JUSTICE INSTITUTE of BRITISH COLUMBIA

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A PEER READ PUBLICATION

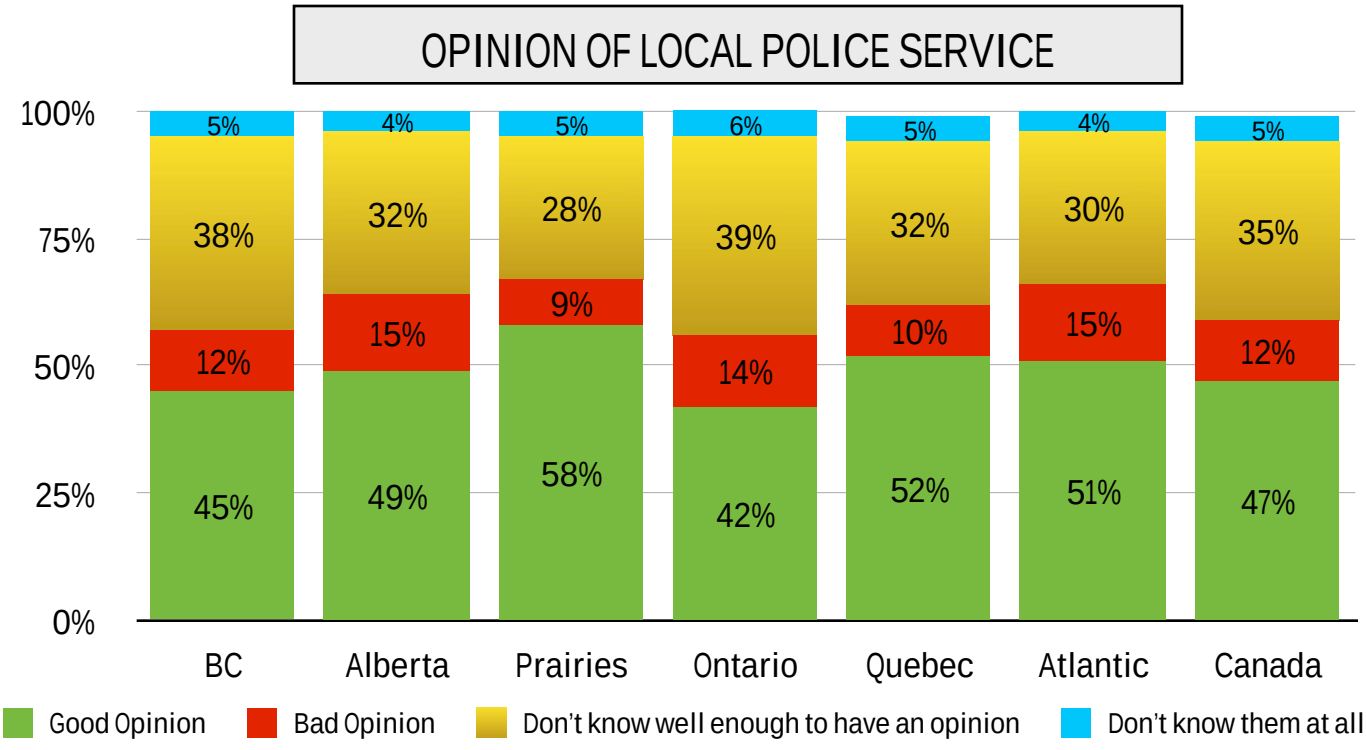
POLICE REPUTATION DIPS

According to a recent online survey conducted by Leger, the reputation of Canada's police has dropped since the last time the survey was taken. The latest survey, released in June 2020, showed more people in the prairie provinces and Quebec had a good opinion of their local police service (LPS) compared to those in Ontario and BC.

Highlights

- Overall, **47%** of Canadians had a good opinion of their LPS, while **12%** had a bad opinion. **35%** didn't know their LPS well enough to have an opinion while **5%** didn't know their LPS at all.
- **74%** trusted their LPS (up from 73% in 2019) while only **58%** trusted their local police chief (down from 59% in 2019).
- **71%** were satisfied with their LPS (down from 72% in 2019) while **68%** believed their LPS was committed to meeting their expectations (up from 65% in 2019).
- **63%** believed their LPS was honest/transparent and **63%** felt their LPS was concerned about people like them.
- **61%** felt that people like them were represented on their LPS while only **24%** believed they could influence the decisions or direction of their LPS.
- Seniors (>65 years) were more likely to have a good opinion of and be satisfied with their LPS than those under 65. Visible minorities were less likely.
- There was a growing unfamiliarity with a LPS. In 2020, **40%** of Canadians were unfamiliar with their LPS compared to **33%** in 2019 and **32%** in 2018.

Source: Police Reputation



Highlights In This Issue

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JUSTICE INSTITUTE of BRITISH COLUMBIA | LIBRARY

WHAT'S NEW FOR POLICE IN THE LIBRARY

The Justice Institute of British Columbia Library is an excellent resource for learning. Here is a list of its recent acquisitions which may be of interest to police.

Achievement orientation: a primer.

Daniel Goleman, Richard Boyatzis, Richard J. Davidson & Vanessa Druskat.

Florence, MA: More Than Sound LLC, 2017.

BF 576 G65 2017 v.4

Adaptability: a primer.

Daniel Goleman, Richard Boyatzis, Richard J. Davidson, Vanessa Druskat & George Kohlrieser.

Florence, MA: More Than Sound LLC, 2017.

BF 576 G65 2017 v.3

Arrows in a quiver: Indigenous-Canadian relations from contact to the courts.

James Frideres.

Regina, SK: University of Regina Press, 2019.

E 92 F75 2019

Coach and mentor: a primer.

Daniel Goleman, Richard Boyatzis, George Kohlrieser, Michele Nevarez & Matthew Taylor.

Florence, MA: More Than Sound LLC, 2017.

BF 576 G65 2017 v.9

Conflict management: a primer.

Daniel Goleman, Richard Boyatzis, Amy Gallo, George Kohlrieser, Matthew Lippincott & George Pitagorsky.

Florence, MA: More Than Sound LLC, 2017.

BF 576 G65 2017 v.10

Emotional self-awareness: a primer.

Daniel Goleman, Richard Boyatzis, Richard J. Davidson, Vanessa Druskat & George Kohlrieser.

Florence, MA: More Than Sound LLC, 2017.

BF 576 G65 2017 v.1

Emotional self control: a primer.

Daniel Goleman, Richard Boyatzis, Richard J. Davidson, Vanessa Druskat, George Kohlrieser.

Florence, MA : More Than Sound LLC, 2017.

BF 576 G65 2017 v.2

Empathy: a primer.

Daniel Goleman, Richard Boyatzis, Richard J. Davidson, Vanessa Druskat, George Kohlrieser.

Florence, MA : More Than Sound LLC, 2017.

BF 576 G65 2017 v.6

Influence: a primer.

Daniel Goleman, Richard Boyatzis, Vanessa Druskat, Matthew Lippincott, Peter Senge & Matthew Taylor.

Florence, MA: More Than Sound LLC, 2017.

BF 576 G65 2017 v.8

Inspirational leadership: a primer.

Daniel Goleman, Mette Miriam Boell, Richard Boyatzis, Claudio Fernandez-Araoz, Matthew Lippincott, Annie McKee & Matthew Taylor.

Florence, MA: More Than Sound LLC, 2017.

BF 576 G65 2017 v.12

Organizational awareness: a primer.

Daniel Goleman, Richard Boyatzis, Vanessa Druskat, Michele Nevarez & George Pitagorsky.

Florence, MA: More Than Sound LLC, 2017.

BF 576 G65 2017 v.7

Positive outlook: a primer.

Daniel Goleman, Richard Boyatzis, Richard J. Davidson & Vanessa Druskat.

Florence, MA: More Than Sound LLC, 2017.

BF 576 G65 2017 v.5

Researching legislative intent: a practical guide.

Susan Barker & Erica Anderson.

Toronto, ON: Irwin Law, 2019.

KE 482 S84 B37 2019

Teamwork: a primer.

Daniel Goleman, Richard Boyatzis, Vanessa Druskat, Matthew Lippincott & Ann Flanagan Petry.

Florence, MA: More Than Sound LLC, 2017.

BF 576 G65 2017 v.11

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IT'S TIME TO SPEAK UP ABOUT MENTAL HEALTH.

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BCFirstRespondersMentalHealth.com

For more resources on better understanding mental health in the context of the experiences and pressures of first responders, as well as the broader population, visit the following link.

www.BCFirstRespondersMentalHealth.com

DIVIDED SUPREME COURT MAINTAINS STATUS QUO ON ENTRAPMENT DOCTRINE

R. v. Ahmad; R. v. Williams, 2020 SCC 11

The police, in two cases, relied on a single tip of unknown reliability to call a phone number and make a meet to purchase drugs. In both cases the accused brought entrapment applications following their convictions.

***R. v. Ahmad*:** A police officer received information from a colleague that a person named "Romeo" was selling drugs using a specified phone number. The officer called the number without investigating the reliability of the information or how the other officer had procured the number. The following conversation took place:

Officer	**Hey, It's Mike, Matt said I can give you a call, this is Romeo?**
Male	**He did, did he?**
Officer	**Yeah, said you can help me out?**
Male	**What do you need?**
Officer	**Two soft. [meaning two grams of powder cocaine]**
Male	**Hold on, I'll get back to you.**
Officer	**Alright.**

The male called the officer back later the same day and they had the following conversation:

Officer	**Hello.**
Male	**So what do you need again?**
Officer	**Two soft, where you at?**
Male	**Can meet you at Yorkdale.**
Officer	**Sure, $160 good an hour?**
Male	**$140, hours good, go by theatres.**
Officer	**Cool.**

The officer went to the meeting place, called the number again, met the accused Ahmad, and exchanged $140 for two small plastic bags of cocaine. Police arrested Ahmad and searched him. They found an envelope with the handwritten word "Romeo" on it containing cash, the $140, the cell phone that had been used to set up the transaction, and two small bags of powder cocaine. In Ahmad's backpack, the police found a large quantity of cocaine and three envelopes containing cash.

Ontario Superior Court of Justice

Ahmad was convicted on one count of possessing cocaine for the purpose of trafficking and two counts of possessing the proceeds of crime. The trial judge rejected Ahmad's stay application on the basis of entrapment. Although the judge found the police did not have a reasonable suspicion the person on the other end of the phone call was trafficking in drugs before placing the call, the officer built a reasonable suspicion that "Romeo" was trafficking drugs during the call. This reasonable suspicion arose before Ahmad was offered the opportunity to commit a crime when a specific quantity of powdered cocaine was requested.

R. v. Williams: A drug squad detective received an information package from another officer about "Jay," who was allegedly selling cocaine in a certain area in Toronto. The package identified "Jay" as the accused Williams and included a collection of information about him: an address at which he had allegedly been trafficking drugs, a description of his physical appearance, a

note that he was a "cocaine dealer" who worked in a certain area, and a home address. The tip did not disclose how Williams was connected to the name "Jay" or the currency of the information. The detective had been involved in Williams' arrest 20 months earlier for trafficking cocaine, although he ultimately pled guilty to simple possession. But the detective had not known him to use the name "Jay." Another officer called the number and the following conversation occurred:

Male	**Hello.**
Officer	**Jay?**
Male	**Yeah.**
Officer	**You around?**
Male	**Who is this?**
Officer	**It's Vinny.**
Male	**Vinny who?**
Officer	**Vinny. Jesse from Queen and Jarvis gave me your name. . .your number. Said you could help me out. I need 80. [slang for a dollar amount]**
Male	**Okay. You have to come to me.**
Officer	**Okay.Where?**
Male	**Queen and Dufferin.**
Officer	**Okay. It'll take me a few because I'm at Yonge & Bloor.**
Male	**Okay, hurry up.**
Officer	**I'll call you when I get there.**
Male	**Okay. What you want, soft or hard.**
Officer	**Hard. Hard buddy.**
Male	**Okay.**

The officer later met Williams and exchanged $80 for the crack cocaine. Eleven days later a second purchase was made. The following month Williams was arrested.

Ontario Superior Court of Justice

Although Williams agreed the evidence established his guilt on two counts of cocaine trafficking and two counts of possessing proceeds of crime, the trial judge found police lacked a reasonable suspicion before providing him with the opportunity to commit a crime. The words **"I need 80"** — referring to $80 of cocaine — constituted an opportunity to traffic because it involved a request for a specific amount of a specific type of drug. A stay of proceedings was entered.

Ontario Court of Appeal

Ahmad appealed his conviction while the Crown appealed the stay of proceedings in Williams' case. The Court of Appeal heard both challenges together. Two judges of the Court of Appeal concluded that entrapment had not been made out in either case. As long as the police had a reasonable suspicion related to a phone number itself, the police were permitted to provide an opportunity to commit a crime to a person associated with the number. It was not necessary for the police to harbour a reasonable suspicion about the person who actually answered the phone. The majority dismissed Ahmad's appeal and upheld his conviction, while at the same time granted the Crown's appeal in the Williams' matter, entered convictions and remitted the case to the trial court for sentencing.

A third judge agreed with the result decided by the majority, but disagreed with its differentiation between reasonable suspicion over a phone number and reasonable suspicion over the individual who answered that phone. In his view, the police in both cases acted on a reasonable suspicion that Ahmad and Williams were already engaged in criminal activity when they presented them with an opportunity to commit an offence. There was no need to consider the bona fide inquiry prong.

"As state actors, police must respect the rights and freedoms of all Canadians and be accountable to the public they serve and protect. At the same time, police require various investigative techniques to enforce the criminal law. While giving wide latitude to police to investigate crime in the public interest, the law also imposes constraints on certain police methods."

Supreme Court of Canada

Both Ahmad and Williams appealed their convictions before a full nine member panel of the Supreme Court of Canada. The Supreme Court was split **5:4** in deciding how the entrapment doctrine should be applied in Canada. Five judges maintained the status quo regarding the law of entrapment as it applied to the investigation of suspected dial-a-dope operations in which drug traffickers use a cell phone to connect with their customers and sell illicit drugs. Four judges sought to develop and change the law.

Entrapment

Justices Karakatsanis, Brown and Martin wrote the opinion for the majority. Upon introducing the entrapment doctrine, the justices stated:

- "As state actors, police must respect the rights and freedoms of all Canadians and be accountable to the public they serve and protect. At the same time, police require various investigative techniques to enforce the criminal law. While giving wide latitude to police to investigate crime in the public interest, the law also imposes constraints on certain police methods."
- "Where [the police step beyond their normal investigative role and tempt people into committing criminal offences] without reasonable suspicion, or where they go further and induce the commission of a criminal offence, they commit entrapment. Without a requirement of reasonable suspicion, the police could target individuals at random, thereby invading people's privacy, exposing them to temptation and generating crimes that would not otherwise have occurred. Such conduct threatens the rule of law, undermines society's sense of decency, justice and fair play, and amounts to an abuse of the legal process of such significance that, where it is shown to have occurred, a stay of proceedings is required."
- "[P]olice cannot offer a person who answers a cell phone the opportunity to commit an offence without having formed reasonable suspicion that the person using that phone, or that phone number, is engaged in criminal activity. Whether the police are targeting a person, place or phone number, the legal standard for entrapment is a uniform one, requiring reasonable suspicion in all cases where police provide an opportunity to commit a criminal offence. Reasonable suspicion is a familiar legal standard that provides courts with the necessary objective basis on which to determine whether the police have justified their actions. A bare tip from an unverified source that someone is dealing drugs from a phone number cannot ground reasonable suspicion."

The majority also noted that entrapment is not a substantive defence leading to an acquittal. Rather, it an **abuse of process** which disentitles the Crown to a conviction with the appropriate remedy being a stay of proceedings so that the administration of justice would not be brought into disrepute.

There are two alternative branches to entrapment:

1. **Opportunity Based Entrapment:** The police provide an opportunity for a person to commit an offence without reasonable suspicion or without acting in the course of a *bona fide* inquiry. In other words, the police may provide

"[P]olice cannot offer a person who answers a cell phone the opportunity to commit an offence without having formed reasonable suspicion that the person using that phone, or that phone number, is engaged in criminal activity. Whether the police are targeting a person, place or phone number, the legal standard for entrapment is a uniform one, requiring reasonable suspicion in all cases where police provide an opportunity to commit a criminal offence."

an opportunity to commit a crime when they have a reasonable suspicion that a specific person is engaged in criminal activity (individualized suspicion prong) or they have a reasonable suspicion people are carrying out criminal activity at a specific location or place (*bona fide* inquiry prong). In the digital age, a phone number or other virtual means of communication, such as a message board on a website can qualify as a *"place"* as long as it can be precisely and narrowly defined. However, ***"entire websites or social media platforms will rarely, if ever, be sufficiently particularized to support reasonable suspicion."***

2. **Inducement Based Entrapment:** The police, having a reasonable suspicion or acting in the course of a *bona fide* inquiry, go beyond providing an opportunity and induce the commission of an offence.

Why Reasonable Suspicion?

Both the individualized and *bona fide* enquiry branches are premised upon and tethered to reasonable suspicion. An objective reasonable suspicion standard is important for several reasons including:

- It "ensures courts can conduct meaningful judicial review of what the police knew at the time the opportunity was provided."
- It "requires the police to disclose the basis for their belief and to show that they had legitimate reasons related to criminality for targeting an individual or the people associated with a location."
- It "allows for exacting curial scrutiny of police conduct for conformance to the [*Charter*] and society's sense of decency, justice, and fair play because it requires objectively discernible facts."
- "Courts must be able to assess the extent to which the police, in seeking to form reasonable suspicion over a person or a place, rely upon overtly discriminatory or stereotypical thinking, or upon 'intuition' or 'hunches' that easily disguise unconscious racism and stereotyping."
- "Requiring reasonable suspicion before tempting individuals into committing crimes also reflects Canadian law's cautious approach to the expansion of police powers."
- "Providing individuals the opportunity to commit offences without the foundation of a reasonable suspicion also unacceptably increases the likelihood that people will commit crimes when they otherwise would not have."
- "Reasonable suspicion insists on an objective assessment of the information the police actually had. Reasonable suspicion thus shifts the protection of the public against unreasonable intrusions from the shadows of police discretion to the light of curial scrutiny."
- "Reasonable suspicion is an ex ante standard that has stood the test of time ... [and it] fosters in police officers a sense of the importance of obtaining objective evidence of criminal activity before offering an opportunity to commit a crime, and of being alive to indicators that suggest that their intuitions or hunches may be wrong. And it compels police to disclose objective evidence that is amenable to exacting review, precluding them from relying on peremptory assertions of suspicion."

"Reasonable suspicion insists on an objective assessment of the information the police actually had."

"While the reasonable suspicion standard requires only the possibility, rather than probability, of criminal activity, it must also be remembered that it provides police officers with justification to engage in otherwise impermissible, intrusive conduct such as searches and detentions."

What is Reasonable Suspicion?

The majority described reasonable suspicion as follows:

- "Reasonable suspicion is, by definition, an objective standard that protects individuals' interests and preserves the rule of law by ensuring courts can meaningfully review police conduct. For this reason, it is fundamental to restraining the power of police to provide opportunities to commit crimes."
- "[R]easonable suspicion is not 'unduly onerous'. As a lower standard than reasonable grounds, it allows police additional flexibility in enforcing the law and preventing crime. In the entrapment doctrine, reasonable suspicion emerges from the first branch's concern with police behaviour that falls short of actually inducing an offence, yet nonetheless constitutes police involvement in the commission of a crime."
- "While the reasonable suspicion standard requires only the possibility, rather than probability, of criminal activity, it must also be remembered that it provides police officers with justification to engage in otherwise impermissible, intrusive conduct such as searches and detentions. It is therefore subject to 'rigorous,' 'independent' and 'exacting' judicial scrutiny."
- "The suspicion must be focused, precise, reasonable, and based in 'objective facts that stand up to independent scrutiny'."
- "[T]he evidence said to satisfy reasonable suspicion must be carefully examined."
- "Although innocent explanations and exculpatory information remain relevant to an assessment of reasonable suspicion, the police are not required to undertake further investigation to rule out those explanations. Nevertheless, the facts must indicate the possibility of criminal behaviour: characteristics that apply broadly to innocent people are not markers of criminal activity. Mere hunches and intuition will not suffice. However, an officer's training or experience can make otherwise equivocal information probative of the presence of criminal activity."
- "Reasonable suspicion is also individualized, in the sense that it picks an individual target — whether a person, an intersection or a phone number — out of a group of persons or places."
- "The target to which reasonable suspicion must attach varies with the context."
- "[R]easonable suspicion cannot be grounded on a bald tip alone."

Reasonable Suspicion & the Dial-a-Dope Context

There are two ways in which the police can acquire reasonable suspicion prior to offering an opportunity to a dial-a-doper to commit an offence: (1) before making the call or (2) during the call.

Before Making the Call

The police can take various steps upon receiving a tip to establish reasonable suspicion that an individual or phone number is associated with dial-a-dope activity before they call the number:

> Police may wait to see if more tips are received about the same person or phone number. Police may cross-reference the person's name or phone number to find other connections between it and criminal activity. Police may also consider any details contained in the tip or, if known, the reliability of the informant. For example, does the source have a criminal record? How long have the police used the

"Reasonable suspicion is not formed retroactively. Rather, it is applied prospectively. From its inception, the entrapment doctrine has required that police officers have reasonable suspicion of criminal activity before providing an opportunity to commit an offence. Reasonable suspicion — like any level of investigative justification — can justify an action only on the basis of information already known to police."

> source? Has the source provided credible tips in the past? Is there a possible motivation for giving a false tip? Is the source's information first-hand? [references omitted, para. 51]

During the call

The police can establish the necessary reasonable suspicion in the course of a conversation with the target, but prior to presenting the opportunity to commit a crime:

> [T]he target's responsiveness to details in the tip, along with other factors, may tend to confirm the tip's reliability. For example, the target's use of or response to language particular to the drug subculture properly forms part of the constellation of factors supporting reasonable suspicion. Even so, the understanding of "coded" drug language by a target is not, on its own, necessarily a reliable ground for reasonable suspicion. Some phrases admit of innocent interpretation. And some people — especially vulnerable people — are simply familiar with the coded language of drug trafficking ...
>
> [...]
>
> Whether or not responding to such terminology is neutral or adds to the weight of other factors will depend on the circumstances. There is no requirement that the police rule out innocent explanations for these responses. But by the same token, the more general the language used, the more the need for specific evidence regarding police experience and training. In particular, where a police officer testifies that a generic or everyday phrase is indicative of involvement in the drug trade, a trial judge must carefully consider whether this is a reasonable connection to make, based on rigorous scrutiny of all the evidence, including any other factors said to establish reasonable suspicion. Moreover, if the target seems confused by the officer's use of such language, such exculpatory information must be taken into account as part of the "entirety of the circumstances". Courts must keep in mind that relevant factors are not to be parsed separately and assessed individually to determine whether they support reasonable suspicion. Rather, they are assessed together and in light of each other.
>
> To conclude, an objective assessment rigorously safeguards several rights that are engaged in the entrapment context: to liberty, to privacy, to be left alone, and to equality. Reasonable suspicion is the minimum objective standard the Court has chosen to protect these essential rights. At the same time, it also allows police the flexibility necessary to enforce the criminal law against crimes that are difficult to investigate. [references omitted, para. 55-57]

If the police do not form a reasonable suspicion before a phone call is made, a court will review the words spoken during the call to determine whether the police had a reasonable suspicion before offering an opportunity to commit a crime (eg., made a specific request to purchase drugs). ***"Reasonable suspicion is not formed retroactively,"*** said the majority. ***"Rather, it is applied prospectively. ... Reasonable suspicion — like any level of investigative justification — can justify an action only on the basis of information already known to police"*** :

> A court must examine all of the circumstances, and not merely the language used during the call, in order to determine whether police had formed reasonable suspicion by the time the opportunity was provided. In dial-a-dope cases, conversations are a means of forming a reasonable suspicion and the means of committing the offence itself. Given that police cannot verify the identities of their interlocutors when operating in a virtual world, determining

> when a target is provided with an opportunity to make an offer to traffic unavoidably requires that courts scrutinize the language used. This is a common basis upon which police make professional judgment calls about what actions are legally permitted. It is also the basis upon which courts review the legality of those actions. Examining the language used may reveal, as it does in the cases at bar, the difference between an officer who is investigating whether there is reasonable suspicion of criminal activity through careful attention to the answers received, and an officer who makes no serious attempt to verify a tip of unknown reliability and immediately asks for drugs.
>
> In sum, if police have not been able to establish reasonable suspicion prior to making the call, then inevitably courts will have to scrutinize the precise wording of the call. Of course, the preferable course of action — and the most sure way to avoid curial "parsing" — is for police to form reasonable suspicion prior to making the call. In our view, these two avenues strike an appropriate balance: they afford police sufficient latitude, while also protecting Canadians from unwarranted invitations to commit an offence. ... [paras. 61-62]

The majority cautioned, however, that the ***"police must be aware that in placing the call without reasonable suspicion, they are walking on thin ice, having already intruded upon the private life of their interlocutor."***

What's an Opportunity to Traffic?

Whether or not police action constitutes an opportunity to commit crime depends on the definition of the offence and the context in which the action occurred. ***"In a conversation, an opportunity will be established when an affirmative response to the question posed by the officer could satisfy the material elements of an offence,"*** said the majority. ***"In the dial-a-dope context, in which the initial interaction between the police and target occurs entirely over the phone, the exercise centres on determining whether words spoken by the police officer constitute an opportunity to commit drug trafficking."***

Under the *Controlled Drugs and Substances Act* (*CDSA*) drug trafficking not only includes the selling of drugs but also the offer to do so. An opportunity to commit an offence is offered when the officer says something to which the accused can commit an offence by simply answering ***"yes."*** But a general agreement to sell *"drugs"* or *"product"* will not suffice unless there are contextual markers that narrow what is intended to a particular drug listed in those schedules. Thus, ***"police can make exploratory requests of the target, including asking whether they sell drugs, without providing an opportunity to traffic in illegal drugs. An opportunity has been provided only when the terms of the deal have narrowed to the point that the request is for a specific type of drug and, therefore, the target can commit an offence by simply agreeing to provide what the officer has requested. In some cases, a request to purchase a specific quantity of drugs will suffice."*** The majority rejected the Crown's submission that the opportunity to commit the offence does not arise when the agreement to sell drugs is secured during the call but only occurs when the police officer meets the suspect in person and makes the in-person transaction.

Was the accused Ahmad entrapped?

No. Asking whether Ahmad could ***"help [him] out"*** was not an opportunity to traffic in drugs. Responding ***"yes"*** to that question would not have been trafficking because the inquiry had not been narrowed to a particular substance listed in a *CDSA* schedule. But an opportunity to commit drug trafficking was provided when the officer asked Ahmad for ***"two soft"*** — whether he would sell two grams of cocaine. However, a reasonable suspicion had already crystallized when the accused asked the officer, ***"What do you need?"*** By then:

- The officer referenced both "Romeo" and the police's concocted "drop name" Matt. The

accused was not surprised and did not deny he was Romeo or ask who Matt was. Rather, he continued to engage the caller to ascertain what he wanted.

- The officer was allowed to rely on what he knew of illicit drug transactions. As well, the accused's response — ***"What do you need?"*** — to a request that he ***"help . . . out"*** a stranger was also relevant. The question and answer could not be assessed in isolation. Although the answer ***"What do you need?"*** to the question ***"[Y]ou can help me out?"*** can admit of innocent responses, the reasonable suspicion standard did not require the police to direct the conversation to rule out innocent explanations for Ahmad's positive response. The officer was entitled to consider all of the circumstances in forming a reasonable suspicion that the individual with whom he was speaking was engaged in drug trafficking.

The majority agreed with the trial judge that these factors, taken together, disclosed a reasonable possibility that the individual was involved in drug trafficking. Ahmad's appeal was dismissed and his conviction was upheld.

Was the accused Williams entrapped?

Yes. As soon as the person who answered the phone confirmed he was *"Jay"* the specific request for a particular quantity of that drug (i.e., ***"I need 80"***), where the police were working from a tip that the individual was a cocaine dealer, constituted an opportunity. Once Williams responded **"Okay"**, the offence of trafficking was complete. ***"[The officer] did not wait to see how Williams would respond to an investigative question that could have corroborated that Williams was engaged in criminal activity prior to providing the opportunity to commit the crime,"*** said the majority. ***"This means Williams did not respond positively to slang particular to the drug subculture until after the opportunity had been provided. That one aspect of a tip has been corroborated — here, 'Jay's' name — does not allow that tip to ground a reasonable suspicion. The corroboration of the name does not strengthen the reliability of the tip 'in its assertion of illegality'."***

> In this case, police appear to have proceeded on the assumption that the tip — that Jay was trafficking in cocaine using the phone number provided — was about Williams. But there was no evidence to establish that the source connected Jay with Williams. Nor did the evidence establish any other basis upon which to conclude they were the same person. Indeed, the officer who had previously dealt with Williams said she had not known him to use the name "Jay." While the report itself asserted a connection between the two, there was no evidence to show whether such a connection was warranted or reasonable. In the absence of such evidence, this Court cannot simply presume that a bald tip that Jay was using a particular phone number to traffic in cocaine was reliable and current. Confirmation that the speaker was Jay confirmed only that aspect of the tip — that Jay was using that phone. There was no confirmation that he was using the phone to sell cocaine until after the police officer provided him with the opportunity to do so. The only conclusion that can be safely drawn from the record as it stands is ... the police had no more than a bare tip that someone using a particular phone number was selling drugs and this did not ground reasonable suspicion. [para. 84]

Williams' appeal was allowed, his convictions were set aside and the stay of proceedings was reinstated.

A Different Approach

A four member minority would have revised the *bona fide* inquiry branch of the entrapment doctrine to allow police to provide an opportunity to commit a crime by only requiring ***"a factually-grounded investigation into a tightly circumscribed area, whether physical or virtual, that is motivated by genuine law enforcement purposes"***. Reasonable suspicion would no longer be required. Justice Moldaver, speaking for the minority, described the revised *bona fide* inquiry framework as follows:

1. **The police investigation must be motivated by genuine law enforcement purposes.** An investigation that is pursued in bad faith will not

"The police officer's subjective belief alone is not enough. The reasonable suspicion standard requires that the suspicion be based on objectively discernible facts. The analysis must be performed from the standpoint of a reasonable person 'standing in the shoes of the police officer'. Reasonable suspicion must be assessed against the totality of the circumstances."

be one that is motivated by genuine law enforcement purposes. For example, bad faith conduct could include an investigation motivated by racial profiling or based on information from a known unreliable source. Bad faith could also involve police targeting marginalized vulnerable individuals, such as those previously involved in the drug trade or addicted to drugs, but whom the police knew or had reason to believe were making efforts to reform or stay sober.

2. **The police must have a factually-grounded basis for their investigation.** ***"The police must be able to point to a specific reason for their investigation beyond a mere hunch, though this need not rise to the level of reasonable suspicion as that standard is presently defined. For instance, the police may have a factually-grounded basis for their investigation into a suspected dial-a-dope line where they receive information from an anonymous source, such as Crime Stoppers, that a specific phone number is a dial-a-dope line and, consistent with the requirement that their investigation be motivated by genuine law enforcement purposes, they have no reason to believe that the information received is unreliable. Acting on information received from an anonymous source is not the same as acting on a hunch."*** This provides an objective basis for judicial review; and

3. **The police investigation must be directed at investigating a specific type of crime within a tightly circumscribed location (whether physical or virtual).** Whether a particular type of location is sufficiently circumscribed for the purposes of a particular type of investigation will need to be considered on a location-by-location basis and the following factors may assist in making this determination:

- The nature and seriousness of the type of crime under investigation (e.g., a wider investigative net may be necessary to effectively capture certain types of criminal activity);

- The number of citizens that may be impacted by the investigative technique used by the police (e.g., a technique that sweeps in too many citizens, even in a relatively small geographic area, may not be sufficiently circumscribed);

- The nature of the location under investigation (e.g., society may be more accepting of police opportuning in a shopping mall versus a residential neighbourhood or housing complex, even if the same number of people are potentially implicated in each case); and

- The intrusiveness of the technique (e.g., if the police are employing a more intrusive technique, such as a face-to-face technique, they may need to restrict the area in which they are opportuning more than if they were engaged in a less intrusive technique).

"The end-game of the bona fide inquiry prong remains ensuring that the police are not allowed to randomly test the virtue of citizens, and that their conduct is subject to independent and objective review by the courts," said Justice Moldaver. ***"Although this test differs from an analysis of whether the police met the reasonable suspicion standard, the judicial scrutiny it demands is no less meaningful."***

Using their revised approach, the minority would not have found either Amhad or Williams entrapped. In both cases, the police were acting pursuant to a *bona fide* inquiry into the cell phone numbers when they extended the opportunity to

traffic in drugs. First, there was no evidence of bad faith or that the police were not motivated by genuine law enforcement purposes. Second, the police had a factually grounded basis for their investigations having received the name and phone numbers of alleged drug dealers. Finally, the police inquiries were tightly circumscribed through a single phone number. The minority would have dismissed both appeals.

Complete case available at www.scc-csc.ca

INFORMATION OBTAINED BETWEEN DECISION TO MAKE & ACTUAL ARREST MAY BE CONSIDERED IN RGB ANALYSIS

R. v. Lichtenwald, 2020 SKCA 70

Two Integrated Drug Unit detectives observed a man enter a wash bay at a self-serve car wash. The man was not under investigation at the time but one of the detectives knew the man from past investigations and believed he was a user and seller of drugs. One of the past investigations linked the man to the same area as the car wash. The officers decided to watch the man.

Shortly after the man began to clean his vehicle, the accused walked into the same wash bay as the man. The accused spoke to the man for about 30 seconds, then left. Shortly thereafter, the man got into his car, left the wash bay, drove around the car wash, and parked his car nose to nose with the accused's vehicle in a second wash bay. The detectives saw the man and the accused get into the accused's vehicle, briefly face each other and then appear to be looking down into their laps.

The more senior and experienced officer decided to effect an arrest about 30 seconds after both men entered the vehicle. Police approached the accused's vehicle and saw both men with their heads down counting cash. The accused was arrested at 2:57 p.m. and searched incidental to the arrest. Police found a folding knife and $2,310 in his pants pocket. His wallet and photo driver's licence were also seized. A detective asked if the address shown on the driver's licence was current and the accused confirmed that it was. The police searched his vehicle and found a small quantity of cocaine and methamphetamine in plain view on the floor. They found more cocaine and methamphetamine, as well as fentanyl, hydromorphone, and GHB elsewhere in the vehicle, including in the glovebox. They also found an expandable baton, a loaded handmade .22 calibre zip gun, .22 calibre ammunition, an axe, and an additional $340.

The accused was given the police warning and, when asked if he wanted to speak to a lawyer, said "yes". However, he was not permitted to make that call. He was taken to the police station and held while the police obtained a warrant to search his home. The warrant was executed at 7:25 p.m. More GHB, scales and other paraphernalia, as well as a sawed-off .22 calibre rifle, a .43 calibre Walther BB gun, pellets, a Slavia starter pistol, four knives, a loaded SKS semi-automatic assault rifle and a high capacity magazine were found in the home. The accused was again read his *Charter* rights sometime after 9:30 p.m. and told he could call a lawyer. He said he would do so in the morning. He was charged with numerous drug, firearm and proceeds of crime offences.

Saskatchewan Court of Queen's Bench

The accused argued his rights under ss. 8, 9 and 10(b) of the *Charter* were breached. He submitted that his arrest was unlawful under s. 495 of the *Criminal Code*. In his view, the events observed by police were so innocuous that the grounds for arrest were not objectively reasonable. He also suggested that the searches of his person and vehicle were unreasonable, and the warrant to search his home was secured on information derived from his unlawful arrest and the warrantless searches. Further, he contended the seven hour delay in the police providing access to counsel was a s. 10(b) violation. He wanted the evidence gathered by police at the time of his arrest and from the search of his home excluded under. s24(2).

"[I]t is the actual arrest that must be lawful and based upon reasonable grounds. If the arrest was ultimately based upon such reasonable grounds, it should matter not whether some earlier police decision to try to effect that arrest was based upon such grounds. Intervening events may well shed light on whether the arrest should, in fact, be carried out."

The judge found the accused's arrest was lawful. Both the subjective and objective elements of the test for reasonable grounds to believe had been met. The arresting officers subjectively believed they had reasonable grounds to arrest and those grounds were justifiable from an objective point of view. The judge found that the *"vignette"* the officers witnessed had *"all the badges of a drug transaction"*.

The brief exchange involving the accused confirming his address before he was given his right to counsel was *"not so much a function of police interrogation but incidental contact in the course of the arrest"*. And the accused's address was disclosed on his driver's licence anyways. This exchange did not breach the *Charter*.

However, the seven hour delay in providing the accused access to counsel was a blatant s. 10(b) breach. The two excuses offered by the Crown for delaying access to counsel — destruction of evidence and officer safety — were rejected by the judge. In the judge's opinion, there was no risk of communication to an accomplice that a search warrant was going to be issued unless the lawyer was part of a conspiracy to destroy evidence or impede the investigation. There was no suggestion of such a conspiracy. The concern for officer safety was also rejected. The police could have secured the home while they awaited the arrival of the search warrant.

Despite the s. 10(b) *Charter* breach, the judge failed to conduct a s. 24(2) analysis to determine whether any evidence obtained in the searches of the accused's person, vehicle or home should be excluded. The accused was convicted of possessing methamphetamine, hydromorphone, cocaine, fentanyl and gamma-hydroxybutyric acid (GHB) for the purpose of trafficking, trafficking in methamphetamine and cocaine, possession of proceeds of crime, and several firearms offences. He was sentenced to 10 years in prison, less two years' remand time.

Saskatchewan Court of Appeal

The accused argued the trial judge erred by failing to find a breach of his ss. 8 and 9 *Charter* rights. Furthermore, he suggested his right to counsel was also violated when the police asked him his address before providing him with his s. 10(b) rights. Finally, he submitted all of the evidence ought to have been excluded under s. 24(2).

Reasonable Grounds For Arrest

In deciding whether an officer has reasonable grounds for an arrest, Justice Barrington-Foote noted that the standard ***"does not mean the Crown must make out a prima facie case, or prove beyond a reasonable doubt or on a balance of probabilities that the person arrested had committed or was about to commit an indictable offence."*** Whether or not a ***"police officer's belief is objectively reasonable turns on all of the relevant facts the officer knew or reasonably believed to be true, even if that belief proves to be mistaken"***. And information obtained by police after a decision has been made to arrest, but before the arrest is actually effected, can be used to support the reasonable grounds for the arrest. ***"After all, it is the actual arrest that must be lawful and based upon reasonable grounds,"*** said Justice Barrington-Foote. ***"If the arrest was ultimately based upon such reasonable grounds, it should matter not whether some earlier police decision to try to effect that arrest was based upon such grounds. Intervening events may***

well shed light on whether the arrest should, in fact, be carried out."

In this case, the trial judge did not err in concluding the police had reasonable grounds to effect the arrest. All of the circumstances included the accused's approach to the other man soon after his arrival, the man driving to the wash bay occupied by the accused and parking in an unusual position, the two men entering the accused's vehicle, speaking to one another and then both looking into their laps. Plus, one of the detectives knew the other man to be involved in the drug world. ***"The reputation of a suspect may be germane in assessing whether there were reasonable grounds, if that reputation is related to the ostensible reasons for the arrest and the police knowledge is based on reliable evidence, such as direct police knowledge of the suspect,"*** said Justice Barrington-Foote. ***"All that was required was for [the detective] to reasonably believe that [the man] was involved."*** A conviction was not required.

Further, the trial judge was entitled to consider the officer's training and expertise in the context of the evidence as a whole. Finally, the officers observed the men counting cash as they approached the vehicle to make the arrests. This could be considered in assessing reasonable grounds even though the officers had already decided to effect the arrests before they approached. This evidence was relevant to both the subjective and objective elements of the test. The officers subjectively believed the accused had committed or was about to commit an indictable offence, and their belief was justifiable from an objective point of view. The arrest was lawful.

s. 10(b) Charter

The Court of Appeal found asking the address question did not breach the accused's s. 10(b) *Charter* rights. Rather than asking the accused to verify his current address for the purpose of completing an Information to Obtain a search warrant for the accused' s home, the police asked the question for administrative purposes.

> Police officers are obliged to identify a suspect who has been arrested. They are accordingly entitled to ask a suspect for their name and address. Indeed, there is authority for the proposition that suspects have a duty to identify themselves when they are validly arrested and risk conviction for obstructing a police officer if they refuse to do so. The fact that a suspect may be compelled to answer creates the basis for an accused person to argue that information so obtained can be used only for the purpose for which it was compelled, and that if it is used for another purpose — such as obtaining a warrant — the evidence obtained as a result of that misuse should be excluded as having been obtained in breach of the accused's s. 7 Charter rights. However, [the accused] did not assert that the use of the answer to the address question in the ITO breached his s. 7 Charter rights. He relied only on s. 10(b).
>
> For these reasons, and absent any evidence that the address question was asked for investigative, rather than simply administrative purposes, [the officer] did not breach [the accused's] s. 10(b) Charter rights by asking it. [references omitted, paras. 52-53]

Exclusion of Evidence

The seven-hour delay in providing access to counsel was a s. 10(b) *Charter* breach. Justice Barrington-Foote found all of the evidence seized as a result of searches of the accused's person, vehicle and home was obtained in a manner that infringed his s. 10(b) right to counsel. Although there was no causal connection between the breach and the evidence, there was a temporal and

"The reputation of a suspect may be germane in assessing whether there were reasonable grounds, if that reputation is related to the ostensible reasons for the arrest and the police knowledge is based on reliable evidence, such as direct police knowledge of the suspect."

contextual connection which was more than tenuous or remote. The evidence was obtained as part of a continuing course of conduct or chain of events. The evidence was acquired in the course of the arrest, which triggered the accused's s. 10(b) rights, and led to the seizure of the evidence at the house.

Although the Court of Appeal found all of the evidence was obtained in a manner that breached the *Charter*, it only excluded the evidence found at the residence. The evidence found on his person and in his vehicle was admitted. As a result, the accused's convictions related to the evidence found in his home were accordingly varied or set aside, while his convictions related to the other evidence were upheld.

Complete case available at www.canlii.org

TRAFFIC STOP LAWFUL DESPITE SUSPICION OF DRUG TRAFFICKING

R. v. Upright, 2020 ABCA 227

A Staff Sergeant saw a man standing in front of a mall as if waiting for someone. The man was holding a cell phone in each hand, talking and texting on both of them. The Staff Sergeant thought the man might be a drug trafficker. The man was with a woman (the accused), and left the mall as a passenger in her car. She was driving. The vehicle failed to signal when it left the mall parking lot and the man was not wearing his seatbelt.

Hoping for a reason to stop the vehicle and allow a further investigation into his suspicion of the passenger's drug-related activities, the Staff Sergeant alerted a marked patrol unit in the area to run the plate and initiate a traffic stop *"if the opportunity arose"*. Using the traffic infractions already observed by the Staff Sergeant, the patrol officers initiated the traffic stop. The accused and her passenger were asked for identification so traffic tickets could be issued.

The passenger was on a recognizance prohibiting him from possessing a cell phone. He was arrested for breach of recognizance and patted down. A fake firearm licence and cash were found, but no cell phones were located. A further search of the vehicle in the immediate vicinity of where the passenger had been sitting revealed drugs, drug paraphernalia related to trafficking, and ammunition in a black bag positioned on the passenger floor of the vehicle. Two cell phones were also found, one under the passenger seat and the other in the passenger side-door compartment. The passenger was re-arrested and re-Chartered for drug offences.

While the police were dealing with the passenger and searching the vehicle, the accused received several calls on her cell phone which she did not answer. This caused police to believe she might also be involved in drug trafficking. She was arrested — some 27 minutes after the initial traffic stop — Chartered and cautioned. A search of her purse incidental to her arrest revealed other drugs and paraphernalia including baggies and $490 in cash, a digital scale, a drug pipe, and a book containing drug-transaction notations. The accused and her passenger were transported to the police station where they were both strip-searched but no further evidence was found. The accused was charged with drug and proceeds of crime offences.

Alberta Court of Queen's Bench

The judge rejected the accused's assertion that her rights under ss. 8 and 9 had been violated. First, the judge found the accused and her passenger had committed infractions under Alberta's *Traffic Safety Act* (*TSA*) based on police testimony and the audio-recorded communications between officers. The accused failed to activate her turn signal and her passenger failed to wear his seatbelt. The grounds for the traffic stop were rooted in statute, reasonable, and clearly expressed. The Staff Sergeant's underlying additional motivation or suspicion of drug trafficking did not invalidate the otherwise lawful stop. Nor did the 27-minute delay while police dealt with her passenger's arrest render the detention arbitrary.

Second, the police had the necessary reasonable grounds to arrest the passenger for breaching his no possess cell phone recognizance condition. This led to a lawful search of the vehicle incidental to arrest. This included searching the immediate surroundings of the passenger for a purpose related to arrest — cell phones. The judge rejected the accused's suggestion that the real motive for searching — drugs and not cell phones — was revealed by police first searching the bag on the floor rather than looking under the seat or side-door compartment where phones were more likely to be found. The judge opined that it was not the court's function to state how or in what order a police officer should carry out his investigative search provided the search was carried out in a reasonable manner.

Third, the accused's arrest was lawful. The judge accepted the police had the necessary grounds to arrest the accused because the items discovered on the search incident to the passenger's arrest were located close to her, she was the owner and operator of the vehicle, joint possession of the items was possible, and she received but did not answer numerous calls on her cellphone which, in the officers' experience, was consistent with drug trafficking. Since her arrest was lawful, the search of her purse was reasonable as an incident to arrest.

Finally, the accused's strip search was reasonable. She had been lawfully arrested and the police were searching for drugs related to the trafficking arrest. As well, there were legitimate safety concerns because ammunition had been found along with a fake firearms licence on the man. The judge concluded there was a *"risk that a weapon or drugs could be concealed"*.

The accused had not been arbitrarily detained in relation to the initial traffic stop nor had she been subject to unreasonable searches when the police subsequently searched the passenger side of her vehicle or her purse. The police acted within their statutory authority at each stage of the traffic stop and relied on lawfully obtained information as the encounter progressed. Nor did the strip search at the police station violate s. 8. She was convicted of possessing methamphetamine for the purposes of trafficking and possessing proceeds of crime.

Alberta Court of Appeal

The accused argued that the trial judge erred in finding that her ss. 8 and 9 *Charter* had not been breached. She challenged the lawfulness of the initial traffic stop, suggesting it was done on a false pretext or ruse to disguise the true intent or motivation for the stop — to investigate suspicion of drug trafficking. In her opinion, this unlawful aim for the traffic stop rendered the stop unlawful even if the police also had a lawful traffic reason for the stop. If the traffic stop was unlawful, she submitted everything that followed was unlawful — the cascading sequence of subsequent searches — and the evidence obtained from those searches must be excluded.

The Traffic Stop

The Court of Appeal rejected the accused's argument. ***"It is entirely permissible for police to have dual purposes in conducting a traffic stop, that of investigating traffic safety violations and criminal offences,"*** said the Appeal Court. ***"The fact that [the Staff Sergeant] suspected [the passenger] to be involved in drug activities and***

"It is entirely permissible for police to have dual purposes in conducting a traffic stop, that of investigating traffic safety violations and criminal offences. The fact that [the Staff Sergeant] suspected [the passenger] to be involved in drug activities and therefore wanted the [accused's] vehicle stopped for traffic violations does not make the traffic stop illegal and therefore an infringement of s 9 of the Charter."

"Generally, in order for a search incidental to arrest to be lawful, the officers must have been searching for purposes of safety, to preserve evidence, or to find evidence to support the arresting charge. If their search was for one of those reasons, it must have also been objectively reasonable. Searches incidental to arrest extend to the arrested person's immediate surroundings, including the automobile from which the arrested person had exited at the time of arrest."

therefore wanted the [accused's] vehicle stopped for traffic violations does not make the traffic stop illegal and therefore an infringement of s 9 of the Charter."

Under s. 166 of the *TSA* the police are authorized to stop vehicles and request identification to issue tickets for traffic violations. The patrol officers conducting the stop were relying on the traffic infractions observed by the Staff Sergeant. The purpose of their stop was to issue traffic tickets. And they did not share the Staff Sergeant's suspicion the man was involved in drug offences. The lawfulness of the initial *TSA* traffic stop was reasonably supported on the record.

The Arrest

The *TSA*-based detention did not evolve into a criminal detention of the accused until after the drugs and paraphernalia were located in the black bag close to the accused on the passenger floor, the police heard her phone continuously ringing, and they knew she owned and operated the stopped vehicle. At that point she was arrested, and promptly Chartered and cautioned.

As for the 27 minutes the accused was kept waiting while police dealt with the man and searched the vehicle, it was reasonably necessary so police could complete their investigation of the man. As the Court of Appeal found, ***"the trial judge properly concluded that the officers could not have simply allowed the [accused] to leave since she had not yet been given a traffic ticket and she was the driver and owner of the vehicle that was the subject of their search relating to [the passenger]."***

The Vehicle Search

The accused argued the manner in which the search of the vehicle was conducted was unreasonable in the circumstances. In her view, the nature of her detention immediately changed into an investigative detention unrelated to the *TSA* upon the man's arrest. This resulted in an arbitrary 27-minute detention of her in which the police failed to inform her of *"what they were doing"* prior to searching the passenger side of her vehicle and *"why they were delaying writing her a ticket"*.

But the Court of Appeal disagreed. ***"The [accused] was not under investigative detention nor arbitrarily detained,"*** it said. ***"It was reasonable to conclude … that in the circumstances the [accused] was well aware that the focus had temporarily shifted from the TSA infractions to the arrest and investigation of [the man] on Criminal Code offences."*** The Appeal Court continued:

> [T]he search of [the man's] immediate vicinity in the [accused's] vehicle was lawful. Although a warrantless search is prima facie unreasonable, a search incidental to arrest qualifies as an exception to the rule, with some limitations. Generally, in order for a search incidental to arrest to be lawful, the officers must have been searching for purposes of safety, to preserve evidence, or to find evidence to support the arresting charge. If their search was for one of those reasons, it must have also been objectively reasonable. Searches incidental to arrest extend to the arrested person's immediate surroundings, including the automobile from which the arrested person had exited at the time of arrest. [references omitted, para. 17]

In this case, the Staff Sergeant saw the man with two cell phones in his hands. He was on a recognizance with a condition not to possess cell phones. No cell phones were found on his person when he was arrested. The search incidental to arrest that followed was for a valid purpose — to search for cell phones in the bag and around the passenger seat where the man was sitting. The search incidental to arrest was also conducted reasonably. The searching officer limited the scope of the search to the immediate vicinity of where the man was sitting and he did not search anywhere that could not have contained a cell phone. Nor did the officer attempt to elicit any information from the accused about any aspect of the drug investigation while he searched the vehicle.

The Court of Appeal also agreed it was not for a court to dictate how or in what order a police officer should carry out his investigative search as long as it was conducted in a reasonable manner. ***"Moreover, searching officers can subjectively have more than one reason for the search,"*** said the Appeal Court, ***"provided one of the reasons is objectively justified as incidental to arrest and the entirety of the search can be connected to that reason."***

The Strip Search

The accused argued that it was not reasonable in the circumstances for her to be strip searched because the trial judge's conclusion that there was a *"risk that a weapon or drugs could be concealed"* did not meet the standard of reasonable grounds required for a strip search. Although strip searches cannot be carried out as a matter of routine policy due do their inherently humiliating and degrading nature, the trial judge did not rely on a lower standard in finding the circumstances justified the police decision to conduct a strip search. The trial judge found the officers' belief that a strip search was reasonable and necessary was based on the following:

- Drugs and drug paraphernalia were found in the bag in the vehicle and the accused's purse;
- The accused was reluctant to release her purse to police;
- The accused and her passenger were left alone in the vehicle after the initial stop while police were investigating their identities;
- The accused was left alone in the vehicle after the police dealt with her passenger and while they made a decision regarding her arrest;
- Ammunition was found in the bag and a fake firearms licence was found on the man, suggesting the possibility of an undiscovered firearm; and
- While it was unclear whether the accused would be remanded into custody, she was going to be placed in a holding cell that could hold at least three other individuals thereby bringing her into contact with other detainees.

"In our view, the factors relied upon by police and accepted by the trial judge were appropriate, fact-specific considerations that justified the [accused's] strip search," said the Court of Appeal. ***"They were not impermissibly vague criteria that could apply to a vast category of offenders, nor was there a bare assertion that the [accused] should be searched simply because she was charged with drug trafficking offences."*** Nor did the discrepancy in the Staff Sergeant's evidence that drugs had been found on one of the occupants fatally undermine the determination as to whether the strip search was justified on reasonable grounds.

The accused's appeal was dismissed.

Complete case available at www.canlii.org

POLICE-REPORTED HUMAN TRAFFICKING IN CANADA, 2009 to 2018

Human trafficking involves **recruiting**, **transporting**, **transferring**, **holding**, **concealing** or **exercising control** over a person, for the purposes of **exploitation**.

Since 2009:

Number of police-reported incidents of human trafficking: **1,708**

Percentage of incidents involving international trafficking: **32%**

Percentage of police-reported incidents in major cities: **90%**

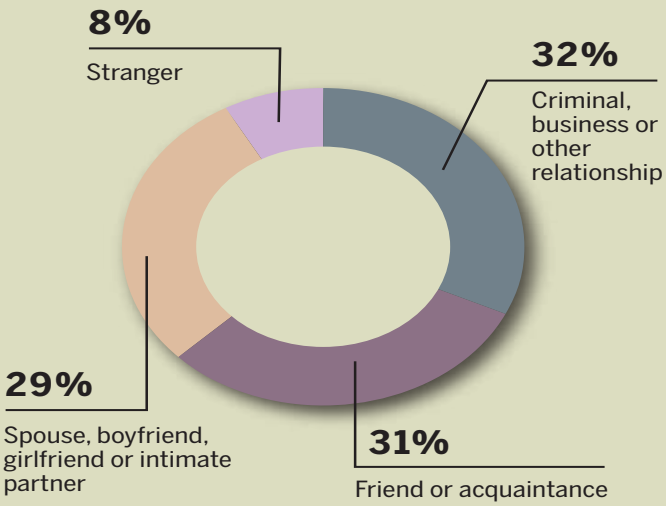
Human trafficking often involves victims and witnesses in vulnerable situations who are fearful or distrustful of authorities or who are facing threats from the traffickers. This means that

the true scope of human trafficking in Canada is underestimated.

Almost all human trafficking victims are women and girls

Gender of victim	97% women		3% men
Age of victim	28% under 18	45% 18 to 24	26% 25 and older
Gender of accused person	19% women	81% men	

92% of human trafficking victims knew their trafficker



44% of human trafficking incidents involved other offences

Of these:

- **63%** involved offences related to the sex trade
- **39%** involved physical assault
- **21%** involved sexual assault or other sexual offences

Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Uniform Crime Reporting Survey.

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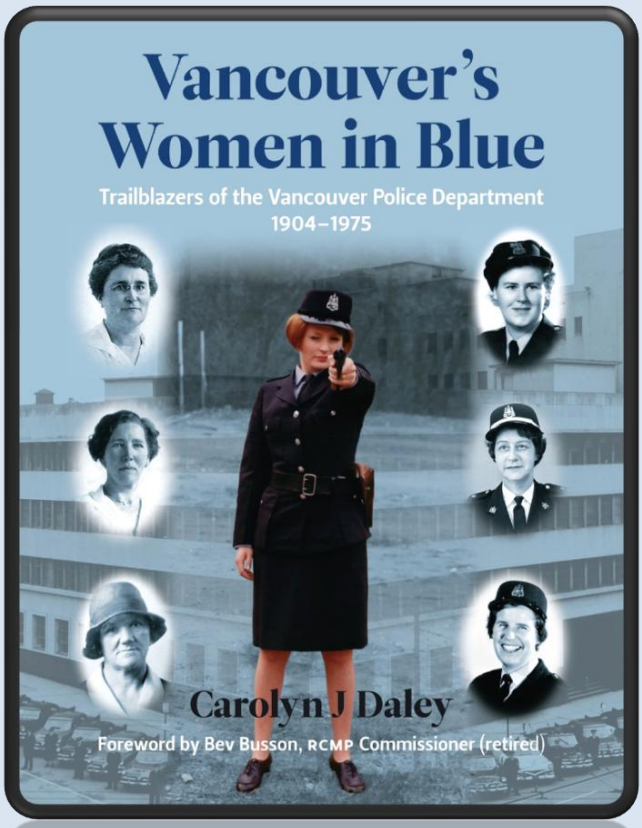
VANCOUVER'S WOMEN IN BLUE

Trailblazers of the Vancouver Police Department 1904-1975



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DESCRIPTION OF BOOK:

Vancouver's Women in Blue is a ground breaking account of the history of the women who served with the Vancouver Police Department between 1904 and 1975. Theirs is the story of women who first joined as matrons and the slow, rather twisting path their role in policing travelled as it evolved into assignments as fully operational police constables. Set up chronologically, the chapters offer a record for each of the women hired, along with a brief synopsis of their careers. A sampling of real-life memories is also included. The story concludes with the women of 1975, as they were the first VPD women to become Certified Municipal Police Constables under the new rules regarding hiring and training of municipal police officers.

FOREWORD BY: **Beverley Busson, Commissioner, RCMP (retired)**

"For women in Canada, the long road to equality has taken countless turns. For many, the journey has been difficult, but the struggle has been worth it…The history of women in policing is one such saga. This book is a story of firsts within the Vancouver Police Department, and chronicles not just the names, but the lives of the women who dared to challenge the gender barriers before the phrase 'glass ceiling' was even coined… Their stories are ones of courage and determination..."

ENDORSEMENT BY: **The Honourable Wally Oppal, QC**

"An excellent read; former Deputy Chief Constable Carolyn Daley's history of the women in blue in the Vancouver Police Department is a story that needs to be told… Having spent 28 years in the force during which time she reached the level of Deputy Chief Constable, she is in a unique position to tell of the many challenges faced by women in policing… In her extremely impressive history, the former Deputy Chief takes her readers through the historical transformation of the Vancouver Police Department… A must read.

A WORD FROM THE CHIEF CONSTABLE:

"I believe that capturing and sharing the contribution these leading women made to our department will inspire future female leaders in policing."

Chief Constable Adam Palmer
Vancouver Police Department

ABOUT THE AUTHOR:

Born and raised in Vancouver, B.C., Carolyn served with the Vancouver Police Department from 1975 to 2003. During her career she rose through the ranks from Constable to Deputy Chief Constable and holds the distinction of being the first woman to do so. She is the author of *Vancouver's Women in Blue* and holds the women of the VPD in high esteem. This is her tribute to their service.

EVIDENTIAL SEARCH INCIDENT TO ARREST MUST BE RELATED TO REASON FOR ARREST

R. v. Santana, 2020 ONCA 365

The accused was under investigation for large scale drug trafficking. Police learned he was in Thunder Bay contrary to a bail condition requiring him to remain in Ottawa. He was also wanted on two outstanding arrest warrants, one province-wide for driving under suspension. He was placed under surveillance and police saw him with a woman in a vehicle. It was night and the vehicle's taillights were not working. The vehicle made several brief stops. Surveillance officers contacted the local Thunder Bay police office and provided a description of the accused and the vehicle. They asked the local police to stop the vehicle and advised them of the outstanding warrants, the bail order breach and the inoperable taillights.

Thunder Bay patrol officers saw the vehicle. A woman was driving and a person believed to be the accused was sitting in the front passenger seat. The officers confirmed the existence of the outstanding warrants through CPIC and noted the rear lights were not functioning. They stopped the vehicle for the taillight infraction and to arrest the accused on the province-wide warrant.

The driver was told the rear taillights were out and asked her to produce her relevant documents. The accused, who initially falsely identified himself, was removed from the vehicle, handcuffed, told he was under arrest on the outstanding warrant and advised of his right to counsel. He was patted down and his wallet, which contained his identification, was located. He was then placed in the rear of a police cruiser.

The arresting officer took it upon himself to return to the vehicle and retrieve the accused's belongings since he would not be released. He saw a winter-style jacket lying on the back floor between the two front seats. He assumed the jacket belonged to the accused because the driver had a jacket on. The officer removed the jacket intending to take it back to the police station. But before putting the jacket in the police cruiser, he searched its pockets to check for weapons or other objects relevant to police safety. He found a ziplock bag containing 495 pills believed to be Percocet (but later identified as fentanyl). The accused and the driver were arrested for trafficking in narcotics and advised of their right to counsel. A search incidental to arrest followed and police found two cell phones, one in the vehicle and one in the driver's purse. Text messages on one of the cell phones was consistent with drug trafficking.

A search warrant was later obtained to search the hotel room where the accused and the driver had been staying. In the hotel room, the police found thousands of fentanyl pills. The accused was charged with possessing fentanyl for the purpose of trafficking, possessing proceeds of crime and breach of recognizance offences.

Ontario Superior Court of Justice

The officer testified that he had no reason to either stop the vehicle or arrest the accused for suspected drug trafficking. Nor was there any reason to detain the female driver other than to address the *Highway Traffic Act* (*HTA*) violation of driving with the rear lights out. Once the *HTA* matter had been adequately addressed she would be free to go. The arresting officer also testified that he did not ask the accused if he wanted the police to gather his belongings from the vehicle. He removed the jacket anyways because he anticipated the accused would be held in custody overnight. He also said he was entitled to search the immediate area around where the accused had been sitting in the vehicle at the time of his arrest *"for officer safety"* even though, by the time he conducted the search, the accused had been removed from the vehicle, handcuffed and placed in the back of the police cruiser with the intention of driving him to the police station.

The judge found there were no *Charter* breaches. He agreed that the visual examination of the vehicle's interior, the seizure of the jacket from the

"Valid police purposes associated with searches incidental to arrest include police safety, public safety, securing evidence, and discovering evidence. Two points should be stressed. First, the purpose relied on to justify the search at trial must have been the actual reason the police conducted the search. After-the-fact justifications that did not actually cause the police to conduct the search or seizure will not do. Second, the police purpose must be related to the specific reason for the arrest."

vehicle, and the search of its pockets before it was placed in the police cruiser were all justified as a search and seizure incident to the accused's arrest on the outstanding warrant.

"As the [accused] was taken into custody on an April night in Thunder Bay, it is understandable that the police did not opt to leave his jacket behind," said the judge. ***"I find that [the arresting officer] subjectively had valid purposes in mind when he searched the jacket. Furthermore, those purposes were objectively reasonable. A jacket could contain a weapon, or potential evidence related to the charges, and thus it was objectively reasonable to search the jacket for the purposes of officer safety and the discovery of evidence."***

And, even if the judge had found a *Charter* breach he would have declined to exclude the evidence under s. 24(2). The accused was convicted of possessing fentanyl for the purpose of trafficking and sentenced to eight years in prison, less credit for pre-sentence custody.

Ontario Court of Appeal

The accused argued that the warrantless search of the vehicle, the seizure of the jacket and its search were all unreasonable under s. 8 of the *Charter*. The Crown, on the other hand, submitted there was no s. 8 violation. In its view, the warrantless search and seizure were lawful as an incident to the accused's arrest on the warrant. Further, even if there was a s. 8 breach, the Crown contended the evidence was admissible under s. 24(2).

Seizure & Search of the Jacket

Looking inside the vehicle for the accused's belongings and taking possession of the jacket constituted a search and seizure under s. 8 of the *Charter*. The search of the jacket's pockets also was a search for s. 8 purposes. And the police were neither acting under consent or a warrant. Therefore, the Crown had the onus to show the searches and seizure were nonetheless reasonable.

In finding the seizure and search unlawful, Justice Doherty, speaking for the Court of Appeal, found it was not truly incidental to the accused's arrest on the outstanding warrant because it was not conducted for a valid purpose connected to the arrest. When deciding whether the purpose of a search was valid, a court will examine the following:

- the purpose for which the officer conducted the search;
- whether that purpose was a valid law enforcement purpose connected to the arrest; and
- whether the purpose identified for the search was objectively reasonable in the circumstances.

Here, the officer's visual examination of the contents of the vehicle and his seizure of the jacket were not lawful as an incident to the arrest. ***"The scope of the power to search as an incident to an arrest is fact-specific,"*** said Justice Doherty. ***"Valid police purposes associated with searches incidental to arrest include police safety, public safety, securing evidence, and discovering***

evidence. Two points should be stressed. First, the purpose relied on to justify the search at trial must have been the actual reason the police conducted the search. After-the-fact justifications that did not actually cause the police to conduct the search or seizure will not do. Second, the police purpose must be related to the specific reason for the arrest."

In this case, the accused had been arrested on a province-wide warrant for driving while under suspension. Any search for evidence had to be evidence in relation to his arrest on the outstanding warrant. The search could not be undertaken for evidence connecting him to other possible offences such as drug trafficking. But there was no evidence the arresting officer was searching for evidence that would confirm either the existence of the outstanding warrant, or the identification of the accused as the person named in the warrant. Thus, an evidence gathering purpose provided no justification for the visual search of the vehicle, the seizure of the jacket, or the search of it.

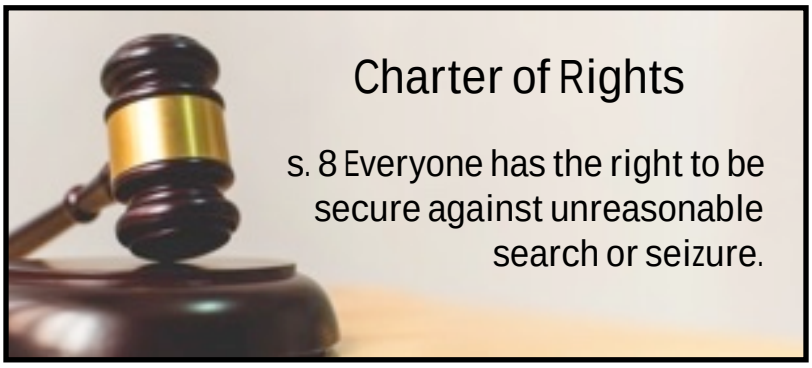
Nor was there any authority for the officer to visually inspect the inside of the vehicle for property belonging to the accused and, if any property was located, to seize it and take it to the police station. Again, the officer was not looking for evidence related to the reason for the arrest. Nor did he have a reason to believe any officer or member of the public was in danger from anything in the vehicle. ***"Clearly, the [accused] posed no danger as he was in handcuffs in the back of the police cruiser,"*** said the Court of Appeal. There was no possibility the accused would be released and allowed to return to the vehicle. He was in the police cruiser and was going to be taken to the police station and held in custody.

Had the Court of Appeal found looking in the vehicle and seizing the jacket were lawful, a search of the jacket pockets before it was placed in the police cruiser would have been justified for legitimate safety concerns associated with the possession and control of jacket. But since the visual search of the interior of the vehicle and the seizure of the jacket from the vehicle were not incidental to arrest, the subsequent search of the pockets of the jacket could not be incidental to that arrest either. ***"[The officer] wrongly believed he was entitled to seize the [accused's] property because the [accused] was under arrest and was being taken back to the police station,"*** said the Court of Appeal. ***"By unlawfully searching the vehicle and taking possession of the jacket, [the officer] created a justification for the search of the pockets of the jacket before it was placed in the police cruiser."***

Other Valid Reason?

"There are circumstances when the police arrest a person in a vehicle in which the police are authorized, indeed required, to take control of, and responsibility for the vehicle and its contents," said Justice Doherty. ***"In those circumstances, the police are also sometimes authorized to itemize and secure the contents of the vehicle."*** But those circumstances did not exist in this case:

> The Thunder Bay police had no intention of taking control of the vehicle when [the officer] went looking for the [accused's] belongings and seized the jacket. To the knowledge of [the officers], the woman driving the vehicle would be on her way, wherever she was going, once the Highway Traffic Act matter had been addressed. The police had no authority to prevent the driver from leaving with the vehicle after the Highway Traffic Act matter was completed. Equally, the police had no power to itemize the contents of the Jeep or, more specifically, to look for, and take possession of, the [accused's] personal property in the Jeep. If [the



> arresting officer] was concerned about the [accused] losing track of his property, or being cold while in custody, [the officer] could have offered to collect the [accused's] belongings from the Jeep for him. [para. 33]

The arresting officer did not act lawfully when he visually examined the interior of the vehicle, seized the jacket, and searched it. His actions constituted an unreasonable search and seizure in violation of s. 8 of the *Charter*.

s. 24(2) Charter

Justice Doherty described the effect of the unconstitutional seizure of the accused's jacket on subsequent police conduct as follows:

> In this case, the breach of the [accused's] s. 8 rights led directly to the discovery of the pills in the jacket pocket. That discovery led immediately to the arrest of the [accused] and the driver on drug trafficking charges. Without the pills, that arrest would not have occurred. The arrest, in turn, led to further searches which yielded cellphones that ultimately led to evidence consistent with drug trafficking. Without the illegal seizure of the pills, there would have been no arrest on drug trafficking charges, and no search of the cellphones. Lastly, the discovery of the pills in the jacket played a prominent role in the police obtaining a search warrant for the [accused's] hotel room. That search yielded thousands of pills. [para. 47]

Since the trial judge did not adequately address the effect of the unconstitutional seizure of the accused's jacket on subsequent police conduct., the Court of Appeal concluded it could not determine whether the evidence seized from the vehicle, the jacket, and the hotel room, should be excluded under s. 24(2). ***"On this record, the court cannot, with any confidence, make the findings necessary to put sufficient meat on the evidentiary bones so as to properly perform a s. 24(2) analysis,"*** it said. A new trial was ordered.

Complete case available at www.ontariocourts.on.ca

SWABBING DOOR HANDLE REQUIRES WARRANT

R. v. Wawrykiewycz, 2020 ONCA 269

Police initiated a drug trafficking investigation of the accused while he was on bail for numerous drug and weapons charges. As part of their surveillance, police saw him park the car he was driving in a public place and go into a restaurant. While the accused was in the restaurant, a police officer swabbed the exterior driver's side door handle of the car. The officer then cleaned the swabbed surface and took an additional swab as a control sample. Surveillance continued and, when the accused parked his vehicle again, the police took another swab of the driver's side door handle. The three swabs were analyzed using an ion scanner and tested positive for cocaine.

In conjunction with other information including surveillance observations, the police used the cocaine positive ion scan results in an information to obtain (ITO) three warrants: (1) to search his residence, (2) a storage unit and (3) his car. In the ITO, the affiant said the control sample may have tested positive because the door handle was not adequately cleaned, the texture/nature of cocaine or the door handle, or there was so much cocaine saturation that residue remained. When police executed the warrant they found cocaine, methamphetamine, cutting agents, a cocaine press, ammunition and other drug paraphernalia in the storage unit. In the bedroom of his home police located $100,000 in cash while they recovered cocaine and a cutting agent from his car. The accused was charged with several offences


Source: York Regional Police Facebook post

including multiple counts of possessing both cocaine and methamphetamine for the purpose of trafficking.

Ontario Superior Court of Justice

Among other things, the accused argued the ion swab results ought to have been excised from the ITO because the taking of the swabs was a warrantless search that breached s. 8 of the *Charter*. In his view, the warrants should not have been issued and therefore their execution violated s. 8 and any evidence obtained as a result was inadmissible under s. 24(2).

The judge dismissed the accused's application for exclusion. Although she found the swabbing was a search, the police were authorized to conduct the swabs under the ancillary powers doctrine. She analogized warrantless ion swabbing to the warrantless use a drug-sniffing dog on the basis of reasonable suspicion. Reasonable suspicion based swabbing was an acceptable standard because it was minimally intrusive, narrowly targeted, and contraband-specific. Further, the impact on privacy was even lower than using a drug-sniffing dog since swabbing provided no information about the interior of a vehicle and there was no potential for embarrassment or delay to the accused. Moreover, the police had an important purpose (investigating cocaine trafficking) and covert swabbing was an important investigative tool that allowed police to test for the presence of illegal drugs without risking disclosure of the investigation. Thus, the ion swab results did not need to be excised from the ITO. The warrants were valid and, even if they were not lawfully obtained, the trial judge would have admitted the evidence under s. 24(2). The accused was convicted of drug related offences and sentenced to six years in prison.

Ontario Court of Appeal

The accused argued, in part, that the swabbing of his car was an unreasonable search and seizure under s. 8 of the *Charter* and should have been excluded from the ITO. In his view, the trial judge mistakenly focussed on the purpose of the swabs and ignored the possibility that his DNA could have been collected in assessing his reasonable expectation of privacy. He submitted the swabbing of his vehicle involved a much greater privacy interest than a dog sniff because of the potential collection of biological information. He contended that the reasonable suspicion standard was not sufficient. Furthermore, even if reasonable suspicion was the threshold, the accused argued that the police did not have a reasonable suspicion that he was involved in drug offences at the time of the swabs

Swabbing Vehicle Door Handle

The Court of Appeal concluded that the swabbing of the door handles from the car the accused was driving, even while parked in public, and analyzing those swabs using special equipment required prior judicial authorization. Reasonable suspicion was not legally sufficient. Justice Pardu, speaking for the unanimous Appeal Court, stated:

> Here the [accused] had some expectation of privacy in the vehicle. Although the vehicle was owned by his father, he was using it and had the ability to regulate access to it, and there is no suggestion he abandoned his privacy interest. By parking the vehicle in a public lot, he would reasonably expect that others, including police, would make observations of the car. Police could legitimately observe physical damage to the car, or evidence on its exterior such as blood spatter, without prior judicial authorization.

"[The accused] had an objective and subjective reasonable expectation of privacy in the car, and more particularly, in the residue left by his hands on the handles of the car he was using. Given the privacy interests in the material transmitted from the [accused's] hands to the door handles, and given the degree of intrusion, sampling, and analysis, this is not a search for which reasonable suspicion could substitute for prior judicial authorization."

> I would not conclude that any physical contact by the police with the car is necessarily a violation of a reasonable expectation of privacy. An officer might, for example, place a hand on the hood of a car to determine whether it is warm, that is, to determine whether the vehicle has recently been driven. This evanescent contact is not far beyond the casual contact patrons of a parking lot might incidentally have with other vehicles.
>
> However, I would hold that taking samples of residue left by a suspect's hands on the handles of a vehicle, and subjecting those samples to chemical analysis, is an intrusion for which a warrant should be required. This investigative technique can reveal "intimate details of the lifestyle and personal choices of the individual." These swabs presumably revealed whether the [accused] had handled cocaine. I also agree ... that privacy concerns are heightened because the swabs may also provide DNA samples for analysis by police, even if that is not why they were initially collected, or what they were used for. ... [references omitted, paras. 40-42]

"Though the vehicle was in public view, any residue left by the [accused's] hands was not observable to a passerby and was in this sense private," said Justice Pardu. ***"[The accused] had an objective and subjective reasonable expectation of privacy in the car, and more particularly, in the residue left by his hands on the handles of the car he was using. Given the privacy interests in the material transmitted from the [accused's] hands to the door handles, and given the degree of intrusion, sampling, and analysis, this is not a search for which reasonable suspicion could substitute for prior judicial authorization"***. Since the search was warrantless, it was presumptively unreasonable.

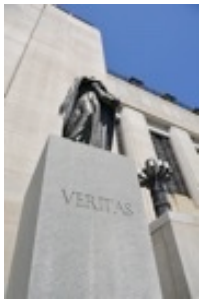
Here, however, the Crown failed to rebut the presumption. The bodily residue had not been left on abandoned personal property, on public property, or on someone else's property. Nor was there any suggestion that exigent circumstances existed to justify the warrantless search.

Nevertheless, even if the door handle swabbing analysis was excised from the ITO, there remained a sufficient basis upon which the search warrants could have been obtained. And the evidence obtained from the searches of the accused's home, storage unit and car was admissible under s. 24(2). First, the ion swab was not a serious breach. The police acted in good faith and fully disclosed their actions in the ITO. And the law at the time was not clear about whether such a swab was a search or whether a warrant was required. Second, the ion swab involved an exterior door handle. The information obtained was focused and narrow. The information was not highly personal, the accused was not present when the swab was taken, and he did not suffer stigma or embarrassment. Finally, the evidence was highly reliable, the drugs found could seriously impact a community and the charges were serious. The trial judge considered the proper factors under s. 24(2) and her decision to admit the evidence was owed considerable deference. The accused's appeal was dismissed.

Complete case available at www.ontariocourts.on.ca

"[T]aking samples of residue left by a suspect's hands on the handles of a vehicle, and subjecting those samples to chemical analysis, is an intrusion for which a warrant should be required."

CANADA's TOP COURT MORE DIVIDED ON CASES



In its report, ***"2019 Year in Review",*** last years' workload of Canada's highest Court was outlined. In 2019 the Supreme Court heard **69** appeals. This is up from the 66 appeals it heard in 2018. The most appeals heard annually in the last 10 years was in 2014 when **80** cases were brought before the Court. The lowest number of appeals heard in a single year during the last decade was **63** in both 2015 and 2016.

Case Life Span

The time it takes for the Court to render a judgment from the date it hears a case was **5.3** months, up from **4.8** months in 2018 and **4.6** months in 2017. The shortest time within the last 10 years for the Court to announce its decision after hearing arguments was **4.1** months (2014) while the longest time was **7.7** months (2010). Overall it took **15.8** months in 2019, on average, for the Court to render an opinion from the time an application for leave to hear a case was filed. This is down from the previous year when it took **17.0** months.

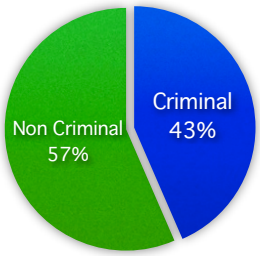
Applications for Leave

In 2019 there were **552** applications for leave, meaning a party sought permission to appeal the decision of a lower court. This represents **68** more applications for leave than 2018 and **60** more than 2017. Ontario was the source of most applications for leave at **167** cases. This was followed by Quebec (**132**), British Columbia (**77**) the Federal Court of Appeal (**58**), Alberta (**55**), Manitoba (**17**), Saskatchewan (**16**), Nova Scotia (**11**) New Brunswick and Newfoundland and Labrador each with six (**6**), the Yukon (**4**) and Prince Edward Island with two (**2**). No applications for leave came from the Northwest Territories or Nunavut. Of the known outcomes for leave applications, only **36** or **7%** were granted while **9** were pending. Of all applications for leave, **21%** were criminal in nature.

Appeals Heard

Of the **69** appeals heard in 2019, Quebec had the most of any province at **21**. This was followed by Ontario (**17**), British Columbia (**8**), Alberta (**7**), the Federal Court of Appeal (**4**), Manitoba (**4**), Nova Scotia (**3**), Newfoundland and Labrador (**3**), Saskatchewan (**1**), and the Yukon (**1**). None of the appeals heard originated from New Brunswick, Prince Edward Island, the Northwest Territories, or Nunavut.

Of the appeals heard in 2019, **43%** were criminal. Thirty nine percent (**39%**) were non-*Charter* criminal law cases while **4%** were *Charter* criminal cases.

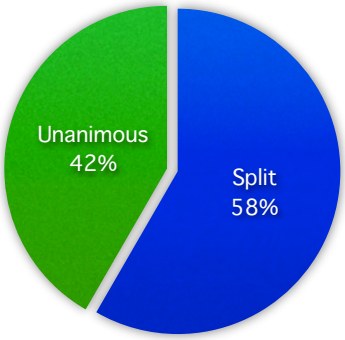


Twenty five (**25**) of the appeals heard in 2019 were as of right. This source of appeal includes cases where there was a dissent on a point of law in a provincial court of appeal. Twenty (**20**) of these 25 cases were criminal in nature. Ontario had the most appeals as of right (**10**), followed by British Columbia (**4**), Quebec (**4**), Alberta (**3**), Saskatchewan (**3**) and Manitoba (**1**).

Appeal Judgments

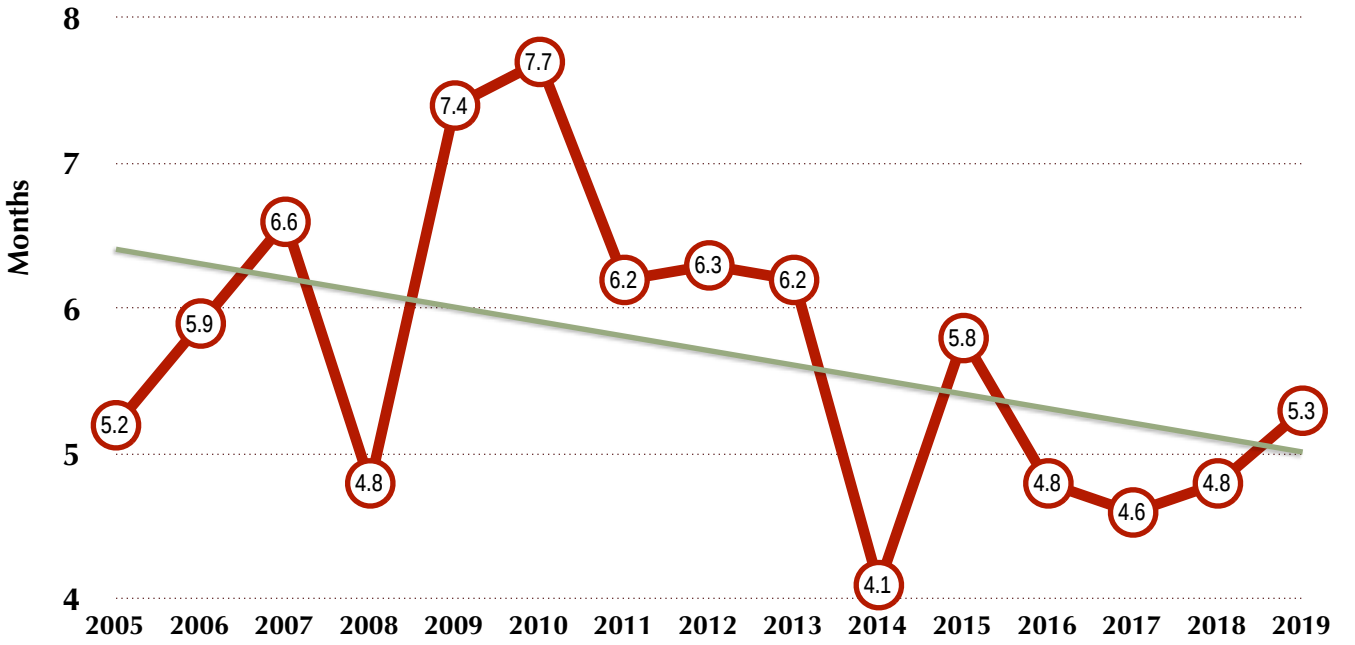
There were **72** appeal judgments released in 2019, up from **64** the previous year. Twenty five (**25**) decisions were delivered from the bench while the remaining **47** were delivered after being reserved. Thirty nine (**39**) appeals were allowed while **33** were dismissed. Twenty two (**22**) appeal decisions were on reserve as at December 31, 2019.

In terms of unanimity, the judges of the Supreme Court all agreed in only **42%** of its cases. This is the lowest percentage of unanimity in the last 10 years. This is down significantly from the Court's **79%** agreement in 2014. For the remaining **58%** of its judgments released in 2019 the Court was split.



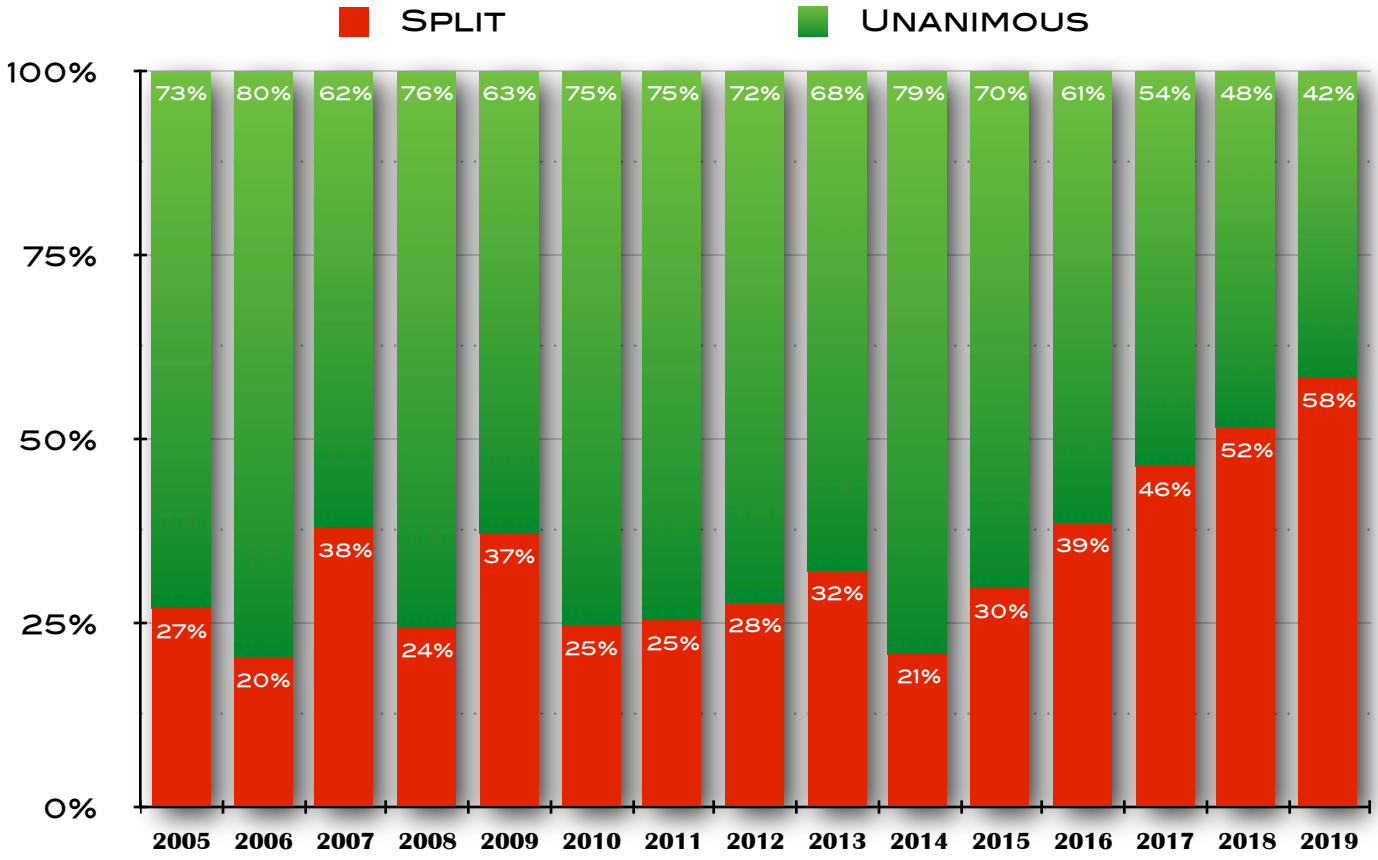
Source: www.scc-csc.gc.ca

Average Time Lapses (in months) between SCC hearing and judgment



Additional years' statistics obtained from Supreme Court of Canada - Statistics 2005 to 2015.

SUPREME COURT OF CANADA DECISIONS: SPLIT v. UNANIMOUS



Additional years' statistics obtained from Supreme Court of Canada - Statistics 2005 to 2015.

CONTINUED DETENTION JUSTIFIED: NO s. 9 CHARTER BREACH

R. v. Bejarano-Flores, 2020 ONCA 200

Late at night a customer in a university campus food court told an employee that he had seen a person with a gun. The employee, who did not have a description of the suspect, told university security who, in turn, called 911. Two police officers in separate cars immediately responded to the gun report, a high priority call. The gun suspect was described as male, Black, early 20's, 5' 6", medium build, and wearing a dark blue or black baseball hat, a black hoodie with the hood pulled over the cap, grey sweatpants, and a black jacket. University security saw a male matching the gun suspect get into an orange and green Beck taxi van. The taxi then went mobile.

Police followed the same route as the taxi van that was reported by university security and saw an orange and green Beck taxi van. There were few other vehicles on the road. The officer was sure that the taxi van he saw was the same one that university security reported seeing the gun suspect enter about four minutes earlier. As police got closer to the taxi van, a single passenger was seen inside. Police decided to stop the taxi van and investigate. One officer went to the rear passenger door and the other went to the driver. As soon as he got to the taxi van, an officer opened the passenger door and saw that the accused was the lone passenger. He was seated in the middle row of the van on the passenger side. The accused was asked to step out. As he did so, police saw he was the same gender, age, height, and build as the suspected gunman (male, in his 20's, 5' 6", and of medium build). However, he appeared to be Hispanic and not Black.

The officer told the accused he was being investigated because a person with a gun had boarded an orange and green taxi van. The officer conducted a brief pat down search of the accused's person, looking for a weapon. He noticed the accused's clothing, while similar to the description of the gun suspect's clothing, did not match. No gun was found on the pat-down and the search was over in less than a minute. A different police officer who arrived on scene looked inside the taxi van's open door and saw a knapsack between the bucket seats in the middle of the van. He picked it up and thought its weight was consistent with it containing a firearm. He opened the knapsack and looked inside. No gun was found but a clear ziplock bag containing 29.28 grams of MDMA was found. A further visual search of the interior of the passenger area of the taxi van was conducted but no gun was located. The knapsack and interior of the passenger area search took about one minute.

The accused was arrested for drug possession. He then said he also had drugs in his jacket pocket and turned a further bag of MDMA weighing 27.89 grams over to police. The period from the initial stop of the taxi van to when the accused was arrested was about two minutes. He was charged with possessing MDMA for the purpose of trafficking and possessing proceeds of crime.

Ontario Superior Court of Justice

The officer stopping the accused testified that he identifies as Hispanic. He described the accused's skin tone as *"medium"* and *"a little darker"* than his own. As for the suspect description provided, he said that stress and a host of other factors can impair a witness' ability to accurately observe and retain information. As well, he said that he was less concerned about the accused's non-matching clothing because it was not uncommon for suspects to change or discard pieces of clothing to avoid police detection. He realized that the clothing the accused was wearing was different from that given for the gun suspect, although he felt it was similar.

The accused asserted that his ss. 8 and 9 *Charter* rights had been violated. Although he agreed that it was objectively reasonable for the police to conclude that the taxi van was connected to the gun call, he submitted that his continued detention after he exited the taxi van was not justified. In his view, once it was apparent to the officer that he did not match the broadcasted description of the gun suspect the police had no grounds to detain him further and they had to stop their search efforts.

The judge ruled that the police had reasonable grounds to suspect, based on the totality of the circumstances, that the accused was the individual connected to the gun call they were investigating and the continued detention of him, after the initial stop, was justified. The officer did not fail to turn his mind to the non-matching physical descriptors and the judge accepted the officer's explanation for why he reasonably suspected that the accused was the gun suspect despite the non-matching descriptors. The judge found there were multiple physical descriptors and the accused matched several of them; the vehicle description was distinctive and a match; and the geographical and temporal connections were relevant and accurate. In the judge's view, the grounds for the accused's initial and continued detention were objectively reasonable.

The officer had 18 years of police experience and based his decision to detain on the physical descriptors that did match; the vehicle was a taxi van (which was rare for that area and no other taxi vans had been observed in that area that night); the last known location of the taxi van was very specific and consistent with his initial observations of the vehicle and the location of the vehicle stop; the traffic stop took place within just a couple of minutes of the last reported observation of the taxi van by university security; and there was a single male passenger inside the taxi.

The judge held the pat down search was reasonable and did not breach s. 8 of the *Charter*. A search incident to investigative detention is anchored in preserving safety from immediate danger. The police were responding to a 911 gun call and had ample grounds to suspect the accused was the individual that had been seen with a gun. The immediate concern for officer safety and the safety of others was ***"self-evident"***. The police had quickly located and stopped the taxi van and it was reasonable for police to conclude that the accused would still have had access to the firearm. The danger to safety was immediate and the brief, non-intrusive pat down was lawful.

A police officer may detain an individual for investigative purposes if there are reasonable grounds to suspect, in all the circumstances, that the individual is connected to a particular crime and such a detention is necessary."

The knapsack search, however, was unlawful. The judge concluded that removing the driver from the taxi van or seizing the knapsack, without searching it, would have alleviated all immediate safety concerns. Nevertheless, the judge admitted the evidence under s. 24(2). First, the police acted in good faith and the breach was on the less serious end of the spectrum. Second, the impact of the brief and circumscribed knapsack search on the accused's privacy interest in its contents was minimal. Finally, the drugs were reliable evidence, the charges were serious and the drugs were essential to proving the Crown's case. The accused was convicted of possessing MDMA for the purpose of trafficking and possessing the proceeds of crime. He was sentenced to 14 months in jail.

Ontario Court of Appeal

The accused challenged his convictions arguing the trial judge erred in finding his continued detention was lawful. In his view, once he emerged from the taxi and the officer saw he appeared to be Hispanic, not Black, the police no longer had grounds to continue with his detention. Furthermore, he wanted the evidence excluded under s. 24(2), his convictions set aside and acquittals entered.

"While reasonable grounds to suspect and reasonable and probable grounds to believe are similar, in that both must be grounded in objective facts, reasonable suspicion is a lower standard as it engages the reasonable possibility, rather than probability, of crime . The fact that reasonable suspicion deals with possibilities, rather than probabilities, necessarily means that in some cases the police will reasonably suspect that innocent people are involved in crime."

The Continued Detention

Justice Gillese, delivering the Court of Appeal's decision, concluded that the experienced police officers in this case had reasonable grounds to suspect that the accused was the gun suspect. And this was a dangerous and dynamic situation where public safety concerns were paramount. The Appeal Court described the legal principles governing investigative detention as follows:

> A police officer may detain an individual for investigative purposes if there are reasonable grounds to suspect, in all the circumstances, that the individual is connected to a particular crime and such a detention is necessary.
>
> ...
>
> The reasonable suspicion threshold respects the balance struck – in this case under s. 9 of the Charter – by permitting law enforcement to employ legitimate but limited investigative techniques. Reasonable suspicion derives its rigour from the requirement that it be based on objectively discernible facts that can then be subjected to independent judicial scrutiny. This scrutiny is exacting and must account for the totality of the circumstances.
>
> While reasonable grounds to suspect and reasonable and probable grounds to believe are similar, in that both must be grounded in objective facts, reasonable suspicion is a lower standard as it engages the reasonable possibility, rather than probability, of crime . The fact that reasonable suspicion deals with possibilities, rather than probabilities, necessarily means that in some cases the police will reasonably suspect that innocent people are involved in crime. However, the suspicion cannot be so broad that it descends to the level of generalized suspicion.
>
> Reasonable suspicion must be assessed against the totality of the circumstances. The inquiry must consider the constellation of discernible facts that are said to give the investigating officer reasonable cause to suspect that an individual is involved in the type of criminal activity under investigation. This inquiry must be fact-based, flexible, and grounded in common sense and practical, everyday experience. Reasonable suspicion need not be the only inference that can be drawn from a particular constellation of factors. Exculpatory, neutral or equivocal information cannot be disregarded when assessing a constellation of factors.
>
> The requirement for objective and ascertainable facts as the basis for reasonable suspicion permits an independent after-the-fact review by the court and protects against arbitrary state action. The onus is on the Crown to show that the objective facts rise to the level of reasonable suspicion, such that a reasonable person, standing in the shoes of the police officer, would have held a reasonable suspicion of criminal activity.
>
> To be constitutionally sound, the inference of reasonable suspicion must be grounded in objectively discernable facts known to the police and tied to both the individual being

"To be constitutionally sound, the inference of reasonable suspicion must be grounded in objectively discernable facts known to the police and tied to both the individual being detained and the specific offence being investigated."

"[I]n determining whether there are objective facts that rise to the level of reasonable suspicion, the court must conduct an exacting scrutiny. However, while probing, the judicial inquiry must be fact-based, flexible, and grounded in common sense. As well, it is important to recall that reasonable suspicion need not be the only inference that can be drawn from a particular constellation of factors."

> detained and the specific offence being investigated. [references omitted, paras. 51-57]

And further:

> ... I remind myself that in determining whether there are objective facts that rise to the level of reasonable suspicion, the court must conduct an exacting scrutiny. However, while probing, the judicial inquiry must be fact-based, flexible, and grounded in common sense. As well, it is important to recall that reasonable suspicion need not be the only inference that can be drawn from a particular constellation of factors. [para. 68]

Here, a reasonable person standing in the officer's shoes would have had a reasonable suspicion that the accused was the gun suspect when assessed against the totality of the circumstances:

> In this case, the [accused] matched four key characteristics of the gun suspect – gender, age, height and build. It is true that the [accused] appeared to be Hispanic, rather than black, as the gun suspect had been described, and that his clothing was also different from that given for the gun suspect. But [the officer]did not disregard these non-matching physical descriptors. He explained why they did not detract from his certainty that the passenger in the Beck taxi van was the gun suspect and his explanation was found to be reasonable by the trial judge. The matching four physical characteristics, the distinctive features of the Beck taxi van, the absence of other such vehicles in the vicinity, and the temporal and geographical connections between the Beck taxi van and the gun sighting are objectively discernible facts to be understood within the context of a 911 gun call. The police were faced with a dangerous and dynamic situation in which public safety was the paramount concern. In my view, based on the totality of the circumstances, the [accused's] continued detention was objectively reasonable. [para. 69]

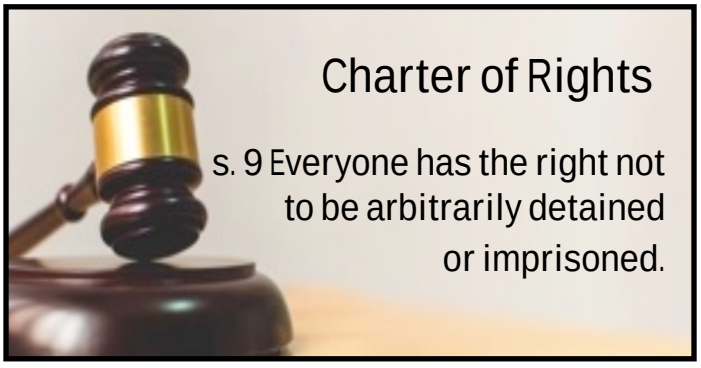
There was no s. 9 *Charter* violation.

Exclude or Admit the Evidence?

Since the continued detention was lawful, the Court of Appeal deferred to the trial judge's s. 24(2) analysis. The evidence obtained as a result of the s. 8 breach in relation to the search of the knapsack was admissible.

The accused's appeal against his conviction was dismissed.

Complete case available at www.ontariocourts.on.ca



Note-able Quote

"Every road you take has a destination. What road are you on and will it take you where you really want to go?"
~unknown~

ADMINISTRATIVE ALCOHOL & DRUG RELATED DRIVING PROHIBITIONS

BC's Immediate Roadside Prohibition (IRP) program was introduced in 2010. Under this program, police may issue a 3, 7, 30 or 90-day prohibition at the roadside to alcohol-affected drivers under B.C.'s *Motor Vehicle Act*.

A police officer will issue an IRP when a driver has care or control of a motor vehicle, and following a demand to provide a breath sample on an Approved Screening Device (ASD):

- if the driver has a blood alcohol concentration over 0.05 (50mg%) BAC (the "**Warn**" range)
- if the driver has a blood alcohol concentration over 0.08 (80mg%) BAC (the "**Fail**" range)
- if the driver fails or refuses to comply with a breath test without a reasonable excuse.

For the 3 or 7 day IRP, a police officer may decide to impound the driver's vehicle. For 30 or 90 day IRP's, vehicle impoundment is mandatory.

Administrative Driving Prohibitions

An Administrative Driving Prohibition (ADP) is a 90 day driving prohibition served on drivers who provide a breath test into an approved instrument such as an Intoxilyzer.

If a driver's breath sample indicates a BAC above 0.08 (80mg%), or if the driver refuses to provide a sample of breath, police may issue a 90-day "Notice of Driving Prohibition" and may also charge the driver under the *Criminal Code*. A driver served with an ADP has a 21-day period before the prohibition takes effect.

IMMEDIATE ROADSIDE PROHIBITIONS

ASD Result	WARN	WARN	WARN	FAIL or REFUSE
	BAC .05 - .08	BAC .05 - .08	BAC .05 - .08	BAC over .08
Incident	1st incident	2nd incident within 5 years	3rd incident within 5 years	
IRP Length	3 days	7 days	30 days	90 days
Vehicle Impound Length	3 days (officer discretion)	7 days (officer discretion)	30 days	30 days
Administrative penalty	$200	$300	$400	$500

Source: Immediate Roadside Prohibition Fact Sheet

BC's ALCOHOL DRIVING PROHIBITIONS

	Immediate Roadside Prohibitions						Administrative Driving Prohibitions			
	Warn			90 Days			90 Days			Total IRP & ADP
YEAR	3 day IRP	7 day IRP	30 day IRP	FAIL	REFUSE	Total IRP	FAIL Alcohol Breath/Blood	REFUSE	Total ADP	
2011	7,874	154	7	13,190	1,446	22,671	1,900	520	2,420	25,091
2012	5,392	222	12	6,784	1,161	13,571	3,576	696	4,272	17,843
2013	6,066	309	30	11,577	1,414	19,396	1,021	340	1,361	20,757
2014	5,702	368	26	11,240	1,470	18,806	1,049	352	1,401	20,207
2015	4,670	351	32	9,288	1,863	16,204	1,127	481	1,608	17,812
2016	4,588	334	33	8,864	1,830	15,649	1,127	464	1,591	17,240
2017	4,243	259	19	8,389	1,715	14,625	1,067	419	1,486	16,111
2018	4,736	293	23	9,209	1,710	15,971	1,021	377	1,398	17,369
2019	5,034	315	27	9,124	1,680	16,180	954	348	1,302	17,482

Source: Alcohol Driving Prohibitions

Alcohol-Related Motor Vehicle Fatalities

RoadSafetyBC has released a report on acohol-related motor vehicle (MV) fatalities. The report suggests that there was an immediate and sustained reduction in alcohol-related motor vehicle fatalities since the IRP program was implemented. in September 2010.

"In the final three months of 2010, the MV fatalities related to alcohol for the province were reduced by 58%, from an average of 26 to 11," noted the report. ***"This reduction has continued from 2012 through 2018 with there being 50% fewer alcohol-related fatalities since the introduction of the IRP."***

Source: Report on Alcohol-Related Motor Vehicle (MV) Fatalities

Fatal Victims in Crashes where Alcohol was Deemed a Contributing Factor

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Fatal Victims	103	129	114	128	102	92	111	68	49	52	59	61	52	64	51

There were 100 fatal victims from January - September 2010 and 11 from October - December 2010.
The IRP program was implemented on September 20, 2010.

Motor Vehicle Related Crashes, Injuries and Fatalities: 10-year Statistics for British Columbia 2009-2018

RoadSafetyBC has released its report on Motor Vehicle Related Crashes, Injuries and Fatalities. This report presents preliminary police-reported data on motor vehicle crashes in BC for the ten year period from 2009-2018.

POLICE REPORTED FATALITIES & CHARACTERISTICS

Year	Total Fatalities	Fatalities: Speeding	Fatalities: Inattention / Distracted Driving	Fatalities: Driver Error / Confusion	Fatalities Impairment			Environmental	Road Types		
					Total	Alcohol	Drug		Provincial Highway	City/ Municipal Street	Rural Road
2009	363	133	99	90	106	92	30	67	202	133	28
2010	364	113	102	100	127	111	35	60	222	111	31
2011	292	98	79	60	75	68	16	61	164	103	25
2012	281	100	80	46	57	49	16	72	146	110	25
2013	269	77	77	56	64	52	23	47	139	116	14
2014	289	81	66	54	65	59	13	77	154	111	24
2015	295	89	89	63	72	61	17	67	162	115	18
2016	288	92	80	56	67	52	24	53	149	126	13
2017	281	72	73	58	72	64	25	52	172	85	24
2018	282	73	68	68	59	51	13	56	161	100	21

FATALITIES BY SPEED LIMIT or AT INTERSECTION

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
30 km/h or less	3	3	5	11	6	2	4	4	6	2
40-60 km/h	160	118	105	116	112	95	107	126	90	99
70-90 km/h	110	152	86	82	86	95	81	88	95	82
100+ km/h	72	62	65	50	48	70	83	57	72	81
At Intersection	85	62	66	77	79	49	73	85	57	68
Not At Intersection	274	296	216	192	185	238	215	203	221	210

FATALITIES BY OCCUPANT TYPE

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Driver	223	207	161	145	149	161	163	172	180	173
Passenger	70	92	65	59	49	64	52	37	51	48
Cyclist	10	6	7	11	13	6	12	10	4	7
Pedestrian	58	58	57	65	52	55	66	65	44	51
Other	2	1	2	1	6	3	2	4	2	3
Total	363	364	292	281	269	289	295	288	281	282

FATALITIES BY GENDER

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Male	257	239	200	189	174	202	208	190	195	213
% Male	71%	66%	68%	67%	65%	70%	71%	66%	69%	76%
Female	106	125	90	92	92	87	86	97	86	69
% Female	29%	34%	31%	33%	34%	30%	29%	34%	31%	24%
Unknown	0	0	2	0	3	0	1	1	0	0
Total	363	364	292	281	269	289	295	288	281	282

FATALITIES BY AGE GROUP

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Under 15	8	14	9	10	7	9	5	5	8	5
15-24	64	60	54	49	42	41	46	49	31	47
25-34	51	54	42	40	48	42	37	51	51	45
35-44	57	47	32	37	31	25	46	24	44	41
45-54	69	71	44	43	36	40	42	38	31	36
55-64	43	46	44	29	37	49	45	52	49	46
65-74	20	25	24	28	30	29	29	28	27	23
75+	51	43	38	41	35	49	43	38	35	35
Unknown	0	4	5	4	3	5	2	3	5	4

2020 BC LAW ENFORCEMENT MEMORIAL SERVICE

Sunday, September 27, 2020 at 1:00 pm
BC Legislature, Victoria, BC

Parade participants to form up at 12:00 noon in the 800 block of Government Street, Victoria, BC.
Parade will step off at 12:40 pm

OTHER WEEKEND EVENTS

7TH ANNUAL BC LAW ENFORCEMENT MEMORIAL GOLF TOURNAMENT

Date: Friday, September 25, 2020
Format: Texas Scramble
Time: 11:00 am Registration / 1:00 pm Shotgun Start
Location: Bear Mountain Golf & Country Club, 1999 Country Club Way, Victoria, BC

7TH ANNUAL BC LAW ENFORCEMENT MEMORIAL RIDE TO REMEMBER

Date: September 24-26, 2020

2ND ANNUAL BC LAW ENFORCEMENT MEMORIAL RUN TO REMEMBER

Date: Saturday, September 26, 2020

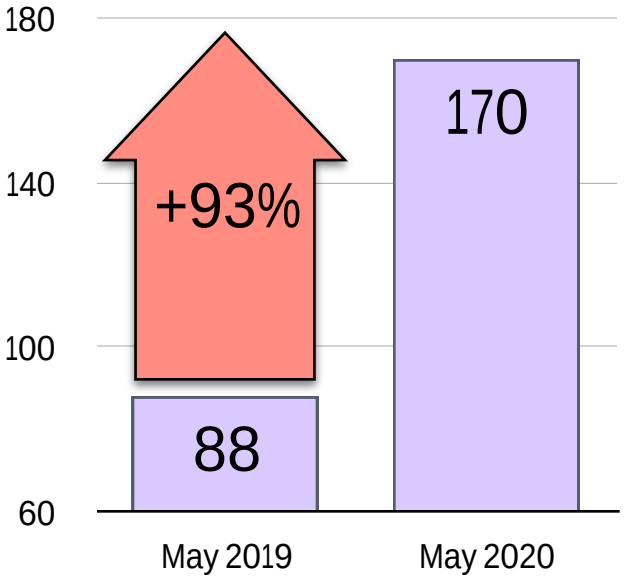
BCLEM MEET & GREET

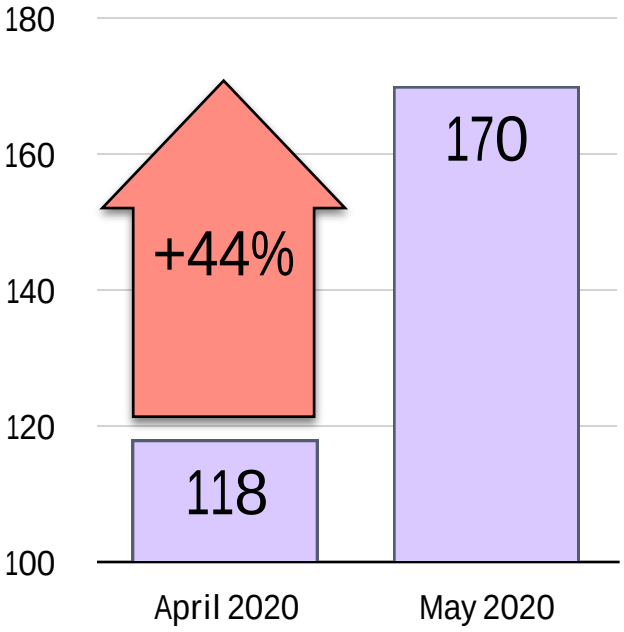
Date: Saturday, September 26, 2020 6:00 PM to 10:00 PM

click here for more info

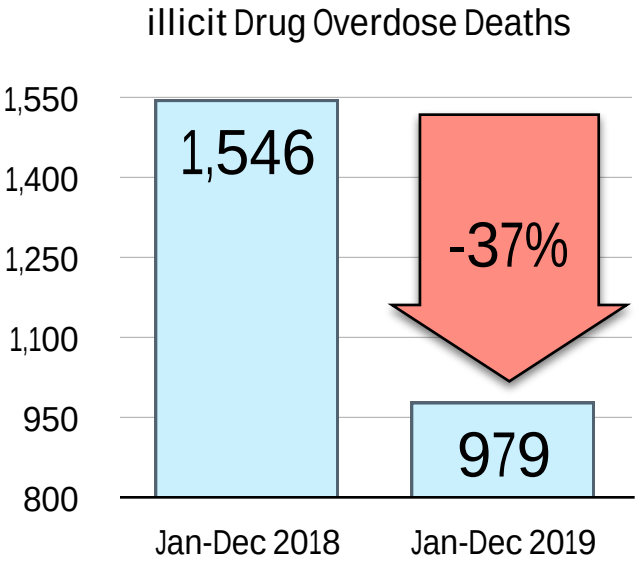
BC ILLICT DRUG TOXICITY DEATHS IN 2020

The Office of BC's Chief Coroner has released statistics for illicit drug toxicity deaths (formerly known as illicit drug overdose deaths) in the province from **January 1, 2010 to May 31, 2020**. In May 2020 there were **170** suspected drug toxicity deaths. This represents a **+93%** increase over the number of deaths occurring in May 2019 and a **+44%** increase over April 2020.





In 2019, there were a total of **979** suspected drug overdose deaths. This was a decrease of **-566** deaths over the 2018 numbers (**1,546**).



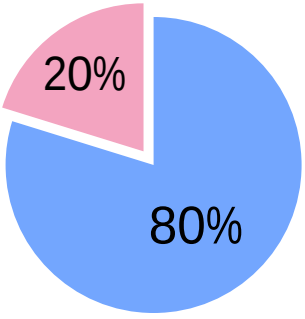
Overall, the 2019 statistics amount to about **2.7 people dying every day of the year.**

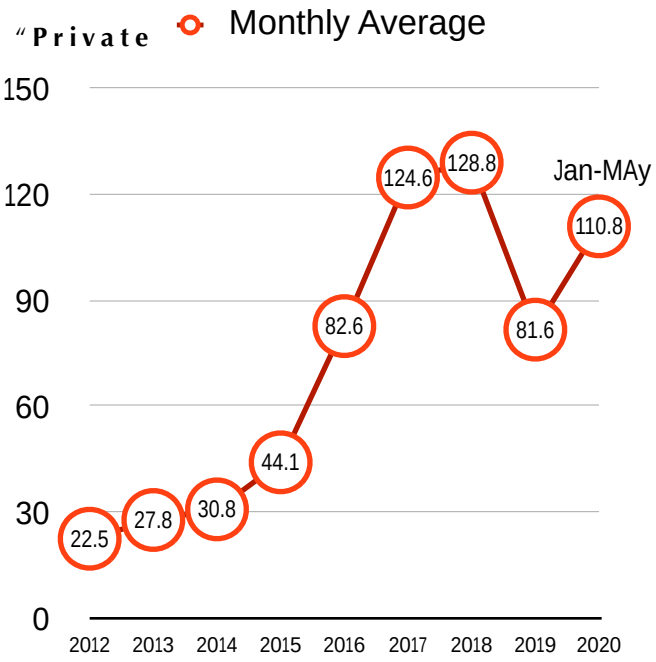
People aged 30-39 were the hardest hit in 2019 with **273** illicit drug toxicity deaths followed by 40-49 year-olds (**215**) and 50-59 years-old (**212**). People aged 19-29 had **173** deaths while 60-69 year olds had **90** deaths. Vancouver had the most deaths at **245** followed by Surrey (**119**), Victoria (**61**), Abbotsford (**45**), Kelowna (**33**), Burnaby (**31**), Kamloops (**27**) and Nanaimo (**27**).

Deaths by gender

Males continue to die at a **4:1** ratio compared to females. From January to May 2020, **442** males had died while there were **112** female deaths.

The overall 2019 data indicated that most illicit drug toxicity deaths (**87%**) occurred inside while **12%** occurred outside. For **10** deaths, the location was unknown.



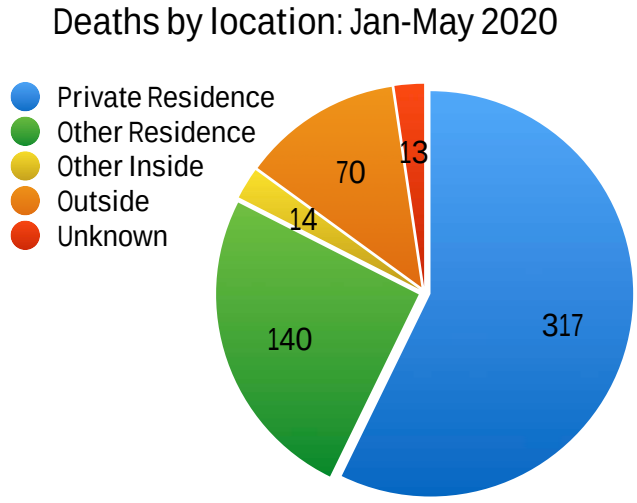


residence" includes residences, driveways, garages, trailer homes.

"**Other residence**" includes hotels, motels, rooming houses, shelters, etc.

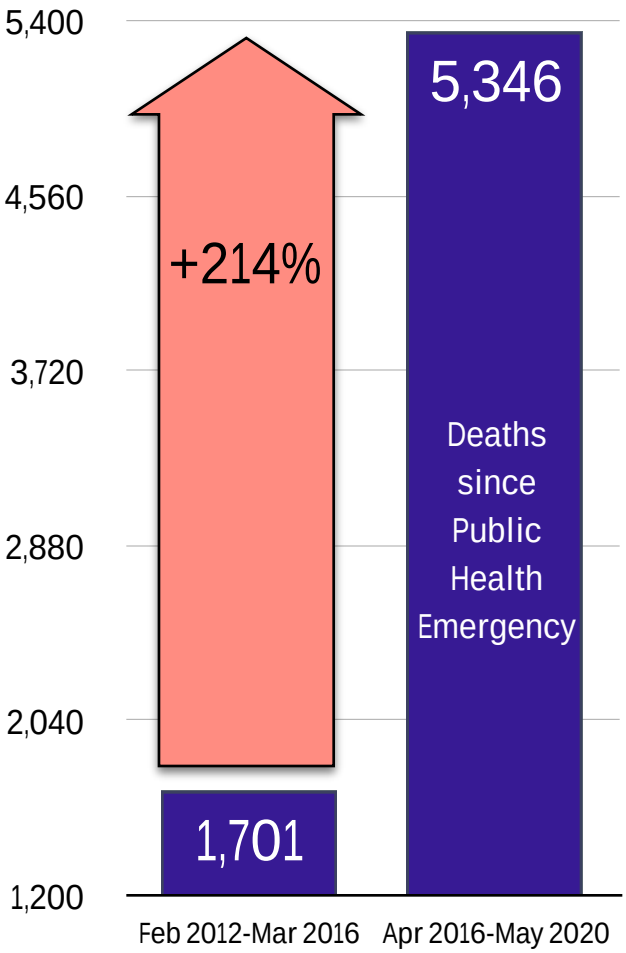
"**Other inside**" includes facilities, occupational sites, public buildings and businesses.

"**Outside**" includes vehicles, streets, sidewalks, parks, wooded areas, campgrounds and parking lots.



DEATHS SINCE PUBLIC HEALTH EMERGENCY

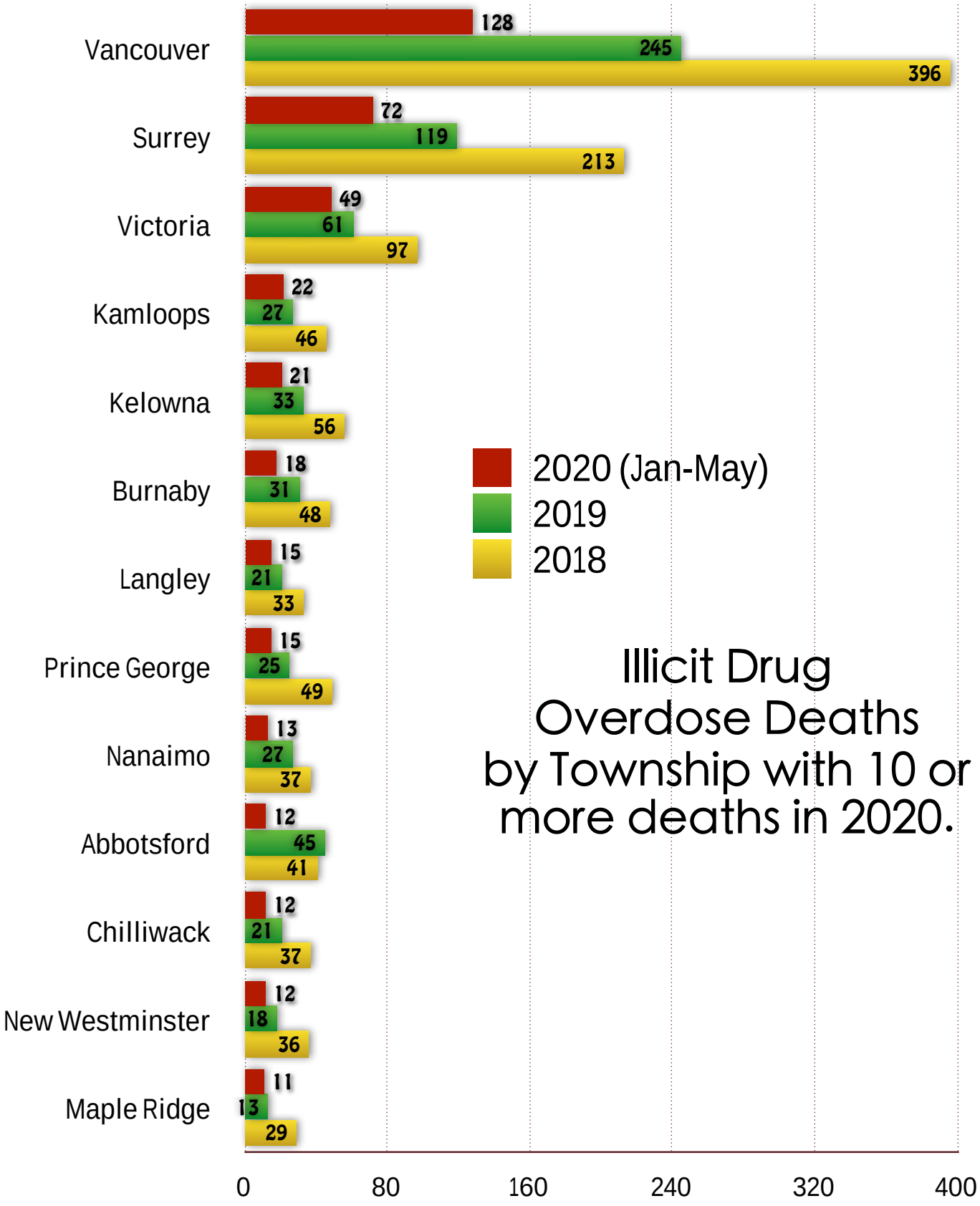
In April 2016, BC's provincial health officer declared a public health emergency in response to the rise in drug overdoses and deaths. The number of overdose deaths in the **50** months preceding the declaration (Feb 2012-Mar 2016) totaled **1,701**. The number of deaths in the **50** months following the declaration (Apr 2016-May 2020) totaled **5,346**. This is an increase of more than **200%**.



Source: Illicit Drug Toxicity Deaths in BC - January 1, 2010 to May 31, 2020. Ministry of Public Safety and Solicitor General, Coroners Service. May 27, 2020.

TYPES OF DRUGS

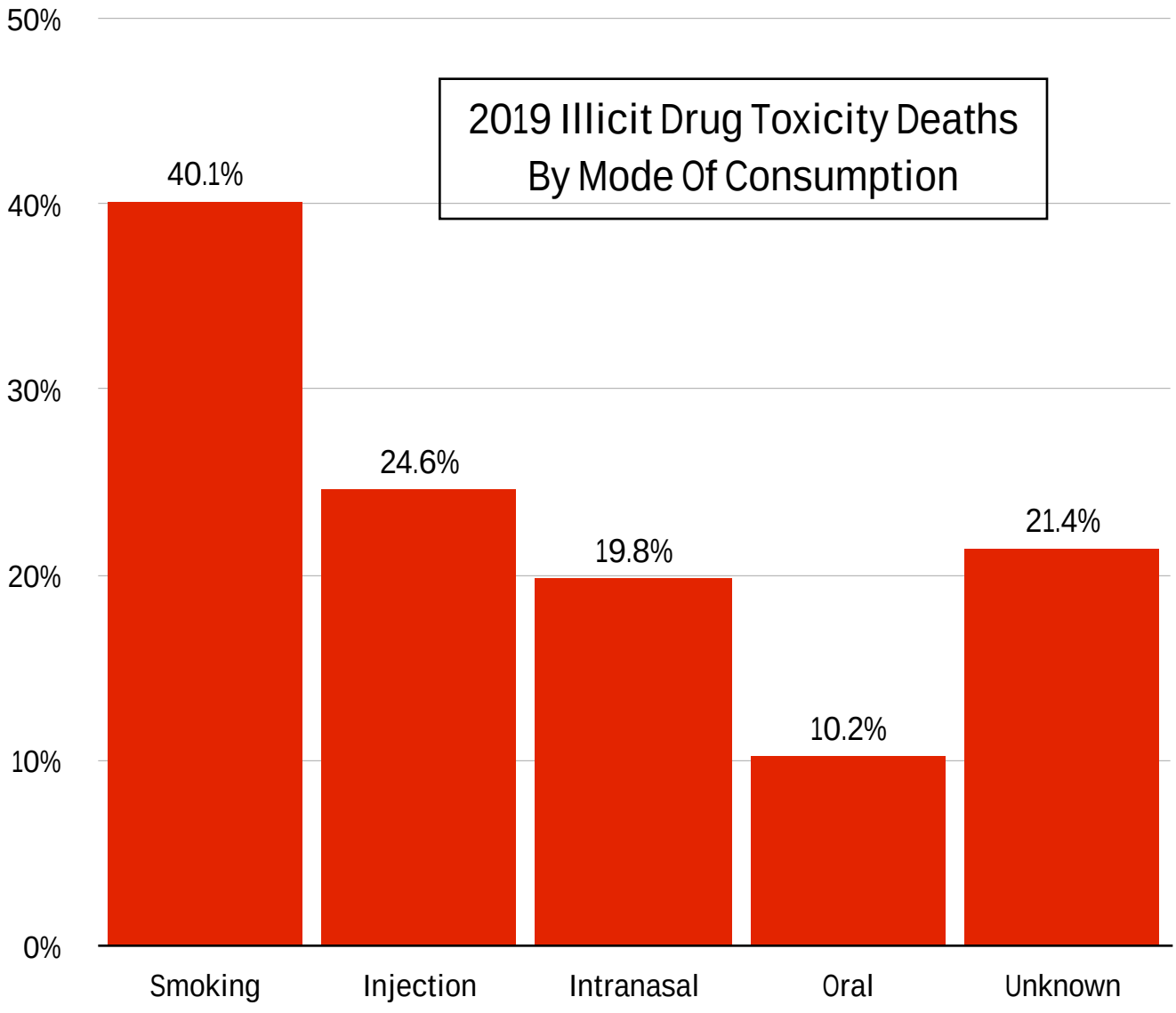
The top five detected drugs relevant to illicit drug overdose deaths from 2016 - 2019 were fentanyl and its analogues, which was detected in **82.8%** of deaths, cocaine (**50.0%**), methamphetamine/amphetamine (**33.6%**), ethyl alcohol (**27.7%**), heroin (**15.2%**) and methadone (**6.7%**). Other opioids (**17.6%**) and other drugs (**16.2%**) were also detected.


Vancouver
128
245
396
Surrey
72
119
213
Victoria
49
61
97
Kamloops
22
27
46
Kelowna
21
33
56
Burnaby
18
31
48
Langley
15
21
33
Prince George
15
25
49
Nanaimo
13
27
37
Abbotsford
12
45
41
Chilliwack
12
21
37
New Westminster
12
18
36
Maple Ridge
11
13
29
2020 (Jan-May)
2019
2018
Illicit Drug Overdose Deaths by Township with 10 or more deaths in 2020.
0
80
160
240
320
400

ILLICT DRUG TOXICITY DEATHS: MODE OF CONSUMPTION

The Office of BC's Chief Coroner has released statistics for the modes of consumption for completed toxicity cases from **January 1, 2016 to December 31, 2019**.

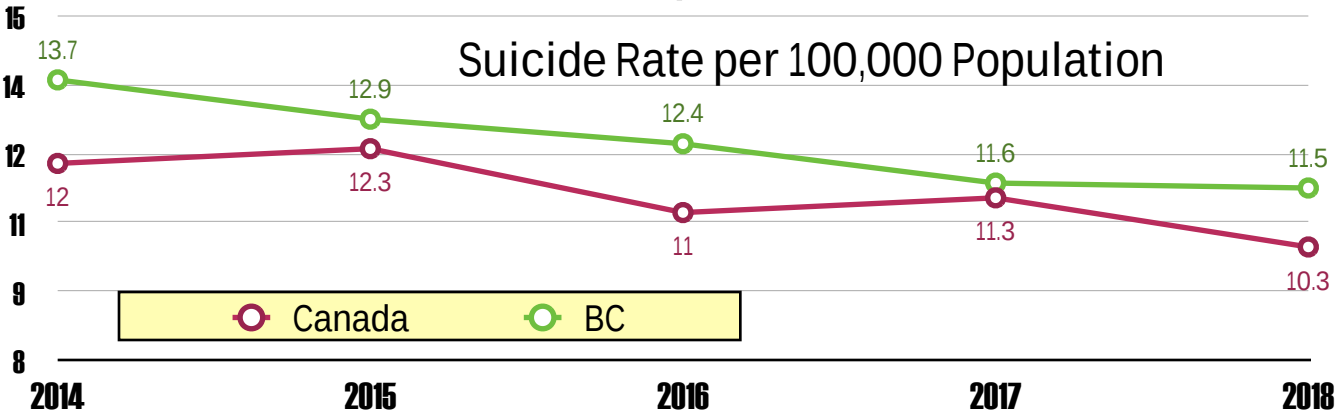
In 2019, smoking (**40.1%**) and injection (**24.6%**) were the most common modes of consumption, followed by intranasal (**19.8%**) and oral (**10.2%**). Mode of consumption could not be determined for **21.4%** of cases. In some cases, more than one mode of consumption was used. Therefore, percentages will add up to more than 100%.



BC SUICIDE DEATH RATE DROPS SLIGHTLY

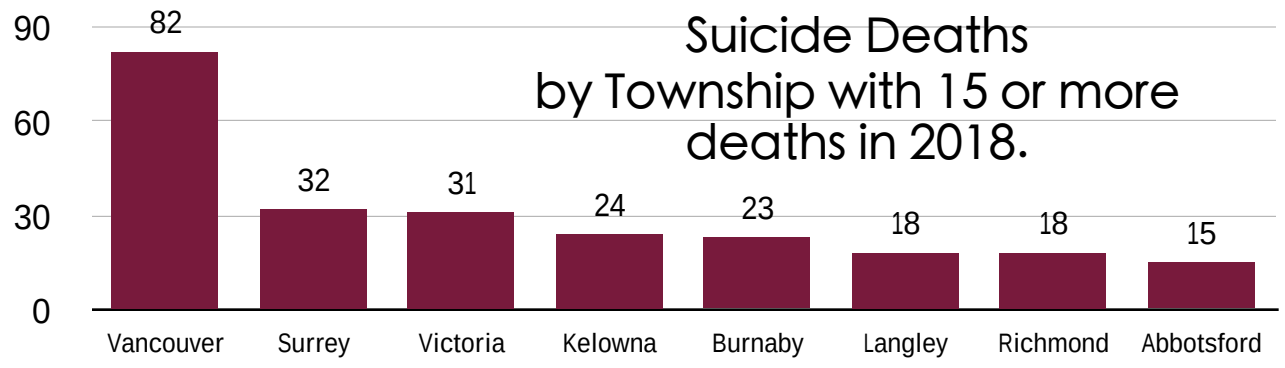
The BC Coroners Service has released statistics for suicide deaths in the province from **2008-2018**. In 2018 the suicide death rate per declined to a five year low. In 2018, the suicide death rate was **11.5** per 100,000 population, down from 11.6 in 2017.

From 2008-2018, the most common means of suicide for females was poisoning (**37%**), followed by hanging (**32%**). For males, the most common means of suicide was hanging (**41%**) followed by firearms (**19%**). Overall, the most common means of suicide death in 2018 were hanging, firearm and poisoning. Vancouver, Surrey and Victoria were the three townships experiencing the highest number of suicides in 2018.



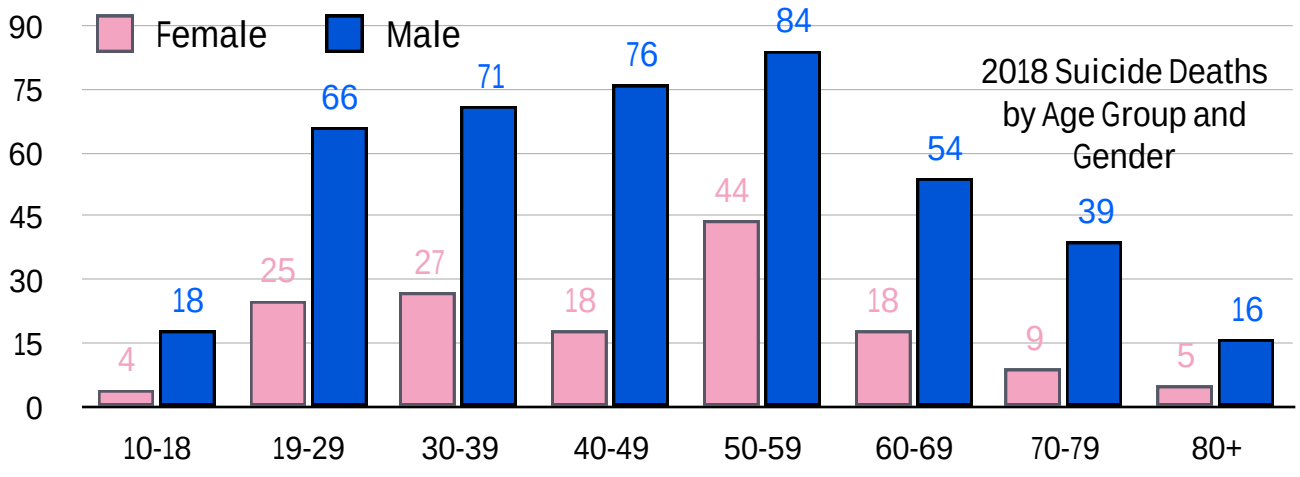
SUICIDES BY GENDER

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Male	397	423	393	384	382	488	469	449	430	424
% Male	78%	79%	75%	75%	73%	76%	76%	74%	75%	74%
Female	113	110	134	128	143	156	147	154	142	150
% Female	22%	21%	25%	25%	27%	24%	24%	26%	25%	26%
Unknown	0	0	0	0	0	0	0	0	0	1
Total	510	533	527	512	525	644	616	603	572	575



MEANS OF SUICIDE DEATHS

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Hanging	203	207	196	193	189	258	216	240	231	228
Poisoning (Alcohol/Drugs/Other)	103	98	102	98	92	121	120	113	86	70
Firearms	70	79	67	78	86	82	103	87	97	78
Fall	38	47	36	57	48	53	56	48	54	36
CO Poisoning	28	28	26	15	21	37	29	22	13	16
Airway Obstruction	17	24	33	31	25	24	31	32	16	19
Stabbing / Incised Injuries	19	14	28	12	30	27	21	16	20	15
Drowning	9	12	15	9	8	15	17	15	15	7
Motor Vehicle	7	5	11	8	9	6	4	9	3	5
Railway	1	4	5	3	3	5	4	6	3	4
Fire	5	5	2	4	5	5	2	2	1	3
SkyTrain	3	3	2	1	3	4	3	3	5	2
Exposure: Cold	1	1	1	1	2	1	1	1	1	0
Electrical	2	0	0	0	0	1	0	0	0	0
Other	4	6	3	2	4	4	4	2	1	3
Under Investigation	0	0	0	0	0	1	5	7	26	89
Total	510	533	527	512	525	644	616	603	572	575



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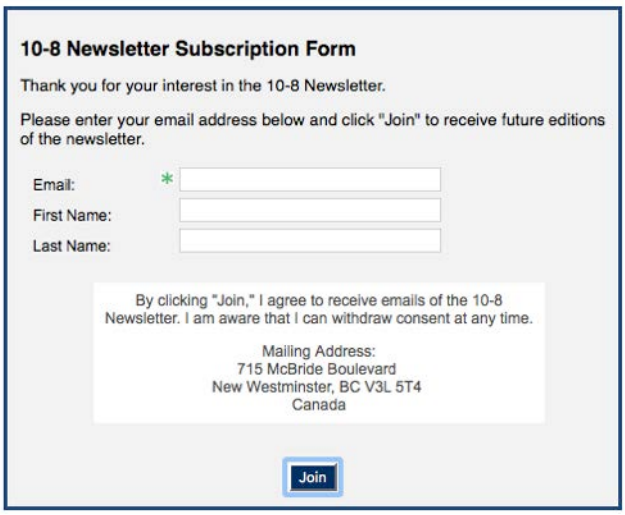

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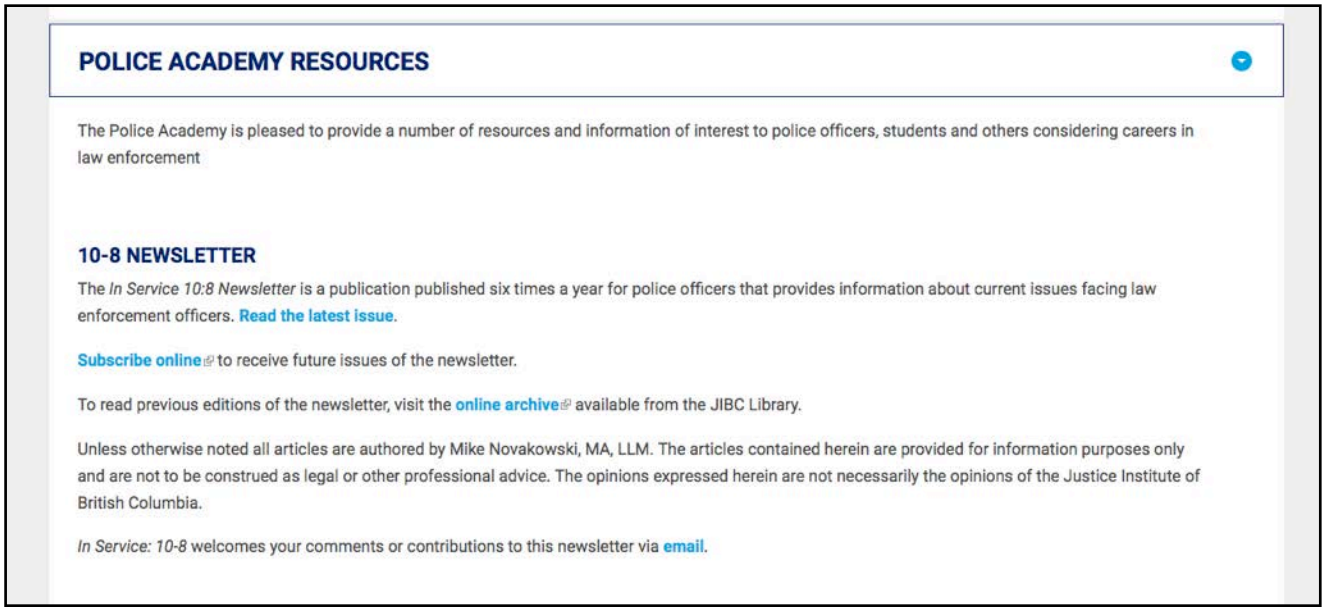

POLICE ACADEMY RESOURCES

The Police Academy is pleased to provide a number of resources and information of interest to police officers, students and others considering careers in law enforcement

10-8 NEWSLETTER

The *In Service 10:8 Newsletter* is a publication published six times a year for police officers that provides information about current issues facing law enforcement officers. **Read the latest issue.**

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