th anniversary. As administrator **Lynn Coates** tell us on page six, the service has come a long way from its beginnings in 1852, when two constables began serving the then small village.

Critics have slammed surveillance cameras as an invasion of privacy but they've enjoyed strong support from the public, especially when crime rates dropped. News Editor **Les Linder** looks at how several forces have successfully implemented camera programs.

The Ontario Police College has added a forensics course to its curriculum. **Scott Fairgrieve** tells us on page 14 how the course will teach officers how to properly recover human remains.

Ottawa Police Special Constable **Joel Shoihet** looks into the ramifications of new medical marijuana legislation, which is posing challenges to police across North America, on page 17; **Michael Walker** tells of his first experience as a negotiator in a barricade situation on page 18; **Danette Dooley** does double duty again this month, telling us about a coast guard water rescue course on page 20 and looking into the 'suicide by cop' phenomenon on page 42.

All this and **Mike Novakowski's** case law — he has three this month, more *Deep Blue* from **Dorothy Cotton**, *Winning Strategies for Life* with **Audrey Pihulyk**, a look at biometrics from tech columnist **Tom Rataj** and much more in a jam packed issue of *Blue Line*.



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What's new since 9/11 - less than nothing much!

by Morley Lyburner

It has been a year since the September 11th attacks on the United States awoke America and most of the world to a very unconventional type of warfare. The crushing reality that it can indeed happen in our own back yards has shocked us all to the core.

So what changes have occurred to policing in Canada over the past year that might reflect a shift in methodology? Sad to say, but nothing much. The state of affairs is reminiscent of the comic remark, "Where are we going... and what's with this hand basket?"

There was an initial and predictable knee-jerk reaction. It became far more complicated to do such routine things as crossing the border or taking a flight. Some new laws were quickly drafted and redrafted... and redrafted again... and then went out of focus, were watered down and even forgotten.

Some police forces actually received a little more money to hire some badly needed staff and upgrade technology. However, it was nothing more than had been asked for to meet their needs before September 11. Other agencies, including one that patrols international container shipping, have actually decided to down-size their police department. They site falling budgets and crime statistics. Isn't it curious that the public can only see a cop's value as it relates to the crime rate — How about calls for service, driving infractions, and accident statistics for a base point?

To underscore this further one need only look to the politicians in Canada's largest cities. Despite having the largest population, worst traffic congestion, dismal accident figures for police chases and tallest buildings, Toronto politicians still don't believe helicopters are of any use to policing. Lower mainland BC still lives in a jurisdictional patchwork quilt of policing which, in the modern lexicon of criminal organizations, begs for amalgamation.

There is also a real problem of denial at the upper levels of many federal, provincial and municipal government agencies. As an example, we need only look toward the fiasco with the Federal game wardens, who are still denied sidearms and not permitted to enforce laws, even though they are trained and screened for this duty. The ministry in charge of making such decisions has steadfastly denied that there is any threat to game wardens because "there is no history of this kind of a threat." There is no



E.J. Lyburner

doubt that many agencies looking to cut their budgets used this argument before 9/11 but surely not now. Convenient statistics are all they want to look at.

This ministry simply feels the taxpayer can spend \$33 million to take badly needed RCMP officers away from regular police and public safety duties to enforce laws formerly the jurisdiction of game wardens. All this to keep \$11,000 worth of guns off the hips of wardens. It is more than irrational. It boils down to mind-numbing obstinance designed to push the envelope of officer safety.

At the heart of this transparent game is a simple issue of "the thin edge of the wedge." Giving federal game wardens guns means giving border guards guns next. The federal government is still stubbornly resisting arming customs officials at the border. The attitude has made Canada the laughing stock of the entire world. The red-faced officers still do their duty in exemplary fashion and pray that no one is really determined to get through.

While reviewing this 'Mounties chasing bears in the bush' syndrome we come head on into other issues. Although said Mounties in Ontario are given special constable status — no doubt to bolster flagging OPP head counts — in Quebec they are told to stick to the bush and leave the roads alone. The 250 year-old political baggage in Quebec politics still lingers. A Mountie pulling over a speeder near a Quebec park is seen as an affront to the sovereignty of Quebec. There is no recognition that some

of the country's best drug and smuggling experts work next door to the Surete detachments. In Quebec they are there to keep the kids quiet in the campground.

Need more evidence of ineptness? We still have places where officers can not go to ferret out potential problems. Witness the recent news that although airport security is extremely tight on people boarding aircraft, officers are hampered in trying to investigate baggage handlers and other airport support staff.

When approaching some Canadian nuclear power plants, one is greeted by crisp new signs announcing that there are armed patrols but this belies the image of the unarmed officers who greet you at the gates.

With attitudes such as this at the top echelon of government and police bureaucracy, we are left with the hollow shell of rhetoric that "all levels of government are dedicated to public safety and rooting out terrorists." New legislation gives more powers to too few officers who don't have enough time to carry out their present duties, let alone the hollow wish-list legislation coming out of Ottawa. We are left with governments who still act like September 11th was a tragic but singular event that needs more PR spin than real action on the home front.

There is no doubt that one day the inaction by all levels of government will become painfully clear. It is just a matter of time before one more weakness is revealed, one more prediction comes true and one more disaster arrives at our door — all we have to do is wait and see.

The Evolution of Community Partnerships



ST. THOMAS POLICE DEPARTMENT
PROVINCIAL COURT CRIMINAL DIVISION
CROWN ATTORNEY



by Lynn Coates

The St. Thomas Police Service's development has paralleled the growth and prosperity of the community it serves.

The area was first settled by Colonel Thomas Talbot in 1804. Talbot Road was completed by 1824 and businesses, a Masonic Lodge and a church were built, families moved to the area and local government was elected.

Following British tradition, the responsibility for policing was delegated to municipal council. The settlement was incorporated as the Municipality of the Village of St. Thomas in 1852 and the first two constables — Richard Willis and Robert Cusack — were appointed. There have been many changes since then yet the foundation of the St. Thomas Police Service has remained the same. The front line officer remains the nucleus of the organization, with all other positions existing to support them in delivering services to the citizens.

A book of rules and regulations published by then chief James Fewings in 1888, based on the principles and goals held by Sir Robert Peel, is still pertinent today. The book outlined the main objectives of "crime prevention, security of person and property and the preservation of public tranquility" and was the first written guideline for our front line officer.

Rules and regulations have been revised to address such considerations as victim's assistance, emergency response services and administration and infrastructure, but the core issues



of crime prevention, public order maintenance and law enforcement are still fundamental.

St. Thomas Police have always recognized the importance of education. To meet the qualifications established by Fewings, a would-be constable needed to pass examinations in reading, writing and arithmetic, have a general knowledge of police duties, an able body, be good tempered and no shorter than 5 feet, 10 inches tall. Reading, writing and general improvement of the mind was important for promotion, Fewings stated, and "a quiet, determined manner will induce by-standers to assist."

The first female member was hired in 1918. Mrs. Annie Taylor served as a civilian matron for the cells and searched female prisoners. She was paid \$25 a year, considerably less than the \$960 earned by constables. For decades, civilian matrons, clerks, dispatchers and secretaries were the only females employed by the service, though there were several attempts made

during the 1940's to demonstrate the need for female police officers. The Home and School Committee of the Women's League submitted a proposal to the police commission in 1942 outlining the advantages of women officers but the motion was defeated. The force didn't hire its first female officer until 1986.

The introduction of employment equity legislation in the late 1980's prompted the hiring of more female and minority officers. Greater equality has been achieved and officers are hired and promoted based on qualifications and abilities instead of gender, race or religion. The force currently has 10 female officers — two sergeants and eight constables — and 14 civilian employees. Sgt. Judy Kowalczyk began supervising the Criminal Investigations Branch in 1999 and is the first female to supervise a specialized unit. In a profession that continues to be predominantly male, it may be a few years yet before females reach the highest ranks in the organization.

The annual operating budget for the force was just \$1,750 in the early days, when officers were selected for their size and strength as well as their courage and honesty. The clothing allowance for the winter of 1898 was \$111.50. The chief was allowed a \$22 coat, the sergeant a \$20 version and constables had to make do with \$19 coats. The force hired another constable that year, bringing its total compliment of five. Special constables were hired when needed at a rate of \$1.50 a day.

Constables earned \$50 a month — ser-



Cst. Ed Luft and Ab Mycroft try out the first two-way radio installed in their cruiser in 1947. What was seen as a mere convenience in those days has fast become both a necessity and a life-line today.

geants made \$60 — in 1902, when officers had to pay for their own nightsticks, the weapon of the day. Patrols were on foot; the only thing the force had in its transportation ‘fleet’ were two bicycles.

Shifts were determined by seniority, with junior constable working straight night shifts.

The early 1930’s saw modernization, despite the depression. Revolvers became standard equipment and the work week was cut to six days, with two weeks of holidays. Officers no longer had to pay for their uniforms and a patrol car was purchased. The chief and one man were in the office and the others were on the beat or in the cruiser. As the patrol car did not yet have a radio, the constable driving it had to go past the City Hall every 45 minutes. If the centre blind in the southwest window was down in the daytime or up at night, he had to report in.

Salaries were up to \$100 a month by 1933 and constables worked ten hours a day, six days a week. In 1940, Cst. Wilf Whiteman, who later became chief, was the first member of the St. Thomas Police Force to be sent away for formal police training. Patrol cars were equipped with radios in the 1940’s, the first of many technological improvements the force would enjoy over the years.

The force had grown to 46 sworn members and nine civilians by 1978 but opportunities for new officers were still somewhat limited. A constable was deployed on foot patrol for the first four or five years of their career, getting a cruiser only occasionally when manpower shortages or workload made it necessary to pull them off the beat.

Retired and veteran officers still recall longing for the day when they were “senior enough” to be assigned a car on a regular basis. Even today, the beat is an excellent training ground for developing a young officer, since a cruiser creates a barrier and limits their interaction with the public. Such is not the case on the beat, where they soon learn to deal effectively with people and think on their feet.

The pace of change has greatly accelerated over the past 25 years, especially in the areas of officer selection and training and the impact of technology on how services are delivered.

The Police Act required officers to have

only a grade 10 education in the 1970s and the majority of the St. Thomas Force met only this minimum standard. Hiring in the ‘60s and ‘70s was still largely based on size and strength, but this changed in the late ‘70s when recruiting priorities began to emphasize education and physical fitness. Today’s applicants are usually college and university graduates and it’s not uncommon to have people from across Canada and as far away as Great Britain respond to ads. Applicants are in excellent physical conditioning due to lifestyles that emphasizes better eating habits and exercise.

Officer training has also changed dramatically. Training was generally not given a high priority in the 1970s and many constables didn’t receive formal training at the Ontario Police

College until well into their careers. Today, the St. Thomas Police Service has some of the best trained officers in Canada. Provincial policing standards now require that initial formal recruit training be conducted within six months of commencing employment — and so begins a career of continuous learning. Annual requalifications are required in use of force, firearms, CPR and first aid and there’s specialized continuing education in forensic identification, breathalyzers, accident reconstruction, traffic enforcement and criminal investigation.

The last 20 years has seen the force go from using telex machines and party line telephone systems to state of the art communications, including cell phones, pagers, fax machines, computer systems and the Internet. Radio

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equipment now allows officers to communicate with other police agencies and computer systems link them locally, provincially, nationally and internationally.

Information is available and exchanged more widely than any other time in history, allowing officers to link similar incidents and track down criminal activity far more efficiently than ever before. The technological improvements has given members more time to concentrate on pro-active community based policing initiatives. Partnerships with the business community and general public have developed, enhancing the way in which the force serves the community.

The compliment of today's police service has grown to 57 sworn members, and 13 civilian staff, including four cadets and two special constables to provide services to the courts. The uniform division consists of four platoons, each with a staff sergeant in charge of the shift, a sergeant who provides road supervision to patrol officers and a dispatcher.

The Criminal Investigation Branch (CIB) consists of a sergeant and five investigators and is responsible for major criminal investigations, intelligence gathering and drug investigation. One CIB officer coordinates the local Crime Stopper program.

Support Services has three officers assigned to court services and three which focus on education. The Community Service officer spends a great deal of time in local elementary schools, working on street and bicycle safety, stranger awareness, bullying, shoplifting, drug awareness and anti-violence programs. The Crime Prevention officer focuses on education and preventing crime. The Community Resource officer works on the beat patrol and Adopt-A-School programs.

In an effort to continue and enhance the positive relationships established in elementary schools, Adopt-A-School was expanded to high schools in January, 2000. Officers in the program volunteer to attend their "adopted" high school and get to know students and staff on an informal basis. This non-confrontational interaction promotes positive relationships and has received positive feedback from the entire school community. It's not uncommon to see police officers walking the halls of schools or participating in sporting events or graduation ceremonies. They also attend school council and parent/teacher meetings and lecture classes on a variety of legal issues, drug or alcohol abuse or policing as a profession.

Many programs — Neighbourhood, Variety Store and Hospital Watch, Block Parents, robbery prevention and STEP (Seniors Taking Extra Precautions) — are aimed at raising public awareness on how they can help combat



The earliest group picture of St. Thomas Police personnel is this 1954 picture above. In the middle shot is Cst. Ed Luft in this 1940 picture issuing a parking ticket in front of the St. Thomas Grand Central Hotel. Far left shows a 1980's picture of Sgt. Ken Rice, Cst. Andy Bennett and Cst. Mark Traichewvich as they posed in front of the department's new patrol motorcycle. Upon the opening of the new police station in 1971 St. Thomas police received a "state-of-the-art" communications system complete with the newest innovation of the day — a Closed Circuit Television monitor unit. At far right is then Cst. Lynch (now Chief - top right) and Cst. Glenn Hodgson walking the beat in the city's downtown buisness section in 1978.

crime. Trauma counselling and victim assistance programs are offered in cooperation with various community agencies.

'Most Wanted Crusaders' (MWC) was started several years ago to enhance already existing community service and crime prevention programs by increasing police presence in the city and making officers more approachable, especially to youth. MWC asks youth to be crusaders against crime, drugs and thefts. Support for this initiative has been overwhelming; local businesses have provided financial assistance and young people have responded enthusiastically. This is but one example of the excellent community support St. Thomas Police enjoy.

The force's involvement with pro-active community efforts began many years ago by officers now retired, like Cst. Hank Davie — the first safety officer. Cst. Larry Rabbits, the first Community Service/Crime Prevention officer, spent many years working with schools, businesses and community groups, establishing many of the partnerships, programs and services offered today.

The St. Thomas Police Service is dedicated to meeting the ever-changing needs of the community. It's proud of its long history and will continue the tradition of providing the highest level of professional, effective and economical police services to the citizens of St. Thomas.

Lynn Coates is administrator of the St. Thomas Police Service. For more information contact St. Thomas Police Service at 519-631-1224.

STATS & FACTS	
POPULATION	34,399
OFFICERS	52
POP TO COP	662
CIV MEMBERS	13
BUDGET	\$4,437,459
PER CAPITA COST	129
VIOLENT CRIME	452
PROPERTY CRIME	1,617
TOTAL CRIMINAL CODE	3,567
CLEARANCE RATE	45%
CRIME RATE CHANGE	+6%
INCIDENTS/OFFICER	69

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Waiting and watching on video surveillance

by Les Linder

Although opponents say they violate people's right to privacy, using surveillance cameras in public areas has become more popular among police forces and the citizens they monitor. Several Canadian agencies have successfully established surveillance programs that the community is comfortable with.

The Sudbury Regional Police Service was one of the first agencies in Canada to establish public video surveillance with their 'Lion's Eye in the Sky' project in 1996. The first closed circuit TV camera (CCTV) was installed three years ago and there are now five in the downtown area.

Crime has decreased as the number of cameras has grown, notes Sgt. Lorretta Ranchine.

"While some of the decrease is due to an overall drop in crime across Canada in the past few years, a significant portion is attributed to the cameras being so visible to public," Ranchine says.

She adds that the project has deterred people from committing at least 300 and as many as 500 criminal offences, preventing up to \$800,000 in losses.

"There was some concern to see whether or not crime had shifted or displaced to other parts of Sudbury because of the presence of the cameras," she says. "Fortunately, it turns out there was no displacement of crime, so the cameras were working as well as we had hoped," she says.

Ranchine explained that the determination was based on a comparison of the level of crime in the surrounding areas to crime levels in other communities. While crime decreased in all areas, the downtown area with the cameras experienced a more significant decrease, she says.

The decision to implement CCTV monitoring also gained high approval of citizens and businesses in the area. "Surveys showed us that about 79 per cent of citizens supported it and 98 per cent of businesses in approval as well," Ranchine says.

Part of the reason for the high public approval is because the taxpayers didn't have to pick up the tab for the cameras or their ongoing operation. Community organizations and private companies are footing the bill; operating costs have totalled \$31,000 in the first three years, with fibre optic rental charges making up the bulk of that.

The video from the cameras is monitored at a workstation next to the dispatching centre for the service. Monitoring is done primarily by Ontario Works members, with occasional help from police. The cameras are also

left unmanned at times, recording pre-determined scanning patterns. Barriers were added in certain areas to ensure the cameras cannot look into private residences.

Signs were placed in the downtown area, indicating to the public that the cameras are present. Ranchine says much of the work is already done by simply letting the public know about the cameras.

"It's going to make someone think twice before they do something stupid," she explains. "We've also found the cameras incredibly useful for helping members of the public as well. When the cameras are monitored, we occasionally can spot people who are injured or ill and need help. We can then send out an ambulance to help them. The cameras can even help spot lost or kidnapped children."

One of the most significant issues surrounding surveillance programs is whether the videotaping of public places is an invasion of privacy. Recording a person in public without consent does not constitute a wrong, so long as the pictures are not offensive, libelous or taken for criminal purposes. While videotaping of public spaces is not illegal, it is illegal to intercept private communications. So long as the videotaping does not contain voice recordings, the use of surveillance cameras is legal.

Using cameras is still a sensitive issue in many communities though and the reason why the London Police Service devised a unique program.

"We tried to organize our project more as a community group," says Cst. Ryan Holland. "We are more of a partner in it rather than the driving force behind it."

Sixteen wireless cameras were placed in downtown London in December, 2001. They are monitored by commissionaires at city hall 24 hours a day, seven days a week.

"These guys monitor it for us and if they spot anything, they can patch the feed from that camera over to our dispatch area," Holland says. The commissionaires will contact a police dispatcher and inform them if something is occurring so the service can decide on the appropri-

ate action.

"Also, if a crime occurs in an area where a camera is located, we will contact the commissionaires to see if the crime was covered on camera and will make a copy of the tape for us to study," he says.

"They haven't played a huge role for us, but the general sense of security has increased somewhat with their presence." Holland explains that the service prefers to keep at arms length with the program so as not to make the public feel as if big brother is watching over their shoulders. The Neighbourhood Watch program also assists with monitoring and auditing.

The program was spurred on following two stabbing incidents in the downtown area within one year of each other. Holland says the community pushed to examine what could be done to increase safety.

"(The community) started pushing towards raising funds for the cameras and eventually a local company won the contract to supply and maintain the cameras for the city," Holland says.

Equipment costs totaled about \$200,000 for all 16 cameras, equipment and wireless network. The city covers maintenance costs for the equipment and network.

Holland emphasizes that the cameras are not a replacement for officers and the public still wants to see them patrolling the streets.

"They will always see officers patrolling the streets in vehicles and on foot; the cameras are just an extra tool, not a replacement tool."

David O'Brien, manager of corporate security in London, says the city is still evaluating what effect the cameras are having and it's still too early to determine from early statistics what their exact impact is. O'Brien feels they won't be able to draw any conclusive answers until the program has been in place for at least three to five years.

"We have, however, seen the cameras involved in incidents where it was beneficial from a public safety point of view and assisting police," he says. "We've been involved in assisting investigations about 60 times and the cameras were involved in about one third those times."

While there were some initial privacy concerns when the program was being discussed, O'Brien says they created safeguards to reassure the public.

"We developed a code of practice which governs how we operate and determine what the cameras will be used to monitor. All cameras were programmed to black out when they pass over a private residence and we have an audit procedure."



The audit is conducted four times a year to ensure the program is complying with the code of practice. Recordings are kept only for 72 hours before being erased, unless a crime was recorded. O'Brien says the city will continue to evaluate the program's usefulness and the public's feeling towards it.

Perhaps the most publicized case of public video surveillance is that of the RCMP in Kelowna, BC. George Radwanski, federal privacy commissioner, has taken the Mounties to court in an attempt to remove the camera in Kelowna, where the RCMP handles policing.

Radwanski has been a strong opponent of surveillance cameras, saying they violate privacy and equating their use to a police state. He was unavailable to *Blue Line* to explain his arguments in detail.

The project in Kelowna is publicly funded and operated fully by the RCMP since February 2000. In a citizen survey published in July 2001, 80 per cent of respondents were in favour of using them to prevent crime in downtown Kelowna, Media Relations Officer Sgt. Paul Marsh says.

He insists that the cameras have not and will not replace or reduce the presence of police officers on the streets.

Elliot Goldstein, lawyer and legal author specializing in video evidence and surveillance, says he doesn't understand the commissioner's reason for being upset about the use of cameras and doesn't agree with Radwanski's arguments.

"The commissioner argues that they lead to police states where people live in fear of the police when they are outdoors and that it is no different than having a police officer walk behind you anywhere you go," Goldstein says.

He added that Radwanski says England, a nation that has used video surveillance longer than any other country, has seen an increased crime rate. There are many other factors to consider though, he notes, including the possibil-



ity that the cameras themselves caught crimes that otherwise wouldn't have been reported.

"(Radwanski) is not interested in speaking to those in the security industry, the people who manufacture, sell and install the cameras," he says. "The commissioner hasn't addressed their concerns or views on the issue."

Goldstein feels the commissioner should be looking at a larger picture than he currently is and hopes that the courts in BC will consider that in the Kelowna case.


"While I am not involved in the case, I feel the commissioner's logic is flawed and he is

ignoring some important facts."

Despite the controversy, other agencies are still examining their options for using video surveillance. Hamilton is pursuing its options for using CCTV, despite Radwanski's attempts to dissuade them. A committee there is consulting community members and examining Sudbury's findings before it decides how to proceed.

Brad Swidzinski from civilian communications with the Calgary Police Service says while their agency has no plans to do anything with video surveillance, they are content to be one of several Canadian agencies that observe the benefits, challenges and problems other agencies have before they decide how to proceed.

"Just like a lot of other services, we're just waiting and watching."



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DISPATCHES



RCMP Cst. Jimmy Ng, 31, was killed in September after his cruiser was struck by a suspected hit-and-run driver in Vancouver. Ng's cruiser was nearly cut in half by a speeding Honda Civic that police say ran a red light - possibly while street racing. Ng joined the force in 1996 and had been with the Richmond detachment for 16 months. He is survived by his parents.

Acting inspector John Middleton-Hope from the Calgary city police was named as the new police chief for the Lethbridge Police Service in August. Middleton-Hope, a 22-year police veteran, was one of three finalists to receive endorsement of a consultant representing Lethbridge's 113 officers.

STRIVING FOR A CIRCLE OF RESPECT



Photo: Dave Brown

by Dave Brown

The concept of the circle holds a special place in aboriginal cultures, its recurring shape signifying a gathering of equals.

If all the First Nations communities patrolled by Manitoba's Dakota-Ojibway Police Service (DOPS) were mapped out, they could be plotted along a circle, roughly centered on the location of their headquarters in the city of Brandon.

Numerous western Canadian First Nations communities trace their heritage back to the original Ojibwa tribal grouping of North America, including the Saulteaux band, who settled near Sault St. Marie and then, under the leadership of Chief Peguis, followed the great bison herds west in the 1800's. In fact, Manitoba is Ojibwa for "lake of the prairies," one of an estimated 50,000 native words now incorporated into North American languages.

Today, six of those communities fall under the jurisdiction of DOPS and Brandon has become more than just the geometric centre and site of its headquarters. It also provides an ongoing lesson in cooperation between neighbouring communities and sharing of resources between budget-conscious law enforcement agencies. Not only does DOPS receive excellent support when needed from the Brandon Police Service, they've also contracted with it to train some recent recruits. One of these officers is Cst. Lucien Ethier, who credits the training for

the way he approaches his job.

"I learned a lot from Brandon," he says. "Mostly I learned the importance of earning respect from the community, especially in small places when you see the same people day in and day out."

DOPS, like most other Canadian forces, has a zero-tolerance policy in cases of domestic violence or impaired driving, he notes, so "whether they like us or not, our primary responsibility is still to protect the public from harm."

Officers often look for other ways to solve a problem before making an arrest. "We don't lay criminal charges every time. We're not out to give everyone a record," he explains, citing intoxicated people as an example. "We'll make several attempts to find a safe place for the person to stay before we would consider putting them in cells."

Ethier considers this one of the greatest assets of a contract aboriginal police agency. "We get to know them and they get to know us. We are assigned to one community, but we can call on the resources of the whole force when needed."

The RCMP also provides backup when available and has supplied an identification unit as needed, but the geographic distance between the reserves dictates that Dakota-Ojibwa officers operate mostly on their own. Each of the six First Nations communities has its own DOPS detachment, complete with offices, cells

and a Breathalyzer unit. Most officers try to live in or near the communities they patrol.

Like any other agency, funds are limited and budgets are carefully prioritized. The service has already established its own auxiliary constable program and summer student initiative and uses reserve residents as much as possible for guards and maintenance staff. Now they want more breath technicians and their own identification unit and are seeking a way to establish a canine unit.

The most desirable quality of a DOPS officer is something that no amount of money can buy, says Ethier.

"You need to have respect for the people you serve," he explains. "If you respect them, they will respect you. They will come to you more and more and you need this cooperation to help solve their problems."

For example, officers investigating a death while the community is mourning the loss show sensitivity. A wake, with all the attendant ceremony, can last for days, says Ethier and "we try not to bother them during this time."

Awareness of these cultural differences and a high regard for the people of the community is seen as more important than the cultural background of the officer. "If you are aboriginal or Métis, you may get some initial respect, but sooner or later, everyone still has to earn it."

Even though he has been on the force only two years, Ethier already has plans for his

adopted community. "There is not much for kids to do here. I want to organize some outdoor activities such as camping trips and the like and we have found someone who can give karate lessons in the evenings."

One of the members started a hockey league and Ethier says that the sense of pride and belonging makes a difference to everyone, not just the kids. "You give them a simple trophy just for doing well and it doesn't seem like much but maybe it's the first time in their lives they have been rewarded for an accomplishment."

Although a small force at 22 sworn officers, DOPS also boasts a community crime prevention and victim services coordinator.

Deputy Chief Jim Cockburn joined in 2001 and undertook several initiatives, including establishing the auxiliary constable program. He talks with pride about the future of the service, including a pending name change to Manitoba First Nations Police Service, and acquiring more tools such as the check stop van. He also points out that, with an increasing self-sufficiency, DOPS is always looking for new applicants.

"This is not a nine-to-five job," warns Ethier. "It's so important in such a small force to work together and that means we often back each other up or cover for others long after our shifts are over."

Ethier easily lists the advantages of working for DOPS. "We don't spend months riding with field training officers. When we come out of the academy, we are expected to think for ourselves," he reports.

"In our communities, we don't focus so much on criminal charges. We aim more for mediation or restitution, if possible... you end up

just listening to people a lot, even if their complaints seem minor to you..." His words trail off as the telephone rings with a mother's report that her son has run away from home again.

Prepared to handle problems large and small, DOPS officers may not be out to win popularity contests, but they are trying hard to earn respect.

"Sometimes, all people need is for someone to take the time to listen. Sit down over coffee and just hear what they have to say," concludes Ethier.

STATS AND FACTS

Led by Chief Frank McKay and Deputy Chief Jim Cockburn, the Dakota-Ojibway Police Service (DOPS) patrol the six Manitoba First Nations communities of Sioux Valley-Dakota, Birdtail-Sioux, Canupawakpa, Roseau River, Sandy Bay and Dakota-Tipi.

The force is approved for a total of 26 officers and currently has 22 sworn members, responsible for policing 7,500 residents divided among the six reserves. They are backed by a staff of 10 support personnel. The service also has an auxiliary constable, summer student and ride-along program.

Members investigated 1,220 reported Criminal Code offences, an increase of 79 percent over the previous year. Much of the rise can be attributed to taking over policing in two more First Nations communities in the fall of 2001.

DISPATCHES



South Simcoe Cst. **Alan Kuzmich**, 41, was killed in August while trying to apprehend a motorcycle thief. Kuzmich was struck and killed by an SUV while he was trying to lay down a spike belt. The suspect was found dead several hours later after he lost control of the motorcycle on an S-curve.



Toronto Police said in August that no charges will be laid in the death of Cst. **Laura Ellis**. Police say based on the evidence, there is no way to imply that a person is entirely at fault for the fatal accident and that there were many factors at play. Ellis was killed in February when her cruiser collided with a vehicle making an illegal u-turn.

Detroit city police officer **Scot Stewart**, 31, was shot in the head and killed in August while responding to a party on the city's east side. The shooting happened after Stewart was handcuffing one man in the street while other officers chased after a crowd of fleeing suspects. When the officers returned, they found Stewart on the ground.

For the second time in five years, Vancouver police has gone elsewhere to pick its next chief. Former Surrey RCMP Chief Superintendent **Jamie Graham** was made Vancouver's new chief in August. Graham, who has a five-year contract with the service, took over from **Terry Blythe**, who retired after 34 years with the Vancouver police.

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New Training Frontiers

Forensic recovery of human remains



Photos: Scott Fairgrieve

by Scott I. Fairgrieve and Tracy S. Oost

Police training has become a particularly important issue in light of the Kaufman Commission findings concerning the Christine Jessop murder investigation and the subsequent prosecution of Guy Paul Morin.

The Honourable Fred Kaufman's report identified shortcomings in core competency training and case management. The gathering, interpretation and sharing of forensic evidence and the qualifications of those doing it were also questioned.

As part of its response to the recommendations, the Ontario government directed the Ontario Police College (OPC) to approach these issues in its curriculum content and delivery. The Forensic Identification Training Branch (FITB) is revising course content and creating new courses in order to meet the new standards.

One of the areas specifically addressed arises from a recommendation (93) on body site searches, which states that:

When conducting searches at a body site, police investigators should be mindful of the lessons learned at this inquiry. Such lessons include the desirability of:

- a) A grid search;
- b) Preservation of the scene against inclement weather;
- c) Adequate lighting;
- d) Coordinated search parties, with docu-

mented search areas;

- e) A search plan and search coordinator;
- f) Full documentation of items found and retained, together with precise location and continuity;
- g) Adequate video-taping and photographing of scene;
- h) Adequate indexing of exhibits and photographs;
- i) Adequate facilities and methods for transportation of the remains;
- j) Decontamination suits in some instances;
- k) Resources to avoid cross-contamination of different sites. This may require that different officers collect evidence at different sites, where a forensic connection between the site may be investigated.

The above procedures should seem like common sense but if identification officers aren't trained on how to integrate these skills, it may result in a poorly processed scene and, consequently, missed evidence.

Kaufman specifically noted that the "lack of experience and training" of one police service's members may have been a factor affecting their approach to investigating the Jessop homicide. He found even more disturbing the fact that skills and training of the service hadn't "substantially improved" by the time he wrote his report. This statement seemed to reflect the status of many police services.

Kaufman's report is a clear guide on how

to improve the investigation of death scenes and Ontario's solicitor general directed the Ontario Police College to adopt the training recommendations. In response, the FITB approached us about creating a course on recovering decomposing human remains.

Training mandate

We were presented with the challenge of creating a course curriculum that would directly respond to the training issues outlined by Kaufman. Given that we are forensic anthropology consultants to the Office of the Chief Coroner of Ontario and Oost has expertise in forensic entomology, two courses were proposed, one in the forensic recovery of decomposing human remains and the other in forensic entomology.

These courses are complementary to one another, though in cases of surface remains, the forensic entomologist should have priority for sample collection. As such, we recommend that the entomology course be done first, followed by the recovery course.

The mandate of these courses is to train forensic identification officers how to process homicide scenes, not turn them into forensic anthropologists and entomologists. There are several short courses given by forensic anthropologists that involve some recovery details but tend to concentrate on analyzing human skeletal remains to determine age, sex and race/genetic ancestry. Although

that's of interest to many, the various methods aren't practical for identification officers since they won't be required to do this; such an analysis is best left to forensic anthropologists. Therefore, the mandate of these courses is to provide best practice training for the recovery of remains within a team approach. In this case the team approach is one in which the forensic anthropologist, forensic entomologist and forensic identification personnel work together.



We recognize the fact that we're consultants and are not in charge of any aspect of the scene. It's the responsibility of the identification officer to ensure the proper handling of the scene.

The courses

- *Forensic recovery of decomposing human remains*

This course is designed to instruct forensic identification officers in the best methods for recovering and documenting fragmentary and decomposing human remains and associated evidence. Much of the material is designed to acquaint the participant with a flexible and systematic method of recovery. As the processing of any crime also destroys the scene, scene documentation is emphasized. This course is based on the principle of 'learn by doing,' which is essential to providing participants an opportunity to apply the information in the lab and various field exercises.

Topics include recognizing bones, distinguishing between human and animal bones, securing scenes, using collection/excavation grids (forensic archaeology), decomposition sequences, various ways of documenting scenes, an introduction to collecting relevant botanical and entomological specimens and processing scenes with surface scavenged, buried and dismembered remains.

- *Forensic entomology*

Although forensic entomology is the study of insects in legal contexts, this course focuses on insects found in a medicolegal context, providing hands-on training in recognizing and successfully collecting entomological evidence. Participants engage in various collection exercises using insects that are actively involved in the decomposition process of newly slaughtered pig carcasses, placed in the newly constructed OPC decomposition facility.

Topics include the utility of forensic entomology, forensically important insects of Ontario, collecting entomological evidence, specimens and climatological scene data and transporting insects for analysis. Proper documentation of all contexts (indoor and outdoor), including using data collection forms and photography, are stressed.

Ontario Police College

There's been a recent turnover in personnel and the range of training at the FITB has been redefined. Part of that process included creating the recovery, entomology and blood spatter courses.

The OPC has constructed a decomposition

facility for us to study the timing and succession of various insect species and the rates of decomposition, research which hasn't been done in a systematic fashion in this part of the province. It's committed to playing a role in research that is relevant to the police community.

The OPC has also constructed an entomological evidence and live insect maturation laboratory. Area police services can contact the FITB for access to this facility. Entomological evidence can then be stored in a suitable environment, satisfying standards for chain of custody, while awaiting the arrival of a consulting forensic entomologist.

The implementation of these courses is tangible evidence that the lessons from the Kaufman Commission are not only being implemented but also establishing a new level in the partnership between police services and the scientific community.

Scott I. Fairgrieve, Ph.D, is director of the Forensic Osteology Laboratory (FOL), Forensic Biology Option Advisor (Dept. of Biology), Chair of Anthropology at Laurentian University and a guest course instructor at the Ontario Police College. Tracy S. Oost, H.BA, H.B.Sc., M.Sc. (cand.) is the FOL curator and a guest course instructor at the Ontario Police College.

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New trial for Hells Angels ordered after judge dismisses jury

A judge dissolved the jury at a costly Hells Angels trial in August, meaning the waste of millions of dollars in a case that heard more than three months of evidence.

Justice Pierre Beliveau's decision to abort the trial of 17 men charged with gangsterism, drug trafficking and conspiracy to murder means the accused will undergo a new trial that must start from scratch.

The Quebec Superior Court justice said he decided to dismiss the jurors and start anew because of the risks of ending up with fewer than 10 jurors, the minimum number required. Five of the 12 jurors said in August they wanted to get out of the trial.

Beliveau also said there was too much leeway for mistake or error on his part if the trial continued under his supervision following the withdrawal of the original judge in late July.

Several jurors cringed at Beliveau's claim that his appointment as Jean-Guy Boilard's replacement would lead to the trial being extended until next February so he could get up to speed on the case.

Beliveau allowed one juror to leave for personal reasons. Several others said they couldn't keep going because of professional obligations, leaving the judge with little choice but to end the trial.

The high-stakes case, one of several aimed at derailing organized crime in Quebec, began unravelling when Boilard said he didn't have the moral authority to continue after he was reprimanded by the Canadian Judicial Council for his treatment of a lawyer in an unrelated case.

Beliveau, who was appointed within days to replace Boilard, took the unusual step of asking the jurors whether they wanted to continue and face delays that threatened to push the end of the trial to February instead of this fall.

The case became one of the costliest in Quebec history. The provincial government spent \$16.5 million to build a special courthouse next to the Bordeaux jail for this trial and another case that stems from a massive police raid on the Hells in March 2001.

Police evidence was stored on 177 compact discs. Nine defence lawyers, four prosecutors and three police investigators worked full time in court, with several lawyers earning court-ordered increases to their legal aid. Exhibits presented included a grenade launcher, leather biker vests, money hidden in freezers, and wine bottles with biker labels.

The jury selection process for the new trial began in early September and had already entered delays as the defence requested the names and addresses of each juror.

DISPATCHES



Chief Robert Middaugh, 59, is resigning as head of York Regional Police. His resignation will take effect at the end of his three-year contract next February. Middaugh says that after 40 years in law enforcement, it is time for him to get on with the rest of his life.

Frank Beazley has been added to the ranks of the Halifax Regional Police as a second Deputy Chief. Chief David McKinnon said in August that most agencies their size operate with two or even three deputy chiefs. Beazley is a 32 year veteran of law enforcement.

Three Toronto police officers cleared last year of criminal wrongdoing in the force's "fink fund" scandal launched a \$3.5 million malicious prosecution lawsuit against internal affairs investigators, two police chiefs, and prosecutors with the Ontario attorney-general's office. Constables Rick Franklin, Wayne Frye and Gordon Ramsay began the lawsuit in July and claim investigators acted outside the scope of their authority.

Chief Shirlin Seamone in Bridgewater, N.S., died in July of complications from cancer. He was 54. The 32-year veteran of the force served as deputy chief for 25 years until his promotion to chief in July 2000.

The BC government appointed former Alberta judge, Benjamin Casson, as acting BC police complaints commissioner in July. Casson will be in the post until a permanent commissioner can be found.

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Medical marijuana not just legalized dope

A new liability for law enforcement

by Joel Shoihet

Marijuana legislation issues have plagued police across North America. Much of the controversy revolves around the perception that legalizing it will contribute to a rise in crime. One issue that has not been publicized is how the new medical marijuana laws negatively impact police and may leave them open to lawsuits by those legally allowed to possess the drug.

Marijuana (or cannabis) is listed as a prohibited substance under section II of the Controlled Drugs and Substances Act, S.C. 1996, c. 19. When ingested or smoked, the user may experience effects lasting up to three hours, including dilated pupils, difficulty concentrating, disorientation, increased appetite and relaxed inhibitions. An overdose may cause fatigue, paranoia, or a temporary mental defect.

The Marijuana Medical Access Regulations (MMAR, SOR/201-227) and the consequential amendments to the Narcotic Control Regulations came into force in July, 2001. According to Health Canada, these regulations and amendments established "a compassionate framework to allow the use of marijuana by people who are suffering from serious illnesses, where conventional treatments are inappropriate or are not providing adequate relief of the symptoms related to the medical conditions or its treatment and where the use of marijuana is expected to have some medical benefit that outweighs the risk of its use."

A person must qualify into one of three categories created by the access regulations to obtain medical marijuana:

1. A person with ailments listed below would qualify for prescribed marijuana as medical treatment.
 - Severe pain and/or persistent muscle spasms from multiple sclerosis, spinal cord injuries and spinal cord disease.
 - Severe pain, decreased appetite, weight loss and severe nausea from cancer and AIDS/HIV.
 - Severe pain from bad cases of arthritis.
 - Seizures from epilepsy.
2. A person who is terminally ill and is expected to live 12 months or less.
3. All other persons who wish to qualify for prescribed marijuana as medical treatment must do so under this category. In order to qualify, they must demonstrate, via two medical specialists, that they have exhausted all other available conventional treatments.

Specific guidelines for applicants in category one, two and three must be followed. For applicants in category two, a signed medical declaration from one medical specialist is required and for applicants in category three, signed declarations from two medical specialists are required. The physician must also recommend a specific dosage for the patient.

Under legislation created by the Office of Cannabis Medical Access (OCMA), persons suffering from various medical conditions may apply for authorization to possess and obtain marijuana. In these instances, applicants must



provide information about themselves, their medical condition and indicate if they plan to grow their own supply of marijuana, have someone grow it for them or, in the future, obtain it from a dealer licensed by Health Canada. A medical physician must complete and sign a declaration indicating the nature of the symptom for which marijuana is being prescribed.

After receiving authorization, applicants are issued an identification card that proves to police that they're authorized users. The identification card contains:

- Name, date of birth and gender
- Full address of the holder's residence
- Name and category of the symptom
- The medical condition or the treatment the symptom is associated with
- The maximum quantity of dried marijuana, in grams, that the holder may possess at any time
- Date of issue
- Date of expiry
- Photograph of holder

Holders of an Authorization to Possess Marijuana (ATPM) card may have up to a thirty day treatment supply. For example, a patient whose daily dosage is three grams can have no more than ninety grams at a given time.

The ATPM holder may be prevented from possessing or producing marijuana in a hospital or jail since "the decision to allow a patient (or inmate) to possess and/or produce marijuana within the hospitals, penitentiaries or jails, and other correctional institutions, remains the decision of each institution." The onus of awareness

and development of a related organizational policy is the responsibility of each respective agency, should a person possessing medical marijuana be subject to their care and/or custody.

During these times of ever-dwindling resources, the aforementioned guidelines, regulations and amendments raise many questions for emergency service personnel. Will a patient/prisoner be allowed to possess marijuana? How can s/he obtain it if they don't have any or run out while in hospital care or police custody? What reaction/response will be displayed for those permitted to take their 'prescription'? Since Emergency Services personnel could encounter someone legally permitted to possess marijuana, are they aware of the new medical marijuana guidelines?

Emergency Services policy makers need to be fully aware of the changes to the CDSA. New legislation permits Canadians to possess medical marijuana in specific amounts. Additionally, those so allowed will hold an ATPM card that contains information regarding the individual as well as the medical cause for the marijuana use. Policy makers for law enforcement agencies with temporary custody holding facilities must be aware that Health Canada has left the decision on whether to allow medical marijuana consumption while in custody to individual law enforcement agencies and therefore leaves them liable for the development of policies preventing its use — but what other choice can be made?

Police agencies cannot allow a prisoner to consume marijuana while in custody for a multitude of reasons. Emergency service agencies must be aware of the outlined changes related to marijuana use and keep their personnel informed and policies current or risk the consequences and repercussions.

Joel Shoihet (B.A. Law) is a special constable with the Ottawa Police Service and a medical assistant in the Canadian Armed Forces Reserve. He is part of a policy development committee working within the Court Security Unit and Temporary Custody Service, which is reviewing the new MMAR and its potential impacts on care and control of prisoners and inmates in custody. He can be reached at shoihetj@ottawapolice.ca.

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Tag — you're it !

Experience of a first-time negotiator

by Michael Walker

Any time you are the new person on a team, you're eager to be involved and show interest to impress your new peer group. Being the new crisis negotiator on our Tactical Apprehension and Control (TAC) team, this is what I set out to do.

I was on the team only a few months and participated in some practices but no formal training. I was ready to be a team player and, ready or not, I soon got the opportunity.

During this nice fall day I overheard units in foot pursuit of a battery suspect and heard some of our TAC learn members en route to the area so I decided to be seen and to assist. As luck would have it, we looked everywhere and our suspect could not be located. He had an injunction against him; his girlfriend, who was the mother of their child, was the complainant. Apparently they still resided together in some capacity and they were having another less than stellar day. Each had claimed battery on the other and when it appeared he was going to be taken into custody, he decided it wasn't an option and fled, so that is how we became involved.

After we couldn't locate him we broke from the area. About two hours later the complainant called and advised he had returned and was in the apartment and she was at a neighbour's apartment. I was a short distance away and four of us arrived together. We sent someone to the rear, even though the apartment was on the second floor, and three of us tactically made our way to the front door.

We knocked and announced; he stated he wasn't going back to prison and refused to unlock the door and come outside. We obtained a key from the girlfriend and unlocked the door but he would just relock it and tell us to go away. Finally we made some noise at the front window and asked him a question. When it was obvious he was away from the door we made entry. Once the door was open he barricaded himself across the room, 20 feet from us, held an eight-inch kitchen butcher knife to his throat and said he would kill himself if we came inside. I have been in the business 13 and a half years and was totally convinced he was serious.

A different plan

With three of us yelling for him to drop the knife while pointing firearms at him, we needed a different plan right now. Everyone looked at me and so it was "tag, you're it" since I was the new expert. To become less threatening I holstered my firearm, dropped to one knee, put my hands out in a non-threatening manner and asked him to relax and give me his name so I



could personalize this. He responded and rapport began immediately.

All the other officers remained quiet and let negotiations start. Being new I just let him tell his side and listened intently to all he said. During this time one of our senior and experienced negotiators arrived (thank you) and listened. I asked about switching to back-up and was told no, you have rapport so stay where you are.

The first objective was to get Dave, as we will call our suspect, to put down the knife on the table next to him. He was assured we wouldn't attempt to enter and would continue listening to his side of the story, since I had developed a good rapport. He did put the knife down and sat behind a large table that eliminated the opportunity to use the SAGE gun.

The secondary negotiator developed intelligence and found out the girlfriend and their daughter were outside. It was suggested I mention the daughter's name and bring her into the conversation for a reaction as a hook. The intel was great and Dave began to double over and sob as we spoke of his daughter. As I got onto another subject, I was reminded by the secondary to stay with the hook. Conversation went to putting guilt on Dave if he was to take his life right now — do it another day, not here with his daughter (age two) nearby and certainly not in the apartment which she lived. I mentioned emotional scars and that she deserved a better start in life and he nodded in agreement. I asked him not to be so selfish and to think of his daughter.

It felt like this was taking forever. Numerous units were on scene now as progress was being made. I stayed away from talking about jail or charges and responded to questions by saying you will have your day in court before a jury if it goes that far.

Now we needed him to surrender and started those talks. I asked and he replied "y'all want to jump on me and beat me up" or words

to that effect. I took this as a positive that this was now negotiable. I stated we would not hurt him, I would put the cuffs on him inside the apartment and would not let his daughter (the hook) see him like this so he could maintain his dignity. He nodded and seemed to relax and trust developed. Then out of nowhere he looked at me and asked if he surrendered, would I get him someone to talk to at the hospital. This was the moment we were waiting for. The secondary stated the call would be made and assured Dave that I would go to the hospital with him personally to make sure it happened.

Happy ending

Dave took a few deep breaths and we encouraged him, telling him he was making the right decision. Very precise instructions were given as the secondary consulted with the arrest team. As Dave went to lie on the floor he was encouraged and I was the first to make contact with him prior to cuffing, as we had agreed.

It had felt like one and a half hours yet was only 25 minutes and I was physically and mentally drained.

When I reflect on this, my first negotiation, the determining factor of our success was the role-playing that our Crisis Negotiation Team (CNT) conducts at our monthly training sessions. This type of training provided me with some tools to utilize, not only from participating but also from listening to seasoned and experienced negotiators speak and picking up tips from them.

Additionally a secondary negotiator is priceless in these situations to keep you on track and assist with listening. A secondary keeps track of hooks and triggers and makes a better listener as sometimes the primary may be too intent on thinking of what to say next. This type of teamwork that we use when role-playing is extremely productive.

Last but not least, hold your part of the bargain during a negotiation. We took Dave to the hospital and made the proper arrangements for him to be evaluated by a psychiatrist, which we had agreed to do. Prior to departing the hospital I told Dave he made the right decision and he nodded and thanked me.

That trust goes a long way since you never know when or in what situation you will deal with these people again and all you will have is your integrity and word to fall back on.

Michael Walker is a 13-year veteran with the Tallahassee PD. He is currently assigned to the motorcycle/traffic homicide unit and can be contacted at walkerm@talgov.com.

Award-winning ad available to other agencies

Violence amongst youth is not usually something people choose to talk about. That's why Halifax Regional Police (HRP) produced a 30 second television spot about dating violence — to educate youth in the region and put the spotlight on this frightening trend.



The ad was developed with Corporate Communications Limited (CCL), Atlantic Canada's largest marketing communications agency and partner with HRP on four crime prevention programs a year. The program recently took Gold at the ICE Awards in Halifax, which recognize excellence in creativity in Atlantic Canadian advertising.

"The fact CCL and HRP won this award doesn't surprise me in the least," says Judy Pal, public affairs supervisor for HRP. "It was a hard-hitting, in-your-face ad that gives you shivers when you watch it. It certainly gets the point across about dating violence."

The ad was the second project CCL has partnered with HRP. The first was a stark black and white poster campaign promoting safe grad. It too was a departure from the usual, featuring graduation pictures of five smiling students and a toe tag in the sixth photo spot. The tag line read, "One out of six students will drink and drive this summer. Get the picture?"

"We find the harder-hitting the ad, the more students, who are our target audience, stand up and take notice," says Pal. "The shock effect of the ads really does make it through the mess of media targeted to these kids on a regular basis through all different mediums."

Their current project is a radio and outdoor advertising program launched in September to piggy-back on the already very successful Anti-Bullying Hotline campaign HRP

instituted about three years ago. The program has been adopted by police agencies across Canada and the US with inquiries coming from as far away as Los Angeles and Germany. The theme of the new program focuses on the importance of speaking out about bullying, with the tag line, "Just because you don't see it, doesn't mean it's not going on. Tell someone."

CCL and HRP are pleased to share their award-winning creative with other agencies. The ads are generic enough to be used by any agency with just a change to the tag.

The dating violence ad is at www.police.halifax.ns.ca (click on *crime prevention*). Any agency wishing to use ads developed by HRP and CCL can contact Judy Pal at (902) 490-5063 or palj@region.halifax.ns.ca

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Coast Guard course teaches water rescue

by Danette Dooley

Most of the seven police officers recently enrolled in the Coast Guard's Fast Rescue Craft (FRC) course admit they couldn't even start a boat on day one; in fact, some didn't know how to swim.

Yet ten days later they were practicing rescuing people and recovering bodies at night in the dark, in the Atlantic ocean, in weather conditions not conducive to a midnight sail on the bay.

"We've had rain, we've had winds and we've had some fog for some of our night exercises," says Peter Fontaine, one of the Coast Guard instructors.

Newfoundland and Labrador's harsh environment means that when search and rescue personnel are called to conduct water searches, they generally turn from rescue to recovery operations.

Fontaine was involved in the rescue effort when the Ocean Ranger sank. He and the officers taking the course agree that, for the families of those who are missing, finding the remains of their loved ones also means finding closure.

Royal Newfoundland Constabulary (RNC) Inspector Bob Garland was one of seven police officers who took the course. Having been involved in several searches during his three-year stint as the force's media relations officer, he knows the importance of a successful recovery effort.

"It's very difficult for searchers to be searching for remains but the reality is, for the families and the community, this is equally important and the importance (of a recovery versus a rescue) should not be diminished at all."

Fontaine says he and fellow instructor Kevin Lawless worked to gear the course to the needs of the individuals enrolled in the training. This time his group consisted of Garland and six RCMP officers.

"We were a little bit intimidated because



Kneeling (L-R): RCMP Constables Perry Bradbury, Ren Osmond and Mike O'Brien. **Standing:** Coast Guard Instructor Kevin Lawless, RCMP Cst. Les Brushett, RCMP Auxillary Cst. Larry Rumboldt, RNC Inspector Bob Garland, RCMP Cpl. Derrick Strong and Coast Guard Instructor Peter Fontaine.

we were going to be in with this bunch of burly guys here and we didn't know what to expect ourselves. We were very pleasantly surprised to find that they're just like us — a little bit off the wall and from our side — our jobs are very intense and you have to be able to relax at times; and if you foster a relaxed atmosphere, the students will learn better."

Cpl. Derrick Strong works in the RCMP's Burgeo, Newfoundland detachment, where many of the towns are only accessible by boat.

"We learned many aspects of small vessel operation, like approaching shores and shorelines and putting somebody ashore; and in our areas, we might need that at any given time. We learned

about boarding vessels and we might do that on a daily basis if required. We did some advance maneuvering techniques and with the coastal waters and shoreline characteristics of Labrador, we need to know this stuff."

Cst. Mike O'Brien, an RCMP officer in Charlottetown, PEI, notes that when the summer hits, the population of the island explodes.

"We have a lot of boating traffic and one of our main jobs is to do the enforcement but also safety. I was the only one in the unit at the time who doesn't have the course and that's why I'm here," O'Brien says on the last day of the 10-day course.

As the hours turned into days, Fontaine says

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there was a noted improvement in the confidence levels of the officers — even the non-swimmers dumped into the ocean as part of one of the training exercises.

“We overturned the boat and we have some people here who are non-swimmers. Nobody blinked or batted an eye. They all got in the water, righted the boat, recovered their crew members — with whales just 30 or 40 feet away — so they had enough confidence in us that they actually did it.”

Cst. Ren Osmond, an RCMP officer in Nain, Labrador admits he wasn't keen on participating in the boat capsizing exercise.

“I'm not a boat person or a water person but because of the way the course was put off, I was really relaxed all the way through.”

An important part of search and rescue is for those involved to be thinking about all possible scenarios rather than ‘getting into a black and white mode.’

“There is always a gray area and you always have to be thinking on your toes,” says instructor Lawless.

The 7.3 metre FRC used during the training session is capable of handling 28 people. Students are also trained how to use electronic equipment such as radar, sonar, GPS and night vision devices.

Cst. Les Brushett is with the RCMP's Customs and Excise Branch in Burin, Newfoundland. One of its primary functions is to reduce the flow of contraband products into the country. He was quick to take advantage of the course since he was the only member of his unit not trained in the operation of a FRC.

Cst. Perry Bradbury and Auxiliary Cst. Larry Rumboldt are with the RCMP in Mary's Harbour, Labrador.

“We also assist other detachments and, with the new highway, we have some communities that are only accessible by boat,” Bradbury says.

As the detachment's only auxiliary member, Rumboldt says he's taking the training because many regular RCMP members who come to work in Mary's Harbour aren't trained in FRC search and rescue.

Garland was recently transferred from St. John's to Labrador City.

“Being a townie, I didn't have a lot of boating experience so it was prudent for me to get the training and the understanding of how the vessel operates.”

The training course taught the officers what's required in operating an FRC safely as well as basic maintenance instruction and the abilities of the craft in carrying out search and rescue operations.

For Garland, the most challenging part of the course was adapting to the water, the idiosyncrasies of the ocean and the strengths and weaknesses of the craft in trying to blend in with the elements. His admiration for the Coast Guard's search and rescue team, which conducts the majority of searches, also increased.

“It's fine to be out on a nice sunny day when the temperatures are warm and your biggest complaint is that your survival suit is making you perspire, but if you look at being out in sub-zero conditions on an ocean with break waves, trying to save somebody else, it's a totally different scenario.”

Although the students had little or no

knowledge of water rescue, instructors were able to keep their confidence level intact while teaching in a safe and comfortable environment.

“Everything that was done was done with the underlying factor that it has to be done safely or not at all,” Garland says.

Both instructors were pleased with the way the training unfolded and ended. Fontaine looks at the overall result as a win-win situation for the Coast Guard.

“I'd have no problem taking any of these guys and going out on a SAR case at an time and that's a reflection of their attitude and their skills,” he notes.

“We consider these people a practical resource to us now that they have this training.

They could be the first people on scene in an incident... we've benefited greatly from offering this course. Kevin and I have some knowledge and some skills and we try to pass those on but we're always adapting and learning and we've learned a lot from these people as well.”

Students are quick to stress that their work on the water will never compare to that of their instructors.

“They're the ones who have gotten much more than the T-shirt,” Garland says.

“They've gotten all the scars that go along with it. In my mind they're the heroes that don't get the credit that they deserve. They're professionalism personified.”

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Using humour to maximize performance and productivity

by Audrey Pihulyk

The role of management in this ever-changing world is more demanding now than ever. Trying to balance the cares and responsibilities of family with the pressures and changes in the workplace can be stressful. Management structures and processes promoting camaraderie and team spirit, where people are valued and made to feel engaged, are needed to counteract this.

Organizational experts like Tom Peters prescribe horizontal rather than vertical management structures, inviting input from workers and using cross-functional teams instead of the hierarchical authoritarian mode of leadership.

The new structure calls for managers to become more adaptable to change and develop better problem solving skills. It may not be easily accepted by some because we have for so long stereotyped the boss as an authoritarian leader who makes arbitrary decisions, with employees being mere followers.

Today, in the ever changing workplace environment, we need what *Fortune Magazine* calls "the new post-heroic leadership." The heroic or authoritarian leader made most of the company's decisions and policies while employees felt disengaged and unmotivated. However, the paradigm shift that this concept brings now encourages them to be more involved in all areas, from decision making to formulating company policies. These new responsibilities make them feel more valued as members of a team rather than powerless subordinates.

What then will enable leaders to be more effective? The progressive and prosperous Southwest Airlines discovered that an effective leader possesses, among other things, a healthy sense of humour. It only hires humorous flight attendants, for example, because it believes an essential part of their job is to keep customers happy; a humorous person, whether a leader or employee, benefits personally from having a playful attitude. Southwest's 32,000 employees are playful, loyal and hard working.

Authoritarian leaders are known for their intolerance and inflexibility while humorous leaders, being more open-minded, are not intimidated by change. Humour introduced into stress filled boardrooms will help lighten meetings and steer decision-making in a positive direction.

There's two opposing views on thinking: convergent focuses mainly on one narrow issue while divergent focuses on many possible issues. Let's look back to our school days when natural playfulness was often suppressed. Schools then were experts in convergent thinking, telling students there was no time for playfulness and that they had to work hard and avoid making mistakes.

Thankfully educators are now realizing that divergent thinking is a more productive way of learning. Humour is closely connected to divergent thinking and both open minds to new and endless possibilities for creativity and flexibility in decision making and problem solving.

Dr. Anvir Ziv experimented with a group

of students and found those who viewed a humorous movie scored high on a test involving divergent thinking. A second group who produced funny cartoons were much more engaged with humour and scored even higher.

Divergent thinking can also help a leader reframe a situation, which is restructuring it into new patterns. Reframing is useful for the effective leader as it can provide some control over the thinking of others, while helping them look at situations in a new way. This creates unanimity in a group without disagreement.

Confident leaders are flexible, humble and graced with humour. Confidence and humour go hand in hand with these attributes while rigid and proud behaviour is associated with those who lack senses of humour. Authoritarian leaders are rigid and proud and find it hard to appreciate humour. Former U.S. Presidential candidate Adlai Stevenson said "humour helps to distinguish the really bright and thoughtful and also the humble... from the self-conscious and self-righteous presumptuous type."

Self-effacing humour — the ability to laugh at yourself — is a valuable gift an enlightened leader brings. This type of humour is essential and closely tied to humility.

Speaking to a group of students beginning their summer jobs in Washington, US Presi-

dent John F. Kennedy said "sometimes I wish I just had a summer job here." By using this self-effacing humour, Kennedy gained instant rapport with them. This special brand of humour helps a leader appear smart and knowledgeable while still humble and approachable. Leaders who don't take themselves seriously but take a constructive attitude towards their own mistakes and those of others create a relaxed, productive atmosphere.

Leaders exercising humour can also make people feel like members of a team. They lead as coaches rather than generals, taking on a mentorship role with employees and maximizing cooperation, creativity and productivity.

All organization members, regardless of job descriptions, can be more effective by incorporating humour into daily interactions in the workplace. The days of the heroic leader need to be put to rest. With today's fast paced changes, it's essential leaders encourage engagement by developing horizontal management teams and do it all with a touch of humour.

Audrey Pihulyk is a 'humour-cilator' who speaks at conventions and for organizations on 'Winning Strategies for Life.' You can reach her at 1-866-484-2197 or by e-mail at audrey@possibilitiesnetwork.com or through her website, www.possibilitiesnetwork.com.

Magazine part of curriculum

Students at Niagara College interested in a career in law enforcement are turning to *Blue Line Magazine*.

For several years now, students enrolled in Niagara College's Police Foundations course have been reading *Blue Line* to keep up to date on current affairs and law changes. Instructors have been encouraged by the enthusiasm of the students who read the publication.

"The decision to use *Blue Line Magazine* for our course is a novel approach and a radical departure from other styles of teaching," says Gino Arcaro, coordinator of the Police Foundations section of Niagara College. "When I first made my proposal to use *Blue Line Magazine* in my courses it was an attempt to use contemporary publications to broaden the knowledge base of the students. *Blue Line Magazine* fulfilled that mandate and went far beyond what was initially required. The information in the magazine was not only up to date but fulfilled the needs of a lot of subjects from psychology to sociology. It actually got them in tune with law enforcement right from the start."

Arcaro points out that typically each course had only one text book to study and resulted in a narrow focus for the student. *Blue Line Magazine's* introduction instills an on-going awareness and has transformed the students opinion of law enforcement in ways a text book could never achieve.

Several years ago Arcaro proposed to Niagara College management the use of *Blue Line Magazine* as a single source for con-

temporary relevance in the curriculum.

Today the Niagara College staff see the relevance of matching a trade oriented publication to the actual trade or occupation being taught. The popularity of this strategy has become so common that many profs have stopped searching for other relevant material. "*Blue Line* has satisfied all topic levels," says Arcaro, "whether its general education, seminar, vocational, exams or discussion. It satisfies the needs of broad-based law enforcement.

"I would highly recommend to other instructors to utilize *Blue Line Magazine* as we have done. It has done more than just spice up the course, it has revolutionized it," Arcaro said. "Doing this one simple thing of subscribing to the magazine adds contemporary curriculum and requires no external motivation for the student to read."

"We are going into our 15th year of publishing," says publisher Morley Lymburner. "It is initiatives like those shown by Niagara College's staff that confirms our content is current and relevant to our readers. We are all pleased to see our magazine is held in such esteem."

Niagara College currently requires all 470 students in both first and second year police foundation courses to subscribe to *Blue Line*. The publication is sent to their home addresses rather than the college so they understand that not all the learning and reading they have to do is in the classroom.

Inquiries for bulk subscriptions such as this can be made to Mary at (905) 640-3048 or admin@blueline.ca.



A level playing field

Act puts undercover work back in business

by Heather Hamilton

April 22, 1999 was a dark day for many RCMP investigators. The landmark Supreme Court ruling in *R. v. Campbell and Shirose* (Shirose) restricted the RCMP's ability to use certain techniques in criminal operations, holding that police are not agents of the Crown when engaged in law enforcement activities and, if some form of public interest immunity is extended to police, it should be left to parliament to set out the nature and scope.

Almost three years later, investigators celebrated *Bill C-24, The Organized Crime and Law Enforcement Act* at their first training session at RCMP headquarters, saying it's a new day in the fight against organized crime.

Passed in part on January 7 and applying to all Canadian police officers, it will address the fallout of the Shirose decision, allowing specifically designated members to commit otherwise illegal acts or omissions in conducting criminal investigations. It also provides investigators with aggressive new measures to target organized crime, including three new offences, tougher sentences and improved protection of individuals playing a role in the justice system.

The greatest impact is a new accountability process, effective Feb. 1, requiring members to obtain personal designation from the Solicitor General in order to carry out acts or omissions that would otherwise be illegal. Under the new law, the force is also required to report to the Solicitor General outlining how often RCMP members engage in such activities.

Raymond Houle, a retired RCMP member, has been tasked with developing the policy and infrastructure to designate members to carry out the new provisions. He admits there will be a learning curve. "Historically, we've reported statistical information, including numbers of arrests (and) people charged and convicted, but we have never done this type of reporting," Houle says. "The challenge will be setting up a process to have these members designated and trained to understand the new legislation."

In January, Insp. Raf Souccar, the officer in charge of Cornwall's Combined Forces Special Enforcement Unit, and the divisional undercover and witness protection co-ordinators received their first training on the new bill. They will now play a role in educating members across the divisions in implementing the new legislation. The course, provided by the RCMP and lawyers from the Department of Justice, will eventually become a component within the RCMP's undercover course.

In addition to educating members about the new provisions, Souccar says management is working to ensure that police officers in the field have the proper tools to get the job done. "We will need to look at ensuring a proper database is in place to monitor the designation expiration dates," Souccar explains. "We don't want a designation to expire right in the middle of an investigation without alarm bells going off," he says, adding that the Undercover Operators' Repository is being examined as a possibility for tracking such data.

Despite additional safeguards to monitor

police conduct, the legislation has been sharply criticized by groups such as the Criminal Law Association and the Defence Bar, who believe the new justification provision infringes on basic human rights and gives police too much power. Many argue investigators should be required to obtain permission from the courts for police immunity, in the same way they do for search warrants or wiretaps.

Houle says the new legislation doesn't provide blanket immunity; there's still conduct excluded from justification provisions that could come into play while infiltrating criminal groups, including violating the sexual integrity of any person, causing intentional or criminally negligent death or bodily harm and willfully attempting to obstruct justice. "It is very important from the onset not to develop bad case law and to be very conscious that we don't want to be in another situation like Shirose where we can't conduct certain operations," Houle says.

Both Houle and Souccar are optimistic that the new legislation, which is expected to be reviewed in three years time, will go a long way in placing investigators back on a level playing field with criminal organizations. "If organized crime is a priority and we are going to be successful in our efforts to disrupt and dismantle criminal organizations, then we require the proper tools to do it effectively," Souccar says. "With this tool, we will be okay."

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Twenty years of the Charter

by Kathryn Lymburner

Since its introduction in 1980, Canada's Charter of Rights and Freedoms has revolutionized law enforcement and the methods in which policing and the judiciary cooperate. Police are now forced to uphold individual rights and freedoms while at the same time maintaining a society that respects law and order.

Before the charter's introduction, Canadian police enjoyed considerable freedoms and were less constrained than forces in many other countries. For example, all evidence, even that which had been obtained illegally, was admissible in court and cases were not dismissed if a police officer violated an individual's rights. There was also no clear requirement that officers inform suspects of their legal options and rights.

This all changed following the 1970 October Crisis in Quebec, when public interest in protecting civil liberties grew. At the time, the RCMP Security Service was criticized for questionable police tactics. In response, the Canadian Civil Liberties Association proposed to the *Commission of Inquiry Concerning Certain Activities of the RCMP* that tighter controls on policing were needed. The brief also underlined the need for the Canadian Association of Chiefs of Police (CACCP) to develop enhanced research and communication abilities in the area of legislation.

The charter was presented to the public as a new means for promoting both equality and justice within the Canadian legal framework and was largely the creation of Prime Minister Pierre Trudeau. It set out provisions for ethnic



and racial diversity, freedom of speech, religion and thought and helped to promote Canada's historic French-English duality.

Arguments both for and against the protection of civil liberties quickly emerged. On the one side, there was concern that an entrenched Charter of Rights would introduce a new era of judicial activism, creating a more litigious society and effectively threatening the government's ability to make and pass any form of legislation. The courts, as in the American system, would play a more active role in defining powers of the state. They would also have more influence on legislation, rendering the House of Commons and Senate ineffective.

There were also fears that ambiguous wordings, such as 'unreasonable search and seizure,' within the charter's text would be open for too much interpretation by judges. Who would define what unreasonable meant and how would they come to this conclusion? Decisions of one individual could essentially overrule the will of the majority of Canada's elected repre-

sentatives. Also, since our legal framework operates on a system of case-by-case precedents, definitions such as 'unreasonable' could only be defined as rulings were made.

The first draft of the charter was released in July, 1980 and many groups, including the CACP, spoke out against it. A second draft, released in October of the same year, was more readily accepted by the police associations. Various sections they had opposed were removed. However, in January 1981, the Trudeau government reintroduced these sections, which proposed reducing police powers to search and detain and guaranteed an accused person the right to counsel and to not testify against oneself.

Some of the problems with these legislative proposals included *s10(b)*, which could be interpreted as a Canadian Miranda rule. Under Canadian law, police were not obliged to inform arrested persons of their right to counsel or to provide a telephone so counsel could be secured. *S11(e)* guaranteed access to bail and seemed to conflict with provisions of the Bail Reform Act.

Critics also noted that room had been made to introduce an American exclusionary evidence rule, which states that anything obtained illegally or without a proper search warrant may not be used as evidence. It prevents police from violating the civil liberties of American citizens and was thought to seriously hamper investigations and prosecutions in the United States.

Despite all the CACP's lobbying, once 'charter cases' began to appear in the lower courts in 1982, they officially accepted it as the law of the land.

On the other hand, supporters noted that the legal-rights sections promised to protect citizens under *s8* from unreasonable search and seizure and under *s9* from arbitrary detention and imprisonment. It also required that arrested people be informed of their rights and tried within a reasonable period of time. It was stressed that police were required to show reasonable cause to detain a citizen. More professional policing would be the direct result.

As 'charter cases' began to work their way through the Canadian court system, decisions affecting the manner in which police collect information began to appear. By 1984, cases affecting police powers were reaching the Supreme Court of Canada. A 1985 decision excluded incriminating evidence, a breathalyzer sample, because police had not informed the suspect of the right to counsel.

R v Oakes in 1986 ruled that the 'reverse onus' principle in drug trafficking prosecutions was invalid. Before this, the onus remained with the defence to prove that illegal drugs in an individual's possession were not for purposes of trafficking. In a 1987 case, *R v Smith*, the mandatory seven-year sentence for importing illegal drugs was judged as being cruel and unusual punishment.

As can be seen from these early cases, major reforms to police practices were already under way. As each new case makes its way through the court system, we gain more definitions of what the police can and cannot do and what can be considered right and wrong in Canada. We are also closer to defining the thin line between individual rights and the ideal society that upholds and obeys law and order.

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Schizophrenia is all about chemistry

by Dr. Dorothy Cotton Ph. D., C. Psych.

Every now and then it occurs to me that I don't know what I am talking about so I go back and read a basic text book to refresh my memory. This generally has one of two effects; either I am relieved to discover that I actually might know something — or my worst fears are realized and I discover I am an ignoramus.

In a fit of insecurity, I recently read an introductory textbook about criminology. In order to protect my professional reputation, I will not disclose which of the above turned out to be true — but I will say that I wasn't impressed with the author's knowledge of mental illness. In a section on psychoses, in particular schizophrenia, they commented that it can either be caused by physical stuff or it can have "psychological" causes; Oh please.

When I was a student back in medieval times, we learned that schizophrenia was caused by bad mothers ("the schizophrenogenic mother," they called them) or was a learned behavioural disorder. This made perfect sense to me until the day I actually met a schizophrenic person. Learned? I think not.

So what exactly is schizophrenia? It's NOT

a result of stress, it is not learned, it's certainly NOT "split personality," and it has nothing to do with bad parents. It's a medical problem, much like diabetes or epilepsy. Mostly it's messed up brain chemicals.

The two cent lecture on neurophysiology: your brain is full of chemicals called neurotransmitters. There are a whole bunch of these things that carry messages. If you don't have the right amount of the right chemicals, your brain doesn't work right. Two of them are called serotonin and dopamine. Schizophrenics don't seem to have the right amount of these and that means their thoughts don't work right. They get mixed up and confused, see and hear things that aren't there, get strange ideas, aren't motivated to do much... and so forth.

It's not exactly clear why this happens to some people. There's a bit of heredity involved and seem to be other factors as well — we're just not exactly sure what they are. The important part though is to remember that telling a schizophrenic to "cut it out" and "get real" about their false beliefs and ideas is a little like telling a diabetic to have a good talk with his pancreas and tell it to produce insulin or else; it just ain't gonna happen.

This also explains why people with schizophrenia need medical treatment. Although the medications given to these folks are sometimes

called tranquilizers, it's not that they simply subdue them — the effective medications actually help to correct the imbalance in the brain chemicals.

There's just one minor detail about taking medications. People don't like to do it. If that seems a bit silly to you, think about the last time you had to take antibiotics for some kind of infection. The doctor said to take them for 7, 10 or 14 days, right? Did you? Or did you stop taking them after a few days because you felt fine, forgot or just don't like taking medicine. Perhaps it gave you a rash, upset your stomach or you thought the doctor was full of it and you didn't think you needed the medication.

Ahem. Think about it. What if the medication also made you gain weight, put the kibosh on your sex life, made you feel fuzzy and drowsy all the time...

It's really not a wonder that many people decide not to take their medications. Besides, we all know how popular it is to have a mental illness. I'll bet you have someone in your family or a friend with a mental illness. Do you advertise the fact? Of course, not — what would people think????

It would be easier if we thought of it as a brain disease rather than a personal or moral failing.

I think I need another criminology book.

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Your department should be a media star, and every officer a celebrity

by Morley Lyburner

The importance of open communication between police and the community should be of the highest priority. It shows that police are completely transparent in their dealings with the public and creates an atmosphere that invites transparency from the community.

Good communication must start at the police level first because they are never looked upon as power sharers but rather power brokers. Therefore, the need to change toward more open communication lays with the police.

The local media is the keystone for a successful policing operation in any community and a very powerful tool that is always ready and willing to be utilized. It is therefore extremely important that their ability to get news be encouraged.

I recently visited a small city police service that had been making great strides in improved service delivery and resource utilization. In fact, their advances were described as innovative and in some cases brilliant. As I heard more from the officers, one theme came through. The local newspaper rarely carried news about their activity. When they did, it was relegated to the back of the paper while other area police services often received front page coverage.

I checked out this theory and true to suspicions, had to agree that this was the case. I decided a visit to the local paper was in order to determine why.

The managing editor confirmed that this was indeed the way things would appear. "The only thing we tend to get from the city police is a daily log of arrested drunks from the night before. Hardly stuff that headlines are made from," he advised.

Since the local police went to a digitally encrypted radio system, and handled the 911 communications to all emergency services, the media could no longer monitor the local calls as before. Consequently they really only got news of very major importance from the police and nothing of day-to-day incidents that might be important to local residents. Conversely, rural fire calls were easily monitored and would get more frequent coverage.

I had to agree with both sides of the argument. Yes, the media were not getting the in-

formation they needed as they did before and yes, local police were not getting the attention they once did.

I could also see that both sides had let down the citizens of the community. The local newspaper only had to harken back to an era before police radio to get the news they needed, when reporters kept their ears to the ground and the community fed them news.

Police forces must get their own people to feed news to the media and keep feeding it to them on a regular basis. To be a real winner with the community, your police force must be a media star. The information that they want to hear about is right there in the logs and reports filed daily, waiting to be shared.

I would suggest the following might be food for thought:

1. The local media should look into a news reward system — the 'Tip of the Week,' for example, could receive a \$100 reward and the best tip of the month could earn a further \$500. With the explosion of cell phone and internet technology, there should be no shortage of local news coming into the office.
2. The local media could negotiate with the police to get a radio to monitor calls, using the argument that a reporter could be a roving 'Citizen On Patrol,' feeding information, perhaps on a first hand basis, to the police as well. Local media outlets may even become sizable financial supporters for police volunteer organizations.
3. The police could appoint the local news editor (or his designate) as their 'Central Media Feed.' This reporter could take the police 'oath of secrecy' and thereby be bound to not releasing news deemed to be untimely or sensitive in nature. A breach could lead to charges, of course, but worse would be the loss of this position to another media outlet. All police news would be released through this person. Of course, this may not work if there's keen media competition but outlets would then have the reporters to get their own news.
4. Police could get journalism students from community colleges or high school students interested in journalism to write stories about the police and community. This would put

the student under the control of a supervisor within the police service who would vet the stories for release.

5. A departmental policy encouraging each shift to produce a press release at least once per week on an event and submit it for release to the local media. It could be as simple as a car accident with a word of caution to motorists, a profile on a new officer or an officer

with an interesting background or hobby. The use of departmental cameras to underscore some of these stories will put the local media at your feet.



PRESS RELEASE

A major collision occurred yesterday at an intersection in the north west section of the city, sending three people to hospital with major but non-life threatening injuries.

"It is a wonder no one was killed," said Greenville Police Sgt. Peter Brown of the collision at 4th Ave and 18th St. "The car was struck hard on the passenger door by a pickup truck. When this area of the vehicle is struck quite often it results in severe head injuries and fatalities."

The collision involved a 2002 Buick westbound on 18th St. when it was struck by a Dodge Ram pickup truck going south on 4th St. Indications are that the car driver, unfamiliar with the street, was blinded by the setting sun and didn't see the stop sign, entered the intersection and was struck.

The driver and passenger was extricated from the wreckage by Greenville firefighters and taken to the Regional Health Centre, where they were treated and held for observation.

Constable John White, a police accident reconstructionist, reported that speed was not a factor. His calculations indicated speeds no more than 31 km/h in the 50 km/h zone. "There is no doubt that had the speeds been any higher by either vehicle, injuries would have been much worse," White concluded.

Geography and road layout are important factors for the residents of Greenville to remember, White pointed out. The roads on the west side of the city quite often come in conflict with sunlight and the fact that they incline over a ridge can obscure motorists vision.

"At certain times of the day motorists should be aware of this factor and moderate their speeds to accommodate traffic controls and pedestrians. They should use their sun visors, even for a few seconds, to get over the hill safely," White stated.

The Greenville engineering department has been notified of this collision for future reference and further investigation.

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"This list is not exclusive. Some students could not be contacted, and for reasons of privacy and security others did not wish to have their names included."

Cities should help pay for rural policing

Alberta's largest cities, which already pay all of their own police costs, could surrender a portion of fines to help pay for rural policing, a government report says.

A provincial policing review recommends that rural Albertans start paying for police. Currently, communities with fewer than 2,500 residents pay nothing.

"The number one concern when we spoke to Albertans was the lack of equitable funding," committee chair Judy Gordon, member of the legislature for Stettler-Lacombe, was quoted as saying.

The report recommends all communities pay 25 per cent of fine revenue to the province, to be used to help cover policing costs based on a formula that includes crime rate. At first glance, that appears to penalize police forces that have made major investments in community policing and crime prevention.

Among the review's 35 recommendations: study creating a provincial police force by 2012, when the RCMP contract expires; form a policing secretariat to develop standards and protocols for all forces; and establish a provincial training facility.

It also recommends allowing photo radar on provincial highways rather than just cities but restricting its use to highways that pose specific problems, as well as school and construction zones. Solicitor General Heather Forsyth said the public has until Oct. 15 to respond to the recommendations.



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T4 slips admissible against cheats

by Mike Novakowski

Police can use employment records provided to social assistance agencies to prosecute cheats without violating their right against self-incrimination, Ontario's top court has ruled.

In *R. v. D'Amour* (2002) Docket: C35927 (OntCA), the accused, who was unemployed, applied for and received social assistance under Ontario's General Welfare Assistance Act.

Shortly thereafter she began working and didn't report her earnings; doing so would have reduced but not totally eliminated her benefits.

A case worker with the Community Service Department (CSD) received information that the accused hadn't reported the income and asked her to produce T4 slips for the previous three years or her benefits would be withheld. She complied and it was determined she hadn't reported income from the two years she'd been employed. The matter was referred to the police for criminal prosecution, along with copies of the T4 slips and other documentation.

Police charged the accused with fraud and issued subpoenas for the original documentation. Although the Crown used the originals at the trial, they wouldn't have been subpoenaed if police hadn't received the information from the copies first.

The accused was convicted but appealed to the Ontario Court of Appeal. She argued that her charter rights under s.7 (self incrimination) and s.8 (search and seizure) had been violated because of the manner in which the documentation was obtained and that the evidence should be excluded under s.24(2). Although she accepted that the CSD could require her to produce income and employment information as a condition to receiving benefits and could use it for regulatory purposes, she contended that the Crown couldn't use it in the criminal trial process.

Self incrimination

Section 7 of the charter protects a person's right not to be forced to assist the state in proving its case against them. Entrenched within this protection is the right of the individual to choose whether or not to co-operate with the police. If they choose not to, they must be left alone. For example, where a person makes a statement (either orally or written) at the behest of the state, it is conscripted and any evidence derived there from is equally protected.

However, "documents that exist prior to and independent of any state compulsion do not... constitute evidence 'created' by the person required to produce those documents. With certain narrow exceptions, neither the compelled production of such documents nor the subsequent use in a criminal proceeding of such documents, attracts the protection of the principle against self-incrimination."

In rejecting the s.7 claim, Justice Doherty, for the unanimous court, held:

The T4 slips produced to (the CSD worker) by the (accused) were created prior to and entirely independent of any compulsion that the department may have exerted upon the appellant to produce those documents. The (accused) was not under any statutory compulsion to create, or even keep, the T4 slips. Indeed, the (accused) did not create the T4 slips but received a copy from her employer.

Even if it could be said that the state compelled the (accused) to produce the T4 slips, the T4 slips did not constitute evidence created by or emanating from the (accused). The T4 slips existed entirely independent of the (accused). Production of them to the department did not constitute self-incrimination. The subsequent use of the T4 slips also did not implicate the principle against self-incrimination.

The prosecution did not seek to use possession of the T4 slips by the (accused) for any communicative purpose, such as to prove knowledge or to imply an admission against interest. The documents spoke for themselves and constituted evidence of employment income.

Search and seizure

Section 8 of the charter protects a person's reasonable expectation of privacy. In this case, the accused agreed that she did not have a reasonable expectation of privacy if the T4 slips were only used for determining her benefit eligibility or to prosecute her for breaches of the provincial statute. However, she argued that an unreasonable seizure occurred when police obtained the documents because she had a reasonable expectation they would not be given to them in furtherance of a criminal prosecution.

The difference between regulatory enforcement and the criminal process sometimes has constitutional consequences. In this case though, the reasonable person could not expect that the documents provided to CSD wouldn't be used in criminal proceedings involving the fraudulent receipt of benefits. Where the prosecution took place — provincial offences or criminal court — made no difference in whether the person would have a reasonable expectation of privacy; the nature of the state conduct did not change. It was the same allegation (the fraudulent receipt of benefits), but to different degrees (criminal v. provincial).

Since the accused did not have a reasonable expectation of privacy, s.8 was not engaged and the evidence was admissible. Her appeal from conviction was dismissed.



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Weapons section clause unconstitutional

by Mike Novakowski

Weapons searches under s.117.04(1) of the Criminal Code have been ruled unconstitutional by Ontario's top court, but it has suspended its decision to give Parliament time to react.

In *R. v. Hurrell*, (2002) Cocket: C36968 (OntCA), police applied for and were granted a search warrant under s.117.04(1) of the Criminal Code. This section is not an offence-based provision involving the search for evidence but a preventative search authority designed to prevent serious injury and death from the use of firearms and other dangerous objects.

Police entered the accused's home and seized 12 firearms, two cross bows, 11 containers of ammunition and his firearms acquisition certificate and applied under s.111(1) of the code for an order prohibiting him from possessing firearms and other specified items.

The accused made an unsuccessful application to the Ontario Superior Court of Justice, seeking a declaration that s.117.04(1) was unconstitutional and could not be saved by s.1 of the charter and an order quashing the warrant and returning the seized items. He appealed to the Ontario Court of Appeal arguing, among other grounds, that the section does not require that the justice be satisfied there are reasonable grounds to believe the weapons will be found at the place to be searched.

Reasonable grounds

Justice Moldover, for a unanimous Ontario Court of Appeal, found that s.117.04(1) does not require a police officer seeking the warrant have reasonable grounds to believe weapons or other items sought are likely to be found on the person or premises to be searched. They only require reasonable grounds to believe it is "not desirable" in the interests of public safety for a person to possess the weapon. This deficiency makes the section incurably overly broad and permits the police to undergo fishing expeditions by invading a person's privacy when they have no reason to believe or suspect they possess weapons. To this end the provision is unconstitutional and cannot be saved by s.1 of the charter.

In finding that s.117.04(1) was in need of a "constitutional overhaul", the court suspended its declaration of invalidity for six months to give Parliament the opportunity to amend the legislation in compliance with the charter. In the meanwhile, any warrants issued should be in compliance with the attorney general's draft legislation presented during argument, which read as follows:

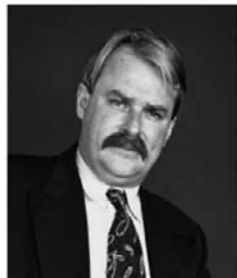
Where, pursuant to an application made by a peace officer with respect to any person, a justice is satisfied by information on oath that there are reasonable grounds to believe that the person possesses a weapon, prohibited device, ammunition, prohibited ammunition or explosive device in a building, receptacle or place and that it is not desirable in the interests of the safety of the person, or of any other person, for the person to possess the weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, the justice may issue a warrant authorizing a peace officer to search the building, receptacle or place and seize any such thing and any authorization, licence or registration certificate relating to any such thing, that is held by or in the possession of the person.



The court also quashed the warrant and ordered the seized items be returned. It suggested police could then make a demand under s.117.03(1) of the code, requiring the accused produce the necessary documents for inspection and seize any items illegally possessed or seek a fresh warrant under the re-worded s.117.04(1).



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Privacy interest in fingerprints retained

by Mike Novakowski

Police don't have to destroy the fingerprints of an accused who hasn't been convicted unless they're requested to do so, Ontario's top court has ruled.

In *R. v. Dore*, (2002) Docket: C29634 (OntCA), the accused was arrested and charged with two Criminal Code offences and the provincial offence of driving without insurance, arising from an incident involving a stolen license validation sticker. As a consequence, he was fingerprinted and photographed on the code offences, pursuant to s.2(1) of the Identification of Criminals Act. All three charges were subsequently withdrawn and the accused pled guilty to two provincial offences (driving without insurance and use of unauthorized validation sticker) on a new information. His fingerprints were retained in a police databank.

Several months later, a 17-year-old female reported she had been sexually assaulted in the

stairwell of her apartment building. Police located three fingerprints on the railing where she said the assault occurred and they were matched to the accused's prints through AFIS (Automated Fingerprint Identification System).

The accused was tried and convicted of sexual assault with a weapon, assault with a weapon, forcible confinement and uttering a death threat. He appealed to the Ontario Court of Appeal arguing, in part, that police retention of his fingerprints following the withdrawal of the criminal charges violated his s.8 charter right to be secure against unreasonable search and seizure, thus the print match evidence should be inadmissible under s.24(2).

Section 8 of the charter protects a person's reasonable expectation of privacy and their right to be left alone by the state. In assessing whether the continued retention in the fingerprints following the withdrawing of charges was unconstitutional, two approaches were analyzed. First, if the prints were lawfully

taken, did the person have a continuing privacy interest in them beyond the initial seizure? Second, did retaining them become unconstitutional when the precondition for their taking (the charge) was no longer present (as a result of an acquittal, withdrawal of charges, permanent stay of proceedings)?

The accused argued that he retained a privacy interest in the information contained in his fingerprints and, once the charge had been disposed of in his favour, he regained the same privacy interest as a person who had never been charged. On the other hand, the Crown submitted that once the prints had been lawfully taken, the accused no longer had a reasonable expectation of privacy or, at the most, a very minimal expectation. The Ontario Court of Appeal noted two aspects surrounding a "seizure" of fingerprints:

- *Physical*

"The actual physical act of taking the impression of the fingers, including the physical and psychological indignity involved in the process."

- *Informational*

"The acquisition by the state of the informational component of the fingerprint, its unique characteristics and identifying relationship to the particular individual."

When fingerprints are lawfully taken, retention and use of the informational component continues as long as the charge remains outstanding or a conviction has been registered. On the other hand, a person who was fingerprinted on arrest and had the charges disposed of in their favour will have the same expectation of privacy as a person who had never been charged. However, the ongoing retention of fingerprints does not automatically become unconstitutional when charges are disposed of in the accused's favour.

The right to be left alone by the state will be triggered if, and only if, they ask for their prints to be returned or destroyed — unless police can demonstrate special circumstances where further retention outweighs the persons privacy interest. Moreover, there is no constitutional duty for the police to advise the person that they may apply to have their prints destroyed, although it would be helpful and appropriate.

The accused is in the best position to know of the outcome of the charges and can access this information through their counsel. Furthermore, a person who already has their fingerprints retained and stored as a result of other convictions or outstanding charges cannot claim a reasonable expectation of privacy since there would be "no constitutional significance" in their retention following a favourable disposition on another charge.

In this case, because the accused did not request the destruction of his fingerprints, their retention did not violate s.8 of the charter, thus the evidence was admissible.

Youth justice policing award winners

A police officer devoted to working with youth suffering from Fetal Alcohol Syndrome (FAS) has won the third annual National Youth Justice Policing Award.

Sponsored by the Department of Justice, in collaboration with the Canadian Association of Chiefs of Police (CACCP), the award recognizes the efforts of police whose work promotes and reflects the goals of the Youth Justice Renewal initiative.

The award, five certificates of distinction and five honourable mention certificates were presented to officers from communities across Canada at the CACCP's annual conference in Quebec City.

The winner, Cst. Jim Olsen of the Lethbridge Police Service, played a crucial role in creating the FAS Justice Committee, aimed at keeping FAS-affected youth who've come into contact with police out of trouble and out of formal court proceedings.

Innovative measures need to be used when dealing with FAS youth because they have difficulty learning from the consequences of their actions. As community project officer for the committee, Olsen seeks advice from various health, community and legal agencies on how to design daily living plans to guide youth through each day so they stay out of trouble.

So far it's been successful, he reports. "A lot of the kids who go through the program, we're not even having to deal with again."

The FAS Justice Committee, a pilot project funded by the Alberta government through Alberta Children's Services, is the



Cst. Jim Olsen

only program of its kind in Canada.

Certificates of distinction were awarded to RCMP Cst. Greg Ericson of the Turtle Mountain Detachment, Niagara Regional Police Service S/Sgt. Scott McLean and Regina Police Service Corporals Al Vance and Jim Pratt and Cst. Gerry Sonier.

Montreal Police Cst. Nathalie Legros and Cape Breton Regional Police Service Constables Dan Lewis, Mike MacDonald, Wayne

Pendergast and Tom Ripley received honourable mention certificates.

The runners-up have displayed creativity or innovation when helping troubled youth turn their lives around. Through various programs and projects, these officers demonstrated that youth can be effectively held accountable and rehabilitated through the use of alternatives to the court system.

Police services, community groups and individuals across Canada submitted 24 nominations for this year's award.

The thrust of the youth justice renewal initiative is the new Youth Criminal Justice Act, which will come into force in April 2003. This legislation values the judgment and discretion of police officers and enhances their role in a renewed youth justice system.

Among the factors considered in selecting the award winner are innovation and creativity, the use of community-based resources as alternatives to the formal court process, conferencing, community-based alternatives to custody and rehabilitation and reintegration of youth through police sponsored programs.

10th Annual Atlantic Women in Law Enforcement Conference



This year's Atlantic Women in Law Enforcement (A.W.L.E.) conference will be stimulating and exciting.

The Fredericton Police Force hosts the 10th annual conference Oct. 15-18. The theme is 'Managing our Future,' emphasizing leadership, valour, mobility, teamwork and excellence by women in law enforcement.

The Atlantic Women in Law Enforcement Association was established in 1992 as a network of women committed to helping each other develop and grow. It provides an annual forum for training, development and teamwork of inter-agency associations, builds supportive memberships and promotes common understanding of issues. When you become a member, you become a part of something positive for all of us.

The organizing committee is proud to offer a conference itinerary that will educate, motivate and inspire. Speakers include:

- D/Chief Susan O'Sullivan, who has risen through the ranks of the Ottawa Police Service since joining in 1981. With her unique combination of experience and dedication, she will provide a motivating keynote speech on police leadership and how to manage our personal future in policing. O'Sullivan has participated in the OACP/University of Toronto - Rotman School of Management police leadership program and most recently helped coordinate and develop the Ottawa Police security plan for the NATO and OAS

Labour Ministers conferences.

- Vali Stone, author of *Cops Don't Cry*, extensively surveyed police family members and drew on 20-years' experience as a police spouse to write her book. Stone developed a wellness program for police departments and speaks at conferences throughout North America. She hopes to create awareness of the demands on both officers and their family and encourages chiefs and trainers to recognize the importance of family support programs. She reinforces that positive support from the 'home front' creates healthier officers, both mentally and physically.
- Officer safety is a critical consideration for everyone. Det. Matt Myers and Cpl. Scott MacKenzie, well-trained and experienced officer safety instructors with the Fredericton Police Force, will share strategies to stay alert and survive in our demanding profession.
- Mamie Murray, president of Atlantic Forensic Investigation & Consultants, graduated from the Atlantic Police Academy in 1978 and enjoyed a diverse, 19-year policing career which included criminal investigations and operating a polygraph. Her company handles criminal, civil and policy investigations as well as labour relations, mediations, arbitration and training. Murray studied Myers-Briggs personality testing at the University of New Brunswick and will point to the personalities involved in understanding the 'target.'
- Hilary Drain has worked as a crown prosecutor since 1988. She has a BA in history and

then studied law in England, where she qualified as a barrister in London. She will speak about the stresses women working in criminal justice face and ways to cope, including healthy personal and team strategies.

- Dr. Susan Reid MacNevin, Ph.D, is an associate professor of criminology and criminal justice at St. Thomas University and the director of St. Thomas' Centre for Research on Youth at Risk. She's extensively researched young offenders, corrections and crime prevention. Her work includes studies on safe school environments, early intervention, intergenerational programming and therapeutic communities.

Conference delegates have also been invited to participate in a reception hosted by Her Honour Marilyn Trenholme-Counsell, Lieutenant-Governor of New Brunswick, to be followed by a uniform parade back to the awards banquet. We will also officially unveil the new A.W.L.E. logo and recognize the efforts of its designers.

The 2002 A.W.L.E. awards nominations were modelled after criteria developed by the Ontario Women in Law Enforcement and International Association of Women Police. Categories include officer of the year, top cop, leadership award, community service, mentoring, excellence in performance and medal of valour.

Visit Frederictonpolice.com to register or for more details. Fredericton is awaiting you!

Submitted by Cpl. Leanne Fitch and Cst. Bobbi Simmons.

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Biometrics can be defeated

by Tom Rataj

In true *Mission Impossible* style, researchers in Europe and Japan have defeated several biometric systems using readily available materials and equipment.

This development makes the comment I made in my June/July 2000 *Blue Line* column — “this technology has the potential to create simple, virtually foolproof security systems for a wide range of applications in virtually every business sector” — a little optimistic!

Biometrics encompass a class of technologies that use unique physical characteristics to positively identify individuals. The most common systems use some type of fingerprint scanning; facial recognition and iris scanning are the next most popular types, with retinal scanning and voice recognition accounting for much of the rest. The demand for security related systems has grown incredibly since 9/11. Many industries and government agencies are redoubling their security efforts to deal, in large part, with real or perceived terrorist threats. Biometric system accuracy rates vary depending on tolerance levels and type of hardware/software used. Making equipment useable usually requires trade-offs. A high “false rejection” rate — approved people are incorrectly rejected — makes the system difficult to use, while a high “false acceptance” rate — non-approved people are accepted — makes the system unreliable. The enrolment process has to be fairly quick and easy to use, but sacrificing the number of classification points to increase speed can also reduce the level of security.

Systems such as facial recognition have a “one-to-many” — which of all these is the right person? — and “one-to-one” — yes, this is the person enrolled — verification modes.

Foolery

Researchers at the German Federal Institute for Information Technology and the Fraunhofer Research Institute in Germany last year conducted an extensive series of tests designed to outwit various biometric security systems. The final report was never made public and no explanation was offered. The general speculation is that the biometrics industry applied pressure to prevent the release because of its unfavourable findings.

Probably spurred on by this, the German Information Technology Magazine *c't* set out on its own quest to beat some of the more common biometric systems. They were able to bypass or fool a number of the 11 systems they tested.

The simplest way to beat them was by obtaining copies of the real biometric feature, such as a fingerprint or photograph, and using it to trick the regular sensor technology. This is akin to the old ‘key-in-the-wax’ trick often seen in movies and on TV.

A more complex process also relied on acquiring copies of legitimate data and using it to commit a “replay attack.” Since biometric sys-



tem data travels between a sensor, such as a fingerprint scanner and its host system, it is vulnerable to being intercepted through eavesdropping techniques. There are commercially available hardware and software tools which will accomplish this.

During a replay attack the stolen data is reintroduced between the sensor and the host system, effectively tricking the system into believing that it has received data from the scanner.

The third, and far more involved, process is to steal the authentication data directly from the host system. By either hacking into the host system or otherwise gaining administrative access privileges to the system, the biometric system’s database can be stolen and used when required.

Fingers

As with the classification system used by the justice system, fingerprint based biometric systems rely on the characteristics and relationships between the minutiae of prints such as bifurcations, whorls, endpoints and islets.

There are a number of different scanning technologies which recognize these characteristics and use them to identify a person. The most common are capacitive fingerprint scanners, which measures the ratio of electrical charge to potential between the lines and troughs and then saves the information in a reference file. The number of points captured and stored is dependant on the hardware and software used. A researcher who cupped his hands around a capacitive sensor and then breathed onto it outwitted it within seconds. The oils in the fingerprint left on the scanner’s surface from the most recent user had a different capacitance than the condensed breath around it and access was granted. In another test the scanner surface was dusted with graphite powder and the fingerprint on the glass surface was lifted with adhesive film. The copy of the print was then placed on the scanner surface, gentle pressure was applied and access was granted.

Optical fingerprint scanning, which uses an LED light source to illuminate the finger through a prism or diffracting grid, is the sec-



ond most common technology used. The resultant image is then photographed and classified. Researchers captured fingerprints to defeat them by pressing a fingertip into warm candle wax. Once the wax was dry, regular silicone was squeezed into the impression and allowed to dry. The result easily fooled the optical scanner, both during enrolment and authentication.

A third, less common fingerprint scanning technology uses a thermal sensor to detect the slight temperature difference between the ridges and valleys of the fingerprint and were the most difficult to trick with artificial fingertips.

A Japanese researcher also managed to fool biometric systems by making a plastic mould of a real finger and injecting it with gelatin. The ‘jelly finger’ defeated 11 different fingerprint scanners in about 80 per cent of attempts.

The eyes have it

Iris and retina scanners usually get top billing in Hollywood productions, especially in science fiction movies such as the recent *Minority Report*. Both types of systems do exist and are in limited use in various applications. They both work by essentially acquiring an image of the iris or retina and mapping unique features and their relationship to one another. The German researchers were able to defeat a commercially available iris scanning system by printing a high-resolution picture of an eye onto mat paper using a commercially available inkjet printer. When they presented this printed eye to the system, they succeeded in being granted authentication. Of course, in the real world, obtaining a suitably high-resolution image of an eye would be difficult, but certainly not impossible.

Nice picture

Researchers beat one facial recognition system by simply displaying a colour photograph of an authorized person on the screen of a laptop computer held in front of the camera.

Under real-life circumstances the picture would need to be stolen from images files on the system or by surreptitiously photographing the authorized persons.

However, most biometric systems do not store an actual image of a person’s face or fingerprint but rather a mathematical description

of it. So in most cases there would be no image file to steal, forcing a perpetrator to otherwise obtain a good quality photograph of the authorized person.

Electronic snooping

There are a number of commercially available products on the market designed (for legitimate purposes) to intercept communications between universal serial bus (USB) devices and their host systems. Most new printers, scanners and digital still-cameras use USB, as do some biometric devices, including fingerprint scanners which protect individual computers. USB Snoop for Windows is a simple software tool that eavesdrops on this communication by installing itself between the software drivers used by the USB system. Intercepted data is written to a file and can be examined and manipulated in order to bypass or trick a biometric system such as a USB based fingerprint scanner. There are also some hardware products on the market, such as USB Agent by Hitex, that simply connect to the USB cable, intercepting and exporting the data being transmitted. The German researchers suggested that it would be possible to build a device that could be installed in place of a USB based scanner to bypass the security by mimicking the behaviour of the fingerprint scanner.

Conclusions

The tests used were not terribly complicated or difficult to accomplish and show that these leading-edge security solutions are not as infallible as the industry would have everyone believe. However, successfully defeating them in a real-life setting would certainly be far more difficult than in the lab. What these tests do show is that there is still much more work to be done and that biometric systems should perhaps only be used in combination with other security technologies, such as video surveillance and electronic pass-cards.

User's guide to electronic supervision

The American Probation and Parole Association (APPA) has put together a guide on supervising offenders with electronic technology.



Designed to help readers understand and appreciate the process needed to incorporate and implement new programs or enhance existing ones, the 140 page guide is divided into five chapters. Among the topics covered are:

- Conducting the preliminary assessment and planning necessary for developing an elec-

tronic supervision program.

- Exploring and acquiring needed resources.
- Making technical decisions about the equipment and services needed.
- Designing effective offender supervision strategies.
- Dealing with the public and making the program accountable.

The guide is available from the APPA website at <http://www.appa-net.org/embook.pdf>.

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Canada's justice system on trial

A former BC attorney general passes judgement

by Alex MacDonald, QC

Canada's legal system is heading for disaster, so preoccupied with protecting individuals' rights that it fails to protect the rights of society. More than fair to a few, the legal system is less than fair to the majority of Canadians, sacrificing time-honoured concepts such as truth and justice to an unhealthy fascination with process.

That our legal system is a cornerstone of democracy almost goes without saying. When the courts are working efficiently, few begrudge the cost. Each year, Canadians pay untold billions to oil the wheels of justice — as much as, if not more than, we spend to support all of our public schools. And that sum does not begin to take into account the consequences of crime in shattered lives, injuries, emotional trauma, anxiety and grief, property losses, beefed-up court security and corrections facilities.

No one among us would question the need for a fair and judicious judicial system nor begrudge the cost. When our legal system bogs down in legalistic nit-picking and lawyerly zealotry though, adding nothing to the administration of justice but ratcheting up the costs, Canadians are right to ask for what, exactly, are we paying through the nose?

Nowadays, too many citizens are feeling alienated, distrustful and disrespectful of their criminal justice system. Is it any wonder, when even a minute sampling of the hundreds of rulings made by our judges, reveals the following?

- A report is leaked that the chief of BC's provincial court system (it could be any province) speaks of overwhelming caseloads and says that "unless drastic steps are taken, thousands of prosecutions will have to be 'stayed' and some very serious crimes will go unpunished. We are close to a disaster hitting us."
- A conference marking the sixteenth anniversary of the Charter of Rights is held in Ontario in 1998. A legal scholar offers the sobering conclusion that "the criminal decisions of the Supreme Court of Canada are barely comprehensible." A distinguished prosecutor adds that, "every time I go to the Supreme Court, I haven't a clue what will happen; flipping a coin is not a bad way to proceed."
- In Kamloops, BC, again in 1998, a petty theft is committed. An officer asks a young man walking in the area for his name. He refuses to give it and is arrested for obstructing a peace officer then attempts to run away. Now he is charged with both obstruction and escape from custody. At trial he is convicted, but when his appeal goes to the BC Supreme Court, a judge cites a Supreme Court of Canada precedent in ruling that the young man was under no legal duty to give his name, only a "moral or social duty to assist police." Why do we allow such a wide gap to spread between a plain moral and social duty and what the law calls for?
- An Asian gang member is ordered deported from Canada. Two years later, in 1997, taking advantage of our legal appeal procedures, he is still in the country, doing business as usual, where he becomes the prime suspect in a hor-

rifying hit-and-run that killed his gang leader's baby.

These are only a few examples of the madness that has gripped our courts. When even those in the highest positions warn of impending disaster, is it any wonder average citizens feel not only alienated, but powerless? Many of us feel that we are bereft of any ability to influence the course of justice within our legal system; as if the law were over our heads — the private purview of lawyers — and we citizens should not bother ourselves about it.

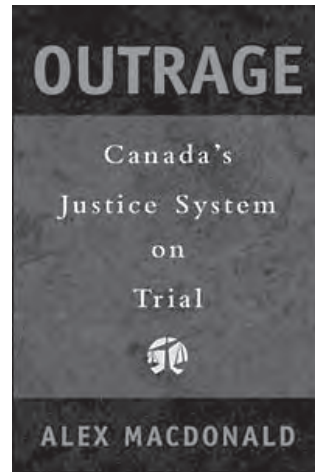
What has driven us so far off course? I lay the blame squarely on Canada's Charter of Rights and Freedoms, adopted in 1982. Of course, there is much that's good in the charter, which enshrines such fundamental liberties as freedom of expression and equal rights but the legal rights section has ill-served the cause of fair and expeditious justice. Indeed, its effect has been to raise the rights of accused persons too far above the rights of victims and communities. These are couched in vague language, susceptible to differing interpretations and judgements. Subsequent legal precedents have placed too little importance on the responsibilities that should fall on all citizens if the law is not to be viewed as a complete ass.

The charter can also be faulted for the "Americanization" of our justice system. No longer do Canadians look smugly south of the border and say "that couldn't happen here." Too much of it *is* happening here. On both sides of the 49th parallel, the balance is tilting against law enforcement and public safety in favour of the privacy and other rights of possible offenders. Just look at the protracted search for the perpetrators of the Air India disaster, which has been hobbled by procedural obstacles for more than a decade.

Yes, the legendary scales, held aloft by the figure of Lady Justice in her flowing robes, are unbalanced. Unfortunately, the good woman's blindfold prevents her from seeing what goes on in our courtrooms.

Trenchant reforms in criminal justice procedure are what is needed but they will not come easily. The vast legal establishment is deeply conservative and famously resistant to change. Legal institutions have solidified into self-serving industries and those people whose living depends on them have a vested interest in what is, not what ought to be.

Even without a law degree, each citizen has the right and the smarts to decide how well the law is working. Ordinary Canadians, now too estranged from their own laws, must have a say. Sensible, informed argument is the only remedy against the demagogues clamouring for longer jail terms and bigger prisons. We must never forget that the United States, the least safe of Western countries, boasts the highest rate of incarceration.



Of course, what has been termed the state's 'awesome power' must be countered with concern for offenders' rights. Such power can indeed be tyrannical, although seldom in countries well nurtured in the traditions of British common law.

My love affair with the law began some three score years ago in classes at Toronto's Osgoode Hall, whence I graduated in 1946. While there, I fell for the law's high ideals: to follow truth wherever it led; to use reason in the resolution of human conflicts; to attempt, however hamfistedly, to bring order, correction and discipline into what would otherwise be a chaotic society.

At the same time, the law's historic traditions cast a spell on me. I loved the learning, dignity and incorruptibility of its judges and the ceremonious decorum of its courtrooms.

I still revere the grand and meaningful liberties, so hard-won in the evolution of the common law to be free to do whatever is not prohibited by clear and valid law; to be brought before a judge by habeas corpus within hours of arrest; to confront one's accusers in open court; to be guilty only if so found beyond a reasonable doubt; to not be subjected to cruel and unusual punishment, and so on.

Sadly my early illusions about the law have suffered somewhat and now I see, with jaundiced eyes, a growing gap between those lofty ideals and its performance, especially in the criminal justice system. Too often the pursuit of truth is handicapped by legalistic objections. Barren technicalities derail common sense without advancing liberty, individual or general. Investigations and trials get snared in the web of spun-out complexities. The quest for truth has deteriorated into a mere game, with the main beneficiaries the well paid players.

Surely my old flame the law cannot be drifting into irrelevance? No, I firmly believe that with the proper treatment, she can still be of practical help to people in their daily lives and this in turn will encourage citizens to hold her in the esteem she should enjoy.

Your empowerment is crucial. Citizens must take responsibility for mending our out-of-whack legal apparatus. That's one of the costs of living in a free and democratic society. Only an informed and determined public can spark the revolution that will save our criminal justice system from a catastrophic breakdown.

This article was extracted from the preface of Alex MacDonald's book *Outrage - Canada's justice system on trial*. A former BC attorney general who practiced law for more than 40 years, MacDonald argued cases at every level and currently teaches constitutional law at Simon Fraser University in Vancouver. *Outrage* is available from Raincoast Books (www.raincoast.com or 604-323-7100).

NEWS CLIPS

BURNABY — Police in Burnaby are going for a more urban look in an effort to promote seatbelt use. In July, officers were hanging out at intersections posing as squeegee kids. An undercover officer would approach cars to check if drivers are wearing their seatbelts. If not, the apparent 'squeegee kid' directed the car around the corner where an officer was waiting to hand out tickets. The ploy may be used by other services around the province.

SAN FERNANDO, California — Police say the death of a suburban Los Angeles police officer was "truly accidental." San Fernando officer Jesse Paderez suffered a fatal wound in July when his handgun went off after he dropped it in the police department parking lot. The 46-year-old officer was a member of San Fernando's version of a SWAT team, and the police chief says he was frequently commended for his work.

The chief describes Paderez as "extremely meticulous, extremely careful." One of the officer's brothers was a police officer in Los Angeles. He was killed in an off-duty traffic accident 11 years ago.

TORONTO - Tormented by isolation, gruesome courtroom evidence and relentless scrutiny, too many Canadian judges suffer the trauma of their vocation in painful silence, a

judicial seminar was told in August.

A U.S. psychologist who conducted interviews with 56 Canadian judges said many worried that they have become assembly-line workers who must pretend they are not hurriedly trying cases from ridiculously swollen dockets.

"They don't look after themselves," Isaiah Zimmerman, a faculty member of the American Judicial College, was quoted as saying. "They wind up like proto-machine humans who just grind out the decisions. It is tragic."

About 150 judges heard Zimmerman say that many judges cannot witness horrific visual images of dead or maimed victims without imagining their family and friends. He advised the judges to talk frequently to colleagues who have been through the same trauma.

"Judges repeat to me again and again they must convey the emotions of humanity - to not be cold fish - but at the same time they must not be unduly influenced or swept over by them," Zimmerman was quoted as saying.

BARRINGTON, New Jersey — A rare disease killed a police dog in August who assisted rescuers at the World Trade Center.

Anna was a four-year-old German Shepherd. Officials have wondered if the disease (recurring discospondylitis) was related to Anna's time at Ground Zero. Veterinarians were never able to confirm those suspicions. Anna was part of a study at the University of Pennsylvania

School of Veterinary Medicine in Philadelphia.

Researchers there are studying the 300 to 350 dogs that served at the World Trade Center and at the Pentagon. They're trying to determine whether the dogs suffered any physical problems and whether their handlers developed any emotional problems. Anna had gone to Ground Zero as part of the New Jersey Task Force One Urban Search and Rescue Team.

VANCOUVER — A task force reviewing BC's justice system issued a report in July outlining a range of possible reforms to make the courts more efficient. They range from simplified legal forms and increased mediation to fast-tracking cases through the courts to save time and money.

The task force was set up earlier this year on the suggestion of the Law Society of BC and includes members of the legal profession, the judiciary and the government. The report suggests increased mediation and what's called collaborative law to keep cases out of court. It says people could be offered more information so they can find their own way through the justice system, legal documents could be simplified, and there could be electronic filing of legal forms. In addition, the report suggests the use of specialized courts to handle such things as environmental or insurance matters, increasing the value of claims handled by small claims courts and fast-tracking certain kinds of litigation.

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Winnipeg officer wins academic excellence award

Winnipeg Det/Sgt. John Burchill is the first winner of the Sgt. Bruce MacPhail Award for Academic Excellence.

Burchill graduated in May with a Certificate in Police Leadership, with a concentration in law and justice, from Henson College/Dalhousie University's Police Leadership Program.

A major crime analyst with the Winnipeg Police Service, he's worked on the city's more than 40 unsolved murders, profiling them in the media. He also created a web page to give them international exposure.

Two cases from 1981 and 1987 are still before the courts and he helped to clear Thomas Sophonow, wrongfully convicted of murdering 16-year old Barbara Stoppel. He was recognized for his efforts in this case by Chief Jack Ewatski, who said he "did a fantastic job. He is a deep analytical thinker and has some amazing competencies" (*Blue Line*, Dec. 2000).

Burchill joined the force in 1987 and worked in the commercial crime unit before becoming major crimes analyst. He's also been a member of the operational review team, business planning committee and historical committee. Several of his articles have appeared in *Blue Line* and the Canadian and Manitoba Police Association yearbooks. He maintains a web page of historical stories written by himself and several other officers about police and policing in Manitoba, which is also on the force's website.

Burchill is a graduate of the Canadian Securities Institute and a certified fraud examiner. He found the Dalhousie University course work challenging but rewarding, as it was designed to meet the needs of today's serving police officer.



MacPhail

The award was established in 2001 by Phyllis MacPhail in memory of her son, Sgt. Bruce MacPhail, commemorating his dedication to life-long learning. It represents the attributes, ethics and self-confidence he demonstrated in his own personal life to attain personal and professional success. MacPhail completed the Certificate in Police Leadership, Supervisory Skills in 2000 and was the first certified police coach in the program.

The award will be presented annually to the municipal police officer who achieved the highest overall average in a concentration certificate at Dalhousie's Police Leadership Program. Certificates can be in administration, supervisory skills, service delivery or law and justice.

MacPhail began his career with the Amherst Police Department in Nova Scotia and joined the newly formed Bedford Town Police in 1982. After amalgamation he headed the Halifax Regional Police's first auto theft unit. His other passion was car racing. Well known in formula racing circles, he co-owned Kartbahn Racing Halifax and Breakers Halifax and was an honorary member of the Atlantic Sports Car Club. He passed away in June 2001 after a short and courageous battle with cancer.

Recipients receive a commemorative plaque, a certificate from Henson College/Dalhousie University and a \$500 cash award.

Québec officers receive Bankers Award



The Canadian Banks' Law Enforcement Awards (CBLEA) were presented to three law enforcement officers for their roles in the arrests of members of

a criminal organization conducting armed bank robberies in Quebec and Eastern Ontario. The medals were awarded at the Canadian Association of Chiefs of Police (CACPP) Annual Conference in Quebec City in August.

This year's recipients are Sergeant Marcel Arel, Corporal Jacques St-Arnault and Agent Yves St-Louis from the Sûreté du Québec, Crimes Against Persons Squad who have for the past two years investigated a criminal organization conducting armed robberies of financial institutions in Quebec and Eastern Ontario. As a result of their investigation conducted in close co-operation with other police forces, 25 people were arrested and charged with over 400 offences in the commission of 47 armed robberies, in which the overall theft was \$1.5 million dollars.

"Robberies are perhaps the most visible and potentially dangerous crime affecting financial institutions, their employees and their customers. Robberies have a traumatic effect on customers and employees, and victims frequently continue to relive their experience for extended periods," said Jean Houde, Senior



**Sargeant
Marcel Arel**



**Corporal
Jacques
St-Arnault**



**Agent
Yves St-Louis**

Vice President Corporate Affairs, National Bank of Canada in presenting the awards on behalf of the banking industry. "The recipients of this year's Canadian Banks' Law Enforcement Award exemplify the principles the award sets out: to recognize outstanding police performance in combating crimes against the chartered banks of Canada."

This marks the 30th year that the Canadian Bankers Association (CBA) has presented the CBLEA. The CBA has honoured 184 officers with CBLEA medals since the award's inception in 1972. In 1981, the award was included in the National Medal Collection of the National Archives of Canada.

The Canadian Bankers Association is the industry association representing the country's chartered banks and their 235,000 employees across Canada.

PRODUCT NEWS

Gunshot residue field test



Law Enforcement Technology Inc. introduces the "Instant Shooter ID Kit". The ISID-1 is a gunshot residue field test accurate to 90%. The five oz. test takes just 3 minutes and has a long enough shelf-life to become standard equipment in every cruiser.

Facial recognition technology



VSIdent, VisionSphere's patent pending facial recognition search technology can simultaneously and securely search and identify a suspect from a mug shot image drawn from databases located in different cities. VSIdent uses the Global Internet and existing IT infrastructure.

Fingerprint batch scanner

Titan Systems Corporation enters the market with their ImagClear F5000T fingerprint batch scanner. With 3 separate certifications of compliance from the FBI, the F5000T is the first 1000ppi batch scanner. While introducing a new standard in fingerprint batch scanning, the device remains backwards compatible with existing systems.



New line of body armour

Second Chance introduces **ULTIMAX™**, a new line of armour claimed to be the ultimate balance between performance and affordability. **ULTIMAX™** incorporates technologies used in their ninth generation **ULTIMA** and sixth generation **Monarch Summit Vests**. Each vest has an environmental management system that includes a lightweight carrier and a high performance athletic T-shirt.



High-speed turnstile

Controlled Access Systems' turnstiles aim to resolve issues regarding employee security, safety, theft and accountability. Compatible with all access control systems and technology, these high-speed turnstiles are able to grant access up to 30 people per minute per lane, all while monitoring tailgating. Any attempt to enter without authorization will generate an alarm.



Camera with on board server

Pentax Technologies released the fourth in its line of cameras, the **IC-R20**. This model features a 20 GB hard drive and an integrated server, allowing users to connect up to 4 cameras to the system. The camera can store up to 2 weeks of moderately sized images and make them available via the Internet.



Multifunction rescue hook



Benchmade's new **Model 5 Rescue Hook** is designed to be a simple, low profile multifunction tool. Machined of stainless steel, the unique scalpel sharp hook blade can slice through a multitude of fibrous or pliable materials. With an oxygen valve wrench for double duty, the **Model 5 Rescue Hook** promises speed, versatility and safety.

Handheld CAD device



PowerCAD CE™ on the **Ranger™** gives law enforcement professionals the rugged, handheld mobility they need to create, view and markup CAD drawings directly in the field. Features exclusive **VoiceNOTE™** audio note keeping technology and **AutoCAD®** compatibility.

Model 92 knife



Beretta's **Model 92 Folder Knife** is the perfect compliment to their classic 92 pistol. The 3.5 inch "Tanto style" blade is cast from **AUS 8** steel with a corrosion proof **Zytel** handle. The **Model 92 Folder Knife** features a liner lock and easy to use, "one hand" operation.

Viper goes waterproof

Viper introduces its new **Viper Hi Nylon Waterproof Boot**. The **Viper Hi** features a 100% waterproof breathable membrane, full grain waterproof leather and a comfort cushioned insole for increased comfort and performance. Additional features include 1200 denier nylon panels, dual density slip resistant outsole and the usual **Viper** performance guarantee.



To find out more on Product News stories go to www.BLUELINE.ca **BLUELINKS**



INCREDIBLE

Windsor police didn't have much trouble nabbing a suspected thief. In August, police released a security-camera image of a man breaking into a convenience store. One day later, detectives arrested the suspect, sleeping at the wheel of a car he was allegedly trying to steal. Police were called to an apartment parking lot by a woman who found a man asleep in her car.

There was a screwdriver and a pair of vice grips in his lap and the ignition had been damaged. Staff Sergeant Ed McNorton figures the man "must have been tired because he's been pretty busy lately." A 20-year-old man was charged with break and enter, attempted auto theft and possession of break and enter tools.

Calgary police say a member of the public who bought a small, carry-on suitcase at an auction in August, found nearly five kilos of cocaine and crack cocaine inside. There were 158, one-ounce bags of crack cocaine inside, along with a block of powdered cocaine. Police say the history of the suitcase is still under investigation.

A suspect picked the wrong vehicle to carjack in Hollywood. Los Angeles police say the suspect took one car in, then pulled into a gas station, ditched the vehicle and tried to take a minivan last August.

However, the minivan was full of judo wrestlers from Florida International University, who were in town to teach a self-defence class. The wrestlers punched the man in the face and hit him from behind, then held him until police arrived. The nozzle of a nearby fuel pump broke off during the scuffle, dousing everyone with gasoline. The suspect was later arrested.

An 18-year-old from Brandon will have to cough up \$218 after she was nabbed in the span of 10 minutes in August for speeding. Police said she also had the dubious honour of receiving 10 per cent of the speeding tickets issued in Brandon that day. Sgt. Leon Flannigan said she was clocked doing 72 kilometres in a 50 km/h zone at 4 p.m.

"Ten minutes later a different officer clocked the same person doing 68 in a 50 zone about a mile away," Flannigan was quoted as saying. "I guess she was a slow learner and getting the first ticket didn't sink in."

Two suspected bank robbers made it easy for police in Harrisburg, Pennsylvania. Officers say the men blundered into the middle of an unrelated police action as they fled the scene of a bank hold-up in August.

Police were looking for a man wanted in a bank robbery earlier in the week when the suspects' car sped into their midst. One officer said, "They ran square through the middle of a man-hunt with a helicopter above it." The men abandoned their car after hitting a pole and were arrested. Police say they found two handguns and money from the robbery on the sidewalk.



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**The University of Toronto Police
will be hosting the
Police Leadership Forum Conference**

November 8-10, 2002

**at the
University of Toronto
St. George Campus**

The Police Leadership Forum Conference will emphasize that leadership is an activity, not a position, and provide an opportunity for participants at all ranks from Police Services across Canada to involve themselves in leadership initiatives.

For more information go to the web page
www.utoronto.ca/policeleadershipforum/conference1.html

Sliding toward two tiered policing

By James Clark

Like many of you, I have observed the ongoing debate about two tiered health care. When you cut away the side issues, it comes down to two basic arguments; should every taxpayer have equal access to health care or should some be allowed quicker service if they're willing or able to pay for it?

I've always felt that if someone works hard and saves his/her money, they have the right to buy extra or special care. The problem is that many people, for very good reasons, will never have the money; should they receive less care than someone else? How about a disabled person who has never had the chance to accumulate wealth?

Now this brings me to policing. I recently watched a news program that talked about how a community raised money to buy a new boat for the Ontario Provincial Police (OPP) to help them combat disorderly boaters. They couldn't do an effective job with their old boat and so the community responded. At first glance this is what many call a community based response to the problem — but is it right?

This is not to criticize the OPP. They were approached about a problem and explained what they could do with the resources available. Obviously the community wanted to in-

crease their ability to deal with the problem. Like all other police services, the OPP is under continued pressure to provide more services with less funds. I don't for one moment blame them for accepting this gift; in fact I must confess that while with the Toronto Police Service I also arranged for and accepted this type of equipment to get the job done.

My point is, what about the community that doesn't have the money? Do they have to go without effective policing just because police can't buy the equipment they need?

If the government won't give police enough money to effectively respond, should individual communities have to pick up the slack? This seems like the slippery slope where eventually police will be given even less and will come to depend on communities for support.

My chief once told me that I should always remember the golden rule — 'he who holds the gold makes the rule.' If police have to rely on individual communities for their equipment, are they compromising their ability to treat everyone equally and remain above giving special or extra protection to those who have money?



James Clark

Police need to be careful that this practice doesn't come back to bite them. Having dealt with the political end of policing, I can foresee politicians telling police that if they need something above the regular issued equipment, they should go to the community.

If the problem with improper boaters justified an increased response, the government should pay for the new boat. It would be a sad commentary if someone elsewhere lost their life because the community could not afford to

buy police needed equipment.

The Charter of Rights and Freedoms talks about everyone being treated equally before the law. The government should remember this and put a stop to some communities buying extra or more effective protection from the police.

James Clark is a founding shareholder and director of operations of Monad Security Audit Systems. A former Toronto deputy police chief, he acts as team leader in all security audits, consults and prepares client reports, training and policy and procedures manuals. He can be reached at jclark@monadsecurity.com.

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Fighting fraud through the protection of cardholder data

In today's technologically advanced age Canadians enjoy the benefits and convenience associated with the modernization and automation of daily living. We can order our own groceries; pay for our bills and book holiday travel without leaving the comfort of our own living room. Undoubtedly we all enjoy the freedom this affords us. From a payment perspective however, this changing marketplace continually introduces new challenges in the battle against credit card fraud.

Credit card fraud is a fact of life and an issue that law enforcement and the payment card industry aggressively combat both in Canada and around the world. While Canadians enjoy a relatively low level of fraud in comparison to international levels, this enjoyment comes on the heels of aggressive fraud prevention measures and industry cooperation among law enforcement and the payment card industry.

The Visa organization is seriously committed to aggressively and proactively combating credit card fraud. Visa Canada and its members have put in place a multifaceted program to protect Visa cardholders and merchants through a number of core initiatives that work in tandem. And, over the past two and a half years, these efforts have paid off—the Visa organization has successfully halved the incidence of fraud.

The prevention program features a number of measures that focus on collaboration and training. For instance Visa, in partnership with other major credit card brands, credit card issuers and law enforcement agencies share information to develop both legislation and coordinated methods and techniques for thwarting card fraud. Efforts also focus on fraud prevention education including educating consumers and merchants about emerging trends and providing information on how to protect cards and use them safely.

The program also features a *Zero Cardholder Liability Policy* that eliminates all liability for the Visa cardholder who experiences fraud through unauthorized use of their Visa card. And, in an effort to address some of the challenges specific to the on-line environment, Visa introduced *Verified by Visa*, a program providing on-line merchants with a fully reliable means of verifying the identity of on-line customers no matter where they are located. *Verified by Visa* gives e-merchants confidence knowing they are doing business with cardholders who have been authenticated. It also ensures the protection and security of the transaction data as the information moves from the consumer to the merchant. And this raises another critical component in the fight against fraud - the protection of account and transaction data.

In today's marketplace, the protection of account and transaction data is an intrinsic component of day-to-day business. Quite simply, data security is integral to building trust and confidence with customers both in on-line and off-line environments. In fact, the protection of account and transaction data is an issue that merchants are grappling with on a global basis. Inadequate

data protection practices put the entire merchant community in a vulnerable position – an account compromise at one merchant can result in fraudulent activity at other merchants. As a result, all merchants need to assess their vulnerability and implement best practices.

Visa is committed to the pro-active protection of account and transaction data in both on-line and physical world shopping environments. To help all merchants proactively protect consumer data, Visa has introduced the *Account Information Security (AIS)* program, a program helping merchants provide enhanced protection and privacy of cardholder data held "at rest."

The global AIS program provides merchants with a tool kit outlining standards, a best practices guide, and a self-assessment questionnaire providing key information and requirements specifically targeted at the protection of cardholder account and transaction data. Working with *Cyberfraud*, a Canadian

based vendor with International partners, Visa Canada has helped provide merchants with an automated, user friendly and cost effective platform to assist merchants in complying with the requirements of the AIS program. Through *Cyberfraud*, merchants are able to assess their vulnerability and receive recommended corrective/preventative measures to better safeguard their customer's account and transactional information.

Currently a number of Canadian e-commerce merchants have already completed or are working through the program. Effective October 1st, 2002, Visa will proceed with full-scale roll out for all new and existing Canadian e-commerce merchants and expect to proceed with the broader roll out to physical merchants by winter 2003. The first Canadian company to successfully complete the program and comply with Visa's security standards is *Paradata*, an organization enabling merchants to accept credit card payments on-line.

"The security of Paradata's production system and databases is considered mission critical," said Shannon Byrne, Paradata's President and CEO. "As a provider of on-line payment services to merchants, Paradata had to take a leadership position demonstrating our commitment to the security of cardholder information. Trust is a critical element of success in the virtual world and we welcomed the opportunity to build trust with our customers and partners."

For the e-commerce merchant, participation in the program offers a number of benefits, specifically, increased sales and business due to heightened consumer confidence. For all merchants, benefits include a reduction in disputes and the costs associated with handling disputes caused from account compromise, the protection against loss of revenue, and greater overall security awareness.

From Visa's perspective, the protection of account and transaction data is crucial in the fight against fraud and, it also just makes good business sense. For more information on the program, visit www.visa.com/secured or call 416-860-8619.



Suicide by cop — reality or cop-out?

by Danette Dooley

It's evident from the judicial inquiry into the police shooting of Darryl Power that no one is a winner once shots are fired.

The Corner Brook resident was shot by the Royal Newfoundland Constabulary (RNC) October 16, 2000.

The officer who pulled the trigger feels he had no choice. The family of the 23-year-old mentally ill man says Power merely wanted to go to hospital for help. Royal Newfoundland Constabulary police chief Rick Deering states his officers aren't adequately trained to deal with severely distraught, mentally ill people.

Newfoundland's chief forensic pathologist, Dr. Simon Avis, touched upon the suicide-by-cop scenario — but is this a reality or a cop-out for police officers who pull their weapons — officers like Ron Mosher of Naples, Florida.

Before the shooting, Mosher believed he would make it through his career without having to pull the trigger. Then, in eleven seconds, the veteran Florida police officer was put to the test. When a robbery suspect drew a gun from his pocket, Mosher felt he had no choice but to shoot.

"He made the decision to re-arm himself. What for? Who was he going to shoot? I still think, in my mind, though he never stated it, that it was a suicide-by-cop," Mosher says.

The man Mosher shot, 28-year-old Kevin Saunders, is serving a 33-year sentence for robbing eleven patrons at Paddy Murphy's — a popular Naples Irish pub. The State Attorney's Office investigation showed Mosher, a 24-year-veteran police officer, acted properly when he shot Saunders in the back three times.

While Saunders has never admitted his actions were a means to an end, 37-year-old Randall Fullerton of North Carolina says he tried to force police officers to kill him in 1998 when he lunged at them with a broken bottle.

"As I was walking up the street to the phone booth to make the call (to the police), I looked up and I said, 'get ready God, here I come,'" Fullerton says.

A drug addict at the time, Fullerton says police used commands, batons and pepper spray to try to disarm him. When he kept lunging at officers with a broken, quart-sized beer bottle, he was shot and wounded.

"I was in so much emotional pain at the time, I just wanted the pain to end. I had decided life wasn't worth living (and) I wasn't worth saving. I just didn't see another way out so I choose that mechanism as a way out. I put the officer in a position that he had no other choice but to shoot me. I knew that going in."

Fullerton pled guilty to three counts of assault with a deadly weapon. He served nine months in a maximum-security prison as well as time in two mental institutions.



One of the few people who lived to tell his story, Fullerton now works with professors, journalists, authors and police departments in an effort to explain the suicide-by-cop theory.

"People who do this don't know that they can turn to the police for assistance. They just want the pain to end. They don't know any other way."

According to Rick Parent, a 23-year veteran of the Delta Police Department in British Columbia, the split second it takes a cop to squeeze a trigger may be one of the least understood events of our time. Parent has been studying police shootings for the last six years. His interest in the subject came about by his personal involvement in such an incident 12 years ago.

"I was working on the street and I almost shot and killed somebody. I almost thought I was going to die," Parent explains.

"He had a loaded shotgun. I took a chance and I rushed the guy. There were some shots fired but I didn't get shot and when it was all said and done, I started to think about what happened."

A former instructor at the Justice Institute of B.C., Parent was attending Simon Fraser University at the time of his near shooting. Up until that time there'd been very little research done on police shootings in either Canada or the United States so Parent began studying them.

His research — *Aspects of police use of deadly force in British Columbia: The phenomenon of victim-precipitated homicide* — was conducted for his M.A. thesis in criminology.

Parent examined police investigations, coroners' inquests and BC Police Commission data involving municipal and RCMP personnel and interviewed over 30 police officers involved in shootings.

Included in the study were psychological, physiological, physical and emotional issues relating to critical incident stress and post-shooting effects. These are traditionally avoided during police investigations and in court and go beyond the scope of typical police and coroner reports.

"Because I'm in the system, I was able

to get a hold of a lot of confidential information that most researchers don't get to," Parent explains.

His goal was to study underlying reasons and causes for police use of deadly force and potential deadly force. The thesis analyzed 58 documented incidents in BC from 1980 to 1994 in which officers were confronted by a potentially lethal threat. In 27 of these incidents, police responded by discharging their firearms and killing 28 people. Parent feels more than a third of the shootings were victim-precipitated homicide, otherwise known as suicide-by-cop.

"This means that the individual doesn't want to escape. They want to confront the police officer for some bizarre reason. In these cases, police were confronted in a calculated and deliberate manner by people who were suffering from one, or a combination, of suicidal tendencies, mental illness and substance abuse."

In talking with police officers across the country who have been involved in shootings, Parent says that while some recover more quickly than others, it's a life changing experience.

"Most police, although they're taught how to deal with violent people and how to use lethal force, they very rarely do it in Canada. And on a day to day basis, they're taught to help people. And, when you kill somebody and take away a life, it throws all of your normal day to day and historic thoughts out the window."

Parent has become well known as an expert on police shootings. He's been enrolled in Simon Fraser's Ph.D. program for the past five years, where he continues to research incidents across the country.

Despite highly publicized incidents, Parent stresses that police use of deadly force is a rare occurrence. He feels there needs to be more cooperation among community groups, mental health agencies and police departments to better understand and help those who suffer from mental illness.

While recognizing that in some instances police are left with no choice but to shoot, he advocates finding further alternatives to the use of lethal force; tactical retreats, for example, and less lethal weapons such as tasers.

In the meantime, Ron Mosher is getting ready to call it quits. As he reminds other officers, "law enforcement is a job, it's not your whole life."

"(Since the shooting) I am more cautious while on the street, but that is also probably due to my planning on retiring in October of this year. I am not as aggressive as I was. Twenty-six years is enough of life on the street, but I loved every minute of it. This incident is not one of the highlights of my career. I did what I had to do."

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Oct. 12 - 13, 2002

**2002 Equestrian Competition
Fredericksburg, Virginia**

Hosted by Fredericksburg Police Department, includes seminars, uniform competition, equitation, obstacle courses and trail rides.

Contact: Jim Shelhorse at (540) 373-3122, (540) 372-1108 (fax) or S1209@fburg.pd.state.va.us.

Oct. 15 - 18, 2002

**10th Annual Atlantic Women in Law Enforcement Conference
Fredericton, NB**

Expected to draw more than 100 delegates. Watch <http://www.frederictonpolice.com/> for frequent updates or contact Cst. Kim Quartermain at (506) 460-2432 or kim.quartermain@city.fredericton.nb.ca.

Oct. 16 - 17, 2002

**2nd Youth Policing Symposium
Chatham-Kent**

Police Service Building safer schools and communities is the theme this year. Topics include youth violence, school threat risk assessment, multi-agency protocols and missing protector strategy. Keynote speaker is Columbine school shooting lead investigator/task force manager Kate Batten. Contact: Dave Wood at (866) 222-1800 or info@getsetnow.org.

Oct. 20 - 22, 2002

**8th Annual Crisis Negotiation Seminar
Calgary, AB**

Case studies of recent hostage/baricade situations are examined. Open to commanders, tactical and negotiation team members. Contact: S/Sgt Dan Mullan at (403)

519-2394 or dan.mullen@calgarypolice.ca.

Oct. 21 - 25, 2002

**SOLETA Ground Search and Rescue Management Course
Oakville, ON**

Ideal for incident commanders and search coordinators. Registration limited to first 20 applicants. Contact: Chris Collins at (905) 320-8093 or soleta@cogeco.ca.

Oct. 21 - 22 & 24 - 25

**Project Pipeline/Convoy Criminal Interdiction Courses
St. Catharines, ON**

Training to spot suspicious vehicles, increasing chances of seizing contraband and gathering intelligence. Hosted by the Niagara Regional Police Service. Contact: Cst. Paul Webb at (905)688-3911 x6225 or 9945@nrps.on.ca.

Oct. 23, 2002

**Trucks & Terrorism
St. Catharines, ON**

A workshop to increase the chances of interdicting in-transit criminals using trucks before an incident occurs. Hosted by the Niagara Regional Police Service. Contact: Cst. Paul Webb at (905)688-3911 x6225 or 9945@nrps.on.ca.

Oct. 27, 2002

**Patch Trade Show
Rivers, MB**

Contact: Michael Turnbull at (204) 328-7430 or meturn@mb.sympatico.ca

Oct. 28 - Nov. 1, 2002

**YRP - OPC Course
York Regional Police**

Topics include liquor, massage par-

lours, prostitution, adult entertainment, undercover techniques and gaming. Contact: Maria Ahrens at vice@police.york.on.ca.

Nov. 16, 2002

**Crimestoppers Gala Ball
Barrie, ON**

4th annual Gala Ball for the Simcoe-Dufferin-Muskoka Crimestoppers, hosted by the Barrie Police Service. Contact: Cst. Jennifer Caddell at (705) 725-7025, x2551 or jcaddell@police.barrie.on.ca.

Nov. 18 - 20, 2002

**LSI Statement Analysis Course
Mississauga, ON**

Laboratory for Scientific Interrogation Scientific Content Analysis basic course, sponsored by Canada Post Security. Contact: Colin Nanton at (905) 455-5110.

Jan. 19 - 25, 2003

**Canadian Police Alpine Games
Vernon, BC**

Designed for all levels of skiers and

snow boarders. Contact: Sgt. Ian Wightman at (604) 717-3066 or ian_wightman@city.vancouver.bc.ca.

Feb. 12 - 14, 2003

**7th Annual Conference on Child Abuse Issues
Niagara Falls, ON**

Hosted by the Niagara Police Service's child abuse unit and featuring experts in interviewing victims and suspects in abuse cases, including Dr. John Yuille, Dr. Lillian Glass and Crown Attorney Rita Zaied. Contact: Lianne Daley at (905) 688-4111 x5100.

April 2 - 4, 2003

Sexual Assault/Offender Management Issues Conference

Hosted by the Niagara Police Service's sexual assault and offender management units and geared toward police and crown attorneys dealing with sexual assaults and offender management. Speakers include Doctors Alberto Choy and John Yuille. Contact: Maureen Phelan at (905) 688-4111, x5100.

April 29 - 30, 2003

BLUE LINE TRADE SHOW

Le Parc Conference Centre
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Positive or negative — the choice is yours

Jeff was the kind of guy you love to hate. He was always in a good mood and always had something positive to say. When someone would ask him how he was doing, he would reply, "If I were any better, I would be twins!"

He was a unique manager because he had several waiters who followed him from restaurant to restaurant. They followed him because of his attitude; he was a natural motivator. If an employee was having a bad day, Jeff was there telling them how to look on the positive side of the situation.

Seeing this style really made me curious, so one day I told him "I don't get it! You can't be a positive person all of the time. How do you do it?" Jeff replied, "each morning I wake up and say to myself, 'Jeff, you have two choices today. You can choose to be in a good mood or you can choose to be in a bad mood.' I choose to be in a good mood. Each time something bad happens, I can choose to be a victim or I can choose to learn from it. I choose to learn from it. Every time someone comes to me complaining, I can choose to accept their complaining or I can point out the positive side of life. I choose the positive side of life."

"Yeah, right, it's not that easy," I protested. "Yes, it is," Jeff said. "Life is all about choices. When you cut away all the junk, every situation is a choice. You choose how you react to situations. You choose how people will affect your mood. You choose to be in a good mood or bad mood. The bottom line, it's your choice how you live life."

I reflected on what he said. Soon thereafter, I left the restaurant industry to start my own business. We lost touch, but I often thought about him when I made a choice about life instead of reacting to it. Several years later, I heard that Jeff did something you are never supposed to do in the restaurant business; he left the back door open one morning and was held up at gunpoint by three armed robbers. While trying to open the safe, his hand, shaking from nervousness, slipped off the combination. The robbers panicked and shot him. Luckily, Jeff was found relatively quickly and rushed to the local trauma centre.

After 18 hours of surgery and weeks of intensive care, he was released from the hospital with fragments of the bullets still in his body. I



what had gone through his mind as the robbery took place. "The first thing that went through my mind was that I should have locked the back door," Jeff replied. "Then, as I lay on the floor, I remembered that I had two choices: I could choose to live, or I could choose to die. I chose to live.

"Weren't you scared? Did you lose consciousness?" I asked. Jeff continued, "The paramedics were great. They kept telling me I was going to be fine. But when they wheeled me into the emergency room and I saw the expressions on the faces of the doctors and nurses, I got really scared. In their eyes, I read 'he's a dead man.' I knew I needed to take action."

"What did you do?" I asked. "Well, there was a big, burly nurse shouting questions at me," said Jeff. "She asked if I was allergic to anything. 'Yes,' I replied. The doctors and nurses stopped working as they waited for my reply. I took a deep breath and yelled, 'bullets!' Over their laughter, I told them, 'I am choosing to live. Operate on me as if I am alive, not dead.'"

saw him about six months after the accident and when I asked how he was, he said, "if I were any better, I'd be twins. Wanna see my scars?"

I declined to see his wounds but did ask

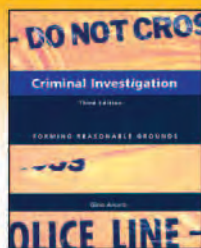
Jeff lived, thanks to the skill of his doctors but also because of his amazing attitude. I learned from him that every day we have the choice to live fully. Attitude, after all, is everything.

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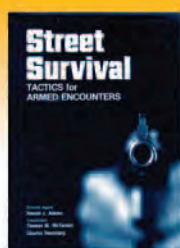
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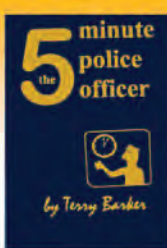
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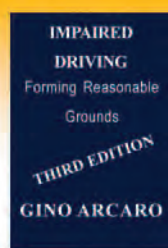
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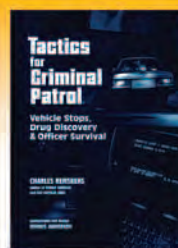
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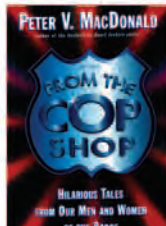
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This book covers the first decade in the history of the North West Mounted Police, 1873-1883, a decisive period in the history of Western Canada. The book examines the beginning of the force and the difficulties it faced.



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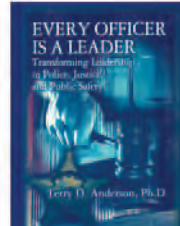
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The sequel to *A Double Duty*, this book covers the 1885 North-West Rebellion. The role of the Mounties has been down-played by historians, but this doesn't do justice to the officers who battled at Duke Lake, Loon Lake and more.



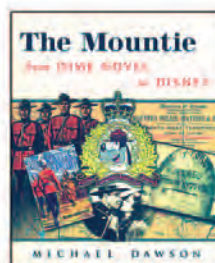
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This book, reviewed in the Jan. 2000 issue, responds to the need for a comprehensive leadership development model for the education and training of police, justice and public safety supervisors, managers and front line officers.



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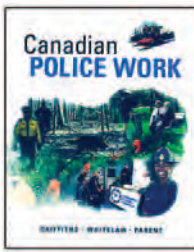
This book is a comprehensive text that covers the most elementary knowledge that a police officer must possess in order to apprehend, charge and gather evidence against the criminal element in our society.



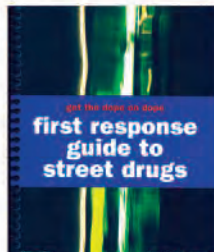
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From legendary Sam Steele to Nelson Eddy in *Rose Marie*. From the Great March West to the Musical Ride, the Mountie shines as an image of strength, courage and the Canadian way. A must read for RCMP members of those interested in the force.

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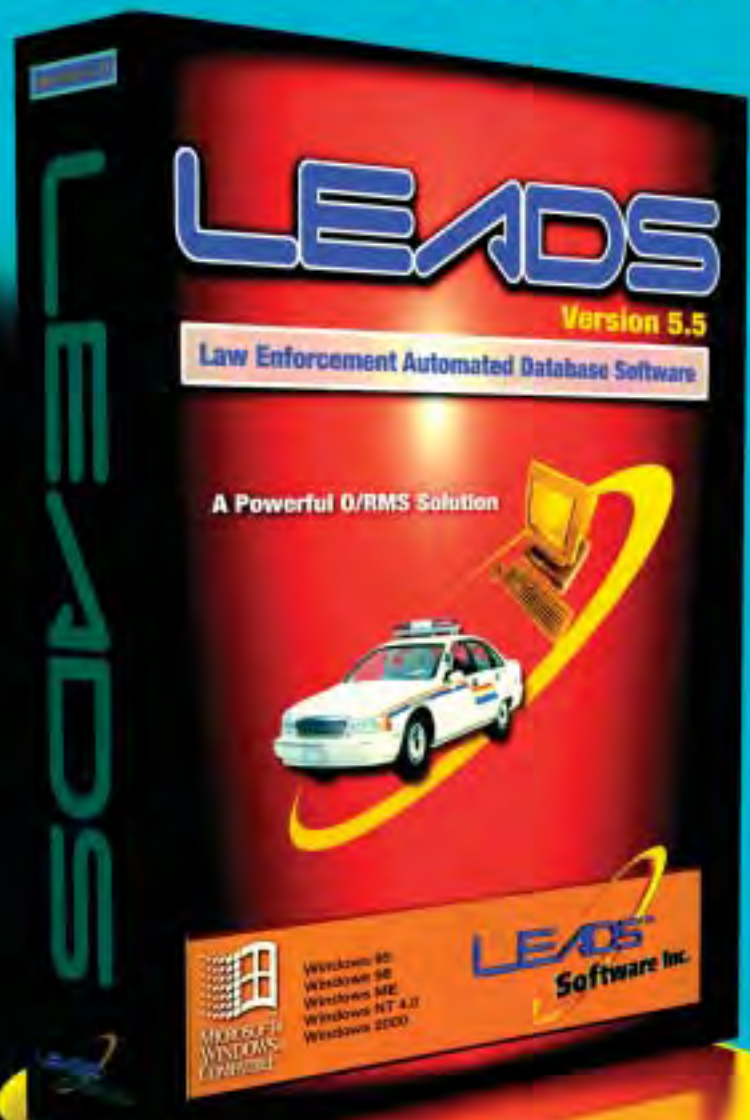
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