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October 2015



TACTICAL REPOSITIONING *Moving out of the spotlight*



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by Morley Lymburner



Mission creep in firearms training

The bank alarm call was only a block away on Yonge Street so I told dispatch my partner and I would check it out. Working in the Toronto's Fraud Squad, we drove an unmarked car and wore suits.

The dispatcher made this clear to uniform back-up units a detective car was responding. We might be mistaken for robbers if we have to pull our guns out, which could quickly cause a catastrophe when backup arrived. It was then that a chill came over me; Where was my gun?

"Oh crickey!" I left it in my desk drawer. What do I do? "I have to tell my partner," I thought to myself.

"Ah!... John... I have something to tell you. I left my gun at the office in my desk." I meekly awaited the first of a long string of curses which were sure to follow my confession.

John continued looking intently at the traffic ahead and pursed his lips. "Well that's a pretty stupid thing to do now, isn't it? We're in a fine pickle now because I left my gun in my drawer too."

Many years have passed since that call. The pistol vs revolver debate of the mid 90s has come and gone, with the semi-auto winning hands down. Fifteen Toronto officers paid with their lives during my career alone. It was only common sense to realize that the bad-guys had us outgunned.

The changeover was painful, to say the least. Canadian policing had a 150 year history with the revolver and the training was well established and uniquely Canadian. The prevailing attitude was "We have to carry this 34 ounce chunk of metal so we might as well get used to it and learn how to handle it safely."

We were taught how to secure our handgun in a holster that would let it drop to the floor if not held firmly in place with your left elbow. The holster was designed to completely cover the gun so as to not offend delicate public sensitivities. It was not uncommon to sport a holster with a butt flap resembling a hound dog's tongue, sparking the nearest steely-eyed sergeant to order you to replace it immediately.

The handgun was looked upon, reluctantly, as a necessary yet little utilized part of our equipment. Despite the relatively high number of officers killed in the line of duty during the era, the revolver was still viewed as more of a reassurance than a useful tool for deployment.

The sudden onset of semi-automatic handguns became a serious issue. A far more complicated weapon, they required more detailed training. In Ontario there was a sudden need to retrain more than 20,000 officers in short order. It was soon discovered that the best and easiest way to accomplish this was to borrow established training processes from

the United States, which knew a thing or two about training large numbers of people to use firearms in short order.

We may have been a little hasty. The US training style did not exactly match Canadian and it appears the fundamental cultural differences were not considered. More US officers have had basic military training, including, by necessity, how to dehumanize a target to make taking a life more palatable. It's designed to reduce the trauma and moral turpitude of the act and increase the moral fortitude of the shooter.

This is borne out by studies showing many soldiers in past wars seldom aimed their weapons at another soldier. Modern military training and equipment is designed to counter this to increase the kill ratio.

Police are expected to use their guns only as a last resort to protect their lives, or those of others, from grievous harm. They seldom expect the attacks and the strategies used to counter them are more reactive than orchestrated.

The unfortunate side effect of the rapid transition of the mid 90s is that military training styles may have crept into policing. Officers are trained to fire two or three consecutive shots in rapid succession each time they use their weapon and are required to carry two extra magazines on their gun belts, despite the negative effects of carrying this extra weight over a 25-year career.

It also ignores three other facts.

1. Soldiers do not have to carry weaponry every day of their career.
2. Police rarely if ever need 45 rounds.
3. Police are far more accountable for their use of force on an individual basis than soldiers.

It is clear the training and attitudes I possessed back in the day were far from stellar but have we gone too far today? Perhaps we need to take a serious look at the way officers are trained and equipped.

Oh yes! That alarm call. We arrived at the front door and advised the dispatcher that nothing looked unusual and we would standby, since we were non-uniform, and await the first uniform patrol unit to clear the call. I was never more relieved to hear the call declared a false alarm. We never forgot our guns again.. even though it was heavy and hard to conceal.





TACTICAL REPOSITIONING

Moving out of the spotlight

by Al Arsenault

There has been significant lop-sided media coverage on recent shootings of ‘unarmed’ subjects, especially those armed with non-firearm weapons. Apart from the howls of racism, much of the focus, particularly stateside, has been on distance between combatants and the ensuing time (and number of shots) needed to stop the unfolding threat.

The Las Vegas Police Department has decided to include de-escalation techniques in use-of-force training.

There are two major issues with deadly threat situations: a basic deficiency in the public understanding of the use of lethal force (and possibly) a lack of training in how to make critical decisions in deadly force calls.

The great social divide between the community and police is magnified when police are forced to save their own lives by using deadly force as per their training. Some blacks and all police haters see the outcome as mentally ill black men or innocent ‘unarmed’ teens being “gunned down by trigger-happy cops.”

This article’s purpose is threefold:

- 1) To help police review the situationally under-utilized tactic of using cover when facing a non-firearm weapon or even bodily force;
- 2) To allow officers to escape much of the unwanted post-shooting aftermath by using such cover as an (apparent) attempt to spare the aggressor’s life; and

- 3) To help save the lives of people who are in essence committing ‘suicide by cop’ by buying time for the use of additional tactical options.

The racial fence appears to be growing higher by the day. The Michael Brown shooting and, to a lesser degree, the proximal St. Louis shooting of Kajieme Powell, (which unlike the Brown shooting, was caught in its entirety on video) has brought the issue of police use of deadly force to the forefront for discussion.

Police in the latter case were quick to report the facts rather than provide the usual conspiracy-inspiring “No comment.” Powell charged at officers with a knife and, according to standard training protocol, they neutralized the deadly threat he presented. That protocol is largely based upon three factors:

- 1) Does the assailant have a weapon capable of causing grievous bodily harm or death to the officer or others?
- 2) Was the assailant ordered to drop the weapon and did they do so?
- 3) Did the offender keep advancing?

This simple check list does not account for all situations encountered on the street.

Could more be done to spare a life? When shootings have an appearance of being deserving and post-shooting actions reflect lifesaving care, not disdain for the offender, public trust and confidence in the police can be maintained despite the tough circumstances for both the police agency and community.

The family of the ‘victim’ seldom back deadly police actions. Body cameras are a technological advancement that will do much to show the stark realities of deadly threats that officers must face. In time, and with public education about the handling of potentially deadly threats, the divide between police and the public may shrink.

Whether so stated or not, some people are hell-bent on killing themselves by attacking police and often there’s little that can be done to prevent those sorry outcomes.

There is always the possibility of using less-lethal options, but only if they are actually available at that moment, using them does not jeopardized officer lives and lethal over-watch is in place.

Even the appearance of trying to spare an attacker’s life can go a long way to quell the notion that police are murderous, racist, uncaring thugs, because nothing could be further from the truth.

Furthermore, attempting to save the offender’s life after the threat has been neutralized can go a long way in appeasing the critical eye of the public.

Making every effort to provide swift medical attention, ensuring that ambulance assistance is a priority (and radio traffic shows this was the case), even if all these efforts are done in the face of a grim prognosis, is much better for the officer, the critical public and, most importantly, ensuing legal proceedings.



Time is of the essence

To be clear, I strongly advocate using lethal force to stop deadly threats and do not favour seeing police officers hung out to dry (“thrown under the bus”) merely for protecting themselves and the public.

If a ‘man with a knife’ can get close enough to an officer, he certainly has the potential to injure or kill, regardless of whether he is bleeding from gunshot wounds, mentally ill, an upstanding, church-going family man or what have you.

Officers cannot merely take a single shot and then assess the damage, if any, to the person charging headlong at them. It’s very difficult to hit a moving target anywhere with a handgun under extreme stress and there’s no guarantee the shot will drop a person instantaneously.

Taking cover is therefore a prudent tactic even when confronting an inferior weapon. Officers should move to find cover, if possible, to stay safe.

Once the survival process of pulling the trigger to stop the threat has begun, it is impossible to instantly stop shooting. Making the decision to shoot, to actively pull the trigger, to assess the results, to decide to stop shooting and to physically stop pulling the trigger all take precious fractions of seconds to unfold. This adds up to the possibility of ‘extra’ rounds

being fired by an often adrenalized officer in fear for their life.

These brave public servants deserve to go home to their families and to be supported by the public. Some of the ignorant or misinformed members of society say police should risk a close quarter combat lethal encounter, use a lesser weapon, shoot the knife out of the attacker’s hand or otherwise stop them with a well-aimed leg shot. They must be educated about the huge difference between what is done by fictional characters portrayed in television and movies and what is actually possible in real life (and death) on the street.

Taking cover

When responding to ‘man with knife’ calls officers should consider pulling up well short of the subject to automatically build up a functional reactionary gap (buffer zone), seek immediate cover (their patrol car is an obvious choice) or consider a tactical retreat, if possible, for protection from the obvious threat. First responders arriving on foot should immediately look for cover to negotiate from.

This is not to say officers should shy away from their duty of protecting the public if there is a risk to safety that would likely preclude disengagement.

However, if the situation permits, using a barrier to ‘hide’ behind should not be viewed as an act of cowardice but as a tactically savvy strategy when discretionary time is available.

Seeking and using an obstacle places a physical barrier directly in the charging offender’s path, buying the officer more time. The assailant must now deal with that barrier. The additional time creates opportunities to:

- Assess the situation and decide what to do about it as dispassionately and expeditiously as possible.
- Negotiate with the possibly suicidal (by cop) party.
- Deploy less-lethal response options (if available) over the top of, or around, the adopted barrier.
- Create precious time for additional resources (including less-lethal response options) to be brought to the scene by nearby back-up officers (if available).
- Choose a safer backdrop for discharging a firearm while the surroundings are physically panned.
- Think more clearly from behind the safety of solid cover.

Some officers may tend to stand out in the open because they believe their superior weapon can effectively deal with the threat posed. They may feel reluctant to back away

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and are essentially using their firearm as a form of ‘cover.’ Some police are trained to look for cover when dealing with edged weapon threats; shooting knife wielders upon first contact is less likely to happen.

Many officers wait in the open until it’s almost too late to defend themselves. Indeed police often underutilize force even when legally authorized to use it. They would likely be even more reluctant to do so in this hypercritical climate of the current witch hunt against police who use force and the omnipotent gaze of the iPhone paparazzi.

Let them video away. The perp usually drives the need to use force and can make it stop at any time simply by complying with commands. Take cover or not, the end result may be that the knife-wielder is shot but this deadly game has more far-reaching ramifications than a person dying, as tragic as that is. Think of an officer’s career and personal problems stemming from the stress levels and concomitant years of investigations, inquiries and other legal proceedings.

What about the social, financial, emotional, reputational and community struggles the officer and agency have to deal with long after the gun smoke clears? On the other side of the fence, what about the ramifications for the deceased person’s family? How does the video (often now arising far more often, even from police-worn body cams) appear to the

community? A person brandishing a blade and stalking police is not thinking clearly. Can the outcome of “bringing a knife to a gun fight,” and the optics of the subsequent shooting, be influenced in a more positive way?

Options and optics

Have you ever tried chasing someone around a full-size car? In 2007, shortly after I retired, I intervened to assist in ejecting an individual from a 7-11 store. He pulled a knife and attempted to chase me down. I kept him on the other side of a parked vehicle and immediately called 911. My would-be assailant soon realized that he couldn’t catch me as we each had an equal ability to run around the vehicle.

Informal testing seems to indicate that running around a tight perimeter of a vehicle evens out a chase in a manner a straight-line foot pursuit would not. His foot pursuit was truly futile as I had 22 feet of perimeter distance between us as I maintained an antipodal position to him. I had time on my side to call police and if I had carried pepper spray, I could have safely tried it in this particular situation. (Yes, you can use pepper spray against a knife holder if the situation is right.)

I acknowledge that some officers work alone in rural settings, totally isolated, standing on frozen ground on highly uneven terrain, without nearby back up, etc. The consequences of tripping and falling could be far more serious than

merely losing a stable platform from which to defend yourself. There are certainly many situations in which allowing yourself to be actively stalked by a knife wielder (for the sake of exhausting every possibility) rather than immediately shooting would not be tactically prudent.

Roll back the surveillance video to determine if taking safe cover was possible but not utilized against a relatively drunk man with a knife who was unsteady on his feet.

Which scenario would have resulted in fewer repercussions for the officer, the community and in court: the officer openly standing in front of nearby cover and shooting after commands to drop the knife failed, or the officer taking cover and trying to talk him down, calling for less lethal options and otherwise delaying direct lethal engagement of the threat?

Several problems would have been resolved in the St. Louis shooting had officers taken a position of cover behind their police car rather than driving right up to and openly facing the deadly threat that Mr. Powell presented. It’s all about options and optics; creating more time allows for more options to be considered, making the optics of any shooting less painful to view and easier to support by a concerned and often highly-critical public, the courts and use-of-force oversight boards.

How much less justification would officers

have had to do to the judgemental public and overzealous scrutinizers had they challenged him to drop the knife from behind physical cover?

Directing Mr. Powell to drop his weapon from behind the ‘cover’ of their sidearms looks far different than doing so from behind a vehicle. Police do not have a duty to retreat (unless they choose to do so for tactical reasons) but standing out in the open in front of a mentally ill, drug-impaired or enraged person is not a tactically sound position to take when cover is available.

If attempts to communicate fail, that exposed position would likely eliminate any other possible option BUT to shoot. Is it ‘justified’? Probably. Is it absolutely necessary? Maybe, maybe not. Taking cover, a basic police tactic used against individuals armed with a firearm, is a strategy worth considering in dealing with armed offenders who don’t have guns.

Cause the subject to do more than just approach you. By trying to resolve the situation without the initial (and slightly delayed, if safe) use of a firearm against someone chasing you around a car (or other useful barrier) looks far better than shooting an armed subject who crosses an imaginary 21’ line.

Police-precipitated homicide

‘Police-precipitated homicide’ (violence) encompasses the use of poor tactics, like failing to take available cover or getting unnecessarily or prematurely too close to a threat. This

ultimately leads to a shooting because a fear of loss of life becomes an imminent reality. Using poor tactics can indeed lead to excessive or unnecessary force.

The lack of situational awareness in not taking cover where feasible places an officer squarely in the ‘threatened for their life’ zone. The subject’s poor decision-making is compounded, not mitigated, hence the inevitability of a shooting. Sometimes when circumstances allow it, the job can be done in a slightly smarter and more ethical way, notwithstanding the offender may still end up being shot. It will just look better.

As we know, ‘homicide’ is actually a neutral term meaning a death caused by a fellow human being. I was inspired to coin the term ‘police-precipitated homicide’ after watching several American police shootings of people with knives on freeways or city streets, where a line of officers with a multitude of firearms stood in front of a row of police cars used to block traffic.

Invariably the emotionally disturbed, shirtless person runs or lunges at police and dies in an intense barrage of gunfire (often only seen on the firing line at the shooting range). Why didn’t these officers think to angle their line of fire off to the side of the highway and have an officer try to hit the subject with a squad car?

Canadian police are trained to improvise and adapt to challenging situations and not be so reliant on firearms (we see far less gun

play), but all police sometimes need reminding to think outside the box in order to:

- 1) Protect themselves from injury or death (and post-shooting liabilities and negative aftermath).
- 2) Possibly save lives.
- 3) More ably justify their actions (to the courts and the community).

The time to address these issues occurs at the very front end of policing. It requires a collective effort by trainers to provide context and options for making better decisions in using deadly force and to build these skills into officer in-service training. Providing immediate medical assistance to the injured arrestee is also prudent considering that a video record of the encounter will likely exist.

Whether it is regarded as covering bases or covering butts, ethically and tactically, making a tactical retreat while taking cover is simply the right and smart thing to do in these racially divided times. We need to tear down that problematic fence and put up a tactical barrier.

Al Arsenault developed expertise in non-firearm weaponry, drugs and beat policing during 27 years in Canada’s most dangerous and challenging beat – Vancouver’s Skid Row. He co-founded the famed Odd Squad in 1997 and published *Chin Na in Ground Fighting* in 2006. He currently specializes in teaching police combatives through his co-founding of Police Judo in 2010, is writing a book on Police Judo and teaching the essentials of this new martial art to police across North America.



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AFTER THE TEN-SECOND VICTORY

How to win the ten-year battle that follows

by Joel Johnston

Confident of your ability to handle yourself after a critical force incident? Consider the following scenario:

You are a lone officer dispatched to deal with a young, violent male suspect who has threatened others. You talk to him and advise him he's under arrest. He violently attacks you and manages to snatch your gun from its holster. The fight for your life, and for the lives of everyone around you, is on.

You immediately engage the assailant, even though he is bigger and stronger than you and somehow manage to regain control of your gun. The suspect continues to attack, so you fire—twice. The suspect falls and ends up dead. You can't believe what happened—the whole thing was over in less than ten seconds. You were never trained for this scenario; in fact, your trainers told you your equipment would prevent such an incident from ever occurring.

You call for an ambulance.

Soon you are ushered into an interview room and ordered to provide a statement. Still in a state of shock and disbelief and suffering from post critical incident and survival stress effects, you try to reconstruct what happened as uninvolved, unaffected investigators ask you questions. They alternately apply a combination of psychological tactics and pressure, logic and common sense to an uncommon occurrence, as they've been trained to do. You can't explain what happened so your mind begins to fill in the blanks.

You are charged with manslaughter because of what you said, yet you know that what you did was the only way to survive. You are subsequently tried and convicted, lose your job and are sent to jail. You still know in your heart that you did the right thing; the alternative would have been to die and have everyone in that environment compromised in the same fashion.

Things like this have happened to good police officers in tense, uncertain, rapidly evolving, chaotic, life-threatening situations where they won the short battle for survival but lost the five to ten-year legal war. Other police officers lost the battle for survival and were heralded as heroes, with full police honour-guard funerals and civic ceremonies. The truth is, neither is more heroic than the other. Heroes win and survive and heroes lose and die. We need to revisit how we handle surviving heroes.

It's important to distinguish between police-involved and citizen-involved shootings, stabbings or assaults. Police officers are sworn to uphold the law and are regularly asked to deal with difficult situations—they have a duty to act. They must instantly assess the behaviour of the person(s) they are dealing with; if they are co-operative, or resistive but pose no physical threat to anyone else, that means talking to them and trying to convince them to voluntarily comply.

If a person's behaviour is threatening however, police have no option but to respond using the variety of force response options

they are equipped with—it's almost as though there is an expectation that, from time to time, officers may have to use them. Disengagement is rarely a viable option due to reaction time, proximity to the threat, duty to act, etc. If police do respond with physical force, they don't try to escape but remain on scene to provide or call for medical aid, leave their name and complete follow-up reports.

It's inappropriate to compare police-involved deadly force encounters with civilian crimes of violence. They are simply not the same.

Generally, police involved incidents lack criminal intent, do not manifest themselves in the same manner as criminal events, the aftermath is handled differently and there are no efforts to escape accountability.

Officers should not be treated like criminal suspects during the investigation process. Certainly a thorough investigation must occur—but the goal must be to obtain the most complete, accurate information about the encounter as possible.

Research has shown that a statement provided by an involved officer immediately after a deadly force encounter will be fraught with inaccuracies that will forevermore compromise the integrity of any investigation and the legal survival of the officer. It is a scientific fact that the officer will not be able to provide the most complete and accurate statement possible until some 72 hours later, after two full sleep periods.

Citizens are afforded the right to retain and instruct counsel without delay, and these

are often people who have purposefully committed a violent crime, attempted to escape detection and either had time to conjure up a story about ‘what happened’ or simply and directly deny any involvement.

Police have the right – the duty really – not to speak or write in detail about an incident at a time when they are not physically, psychologically or emotionally capable of providing the most accurate and complete details.

According to research and recommendations from medical experts, an involved officer should provide only a cursory preliminary report after a deadly force encounter – that is, ‘I was on duty, attended a call and “X” was the outcome’ – period. In fact, all of this information would be obtainable from other sources (duty rosters, dispatch information, hospital records, etc.).

Officer-involved shooting/use of force investigators do their job as they have been trained and most don’t know how survival stress, which frequently occurs after a critical incident, can affect memory accuracy.

The notion of compelled or coerced statements should not even be a consideration at this juncture of an investigation. The concept of obtaining a ‘pure statement’ — one that hasn’t been contaminated by conversation with others — simply is not accurate under such circumstances and cannot be obtained from an involved officer post-critical incident.

An immediate statement will be affected by probable psychological trauma, critical incident amnesia, memory distortion and an officer’s desire to say what they think makes sense — in essence, to fill in the blanks where necessary. The statement may be immediate but will be anything but pure.

Dr. Alexis Artwohl, a renowned clinical and police psychologist and author of *Surviving deadly force encounters*, conducted research in 2002 on perceptual and memory distortions in law enforcement deadly force encounters. She found that 52 per cent of officers experienced partial memory loss of the event, 46 per cent weren’t able to remember some of their own actions and 21 per cent had memory distortions in what they saw, heard, or experienced during the event.

“Contaminating their performance and memory are the intrusive, distracting thoughts that 26 per cent of the officers had in the midst of a deadly force encounter,” wrote Artwohl. “Even in the midst of doing what they needed to do to survive, officers found they were distracted. In itself, this is not unusual and is the equivalent of ‘seeing your life flash before your eyes.’ I have found three types of memory problems to occur in lethal force encounters.

“The final memory problem exemplifies another interesting aspect of lethal force encounters. The only way law enforcement officers can face this kind of threat is if they believe they can control or manage the threat at some level. They need to have the power to control the unknown. For an officer who cannot remember what happened, that control is not possible. For some of those officers, unconsciously, it is better to create a fictional

fact about what might have happened than to live with the unknown.”

Artwohl’s research has been validated by numerous other related anecdotal and formal research studies, including work by police psychologists Dr. Roger Solomon and Dr. Kevin Gilmartin. A 1998 LASD research study by Dr. Honig and Dr. Roland found that 90 per cent of involved officers experience perceptual distortion, for example.

Artwohl offers specialized research-based training for OIS investigators, including:

- The psychology of combat and the dynamics of violent encounters;
- The psychological impact of use of force incidents on the community, the agency and individual officers and how to minimize negative responses to these events;
- Research on factors that impact witness recall and statements after critical incidents;
- A review of detailed recommendations for supervisors, managers and investigators on how to handle participants and witnesses on-scene and afterward;
- Enhancing the ability to develop individualized investigative procedures to handle witnesses and take statements;
- How to protect yourself/staff from the psychological damage of investigating traumatic events.

She has reviewed research from the areas of psychology, sociology, law enforcement, investigations and her own experience talking with critical incident victims and hundreds of officers involved in shootings. She has also spoken with investigators, attorneys, union officials and command staff.

This type of information is critical for OIS investigators if they truly want to accurately, fairly and thoroughly investigate high-level officer-involved use of force incidents. Protecting the community is at the core of the police mandate and that calls for a proper and

thorough examination of what occurred in any given deadly force encounter. A fair and objective process for the involved officer will allow him or her to provide the most accurate statement possible.

The research and known effects of critical incident amnesia and memory distortion has led to the following recommendations for officers who have been involved in a deadly force encounter:

- Any initial report should be verbal only and labelled as preliminary; it should relate only cursory facts of public record;
- A supplemental report should not be provided until after the first sleep period (a person’s ability to remember will increase by 50 to 90 per cent during this time);
- A final report should not be provided until after the second sleep period (a person will not be able to completely remember until then);
- An involved officer should be isolated as much as possible during this period to prevent memory contamination.

We owe it to our community, the subject and officer and their families to obtain the most complete, accurate account of what happened during a deadly force encounter. This cannot be rushed. Officers need to protect themselves, while some agencies need to learn processes that will enhance their deadly force investigations. This will best protect the community, provide the truth to grieving families and ensure that involved officers have the opportunity to provide as complete and accurate details as possible after being involved in a deadly force encounter.

Joel Johnston is a retired 28 year Vancouver police officer, with 20 years full time experience in use of force and emergency response. He has been a frequent contributor to *Blue Line Magazine*. This story originally ran in the September 2005 edition. Joel can be reached by email at joel@joeljohnston.com or joeljohnston.com.



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THE ESSENCE OF POLICING

Effective investigative interviewing

by Andy Stuart, Barry S. Cooper,
John C. Yuille

An officer pulls over a motorist and walks up to talk to the driver; two officers knock on a residence door to investigate an alleged domestic dispute; two officers approach a group of potential eyewitnesses at a shooting scene; an officer waits in an interview room for a murder suspect.

These four scenarios – although differing in context – share one commonality: they involve police officers about to engage in the task of investigative interviewing, arguably the essence of policing.

What is the ultimate goal? What techniques do experience and the scientific literature suggest should be part of routine interviewing practice? Is it possible to evaluate truthfulness during investigative interviews?

Does evidence-based training assist professionals in becoming more effective interviewers?

Answers to these and other questions form the body of this article, with the objective of providing police with a foundation in which to learn more about the science and practice of effective investigative interviewing.

The ultimate goal

Irrespective of whether the interviewee in question is an alleged victim, witness or suspect, the overarching goal of an investigative interview is to gather information about the witness version of events. In the context

of interviewing a suspect, in particular, the goal is not to seek a confession, as some non-evidence-based training manuals suggest. A confession may be a consequence of an effective investigative interview but it should not be the goal.

Research on and experience with false confessions is quite clear: some innocent people confess to crimes they did not commit. An effective investigative interview is one protection against false confessions. The goal of an effective interview should be to seek uncontaminated information from the interviewee in a manner that maximizes the quantity and quality of the information provided; that is, the interviewer should cue the memory of the interviewee, not lead their memory (e.g., via leading/suggestive questions).

The science and practice

The scientific literature on effective interviewing, coupled with experience, indicates that many investigative interviewers commit one or more errors that collectively have been termed the “sins of interviewing” (see *Yarbrough, Herv, & Harms, 2013*). These include, but are not limited to, the following: misunderstanding memory and not planning ahead, considering multiple hypotheses/explanations, establishing rapport and actively listening and observing.

Consider the following adapted example based on a real case. A police officer, recently transferred into a sex crimes unit, was tasked with interviewing a male suspect arrested

during a search warrant related to child sexual abuse images. While preparing for the interview — a best practice procedure — he discovered material suggesting the suspect was involved in an online “man — dog love club.” In attempting to introduce this topic early in the interview, he used a joking tone of voice and asked “what is with this dog love stuff?”

In this example, the interviewer committed the “sin” of not establishing rapport and not planning ahead, as he induced shame instead of attempting to elicit guilt. Eliciting guilt can assist in encouraging a suspect to talk about misdeeds but eliciting shame can lead to the opposite result — a suspect ashamed to speak about their actions.

The suspect refused to talk at all about the allegations against him. In hindsight and after further training the investigator understood the “sins” he committed and realized his tone of voice and structure of his question made the suspect feel ashamed of his activities.

Fortunately, at a later date, the investigator had a second opportunity when the male was arrested for another sexual offence, and made the most of the interview. He spent more time developing rapport, monitored his tone and questions, showed empathy for the suspect’s situation and learned a great deal of information about the dog fetish.

Effective interviewing

Effective investigative interviewing is more than simply not committing “sins” of interviewing. All effective evidence-based

investigative interviewing techniques involve, at least at some level, the following factors: preparation, rapport building, cuing memory via non-leading open-ended questioning, using techniques for enhancing memory and considering multiple hypotheses for information observed in an interview (Cooper, Herv, & Yuille, 2014). A few suggested 'do's and don'ts' can be found at the end of this article.

Consider the following adapted real-life example. Two patrol officers are dispatched to a domestic dispute and find a male and female both claiming to be the victim of an assault. The male has a bloody nose and the female has abrasions around her neck. How did the patrol officers determine who was the primary aggressor?

Keeping an open mind to the physical evidence, two hypotheses were considered. The male choked the female and, to repel the assault, she punched him in the nose. Or alternatively, the female punched the male first and his reaction was to grab her neck.

The most effective way to determine the truth is to conduct interviews. As the fighting had stopped and the officers had to decide what action to take, they interviewed both individuals separately using an audio recorder.

This type of interview was spontaneous in nature (as opposed to planned) and thus little was known about each interviewee. Although most patrol officers would quickly simply ask what happened, unless there is an emergent issue, there is usually an opportunity to first learn about the interviewee by building rapport.

Some obvious areas to discuss include family dynamics, the length and quality of the relationship, others that may reside in the residence, etc., in addition to other investigative questions that would also provide some background to the topic of concern.

Once the interviewee was engaged and appeared ready to tell their story, a free narrative was obtained by asking "tell me what had happened?" This is an example of an open-ended request which allowed the interviewee to tell their story. The interviewer used phrases such as "tell me more about that" and asking "what happened next" to move the narrative along while not asking any leading questions.

Afterwards the officers decided a course of investigative action to take based upon all of the evidence, including the interviews. In this case, the evidence received in rapport building led to the questioning of a child witness, who disclosed that the male was a frequent victim of domestic violence and reactively defended himself against his wife's attack; she was arrested and ultimately charged with assault.

Interviewing and assessing credibility

Effective investigative interviewing and evaluating truthfulness are intricately related topics. In fact, the scientific literature and experience suggests it is not possible to reliably distinguish truths from lies without a properly conducted interview (Herv, Cooper, Schweighofer, & Santarangelo, 2015).

Although there is no universal sign of

lying, effective interviewing could lead to the elicitation and observation of "hot spots" — changes from someone's verbal and/or nonverbal "baseline" (i.e., normal) way of behaving (Cooper, Herv & Yuille, 2009). Hot spots are construed as clues to importance and should lead to follow-up questions.

Consider the following adapted real-life case example. A patrol officer was assigned to investigate a sexual assault. The complainant was an 18 year-old female who had called police alleging she was sexually assaulted after responding to an online "room for rent" advertisement.

The officer attended the hospital for a forensic exam and then took the complainant to the detachment for an investigative interview. The complainant produced limited details about the actual sexual assault but was able to provide a lot of information about what happened before and after. Although it is possible for victims of sexual assault and other traumas to be amnesic for all or parts of their experiences (Herv, Cooper, & Yuille, 2013), the relative lack of detail was viewed as a hot spot.

Attune to the lack of details for the most important part of the event, the officer employed a memory enhancement technique which concurrently served as a credibility assessment tool. In particular, he asked the complainant to tell her story in reverse order, an aspect of the Cognitive Interview (Fisher & Geiselman, 1992). This was accomplished by asking her

to start at the end of her account — "and then I called the police"— and to then recall what happened backwards in time.

The next part of her account could have included statements such as "I ran from the house" and so on. If honest, the backward recall could serve as a memory enhancer as it allows the opportunity to cue her memory to other details that she did not include initially in forward recall. Backward recall could also serve as a credibility assessment tool as honest responders find telling their story in reverse order difficult but not as challenging as for deceptive individuals, who have likely only concocted a lie in the normal — forward — direction.

The complainant stated she could not complete the task. The officer did not confront her at that point but continued with the investigation.

The alleged suspect provided a detailed statement, including time stamped email strings with the complainant showing the sexual nature of their meeting, rather than the initial room for rent version. The officer then challenged the complainant and received an admission — she had made the story up to cover for her whereabouts when confronted by her boyfriend.

Training on interviewing

It is clear from the scientific literature and experience that evidence-based training improves practice. There are a number of organizations and individuals that offer training on investigative interviewing with promising results

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Effective Interviewing

Do ←—————|————→ Don't

Prepare for the Interview	Enter the Interview Blind
Record the Interview	Be Afraid of Transparency
Use a Semi-structured Tailored Approach	Use a Cookie-Cutter Approach
Develop Rapport	Fake Rapport
Ask the Right Questions at the Right Time	Ask the Wrong Questions at the Wrong Time
Seek Truthful Information	Seek an Confession
Exhaust / Enhance Memory	Prematurely End the Interview
Understand Memory Patterns	Assume Memory is a Simple Entity
Understand the Motive of the Interviewee	Use the “Me” Theory
Practice / Seek Proper Training	Be Overconfident

(Colwell, Hiscock-Anisman, & Fede, 2013).

Evidence-based training should include, at a minimum, modules on preparation, criminal behavioural patterns, recording, developing and maintaining rapport, properly phrased questions (e.g., open-ended, non leading), how to introduce the topic of concern, memory and issues concerning credibility.

Ideally, training should be a combination of science and practice and should be tailored to the context (e.g., witness, victim, person of interest, suspect) and interviewee (e.g., child, adolescent, adult, special needs such as cognitive capacity and mental health issues).

Conclusion

Effective interviewing is arguably the essence of policing (and possibly the entire criminal justice system). In most cases, the examination of a defendant in court — another example of an interview — would never transpire without the initial effective investigative interview of a complainant. Thus, the entire judicial process rests on the quality and quantity of the information elicited by various players in the criminal justice system.

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Contact **Andy Stuart** at 250-812-4913 or astuart@saanichpolice.ca for more information.

TITLE: *You in Blue — A Guide for the New Cop*



Author: Gregory Saville & Gerard Cleveland
Reviewer: Robert Lunney, Chief of Police (Ret.)

Authors Greg Saville and Gerard Cleveland, long time collaborators in the development and presentation of leading-edge police training, released this publication in June 2015. A handbook for prospective recruits, police trainers, coach officers and front line supervisors, it fills a long-standing gap in police educational materials at the entry level.

The book includes chapters on academy life, street realities and intelligent tactical response. It also provides advice on the essential qualities for becoming an ethical police officer and the fallacies of the controversial “Warrior agenda.”

The authors have a reputation for delivering highly-regarded in-service training in both Canada and the United States. Do not be put off by some “cop” jargon not commonly used in this country. The principles and key messages are valid on both sides of the border and necessarily responsive to the market. Saville and Cleveland speak from personal experience of street policing, adding credibility to their message.

There is a chapter on surviving and thriving at the police academy plus frank criticism of the problem of outdated and improper police training. There is a helpful prescription for balancing safety, danger, authority and legal powers with ethical, emotional and social competencies.

A section on talking to people on the street will be instructive to entrants from the Millennial Generation, who tend to excel in social networking but may lack skills associated with reading non-verbal clues, projecting an effective personal presence and establishing empathy through verbal facility.

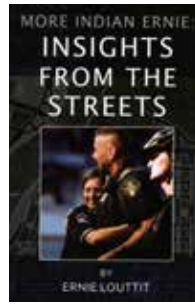
There is a notable section on having the courage to tell the truth in testing situations, as well as other advice critical to establishing a reputation for integrity in the early months of service. Beyond academy training, there is a chapter with helpful tips for patrol techniques and methods for self-assessment and continuous improvement.

The authors do not neglect survival skills, discussing self-management in responding to emergencies and giving advice on dealing with job-related stress balanced with healthy personal relationships and family life.

This handbook is a welcome addition to police literature, recommended for those seriously considering a police career, students enrolled in police foundations studies and those entering or undergoing academy training. It will also be a useful primer for officers already in their first year in service, police training officers, first line supervisors and managers of training academies.

Visit <http://www.youinblue.net> for more information.

TITLE: *More Indian Ernie: Insights from the Street*



Author: Ernie Louttit
Release date: July 15, 2015

Retired Police Sergeant Ernie Louttit takes you back to the streets of Saskatoon in his second book, a street cop’s view of the realities of street gangs, drunk drivers, and other offenders.

In this title Louttit gives people who are rarely exposed to crime a view of what policing “at the sharp end” is like, while acknowledging the struggles of those who are forced by circumstance to live in high-crime areas.

The first point of contact for persons with mental illness and addictions is often the police, and Louttit highlights how changes in handling these individuals must occur.

Other topics addressed in this fast-paced book include drugs and drug dealing, murder, changes in policing, and leadership.

Since retiring from the Saskatoon Police Service, Ernie Louttit has been an invited speaker to groups, classes at every level of education, educators, police trainees, and more across Canada. He lives in Saskatoon with his wife, Christine, and their four grown children.

Distributed by Brunswick Books
 Individual orders: purich@sasktel.net

TITLE: *Arcaro’s Interrogation Case Law Book*



Author: Gino Arcaro
Reviewer: Morley Lyburner
Publisher: Jordan Publications Inc.

Gino Arcaro has been writing study text books for many years. He was a professor with Niagara College’s Law and Security Program and had previously served for 15 years as a Niagara Regional Police officer in a wide ranging career which culminated in the criminal investigation branch.

I am impressed with his latest title, *Arcaro’s Interrogation Case Law Book*, which brings into clear focus the wider and contentious issues surrounding case law and interrogation.

Gino always goes a bit beyond. He begins this book by offering the reader 10 points in “Chapter Zero.” This is logically named to avoid the word “preface,” which he points out always sounds stuffy and boring.

It should be pointed out that this 120 page book is not the conclusion but the beginning. Gino has undertaken an aggressive agenda to publish eight volumes based on this same concept of what cops need to know about case law and the Criminal Code as it affects their daily working lives.

Visit www.ginoarcaro.com to learn more and purchase your copy.

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Political leaders answer questions from police

THE LAW AND ORDER AGENDA



We recognize the critical role played by police services...



No response



We are committed to ensuring police... have the funding they need to do the job...

by Morley Lyburner

As this is slated to be an election year we decided to elicit some answers to questions posed by our readership. In June we went to our over 17,000 viewers of the *Blue Line Forum* and posed a very simple question;

“If you had the ear of the federal leaders of each of the major parties in parliament what questions would you like them to answer?”

Our readers responded in great numbers and it took some time to boil down questions that were the most persistent. We sent out the questionnaire to each leader of the respective parties and advised them If they would like to gain the respect and votes of our readers, along with their families, friends and acquaintances, we would like to publish their response in the October edition of *Blue Line Magazine*.

Deadline for the submission was set for July 1 and several reminders were sent out during the month of June. As of the middle of July both the Liberal and New Democratic parties responded with written replies for publishing. Not so with the Conservative Party of Canada. Three

emails and three phone calls to various persons at the top failed to get either written responses or call backs. They are either not interested in answering or (please excuse the irony) they did not read the whole email I sent.

There may be valid reasons why there was no response but given the lack of response from the top of the Conservative Party I would urge our readers to pose these questions to your local candidates.

What follows are the questions posed:

Question #1:

In 2006 the government of Canada had the following platform:

- *Reinvest savings from cancellation of the ineffective long-gun registry program into hiring more front-line enforcement personnel, including filling 1,000 RCMP positions.*
- *Negotiate with the provinces to create a new cost-shared program jointly with provincial and municipal governments, to put at least 2,500 more police on the beat in our cities and communities.*
- *Invest \$100 million per year of new federal money on criminal justice priorities, including working with the provinces and municipalities to hire*

more police, as well as victim assistance and youth crime prevention programs.

By 2012, all of this money was cut within the Deficit Reduction Plan. The RCMP alone took close to a \$300 million cut, resulting in the elimination of hundreds of federal policing positions across the country, particularly in Ontario and Quebec. Yet there has been little to no mention of this reversal by the governing Conservatives or the opposition parties.

What is your party's position on this matter?

New Democratic Party of Canada

It will take more than speeches and broken promises to make our communities safer.

New Democrats know that to effectively combat crime, we need resources on the ground and well-funded prevention programs.

Unfortunately, since their election in 2011, the Conservatives have cut both resources and programs, which contradicts their “tough on crime” approach to public safety.

The 2012 budget imposed nearly 700 million dollars in cuts to public safety and 2,000 RCMP positions have been

eliminated since that date.

The Police Officers Recruitment Fund, intended for the hiring of 2,500 police officers across the country, was also not renewed. This affects our ability to fight organized crime, street gangs and the illegal trafficking of firearms.

Canadians deserve better.

It's time to elect a Prime Minister who will make the establishment of effective public policies a priority.

Liberal Party of Canada

The decision by the Conservative government to cut funding from public safety while at the same time asking these resources to do more with less is reckless, and places the safety of Canadians and our communities at risk. We are committed to ensuring police and other public safety resources and programs have the funding they need to do the job we ask of them.

Question #2:

How exactly do you plan to deal with the Supreme Court of Canada ruling that RCMP members are to have an independent police association? What would your time frame be for full implementation? How would an independent RCMP association look and be run in your parties opinion?

New Democratic Party of Canada

New Democrats have long advocated for RCMP members' right to collective bargaining. We therefore welcomed the Supreme Court decision on January 16, 2015.

Despite the fact that the Conservatives fought appeal after appeal before the courts to dispute the ruling, the Court maintained that excluding RCMP members from collective bargaining violates their charter right to freedom of association. In its ruling, the Court gave the federal government a year to create a new labour relations scheme.

An NDP government will work with RCMP members to create an appropriate labour relations system that respects the rights guaranteed by the Charter, allows for meaningful collective bargaining and ensures public safety.

Liberal Party of Canada

The Liberal Party fully respects the decision of the Supreme Court of Canada and respects the RCMP's right to bargain collectively. From what I have heard, the government has made little to no progress redrafting the legislation to comply with the court order.

Given the 12-month stay afforded by the Court will have nearly expired by

the 42nd election, we would immediately sit down with the RCMP and negotiate a framework for new legislation that would ensure they have a right to engage in meaningful collective bargaining with the government.

Question #3:

Would your party commit to ensuring the independence of the RCMP by taking its Commissioner out of his (or her) current position as a deputy minister, and instead reporting to Parliament rather than to the government in power?

New Democratic Party of Canada

The NDP strongly believes that the government should not compromise the independence of the RCMP. Like all police services in Canada, our national police service must be able to operate without political interference.

Unfortunately, the Conservatives have not respected this essential distance between the police and government. For example, they tried to muzzle the RCMP by putting a protocol in place that requires the RCMP to get approval from the minister before giving media interviews.

Canadians have had enough of this type of activity by elected representa-

tives. With New Democrats, they can be reassured: the safe distance that must exist between the government and police will always be respected.

Liberal Party of Canada

Independent Officers of Parliament are intended to serve as accountability agencies that are able to monitor the Ministry and the bureaucracy and hold them to account by reporting directly to Parliament.

Having the Commissioner of the RCMP report directly to Parliament would not serve this function - as he also directs and runs the RCMP.

Question #4:

Does your party endorse responsible gun ownership? If so, what would your party do to promote such a concept?

New Democratic Party of Canada

New Democrats believe that Canada needs effective gun control measures that always put public safety — not politics — first.

We need an approach that enhances public protection and brings Canadians together around common-sense proposals to reduce gun violence, rather than dividing them.



That's why Conservative legislation like C-42 is so concerning. It will make the transport of dangerous weapons easier and will undermine important public protections like firearms licensing, which is why New Democrats strongly opposed it.

New Democrats have also called on the federal government to reverse reckless cuts to the Canadian Border Services Agency and beef up the front-line positions that prevent gun smuggling, which police have said are responsible for approximately 70 per cent of guns used in crimes in Toronto.

Canadians can count on New Democrats to put public safety first and work together with all Canadians to make our streets and communities safer.

Liberal Party of Canada

Liberals believe in balanced, effective gun control that prioritizes public safety while ensuring law-abiding owners of firearms do not face unfair treatment under the law. The Liberal Party of Canada will work with Canadians to achieve the shared goal of reducing gun violence in Canada. The Conservatives are not protecting Canadians. They have weakened our gun control system and ignore advice from our police and emergency workers.

Question #5:

If your party could do one thing to enhance the delivery of policing services in Canada what would that be?

New Democratic Party of Canada

New Democrats believe in effective measures to keep Canadians safe, and we recognize the critical role played by police services all across the country in protecting our communities.

A key challenge in the delivery of policing services in Canada is growing costs. A New Democratic government would be a partner for municipalities facing funding pressures to ensure that communities have the police services they require.

We would also listen to the public safety experience of police when it comes to legislation impacting their work, unlike the Conservatives who have regularly passed legislation despite police warnings that it will be ineffective or counter-productive for their work.

Liberal Party of Canada

Policing costs are one of the fastest growing costs for Canadian municipalities, which are already under tremendous pressure to maintain other services and meet their growing infrastructure needs.

A future Liberal government will truly partner with Canadian provinces and municipalities to ensure they have the resources they need.



THE LAW AND ORDER AGENDA

On June 14, 2015, *Blue Line Magazine* sent out this series of questions to three of the major party headquarters with full information regarding publishing dates. Mr. J.P. Vachon, identified as the Manager, Executive Correspondence Services for the Prime Minister's Office, requested our full mailing address on June 15th and this was supplied at that time. No responses have been received to our enquiries by email, regular mail or return phone call as of September 14th. We contacted the office of Paul Calandra, the member of parliament representing the constituency in which this magazine is situated, by both phone and email with the same request that he might obtain an answer from the Conservative Party. All enquiries here failed as well. It is unfortunate we could not assist our readers further.

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Failure to preserve anonymity of confidential informants

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In the landmark case of *Nissen v Durham Regional Police*, the Ontario Superior Court held that a confidential informant may be entitled to civil damages where the police fail to preserve the informant's anonymity. Breach of the duty to the confidential informant in this case resulted in an award of \$460,000.

Margaret Stack and her family lived in Durham Region, Ontario. In February 2002, Cathy Whitney, a neighbour, confided in her that a local teenager, Patrick Ellison, had stolen guns from her home, and that he and his brother had taken the weapons to school for the purposes of threatening students. Stack urged Whitney to notify the police of the situation, and when Stack discovered that Whitney had not done so, Stack obtained the name of a police contact and conveyed her concerns.

Stack was insistent that her name not be associated with the investigation, and the police assured her that, in return for her provision of information about the situation, her anonymity would be preserved.

The Ellison boys were arrested a few days after Stack's revelations to the police.

Following the boys' arrest, Stack noticed that members of the Ellison family were behaving in a hostile manner towards her. On one occasion, the boys' father drove his car at Stack while she was standing on the sidewalk, forcing her to take shelter behind a tree to avoid being knocked down. Stack discovered that the Ellisons were aware she had gone to the police, and had viewed a videotape recording of her police interview. Stack contacted the police regarding the harassment, but no action was taken.

The impact on the family was so pronounced that they eventually sold their home and moved to another town.

Stack and her immediate family members brought proceedings against the police. They argued that as a confidential police informant, Stack was entitled to expect that she would be protected from retribution, and that the failure of the police to do so had caused losses to Stack and her family, who were therefore entitled to civil damages.

The police argued that Stack was not a confidential informant, as the police had not formally recognized her as such, nor had they made any promise to her that her identity would remain shielded from public disclosure. They also submitted that, in any event, the right to damages for breach of confidentiality in respect of confidential police informants was unknown to the common law, and that Stack's claim should therefore be dismissed.

In his judgment, Justice Douglas Gray, noted that, in law, a confidential police informant is a person who discloses information about criminal activity to a peace officer in the course of the officer's duties, and who

is given an assurance by the officer that the informant's identity will remain confidential. Where those conditions are met, the identity of the informant may not be disclosed to anyone, under the doctrine of informer privilege. Such privilege may not be breached unless disclosure of the informant's identity is necessary to demonstrate the innocence of a defendant in criminal proceedings.

Justice Gray found Stack was a confidential informer. Justice Gray then considered whether breach of informer privilege could give rise to a claim for damages at common law.

By analogy to the eighteenth century English case of *Ashby v White*, Justice Gray held that, in principle, breach of information privilege should also result in liability for such damages.

In Justice Gray's view, there was no reason, under the principles of modern tort law, to negate a private law duty of care owed by the police to confidential informers. He further rejected the argument that a duty to protect informers would have a "chilling effect" that would inhibit the flow of information between police and members of the public.

Having held that the police were under a private law duty to preserve Stack's liability, Justice Gray found it unnecessary to decide


whether the standard of care required was absolute, to the effect that any breach of informer privilege would give rise to liability for resulting losses. On either standard, the police force in this case had failed to meet its duty of care, as it had taken no steps to preserve Stack's anonymity.

Justice Gray awarded \$345,000 in general damages for psychological and emotional injury to Stack, \$65,000 to Nissen and \$25,000 to each of their children.

This judgment introduces a new private law claim for damages where police fail to preserve the anonymity of confidential informants. The law in this area, however, remains unclear. As noted above, it is not clear whether the duty is absolute, or is only breached where the police fail to take reasonable steps to preserve anonymity.

This case is under appeal but police services should consider reviewing their procedures to ensure that they are able to identify all confidential informants, and to ensure that the identities of such informants are protected.

This was an excerpt from the *March 2015 Police News Letter* published by the law firm of **Johnstone & Cowling**. More information may be obtained by contacting them at 416-546-2103 or www.johnstonecowling.com



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BREAKING A TRUST

Can colleagues help turn co-workers around?



by Chris D. Lewis

Many years ago, as a young constable in a northern posting, I had heated words with a fellow officer that was lazy, rumor-mongering and nothing more than a distraction for the other committed five members. I'm not proud of the way I let my temper get the better of me, but we ended up yelling in the detachment garage and coming very close to a fist fight.

Right or wrong, I told him he was of minimal value to co-workers, continually let us down and was a complete irritant. The corporal wasn't saying it so I felt someone had to.

Throughout our careers, we all work with the very best of people, a whole pile of good folks and sadly – the worst. The poor performers, who are also often unprofessional, negatively impact our fragile public trust. They ultimately cost police agencies an untold piece of increasingly limited budgets through laziness, abuse of sick leave and toxic impact on morale.

Others carry these people by doing more than their fair share. Money is wasted on them through public complaints and internal investigations that would not be necessary if they simply did their jobs well. When they do actually come to work, they do little to nothing to protect the public.

A few commit egregious criminal acts

off-duty, totally tainting the image of policing as a whole, but are still supported and paid full salary for several years while others carry their weight at work.

Through all of the above malfeasance, police associations too often waste valuable employee dues defending them through thick and thin, often over and over – but who are they letting down in the process? Supervisors? For sure. The public? Most definitely, and it is the public that they are sworn to serve.

They also let down each one of their co-workers and the entire police service, day in and day out.

When I was OPP commissioner during a difficult budget debate with our ministry executive group, I agreed to a 10 percent budget cut, with one proviso – that I could pick the 10 percent of staff that were laid off. They laughed in response, but I had never been more serious.

Not only would we save salary dollars, we would improve public trust and retain countless funds by not having to deal with the tsunami of process grief that they bring us. That money doesn't simply fall from the sky. It is diverted from salary, training or equipment and therefore not available for its intended use.

“Every dollar you spend keeping a problem employee on payroll is furthering the severely harmful effects they can have on

your business,” notes author Susie Wittbrodt in her Kinesis Inc. article, *How much does a bad employee cost my business?*

If the bad apple conducts unprofessional interactions with clients, those relationships will suffer. Additionally, if they bring excessive drama into the mix or if other team members have to pick up the slack from their poor work ethic, you can expect a substantial drop in morale.

While many don't realize it, the financial impact that a bad apple employee can have on your company is truly staggering. Whether they are 'bad' because they are underperforming, pessimistic or unpleasant – studies show that just one bad apple in an otherwise high-performing group can bring down productivity by as much as 30 to 40 per cent.

In addition to the direct costs affecting co-workers' performance, there are additional “weak performer” soft costs that you must factor into the equation. These include: absenteeism, customer loss, mistakes, wasted manager time (and) lost credibility.

I know that some supervisors at times unfairly pick on and discipline certain employees that perhaps they do not like. That is never acceptable and thankfully police associations intervene through due process to right such wrongs. Most supervisors actually do get it right but when they follow the proper pro-

cess to discipline employees and/or improve performance, they often face an uphill battle that is tiring and disheartening. I get that. Regardless, that is their job, and they should never back down from a fight that is the right thing to do.

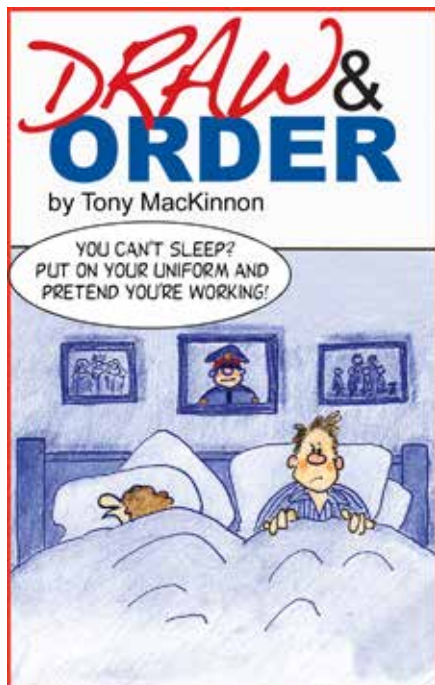
Should co-workers accept any responsibility in trying to make these people carry their weight? Do they have a role in challenging problem colleagues that make them work harder for the same pay and cover for them when they repetitively feign illness? They certainly don't have any legislated responsibility, but ethically? Morally? There is no solid answer.

I'm not suggesting a volley of punch-ups but I believe that frank dialogue at the peer level would significantly influence some poor performers. Supervisors still need to do their job in all of this – there's no denying that – but the offenders need to hear from co-workers that although they may think they're "beating the system," it's impacting the morale of shift mates who are not happy about doing their work, functioning shorthanded and doing so much more for the same pay.

I think "interventions," so to speak, where a problem employee has to sit in a circle and look colleagues in the eye while they tell them how their performance – or lack thereof – is hurting them and the organization, would have a much a greater impact than hearing it from a supervisor.

Risk adverse police service counsel and police association leaders will undoubtedly cringe when they read these words, but that's too bad. Deep down inside, they know it is true.

Commissioner (Ret.) **Chris Lewis** was a member of the OPP for 36 years, serving across Ontario in a variety of operational and command roles. He continues to consult, write and lecture on policing and leadership issues. He can be reached at: www.lighthouseleadershipservices.com.



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GOD IS AN EXCELLENT DRIVER

by *Steve Brnjas*

Some, perhaps most, officers eventually encounter an aspect of policing that can create a great deal of difficulty. We might be grateful but because it defies logical explanation, it can cause some problems.

I am referring to a miraculous event. Let me tell you of one of my experiences – when God drove my police car.

The area of policing that I enjoyed most was looking for stolen cars. I had a gift for pattern recognition and finding them so was pleased when a call came in for a stolen car last seen in an area of Kitchener that I was very familiar with. Even though I was on patrol in an adjacent zone, I had the freedom to go looking and found the car in question parked in an apartment driveway. I watched it for a little while but the thieves didn't return so I called a tow truck.

I gave instructions to the driver and left but two minutes later dispatch called. A person in a neighbouring apartment building reported that two men were giving the tow operator a hard time and actually tried to drive the car off the lift.

I hurried back to the scene, pulled into the driveway, jammed the gearshift into what I thought was park and jumped out of the car. The one culprit got away but, with the help of the operator, I got the other to the ground and

handcuffed. It was then I looked up and discovered, to my horror, that my cruiser was gone.

The operator walked to the end of the driveway, looked around and began laughing heartily. I picked up my arrestee and walked over. My cruiser was on the side lawn of an apartment building about 75 metres away.

The apartment building where I made the arrest was on a corner. My cruiser rolled backwards out of the driveway across a fairly busy street and mounted the curb, then rolled between a hydro pole and cable box with just inches to spare on each side. Before it ran into a clump of trees, it made a sharp left (or is it right when the car is in reverse?)

It passed so close to the hydro pole that the side mirror was bent around, but not broken. It then crossed over four lanes of traffic without hitting anything, mounted the curb and was headed for an apartment building when a retired gentleman jumped in and put it into park.

The old chap got on the radio and told dispatch that he thought one of their officers was in trouble. This occurred right at shift change which, of course, emptied the detachment. (It was gratifying to see the response of my brothers and sisters-in-law as they all came flying to my rescue). Of course I did not know that any of this had occurred as I walked my prisoner down toward the cruiser.

My road sergeant drove by on his way to the first apartment building. He had a quiz-

zical look on his face, and told me later he was thinking, "What a stupid place to park a cruiser." The situation was under control and I brought my arrest in.

My monthly evaluation meeting with my staff sergeant was interesting. He initialled a commendation for the arrest and a negative comment for losing my cruiser.

When I looked back on the route taken by my cruiser, I realized that I could not have managed it even if I had been in the driver's seat. So what is the explanation? I think God always wanted to drive a police car and took this particular day for the opportunity!

A brief aside; years later I was acting sergeant for the cell block when this same person was brought in, arrested for stealing another car. He looked at the hooks on my shoulder and immediately blurted out, "They didn't promote you, did they?" We both had a good laugh!

So next time something happens that you cannot explain, perhaps a quiet prayer of thanks is in order.

You just never know when God might want to drive your cruiser.

After 18 years serving with the Waterloo Regional Police **Steve Brnjas** became an ordained pastor with the Mennonite Church Eastern Canada. Contact: smbnjas@hotmail.com or 519-807-1134.



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by Tom Rataj



FREE Windows from Microsoft

Breaking with tradition, Microsoft released the latest version of its Windows operating system in late July as a free upgrade to users of Windows 7 through 8.1.

Vista, XP and Enterprise (corporate) installations are excluded. The offer is good until July 29, 2016. Windows Phone and Xbox One users will see their upgrade arrive later in the year.

Microsoft has skipped version 9 entirely, opting to go straight to Windows 10 (Win10). No definitive explanation has been provided.

Also changing this time around is that there won't be new "versions" every few years. Instead Win10 will just continually evolve and all upgrades will remain free to licensed non-enterprise customers.

How to get it

For most existing users a "Get Windows 10" icon appeared on their taskbar back in June. Opening the application resulted in a bit of a sales-pitch for the upgrade and the opportunity to reserve a free copy.

A hardware compatibility check is done to determine if the host computer is fully compatible. Most Windows 7 and 8x computers should be fine.

Once registered, Win10 downloads in the background within a few days. Users are notified when it's ready to install and can do so at their leisure. The upgrade takes 30 to 90 minutes to complete, depending on hardware. Users are cautioned to back up all their data before proceeding.

One Windows for all devices

With Win8x, Microsoft tried to usher in a new touch-screen centric user-interface that was intended to look and feel more or less identical on every Windows device, from phones through to tablets, laptops and desktops and even the Xbox One game console.

While the concept was good, the execution was quite a mess and did not receive great reviews or sell well.

Much of this mess has been cleaned-up with Win10, although Microsoft's work is still far from done. On a desktop or laptop computer Win10 launches into desktop mode. On a tablet, Win10 launches into a touch screen tablet mode now known as *Continuum*. It brings with it many much-needed improvements in user-interface and functionality. All users can switch between the two modes. Touch screen users will see numerous benefits.

Major changes

Users coming from Win7 will notice that Win10 boots up significantly faster, allowing them to get to work, or play, sooner.

The user interface has been overhauled (again), which fortunately includes a number of Win7-style pieces, including the very welcome return of the familiar (but updated) Start button.

It now functions in a hybrid Win7/8x-style, with most frequently used programs appearing as larger active tiles (as in Win8x touch screen style) on the right side of the expanded start menu. Everything else resides on the left in simple text-menu style as in Win7 and is fully customizable to suit individual needs.

Microsoft also introduced "Cortana," a digital voice assistant previously available only on its smartphones. Cortana functions similarly to Siri, Google Now and BlackBerry Assistant.

Edge, an all new modern and light-weight Internet browser, is the new default, although Internet Explorer 11 is still available. It has a very clean, modern look that takes some getting used to. Edge includes the ability to add notes and freehand doodles to any webpage and offers a "Reader" mode, allowing complex web-pages to be viewed in an easier to read e-book style format.

The newly introduced Action Centre notification area on the right side of the screen provides a wide variety of instant notifications, including new e-mails and calendar reminders and system messages. It also includes direct

access to the most commonly used system tools and settings.

A new Task View/Virtual Desktops feature allows power users to easily create, manage and switch between multiple "virtual" desktops. Instead of having two or three physical computer monitors with a variety of programs on each, they can create virtual desktops and move them on or off a single monitor. It's not quite as efficient as multiple physical monitors but it's a good multitasking feature, especially on smaller laptop or tablet screens.

Security

All versions of Win10 include several enhanced security features. Secure Boot prevents unauthorised software (like viruses and other malware) from launching before Win10. Device Guard provides additional security against malicious software.

Win10 Professional includes additional security enhancements, most notably the latest version of Microsoft's BitLocker Encryption tool, which allows everything on the computer to be encrypted.

It also includes the Remote Access tool so tech-savvy users can remotely connect to the computers of friends and relatives to help diagnose and fix problems. The Enterprise edition includes additional security features and measures designed specifically for corporate networks.

Microsoft's Windows Defender, an anti malware and firewall program, installs by default, although the consensus is that users should really purchase an aftermarket security suite for better protection.

Windows Update is turned on by default to ensure that updates, especially security patches, will be installed automatically. Win10 Home users cannot turn this feature off.

During installation, users will be asked to provide their Microsoft (Outlook, Hotmail etc.) username and password to automatically connect all related Microsoft services. Username can opt to sign on to their computer by

Funding to TAVIS being cut

using a simple PIN number or their Microsoft account password. Computers with the latest hardware can opt to use biometric systems (fingerprint, facial recognition and iris scanning).

Microsoft's free Cloud storage service OneDrive is now included and tightly integrated in Win10. It appears as a storage location in File Explorer and in the Save/Save As menu in all programs. The added bonus is that items saved to OneDrive are available from any Internet connected device so they are less vulnerable to loss through theft or other calamity.

The Microsoft Store, continued and enhanced from Win8x, offers free and paid apps, similar to smartphone platforms. Being relatively new, offerings are sparse in comparison to other platforms.

The built in Mail and Calendar app has been improved over previous versions, allowing users to access several different e-mail and calendar accounts while keeping everything synced. Photos and Groove provide basic functionality for images and music.

There's an Xbox app that provides gamers access to all games they previously owned or played regardless of the hardware platform.

A few programs are missing from Win10, including Media Centre (which managed audio, video, TV and anything media related), and the Win7 desktop gadgets. DVD playback now has only a very primitive utility, so it's best to acquire a free or paid aftermarket product. Not surprisingly, direct floppy-disk support is also gone, although external USB floppy-disk drives can be used with vendor supplied drivers.

Privacy issues

The user agreement and privacy policy change substantially in Win10, with the default settings surrendering additional user privacy and anonymity.

Some of it has to do with all the functionality included in Cortana, not unlike other voice-assist technologies. Other features that enable many of Microsoft's cloud-based services such as mail, calendar and OneDrive also access user-data to make it all work seamlessly across various devices.

Users should dig into the privacy settings after reviewing some online articles on this topic. A few check boxes should probably be unchecked.

Consensus

The general consensus is that Win10 is a good upgrade for most. It will be familiar enough for Win7 and Win8x users, while providing many interface updates and improvements.

I installed it on my Lenovo ThinkPad 10 tablet, which took about one hour, and found it improved many of the touch screen features found in Win8x.

For those not qualified for the free upgrade, Win10 is available at retail for \$119 (Home) and \$199 (Pro). Most new computers now come preloaded with Win10.

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

The provincial government plans to dramatically cut annual funding to the Toronto Anti-Violence Intervention Strategy (TAVIS), a specialized crime-fighting initiative among the highest profile policing units in the city.

After a decade doling out \$5 million a year to deploy teams of officers into highcrime neighbourhoods, the Ministry of Community Safety and Correctional Services (MCSCS) is cutting the TAVIS budget to \$2.63 million, effective January 2016, with the ultimate aim to axe the program altogether.

The move appears to signal a shift in the province's vision for policing, stepping away from a reactionary, hard-line approach to violent crime and focusing on prevention.

Lauren Callighen, spokesperson for MCSCS minister Yasir Naqvi, said the government is working on a new funding model that ends specific grant programs like TAVIS — which can only be used for specific purposes, whether a local need exists or not — and focuses instead on "a proactive, collaborative, and community-based model of policing."

"We believe that the best way to prevent crime and keep our communities safe is to work with local groups and prioritize community-based crime prevention and youth engagement — by giving communities the ability to allocate funding where it's needed most," Callighen said in an email.

Overall, Toronto police will receive \$4.7 million more from the province for policing in 2016 than in

2015, bringing the total to \$47,663,212. That leaves Toronto police with the option to continue TAVIS as-is, or direct the funds elsewhere.

It's not clear what direction Toronto police might take. They are now in the process of determining the next steps, spokesperson Mark Pugash said Wednesday.

The province's move to cut TAVIS funding has brought praise from critics who have long decried the program, which involves an injection of officers into communities experiencing a surge in crime, a tactic known as targeted policing.

For years, TAVIS officers have also been criticized for straining relations with highly policed communities, in large part for their high rate of "carding."

But Toronto police also credit the specialized teams with decreasing crime through intelligence gathering, arrests and seizing weapons.

"We were quite shocked," said Toronto Police Association president Mike McCormack. "This would be a depletion of the unit ... When we need to saturate an area because we've had high crime, it would definitely have an impact on our ability to deploy strategic policing."

TAVIS was formed in response to increased shootings in 2005, when 67 per cent of the city's 78 homicides were gun-related, a rate double that of the previous year. Three teams, each consisting of 18 high-visibility, "rapid response" officers, were quickly credited with reducing violence in crime-ridden areas.

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Ruby's battle

by Danette Dooley

The sealed envelope held life-changing news for a Royal Newfoundland Constabulary officer and his wife; the results of a genetic test done to determine whether Sgt. Rich Wheeler's wife Ruby had a devastating, and always fatal, brain disorder.

The couple decided they needed to know if early symptoms of Huntington's disease were causing Ruby to stumble often and cut her fingers frequently when preparing food.

"Ruby's gait was off stride... and I know it's not uncommon for anybody working around the kitchen to nick your finger but it seemed like that was happening more frequently," Rich said during a telephone interview.

Ruby had a 50-50 chance of inheriting the gene that causes Huntington's. The testing confirmed that she did have the disease.

Rich now spends as much time as possible educating police officers about Huntington's, which he knows will one day take his wife's life, just as it took her father and sister. Her brother is also battling the disease.

According to the Huntington Society of Canada, the disease causes cells in parts of the brain to die, resulting in less control of movements and a reduced ability to recall events, make decisions and control emotions.

People don't die from Huntington's itself, however, but from complications such as choking, heart failure, infection or aspiration pneumonia.

Ruby's symptoms have worsened over time. Her mobility is limited, Rich said. She uses a walker at home and a wheelchair when Rich takes her out. Her long-term memory is good, Rich said, but the disease has affected her short-term memory.

The Wheeler's 24-year-old son Jordan has chosen not to undergo genetic testing at this time.

"Jordan is doing great. He has a physical education degree and is working on an education degree now. It will be his choice down the road, if he decides to have a child, if he gets the genetic testing done to see if he's carrying the gene," Rich said.

An early diagnosis comes with added pressures such as not being eligible for insurance, Rich said. There is currently proposed legislation before the Senate to prohibit and prevent genetic discrimination.

"Right now there is no protection for anybody with a genetic disease, so people will put off getting testing knowing if they have the gene – even if (symptoms) don't surface for 20 or 30 years – insurance companies in Canada can say they are not going to insure you," Rich said.

Recognizing the signs

Rich, who is with the RNC's criminal intelligence unit in Corner Brook, Newfoundland, says people with Huntington's can sometimes appear intoxicated. He gives presentations to law enforcement officers to help them recognize the signs and symptoms.

The Wheelers have also created a Facebook page (Ruby's Battle) to help people understand Huntington's.

The couple and their extended family and friends are great supporters of the Huntington Society of Canada. They raise money through several yearly fundraisers to help fund services and support research.

Rich said they are grateful for support from family and friends and from his members within the RNC.

Knowing the disease will eventually be

fatal, Rich said the couple treasures their time together and take one day at a time.

"We had all those plans that when we both retired we would do some travelling, visit family. We are trying to do those things now but it is getting difficult because it's very hard to travel with somebody who has Huntington disease."

About one in every 7,000 Canadians has Huntington's and approximately one in every 5,500 is at-risk of developing it.

While Huntington's cannot be cured there are medications to treat the symptoms, Rich said.

"Ruby is on a medication to control her movements. It works reasonably well but it's not stopping them. The researchers we have here in Canada have made great strides and are breaking new ground on trying to find a cure (for Huntington's)."

As Mary Tyler Moore once said, "You can't be brave if you've only had wonderful things happen to you."

Ruby and Rich draw courage from each other while overcoming adversity and uncertainty every day.

It's unlikely that a cure will be found in time to save his wife's life, Rich admits, but adds that a cure could change the life of future generations.

"I think about our son and any children that he might have in the future. By that time they may find a cure."

Visit huntingtonsociety.ca for more information.

Danette Dooley is Blue Line's East Coast correspondent. She can be reached at dooley@blueline.ca

Symptoms of Huntington's disease



- Emotional turmoil (depression, apathy, irritability, anxiety, obsessive behaviour);
- Cognitive loss (inability to focus, plan, recall or make decisions; impaired insight);
- Physical deterioration (weight loss, involuntary movements, diminished coordination; difficulty walking, talking, swallowing).

There are significant variations in symptoms, and not every person will have all of them to the same degree.

Early stages

- Early symptoms of the disease often include subtle cognitive changes;
- May have difficulty organizing routine matters or coping effectively with new situations;
- May have difficulty recalling information, appearing forgetful;
- Work activities may become more time-consuming;
- Decision making and attention to details may be impaired;
- May include irritability.

Slight physical changes may also develop at this stage. There can be involuntary movements which may initially consist of "nervous" activity, fidgeting, a twitching of the hands or

feet or excessive restlessness. Individuals may also notice a little awkwardness, changes in handwriting or difficulty with daily tasks such as driving. At this stage, people with Huntington's can function quite well at work and at home.

Intermediate stages

As the disease progresses, the symptoms become worse. The initial physical symptoms will gradually develop into more obvious involuntary movements such as jerking and twitching of the head, neck and arms and legs. These movements may interfere with walking, speaking and swallowing. People at this stage often stagger when they walk and their speech may become slurred. They may have increasing difficulty working or managing a household, but can still deal with most activities of daily living.

Advanced stages

The advanced stages of Huntington's typically involve fewer involuntary movements and more rigidity. People in these stages can no longer manage the activities of daily living and usually require professional nursing. Difficulties with swallowing, communication, and weight loss are common. Death usually occurs 15 to 25 years after the onset of the disease.

Source: Huntington Society of Canada

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Problem-Oriented Stress Management

I recently spent most of an entire day shopping for a new bathrobe. I had a very clear idea of exactly what I wanted and was not willing to compromise. It had to be a particular length and made of a certain kind of fabric. There were several colours I would consider but not black, white or grey. I wanted a tie belt, not a zipper front. It should be cozy, not slinky, and slightly too big.

Who cares, you ask? What difference does it make? You might think this is a trivial decision — but given its REAL purpose, it was a decision of enormous magnitude. You see, I'm heading off for knee replacement surgery. By the time you read this, I should be leaping tall buildings in a single bound but the thought of serious and very painful surgery with a lengthy recovery time frame really stresses me out.

I have done all the reasonable things that people should do to prepare for such surgery — exercises, moving furniture and getting a cane — but was still pretty stressed. Bathrobe shopping was the answer. If I could just find the definitive bathrobe to wear in the hospital, all would be fine.

I think we call this “displacement activity.” One might argue that this is not exactly the best way of coping with stress. It's like fighting with your spouse because you had a

bad day at work – but in real life, what is a good plan for coping with stress?

Needless to say, there is no simple answer. It depends on the person — and the type of stress. I am reminded of the Alcoholics Anonymous creed, which suggests that you need to change the things you can change, and live with the things you can't change — more or less.

The research tells us that there are two fundamental types of approaches to coping with stress.

Problem focused

These strategies actually propose changing the stress itself. If lack of communication with your partner (either at work or home) is the stress, you need to work on better communication skills. If you're stressed about not being able to fit into your uniform, you need to lose weight (or get a new uniform). If money is a stress, you need to spend less or earn more.

One would not normally think of changing your eating habits or budgeting as stress management strategies, but if lack of money or being too heavy is a stress, then budgeting and changing your eating habits are stress management strategies. More specifically, they are problem-oriented stress management strategies.

Emotion focused

On the other hand, if the problem is that you spent yesterday doing notifications of next of kin or visiting your dying mother, problem focused strategies are not so useful. The fact is that you aren't likely to be able to change these things; you have to cope. You don't change the stress; you change your reaction to the stress. That means using emotion focused strategies.

These tend to include exercise, social support, cognitive reframing (e.g. learning to look at things a little differently), relaxation strategies, sometimes even a little distraction. None of these things actually change the situation — but they do help you hold up better under the stress.

Not all coping strategies fall neatly into one of these two categories. Note that I have not mentioned drinking and using illegal substances, yelling at your spouse and kids, hiding in a closet, blaming other people, eating junk food or shopping. These well known and frequently used strategies really don't work very well. (OK, I am willing to concede that a glass of wine and a bag of Cheezies seems to cure almost anything but when used on a regular basis, is not an adaptive strategy.)

There are also many situations in which you might want to use both problem and emotion focused strategies. Knee replacement

surgery is a good example, actually. You DO want to exercise, move the furniture, plan for someone to wait on you hand and foot for a while, read up on the normal recovery process, ask the doctor a lot of questions and buy pants that are easy to get on and off. However, even if you do all this, it's still going to be pretty miserable — so distraction, learning cognitive pain control techniques and avoiding catastrophizing are also good ideas.

Even before you get to organizing your coping strategies, there is an important first step that we sometimes overlook. First, you have to actually recognize and acknowledge that you are stressed. Many people are not very good at this. There is a saying that “if it ain't broke don't fix it.” However, I need to point out that if it IS broken and you refuse to see that it is broken, you are not going to be able to fix it. Nevertheless, that will not change the fact that it IS broken.

If you are one of those stalwart people who think that nothing bothers you and you are never stressed, I encourage you to ask anyone close to you — family member, colleague etc. I am confident that they will be able to provide a litany of examples of times you have been stressed.

Once they have told you what stresses you (or you have figured it out yourself), then you can address the coping part. Is this is changeable thing? If so, you might want to think about how you are going to change it. No? Then go for the emotion-focused stuff, including

biologically based coping mechanisms like mediation, mindfulness, deep breathing and exercise in general.

The whole issue of stress in policing is an interesting one, as typically when this subject comes up, we think about maimed children, shootings and other gory disgusting stuff that leads to PTSD, which is, of course, a whole 'nuther kettle of fish... and beyond what I can talk about in this brief space.

If we confine ourselves to everyday stress, it is interesting to note that the research is pretty clear that what drives police officers around the bend tends not to be the calls and actual work, but the organizational issues. In fact, the main stresses in policing are exactly the same as they are in any other line of work — idiot bosses, unrealistic expectations, lousy communication, bad shift schedules, unfair internal processes....

When you think about what kinds of strategies might be best for addressing these kinds of stresses, you are up the creek, at least a little. Can you change your incompetent boss? Address your uneven organization? Should you focus on the problem or on the emotion?

Maybe you need a little of each – or you could get a new bathrobe.

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

Bank robberies linked to fentanyl addicts



Police say fentanyl addicts desperate for cash are behind a quarter of the bank robberies in Calgary in 2015. So far this year, Calgary police have investigated 41 bank robberies. S/Sgt. David Keagan says suspects connected to 11 of those robberies have indicated their actions were motivated by an addiction to fentanyl. “This drug is so addictive and so compelling that it's causing people to elevate themselves to a form of crime that is what we'd consider to be very high risk for a low return,” said S/Sgt. Keagan. “The amount of money typically people believe they'd get from a bank robbery is not even close to what they would get.” Thomas Beach with Recovery Calgary says the robberies show just how desperate some people are to get their hands on the drug. “It's not that they're addicted to the criminal tendencies... they're addicted to the drug so bad that they'll stop at nothing to get it.” In 2013, Calgary police responded to a total of 31 bank robberies.



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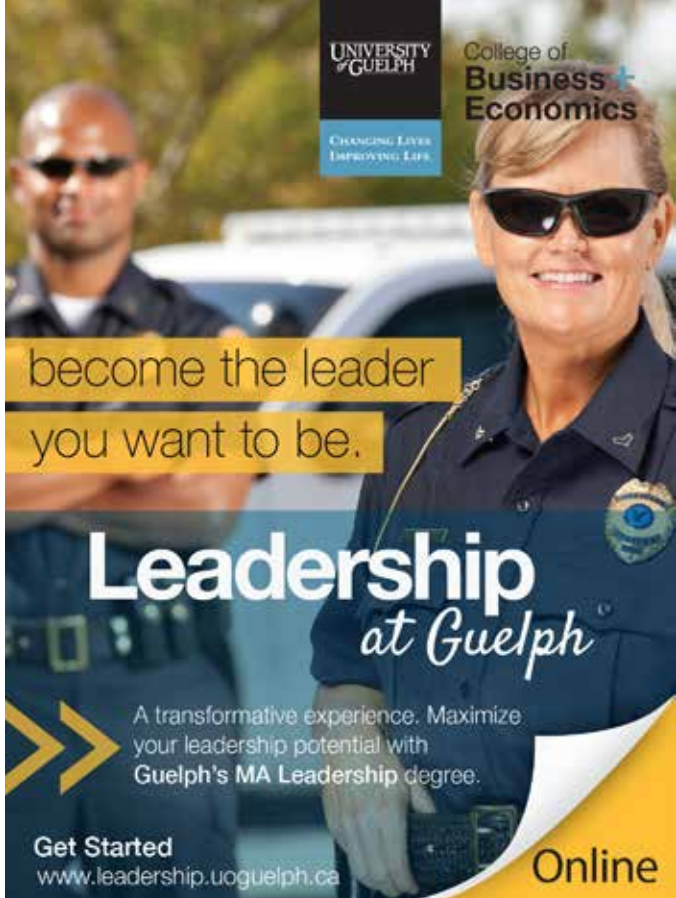
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New degree program coming from Laurier

A new online Bachelor of Arts in Policing program, to be offered by Wilfrid Laurier University to serving or retired law enforcement officers, is the first of its kind in Canada.

The curriculum was developed to be international, not bound by geographic, political or legal differences.

The program, which begins in January 2016, will be offered entirely online. Applicants must have at least one year of professional work experience in policing.

"The BA in policing was designed after comprehensive consultations with senior members of police services across Canada on the types of courses needed to develop competencies required by police officers in increasingly diverse and complex societies," Eisler said.

Program offerings, including courses such as mental health, addiction and crime; media, social media and crime; and diversity and inclusion with the force will provide officers with content readily applicable in their daily lives, she said.

Traditional classroom learning is often not an option for officers, whose rotating shifts or geographic locations prevent them from attending classes regularly, she said. The online delivery will help eliminate those scheduling barriers and make learning accessible to officers from across the country and beyond.

Each course is six weeks long, with six hours per week of course work.

Transfer credits will be offered for previous courses completed at community college, university or at police colleges or academies, allowing officers to enter the program having already earned up to half of their required 20 credits.

The idea for the program was first planted about six years ago when then-Brantford police Chief Jeff Kellner and the current Chief Geoff Nelson approached Eisler to ask about available programming for officers.

Nothing was then available but that started the ball rolling, Eisler said. The campus evolved and grew until "the time was right" to dive into development.

"The program has a volunteer advisory board comprised of members representing police services, the legal system and academics and trainers who offer input into course content," Eisler said. "It was designed this way to ensure the offerings are relevant and meaningful to officers in the program."

Applications open on Oct. 8, 2015 on the Ontario Universities' Application Centre website for the first cohort of the program to begin in January. Questions about the program may be emailed to policing@wlu.ca.

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Ian Messenger

UK National Crime Agency, UK

Insp. Todd Rollauer

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S/Sgt. Robert W. Allan

Barrie Police Service, ON

Det. Chris Carne

London Police Service, ON

S/Sgt. Brian Christmann

Medicine Hat Police Service

Cpl. Scott William Clay

RCMP, Chetwynd, BC

Sgt. Stephen Curley

New Glasgow Police Service

Cpl. Cathy Farrell

RCMP, Winnipeg, MB

S/Sgt. Randy N. Freeborn

RCMP, Gander, NL

Sgt. Karl Hachey

Bathurst Police Force, NB

Cst. Brandon Hastie

RCMP, Langley, BC

Sgt. Ron G. Legere

Halifax Regional Police, NS

Sgt. Sandile Simelane

Royal Swaziland Police Service

ADVANCED CERTIFICATE IN POLICE LEADERSHIP

S/Sgt. Cory Bushell

RCMP, IHT Division, NS

S/Sgt. Neil Collins

Peterborough Police Service, ON

Cst. Brent Legere

Fredericton Police Force, NB

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Cst. Sara Bennett

Bridgewater Police Service, NS

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Cst. Travis Dow

RCMP, Cumberland District, NS

Cpl. Nancy Joyce

RCMP, Coquitlam, BC

S/Sgt. Glenn Margison

Peel Regional Police, ON

Cst. Joe Serra

Peel Regional Police, ON

Cpl. Brett Sinden

RCMP, Port Hardy, BC

Sgt. Robert Warren

Saanich Police, BC

LAW AND JUSTICE CERTIFICATE

Cpl. Jon A. England

RCMP, Red Deer, AB

Cpl. Mary Elizabeth Henderson

Kennebecasis Regional Police Force, NB

Sgt. David Marentette

RCMP, Manning, AB

Cst. Luke Murphy

RCMP, Sidney/North Saanich, BC

Jeff Reynolds

RCMP, Canadian Firearms Program, NL

This list is not exclusive. Some students could not be contacted and for reasons of privacy/security some wished to not be included.

Sgt. Bruce MacPhail Award for Academic Excellence at Dalhousie University

Cst. Joe Serra of Peel Regional Police (PRP) is this year's recipient of the Sergeant Bruce MacPhail Award for Academic excellence in Dalhousie University's Police Leadership Program. The award represents the attributes, ethics and self-confidence Sgt. Bruce MacPhail demonstrated to attain personal and professional success. Established in 2001 by Phyllis MacPhail in memory of her son, it commemorates his dedication to life-long learning in the law enforcement field.

Joe joined PRP in 1999. During his 16 years of service he has enjoyed working in uniform patrol, neighbourhood policing, criminal investigations, public order and the TRU. He is currently a use of force instructor in the Training Bureau.

Joe received his certificate in Police Leadership with a concentration in Supervisory Skills by completing Police Leadership and Management Development, Communication Skills for Police Personnel and the Managing Police Performance: Coaching Skills for Supervisors courses. He is now recognized as a Certified Police Coach.

Joe is dedicated to personal and professional development through lifelong learning. The courses offered through Dalhousie University have been instrumental in achieving his goals.



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by Stephanie Conn



“Fit for duty” not just an entry-level requirement

I imagine the headline is alarming to some. I am opening a discussion about a touchy subject. The idea of not being found fit for duty could be devastating and may even contribute to thoughts of suicide in extreme cases.

Unfortunately, there is a stigma against having any kind of mental health concern. Officers who have them are oftentimes considered weak, crazy, not cut out for the job or contributing to their own situation. Being deemed not fit for duty not only forces officers to face the seriousness of their difficulties but to face them publicly in an intolerant environment. Being deemed unfit might seem like an immovable barrier to their livelihood or, worse yet, their professional “calling.”

Being found “not fit” doesn’t have to be seen as the final blow in a bad situation. If used correctly, a fitness for duty evaluation can assist those struggling with a limiting condition to get the support they need. It could save officers from adding to their difficulties by facing the daily demands of the job while trying to manage their own health.

It doesn’t make a lot of sense to keep heaping on additional traumatic or stressful events when the existing ones are still unresolved. It would be like eating candy while brushing your teeth. Ideally, recommended support from the evaluation can assist police officers in becoming mentally and physically prepared to return to the job.

I have worked with individuals on stress leave who were able to return to work once they had taken care of their health. Reaching their low point was the wakeup call they needed in order to prioritize their health over their work. They were able to develop coping skills for stress and traumatic stress, improve their relationships with better communications and create a more balanced and rewarding life by being intentional about how they spent their time.

Additionally, being found unfit due to

mental health concerns improves the safety of both officers deemed unfit and their fellow officers. Many mental health concerns make it very difficult to focus, which is critical in policing. For instance, when individuals are anxious, they tend to be preoccupied by anxious thoughts and noticing symptoms of anxiety in their body to the exclusion of environmental details.

When individuals are traumatized, they may misread environmental cues due to a heightened internal alarm system, which triggers the “fight, flight or freeze” response. A lapse in focus compromises officers’ work and could lead to strain between them and colleagues because it might appear to others that they are lazy or incompetent.

Officers experiencing these symptoms may also believe they are lazy or incompetent. This is because we tend to be quicker to judge and criticize ourselves for what we don’t understand than to be curious and compassionate. Ultimately, a lack of focus could have deadly consequences for all officers involved in the situation.

Removing an “unfit” officer from duty also affects other officers, who may have to cover shifts or answer more calls due to staffing shortages. This is the nature of the 24/7 policing operation and the officer struggling should not be blamed for their absence any more than an officer who went off the road due to a broken arm.

We wouldn’t talk bad about officers with cancer, resenting them for their disease and the added work it created for us. In fact, we might even go out of our way to raise funds for their treatment. Shouldn’t we do the same for a “mental” health problem?

It requires an attitude change to recognize that whatever added stress the additional work puts on you pales in comparison to the distress experienced by the officer taken off the road.

So far, I have focused on all of the negative consequences that may come from a fitness for duty evaluation. Like most other things, there is also an upside. For instance, officers can be found to be fit. Officers can also be found to be fit but in need of some form of support or service.

Evaluators can offer suggestions for work limitations or accommodations. This can only be accomplished when police administrators acknowledge that the psychological injuries are work-related and provide the suggested accommodations and support to assist officers in returning to health.

Additional damage occurs when police administrators regard the support recommendations as optional or treat the officers as if the psychological injury is an isolated issue reflective of their weaknesses, not a common reaction to psychologically difficult work.

Even in the rare case where officers develop a mental health concern independent of their work, it is inhumane to discard them without offering them support services that would be available to another struggling with a “physical” disease such as cancer.

Fitness for duty evaluations play an important role in protecting officers with mental health concerns, their fellow officers and the public. Officers don’t want to ever have to face this situation but, due to the nature of the work and the minimal training and support to cope with it, these evaluations are necessary.

The only appropriate shame in a situation where officers are deemed not fit for duty is that they did not get support sooner.

Stephanie Conn is a registered clinical counsellor and former communications dispatcher and police officer. To find out more visit www.conncounselling.com or email her at stephanie@blueline.ca.



Safety search reasonable despite unlawful detention



Exigent circumstances may justify a safety search and render it reasonable despite the person being arbitrarily detained when it was conducted.

In *R. v. Fountain*, 2015 ONCA 354, the accused and another young black man were walking past a police car when he was singled out and called over for questioning. The police officer was part of the Toronto Anti-Violence Intervention Strategy (TAVIS), a community policing program.

TAVIS officers engage in pro-active policing, sometimes randomly approaching people and talking to them. Information revealed during these encounters may be of a general or investigative interest and can be documented through a Field Investigative Report (“208 card”) with identification and association information. This information is used to build and maintain a database of individuals and their associates, primarily in high-crime or so-called “priority” areas.

After identifying Fountain and confirming he had no outstanding arrest warrants, the officer began filling out a 208 card. A third man, unknown to either Fountain or the officer, walked up behind them and began interrogating police about harassing the men. Fountain abruptly turned sideways, bladed his body, placed his left arm on his left hip and took two paces backwards.

The officer commanded Fountain to show his hands but he failed to do so. The officer reached out, patted Fountain’s side, felt a hard object and yelled “gun.” Fountain bolted and a gun fell out of his jacket as he jumped a fence. He was quickly apprehended. The entire encounter, from the officer’s initial approach to the pat-down, lasted only about three minutes. Fountain was charged with several offences related to possessing an illegal handgun.

An Ontario Court of Justice judge recognized that each street-level encounter must be assessed on its own merits even though pro-active policing programs have generally passed Charter scrutiny. He noted that the police practice known as carding treads “a very fine line depending on the particular circumstance of any given situation.”

The judge found that Fountain had been arbitrarily detained (psychologically) when the uniformed officer ordered him, a young, black man, to come over and talk. The officer

asked if he had any open warrants and planned to arrest him if he did. He told Fountain to keep his hands down and did not tell him that he was free to leave.

In the judge’s view, a reasonable person in these circumstances would have felt compelled to obey and not free to walk away. However, the judge found the pat-down search reasonable because it flowed from exigent circumstances, even though it took place during an unlawful detention.

“In all the circumstances it was absolutely necessary for the officer to conduct this safety pat-down to protect himself,” said the judge. “The conduct of the officer was entirely reasonable, lawful and understandable, and justified on officer-safety grounds.”

The judge then concluded that the discovery of the gun did not flow from the unlawful detention, but from a lawful pat-down search. Therefore, *s. 24(2)* of the Charter was not triggered. However, even if the gun’s discovery resulted from the arbitrary detention, such that the gun was “obtained in a manner” that violated the Charter, the trial judge found it admissible as evidence under *s. 24(2)*.

Fountain was convicted of possessing the firearm and sentenced to four years in prison.

Fountain challenged his conviction before the Ontario Court of Appeal arguing, in part, that the trial judge erred in applying the exigent circumstances doctrine to justify the pat-down search. In his view, exigent circumstances could not justify the search because police were not lawfully executing their duties at the time.

He asserted that he had been arbitrarily detained from the moment the officer began speaking to him until the search. As well, he contended that police created the exigent circumstances and could not rely on them to justify the search. Since the search was unlawful, the gun should have been excluded as evidence after a fresh *s. 24(2)* analysis was conducted.

Detention

Justice LaForme, writing the court’s decision, concluded that Fountain was unlawfully detained from the moment police called out to him and began a conversation. The stop was a “focused, investigative engagement” to determine if Fountain was wanted and the officer admitted he had no basis to detain when he began speaking to him. He did not suspect that Fountain was involved in any particular criminal activity.

Since the detention was unlawful it breached *s. 9* of the Charter.

Pat-down search

Although a warrantless search is presumptively unreasonable, a warrantless safety search, even one conducted outside of an investigative detention, may be reasonable in appropriate circumstances.

“A safety search is generally ‘a reactionary measure,’ often ‘driven by exigent circumstances,’” said LaForme. “For a safety search to be lawful, an officer must ‘have reasonable grounds to believe that there is an imminent threat’ to police or public safety.”

A safety search must be conducted reasonably and, “even if a safety search takes place in the context of an unlawful detention, exigent circumstances can still justify the search.”

The court rejected Fountain’s argument that police could not justify the warrantless search on the basis that the exigent circumstances were created by their own unlawful conduct. There was no evidence that the third party intervened because of an unlawful detention.

“A third party bystander could not easily tell, in all the circumstances of this case, whether [the officer] had detained the [accused] or, if he had detained the [accused], whether the detention was lawful,” said LaForme. “The third party would likely still have intervened even if [the officer] had not detained the [accused] or if he had lawfully detained the [accused].”

The court found the doctrine of exigent circumstances justified the search. Police did not create their own exigent circumstances. Not only did a third party interject in the encounter, Fountain became nervous, “bladed” his body, placed his left arm on his left hip and took two paces backwards.

“A person blades his body when he turns sideways to his counterpart,” noted LaForme. “A person may blade his body to protect a firearm held on one side.”

The circumstances provided the officer with reasonable grounds to believe Fountain presented an imminent threat to his safety and conduct the pat-down search.

s. 24(2) — evidence admissibility

The court disagreed with the trial judge that the unlawful detention and the gun’s discovery were not sufficiently connected to warrant a *s. 24(2)* analysis. Rather, the lawful search was sufficiently linked to the unlawful detention to trigger *s. 24(2)*. However, the gun was nonetheless admissible and Fountain’s appeal was dismissed.

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No-knock entry was justified

The possible presence of weapons and the accused's inclination towards violence justified a hard entry by a police emergency response team (ERT).

In *R. v. Al-Amiri, 2015 NLCA 37* police suspected the accused of receiving illegal drugs through the mail after receiving information from a reliable informer. Postal officers intercepted a package addressed to his residence, but with a fictitious name, and found ecstasy.

Police obtained a general warrant under *s. 487.01* of the Criminal Code along with a tracking warrant to effect a controlled delivery of the package. The general warrant allowed a controlled delivery of the package and the securing of whatever residence the package ultimately entered until a search warrant under the Controlled Drugs and Substances Act (CDSA) could be obtained.

Police believed a high risk entry by the ERT was needed because CPIC indicated Al-Amiri was "caution violent." They also had information that he was known to carry two handguns, had threatened to shoot anyone who went to the police and was known to keep extra ammunition in his ball hat. He also had a teardrop tattoo on his face, typically indicating in the criminal culture that he had killed someone.

Once an alarm sounded indicating the package had been opened, the ERT entered the residence pursuant to the general warrant using a "hard entry." They called out "police, search warrant," opened the front door using a battering ram and threw in a stun grenade that emitted two bangs in quick succession.

Three suspects, including Al-Amiri, were arrested in various rooms of the home. They were ordered to lie on the floor at gun point, cross their feet and were handcuffed. ERT members were dressed in black uniforms with police shoulder flashes, black Kevlar ballistic vests with "POLICE" in white lettering on the front and back, helmets and balaclavas, and were armed with sidearms and other automatic weapons.

Once the residence was secured, all three suspects were turned over to drug section members and the ERT left within 10 minutes of making entry. A search warrant was then obtained under *s. 11* of the CDSA.

Two individually wrapped grams of cocaine, among other items, were found in Al-Amiri's bedroom. Money, score sheets and scales were also found in the house.

Police testified in Newfoundland Supreme Court that the stun grenade, a diversionary device, emitted about one million candle watts of light and 120 decibels of sound in two bangs. The flash and sound were designed to disorient anybody near it so they could not react, disrupting by sensory overload the thought process of those contemplating hostile action against police. The effects would last only a few seconds.

The judge quashed the general warrant, finding that Al-Amiri's *s. 8* Charter right to be secure against unreasonable search or seizure was breached. In part, this was because police didn't make full and frank disclosure of all relevant evidence by failing to inform the authorizing judge that they intended to make a hard entry.

The judge also concluded that the manner in which the general warrant was executed was unreasonable. Police tactics were extreme. They used a forcible, hard entry, battering

ram and stun grenade, and were wearing riot gear while armed with automatic military style rifles. He also found the stun tactic interfered with the bodily integrity of a person, which was not permitted under *s. 487.01(2)*.

The judge also found Al-Amiri's *s. 7* Charter right to life, liberty and security of the person was violated by the manner of entry and a failure to obtain a Feeney warrant to arrest him. The evidence, including the 4.5 kgs. of ecstasy pills, was excluded under *s. 24(2)* and Al-Amiri was acquitted.

The Crown appealed to Newfoundland's highest court arguing, among other things, that the trial judge erred in quashing the general warrant. The Crown also contended that the manner in which the general warrant was executed was not unreasonable and that police did not need an arrest warrant for the accused.

Interference with bodily integrity

Under *s. 487.01(2)*, the general warrant provision shall not be construed so as to permit "interference with the bodily integrity of any person." Al-Amiri's submission that the hard entry involved such interference was without merit.

"The general warrant did not purport to authorize interference with the bodily integrity of any person," said Justice Barry, speaking for the unanimous court. "It merely dealt with the delivery of the post office package and the securing of the residence until such time as a search warrant could be obtained pursuant to section 11 of the CDSA."

Furthermore, the onus was on Al-Amiri to establish interference with his bodily integrity, which he failed to do.

The alleged violation of [the accused's]

Charter rights by the hard entry may be disposed of simply on the grounds that he has presented no evidence to establish that in the present case he in fact suffered any discomfort at all because of the manner in which the police entered the residence. We have only the general evidence of a police witness that the diversionary device used, a stun grenade or “flash-bang”, was a two-bang device which emitted a bright light and made two very loud noises.

The witness testified that generally the effect of the device was to disorient anyone in range of the device by creating a sensory overload and that the noise and light only lasts for seconds. [The accused] tendered no evidence which would demonstrate that he specifically suffered any actual interference with his bodily integrity.

The general nature of the evidence regarding the effect of the diversionary device is not sufficient to prove a violation of his Charter rights. In any event, if we accept he was briefly disoriented, there is no evidence of any lasting impact or interference with bodily function or health beyond the *de minimus* range. Therefore, the facts in this case do not support a finding that the search under the general warrant was carried out in an unreasonable manner and should be invalidated because of noncompliance with subsection 487.01(2).

That is not to say that a hard entry can never amount to execution of a general warrant in an unreasonable manner. It will depend upon the facts of each case [paras. 51-52].

Knock and announce

The court described the knock and announce rule as follows.

On the manner of execution of the general warrant, the law in Canada requires that, except in exigent circumstances, police officers must make an announcement and a formal demand to enter before entering a dwelling to execute a search warrant...

The exigent circumstances recognized regarding this “knock and announce” rule include situations in which it is necessary to enter unannounced to prevent the loss or destruction of evidence, or for the safety of officers or the general public [references omitted, paras. 46-47].

The trial judge erred in discounting or dismissing the evidence regarding the possible presence of weapons and the indications that Al-Amiri was inclined towards violence. The reliable evidence police had concerning the possible possession of knives and guns by Al-Amiri and another suspect, and the CPIC “Caution Violence” warning, provided sufficient evidence of exigent circumstances. This concern for officer safety justified a departure from the knock and announce rule and use of the battering ram.

Disclosure of manner of entry

The court found that “the law does not require police to obtain prior authorization for a forcible entry even though they have the intent to execute in this fashion before obtaining a general warrant.”

The trial judge erred in ruling that “the failure to disclose this intent was a basis for finding the general warrant was not lawfully issued.” As noted in *R. v. Cornell, 2010 SCC 31*, judges are not to micromanage the police.

Feeney warrant

There was no need for police to obtain a Feeney warrant.

“Feeney warrants under section 529 of the Criminal Code are only required where the police do not have other lawful authority to enter premises where an arrest is carried out,” said Barry.

In this case, the general warrant gave police the authority to enter any residence or other location where the package might be delivered. A Feeney warrant would be redundant in these circumstances since the issuing of the general warrant had already resolved the question of possible interference with privacy rights in favour of enabling police to preserve evidence of indictable offences.

s. 24(2) Charter

The appeal court found that, even if Al-Amiri’s Charter rights were breached, the evidence was admissible under s. 24(2).

The Crown’s appeal was allowed and a new trial ordered.

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DISPATCHES



Chief Supt. **Joanne Crampton** replaces Chief Supt. **Craig Gibson** as the new commanding officer for the RCMP in Prince Edward Island. **Crampton** takes her new position after serving as the RCMP's criminal operations officer on the Island. She joined the force in October 1988 and has previously worked in British Columbia, Alberta, Saskatchewan and Nova Scotia.



John Bates has been appointed the new chief of police for Saint John. He is currently the chief of police in Stratford, ON. **Bates** brings 30 years of policing experience and a wide range of skills to his new role. **Bates** began his policing career in 1985. In 2006, he was named Stratford's deputy and then chief of police in 2012. **Bates** replaces former chief **Bill Reid**, who retired at the end of April.



Chief **Wayne Holland** is stepping down from his position as chief of police in Nelson. He is retiring after over 30 years in policing. **Holland** has served as the officer in charge of criminal intelligence for B.C. and the Yukon, an executive director of the Vancouver Police Foundation and worked with several integrated police units during his time in policing.



Danny Smyth, a Winnipeg police superintendent has been promoted to deputy chief of investigative services, which is a new position. A second-generation police officer, **Smyth** joined the Winnipeg Police Service in 1986 and has worked as a uniform officer as well as in covert investigations. He played key roles in establishing a full-time tactical support team and a street crime unit.



Carol Bradley is the Surrey RCMP's first female superintendent. **Bradley** is the detachment's new operations support officer and is one of 26 female superintendents in the RCMP across the country. Over her 29 years of service, **Bradley** has served in federal, protective, general duty and traffic roles in four provinces. She also worked at the RCMP depot in Regina for 15 years where she held positions in cast training, recruiting and staffing.



Philippe Pichet is the new chief of the Montreal Police Service. **Pichet** joined the force in 1991 and rose to Assistant Director. **Pichet** was a commander of the operational planning division of the police department's counter-terrorism and emergency measures section. He replaces **Marc Parent** who stepped down earlier this year.



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Training that reflects our policing culture

by Robert Lunney

Police in the United States are dealing with a crisis of public confidence on the use of deadly force, with overtones of racism, in a notorious series of fatal shootings, most recorded on video.

To name a few: the killing of a 12-year-old boy with a pellet gun by a police officer in Cleveland OH; the shooting of an unarmed man in Charleston SC fleeing from police after being called upon to account for himself; and the fatal shooting of a suspected bicycle thief (mistaken identity as it turned out) in Gardena CA, a jaw dropping display of questionable judgment by police officers recorded on a video just lately released by the court.

Progressive police leaders in the United States are keenly aware of the threat to police legitimacy and slipping public support. Make no mistake; the crisis faced by policing in the U.S. is contagious, and Canadian policing is in jeopardy because of our adoption of American training materials.

My generation of police leaders is responsible for the current state of risk regarding use of force training. Despite a stated commitment to community policing and some creditable development of use of force models, we unwittingly opened the door to a portfolio of tactical training materials introduced by commercially inspired "experts" in officer safety that led to misleading beliefs and aggressive

militaristic tactics. Much of this problematic content is contained in training modules and videos developed in the United States, where laws and cultural mores on firearms and deadly force differ distinctly from Canada.

Before Canadian policing falls prey to the unfortunate outcomes suffered by policing south of the border, (some would say it already has), all U.S. training films and simulation programs regarding use of deadly force and defense against edged weapons should be withdrawn from Canadian police training curriculums forthwith. They should be replaced by Canadian produced training aids reflecting the policing philosophy of this country.

Canadian police officers, either on their own or through sponsorship, have often attended use of force training offered by private contractors in the U.S. While attendance probably cannot be prohibited, it should certainly be discouraged. The divergence of policy and practice is now too wide and insoluble. Instruction modules developed by home-grown police trainers and consultants steeped in the ethos of Canadian policing should be given exclusive preference.

Disengagement is the first priority, but just the beginning. Deadly force is far too critical an issue to be left to simple solutions. A more comprehensive process must involve a review of policing philosophy, strategy, education, training and accountability. But that is another story.

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