



# 2008 ONTARIO POLICE MEMORIAL



DEDICATED TO THESE POLICE OFFICERS  
WHO SERVED THE PEOPLE OF ONTARIO

HEROES IN LIFE NOT DEATH.

EN HOMMAGE A  
CES AGENTS ET AGENTES DE POLICE  
QUI ONT SERVI LA POPULATION ONTARIENNE

EN FIT DES HEROS, NON LA MORT.



# POLICE ASSOCIATION OF ONTARIO

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Toronto Police Constable Mark Oatley Willis, a member of the 52 Division Community Response Unit, scans the crowd as Premier Dalton McGuinty speaks during the Ontario Police Memorial Service.

Photo by Harry De Jong



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# Past Accomplishments

## Will Pave the Way for Future Success

By Bruce Miller, CAO



Bruce Miller

What does the future hold for the Police Association of Ontario? Where does the organization go from here? I've been asked those two questions more than any others since announcing my retirement.

I believe it's fair to say that the PAO has accomplished a great deal in recent years. We were able to move forward a number of significant legislative changes that included the new OMERS legislation, the divestment agreement, the Blood Samples Act, 1,000 police officers and legislation to control private security.

Why did we have the success that we did? For starters, having a unified membership was the key factor. In 2000, the PAO was down to just over 12,000 members. Provincially, the voice of police associations was fractured and our various segments were being played one against the other.

Thanks to strong leadership on all sides, we were able to unify the organization and speak with one voice for all of Ontario's 31,000 front line police personnel. This one voice allowed us to move ahead on many heretofore unresolved issues including OMERS legislation and a pension divestment agreement.

Unity has also enabled our Lobby Days to become more and more effective; a fact reflected in the number of MPPs – 98 of 103 – who met with our members the last time out. When Bill 206, the OMERS Legislation, was debated at Queen's Park we were able to fill the gallery with members from across Ontario. When Bill 103, the Police Public Complaints legislation went to Standing Committee we were able to bring in police leaders from across the province to reinforce the legislation's importance to our membership and the community. When government needed input on community safety issues they consistently turned to the Police Association of Ontario.

There is no doubt that we had great support from the McGuinty Government over the past four years. At the same time we were able to work closely with

both opposition parties. Politics is politics and the role of the opposition is to oppose. However, we were able to get our elected officials to put politics aside on issues such as Blood Samples, Private Security and Divestment. Those initiatives had unanimous support from all sides of the legislature. The PAO and our local associations have established some excellent relationships that we can continue to build upon.

There are clouds on the horizon however. The economy seems to be in a downturn. Slowdowns in sectors such as the auto and forestry industries have hurt some areas of the province. Couple this with the fact that municipal governments are constantly looking for ways to cut costs.

I believe that traditional targets such as our sector's system of arbitration, collective bargaining, court security, prisoner transportation and pensions will be under attack. We are currently awaiting the release of two major reviews, the Expert Commission on Pensions and the Municipal Fiscal Service Delivery Review that could bring some of these issues into the public forum for renewed debate. Much of the PAO's energies for the next few years may very well need to be focused on retaining what we have rather than moving forward on new issues.

Someone once said, there are three types of organizations; those that make things happen, those that watch things happen and those that say what the heck just happened?

Your challenge will be to ensure that the Police Association of Ontario continues to be the police organization that makes things happen. Strong leadership and a unified membership will allow the PAO to protect the combined interests of both our members and community safety. Fortunately, you are guaranteed that type of strong leadership with your new Chief Administrative Officer Ron Middel and incoming PAO President Larry Molyneaux.

In closing, I have tried to stay away from thanking all the presidents, board members, staff and other individuals that I have worked with over the years as the list would be far too long. However, there is one group that I must thank and that is the membership for allowing me the honour and privilege to serve as a Director, Chair, and President and for the last eight years, as your Chief Administrative Officer. I leave very secure in the knowledge that your new leadership coupled with a united

membership will ensure that the Police Association of Ontario continues to be an organization that makes things happen. This is great news for front line police personnel and the citizens they serve.



Premier Dalton McGuinty with Bruce Miller during the 2007 AGM.

# From the Locker Room To the PAO Board Room

After seven years at the helm, PAO President Bob Baltin steps down

By Harry De Jong

Bob Baltin's association involvement began as an unofficial "locker room rep" for his colleagues in Peel. That involvement was rarely driven by any one particular issue but rather by a clear overall understanding that, "sometimes things could just be done better". A message he often brought to the attention of others as a regular attendee at association meetings.

It was also a credo that served him well on the operational side of policing where he served in Patrol, Criminal Investigation, Drugs and Vice, Auto Theft, Joint Forces Drug Operations and the Provincial Biker Enforcement Unit.

First elected to the Peel Regional Police Association Board of Directors in 1994, Bob began his fulltime association career a year later when he was hired as the PRPA's Executive Director. Over the next five years, his duties involved all aspects of police labour relations. It was a mandate that prepared him well for his election to the PAO Board of Directors in 1999.

Two years later, as the newly acclaimed president of the PAO, Bob inherited an organization that was fractured and represented only about 50 percent of the police personnel in Ontario. He worked diligently to address that situation and four years into his tenure all 31,000 members on policing's front lines were back under the PAO umbrella. "It wasn't until we had all our numbers back that I saw how truly effective we could be", he recalled at the close of one of the PAO's en masse visits to Queen's Park. "Our Lobby Days are now among the most successful police legislative undertakings in the country and continue to show, year after year, the importance of having that united voice."

His efforts at reunifying the PAO led to Bob being selected by the Canadian Police Association to work with the executive of the National Association of Professional Police to create a single national voice for Canadian police personnel. Once again, working as part of a team, he reasserted that even at the national stage "sometimes things could just be done better". Over time, a round of long and often difficult negotiations led to the founding of a newly restructured Canadian Police Association, one that reflected the makeup of its membership on a regional basis.

His involvement with the CPA did not end with the forming of the new organization. Since 2003, Bob has served as a member of the Board of Directors of the CPA. He currently sits on the Covington Fund II and Strategic Capital Fund Board of Directors, which are the Labour Sponsored Investment Funds sponsored by the Canadian Police Association and an important component of the CPA's financial plan. He is also a Board member on the Federal Governments' Human Resources and Skills Development Canada (H.R.S.D.C) Police Sector Council, a group tasked with finding solutions to the police recruiting crises that loom in the near future.

## Looking Back

"It's been an exciting time and a great learning experience and I am very appreciative of the continued support I have had from the membership. Over the past seven years we have faced many challenges together and on nearly all occasions we have come out the victors. I suspect that had it not been for the re-unification of the membership we would not have had that success. Other stakeholders would have taken full advantage of our splintered organization.

## And Looking Ahead

"In the future, police associations will continue to face the challenges of protecting their members' quality of life. "Adequate policing numbers, suspension without pay, the cost of health coverage and the total cost of policing our communities will all be well scrutinized and in some cases attacked. Bill 206, which laid the groundwork for the first major police pension improvements in decades, was bitterly opposed by municipalities and employers alike. Future gains or keeping the status quo will in all likelihood be equally contested".

Bob Baltin has been a police officer for nearly 30 years. When you include his term as an unofficial locker room spokesperson, he has been an association executive for all that time. But even if you only count the official years, for nearly a decade and a half he has provided strong and incisive leadership. His tenure as PAO President was marked by his earliest understanding of association work; sometimes things can just be done better, a commitment that has made the PAO a much stronger and effective organization.



Bob Baltin checks PAO related documents at his office in Peel.

# 2008 SPRING EXECUTIVE BOARD MEETING

London, Ontario



Ian Roland addresses the impact of recent discipline decisions.

The London Police Association welcomed association representatives from across the province for the PAO's Spring Executive Board Meeting, April 7-8, 2008. The two-day meeting was officially started with an address by Ontario Attorney General Chris Bentley.

The Minister's remarks included an update on the appointment of an Independent Police Review Director, a position created with the passing of the Independent Police Review Act in 2007. Once chosen, the Director will be responsible for the intake of police complaints and for determining who should investigate a complaint if an investigation is necessary. The director will have the power to screen out frivolous complaints at a very early stage. Under the system, which is expected to be up and running next year, there will be no further appeals to the Divisional Court. Complaints can also be resolved informally at any time. The new system ensures that officers will be given the opportunity to seek advice on informal resolutions before having to make a decision. This last provision was actively pursued by the Police Association of Ontario.

The Minister also emphasized the need for both the public and the police to have confidence in this new system of investigating police conduct.

Following the Minister's presentation delegates participated in two days of business and discussions with an emphasis on the need to maintain adequate municipal and provincial police staffing numbers across Ontario.

The meeting's agenda also included a presentation by Michael Lynk on the duty to accommodate and London Police Association legal Counsel Glen Donald who covered a wide range of association related legal issues.



Pat Rawn, Owen Sound Police Association, in a follow-up discussion with Ian Roland.

## PAO Elections – Advance Nominations

Toronto Police Association Director Larry Molyneaux was acclaimed as the next President of the Police Association of Ontario. He will begin his term following the AGM in Peel. The advance nominations for director saw a number of candidates stand for office. That election and the elections for several PAO Membership Committees will also be held at the upcoming Annual General Meeting.



Past London Police Association Administrator Gord Noels, left, with the LPA's current Administrator, Dan Axford.



Michael Link speaks on the duty to accommodate in the workplace.



Waterloo Regional Police Association President Ray Massicotte poses a question to Ian Roland.



London Police Association legal counsel Glen Donald.



Toronto Police Association Director and PAO President Elect Larry Molyneux.

# 2008 SPRING EXECUTIVE BOARD MEETING



Ontario Attorney General Chris Bentley



London Police Chief Murray Faulkner



London Police Association President Brian Urquhart welcomes the delegates.

Photos: Harry De Jong

# POLICE EMPLOYMENT IN



Conference Co-Chair  
Rick Baldwin, left, with PAO  
Labour Specialist Doug Allan

Photos: Harry De Jong

For the 17<sup>th</sup> consecutive year, police association executives, police services board members and senior police management representatives gathered at the Etobicoke Holiday Inn Select, on Dixon Road, for two days of extensive and in-depth analysis of the legislation, jurisprudence and decision making trends currently impacting front line policing.

Police bargaining, adequate police staffing and the workplace duty to accommodate were among the overall topics presented from both association and management perspectives.

Separate topics were also covered including central provincial bargaining for police, staffing challenges for management, discipline and accommodation, faith based accommodation and family responsibilities. Presenters continually challenged each other to support why their views and opinions should be accepted in the police workplace.

Following their individual remarks, speakers and presenters participated in panel discussions followed by question and answer sessions. Often agreeing to disagree, the spirited debates left little doubt that there are wide-ranging opinions and expectations for what the future will bring to front line police personnel.

Conference Co-Chairs Ian Roland, Rick Baldwin and Nini Jones are to be congratulated on yet another successful conference.

*“There is no other venue in which police labour leaders from all sides are able to obtain this level of information, training and education all under one roof.”* PAO Labour Specialist Doug Allan.

# 2008 CONFERENCE



Minister of Community Safety Rick Bartolucci officially opens the Conference.



Jill Presser speaking on abuse of process in discipline proceedings.



Mark Lewis sees no future in province-wide bargaining for police.



Conference Co-Chair Nini Jones.



Co-Chair Ian Roland, left, discussing OMERS Supplementary Plans with John Macdonald.



Odette Sariano – Can police officers sue public complainants?



OPPA Vice-President and newly appointed PAO Chief Administrative Officer Ron Middel speaks with Ministry personnel regarding police staffing numbers in the province.



Steven Welcher – Recent applications of the Ontario Human Rights Code.



David Logan offered another view on province-wide bargaining

# 2008 Ontario Police Memorial

Police personnel from across Ontario, their families, friends and colleagues stood silently as York Regional Police Service Constable Robert Plunkett's name was added to the honour roll of those in our profession who have made the supreme sacrifice serving the people of Ontario.

Also added were the names of Constable Edward McMaster, Toronto Police (April 24, 1935), and Highway Traffic Officer Leigh Wilkinson Metcalfe, Department of Highways, Grimsby (October 17, 1927).

With the addition of the three latest names, 234 men and women are now inscribed on the Memorial Wall at Queen's Park. Heroes In Life, Not Death.

*"Today, we remember police officers for their bravery, and their enormous community spirit. Their memory inspires us to be more courageous, more giving, and more charitable in our own lives."* Premier Dalton McGuinty speaking at the Memorial Service.



# Service of Remembrance



Photos: Harry De Jong

# GUN LAWS

## A LOOK BEYOND THE BAN

**Chicago outlawed handgun sales in 1981. In the past week, there have been 40 shootings**

*By Murray White – Toronto Star*

**C**HICAGO—Deputy Police Chief Eugene Williams had a tough week. Wednesday morning, a two-storey house in his jurisdiction on the South Side. Five people, shot dead. The following afternoon, two more shootings. Another that night, non-fatal, shot in the leg and back. And all of this following a hail of gunfire that had peppered the city's toughest neighbourhoods just a few days before: In less than a week, more than 40 shootings, at least a dozen of them fatal.

Williams, an affable 28-year veteran of the force, sat in his office in the blue-paneled bunker of the CPD's District 5 headquarters in South Chicago. As he managed his constantly pinging email and two BlackBerrys vibrating at regular intervals on his desk, he suggested a worrying paradox.

"The regular citizen in Chicago cannot go anywhere and buy firearms," says Williams, eyebrows raised. "And yet, in one year, in the 1990s, we had more than 19,000 weapons recovered. In one year. We've been averaging 10,000 weapons recovered every year for the last 10 or 12 or 14 years. And that's with a ban."

Toronto Mayor David Miller – who is aggressively pushing the federal government to institute a broad-ranging national handgun ban as gun violence in the city spikes upwards – please take note: The city of Chicago has a broad-ranging firearms ban in place. It has for a long time. It started with handguns in 1981, and then assault weapons in 1992. (It's worth noting that, as Williams explained the litany of recent weapons offences in his jurisdiction, one of them involved three officers being fired on by an AK-47 semi-automatic assault rifle.)

Chicago's gun laws are among the toughest in the country, making it and its anti-gun crusading mayor, Richard Daley, the target of gun advocates nationwide. Lobbyists like the National Rifle Association routinely campaign against what they call "Chicago-style" gun legislation; one of those campaigns, challenging the constitutionality of a gun ban in Washington, D.C., is now being reviewed by the U.S. Supreme Court.

And yet, in Chicago, gunfire is a routine feature of the city's dominant criminal dynamic, a deeply-entrenched, multi-generational gang system with, authorities estimate, close to 70,000 members citywide.

Bans? "That's what people do when they don't understand the problem," says Juan Johnson – or "Big Juan," as he's fairly known in the hardscrabble neighbourhoods on Chicago's gang-infested west side.

It's mid-afternoon, and for Johnson, a mountain of a man, over six feet tall and larger around, his work day is just beginning. In the basement of the neighbourhood's Alliance of Local Service Organizations, on a rough stretch of Armitage Avenue, Johnson and Melvin Santiago, both former gang members, trade war stories.

Johnson was a high-ranking member of the Cobras, one of the area's half dozen Latino gangs. He served 11 years in prison for a murder charge that was overturned. Santiago, wiry, chatty and quick to smile, did 19 years for a gun murder he committed when he was 17.

The two men used to patrol the neighbourhood, near the axis of Logan Square and Humboldt Park, for their respective gangs. Now, they do it as outreach workers for Ceasefire, a community-based attempt to stem the violence.

No easy task here, in a region known for at least a generation as one of the city's deadliest. In 2003, when Chicago retook the dubious title of the United States' murder capital with 599, it was here – in Johnson's territory, police beat 1413 – that held the distinction of being the most lethal, with 10 killings within its 28 square blocks. Eight of them were shootings.

Since then? "The next year, zero. The year after that, zero," Johnson, whose street cred still has currency, says with clear pride. He was able to broker a peace between the two strongest warring factions, the Latin Kings and the Maniac Latin Disciples.

"Most of the time, they don't even know what they're fighting about – just that they have to," Johnson says. "There's no such thing as a gun ban. Once you've got

them, you can't get rid of them. There's military hardware on these streets. There's always a way."

Indeed, in modern crime prevention, where illegal weapons flow freely on long-established routes between states and nations in the hundreds or thousands, a gun ban seems, at best, naïve. It's the Hail Mary pass, a swing for the fences, a last-minute pull-the-goalie push: When you've already lost, what have you got to lose?

That's why, in America's most violent urban patches, better ways are constantly being pursued.

"We can't take all the guns away," Santiago says. "But what we can do is change the mindset: 'If somebody calls me a bitch, I have the right to blow his head off.' They don't know they have a choice. They think that's what they have to do."

Santiago is touching on a relatively new way of addressing gun violence in America: Not with sterner

sign a form stating they understood their next firearms offence would be pushed to the federal level, where sentences are sterner and parole nearly non-existent, to say nothing of where they're incarcerated. "You wake up on Idaho," Williams says. "That means your homies aren't driving 10 miles down the road to visit."

Signing the form also obligates them to attend a forum, where they're told in no uncertain terms what can happen on their next gun conviction. Once they establish consequences, they throw them a rope: Education, emergency housing, medical attention for drug rehabilitation. The program also puts forward employers willing to give jobs to ex-offenders if they're sincere about wanting out.

"We tell them they have a choice to make," Williams says. "You can go back to doing what you've been doing, slinging dope and get arrested with a gun and face the consequences, or you can step out of that life, and we'll help you do it."



laws, but social interventions. A generation of rampant violence has shown, says deputy chief Williams, "that we can't arrest ourselves out of this situation. We have to be open to different approaches."

The Chicago Police Department has been using its roughest neighbourhoods as a laboratory. In 2002, with federal backing, Chicago police embarked on a program called Project Safe Neighborhoods in two of its worst-afflicted districts. Working with academics like Tracey Meares, now a professor of law at Yale on the city's west side, Williams' force embraced a novel approach: Try talking to them.

The program focused on trying to get ahead of the problem: As a condition of parole, gun offenders had to

In the two police districts where the program was applied, homicide rates were cut by almost half – numbers, Williams says, the districts have been able to maintain or better since. From the initial two, the model is now being applied in six of the city's 25 districts. Results are encouraging: The events of the week notwithstanding, gun violence in Chicago has been declining steadily over the past 10 years.

With the south side now the reigning gun violence district, Williams' transfer there, from the west side, is no coincidence.

"We put a lot resources into (the west side), and we had a major impact," says Williams. Behind him, maps of the various south side districts line the walls, divided and

Anti-gun literature like this poster appeared in school bus windows after a rally to remember classmates killed by gun violence.



David Kennedy, an anthropologist at the John Jay College of Criminal Justice

colour-coded in gang-claimed swaths: The Black Disciples, the Four Corner Hustlers, the Vice Lords.

“Now, this is where the most difficult challenge lies,” Williams says. Outside his office, a boy no older than 13 is led by an officer, his hands cuffed behind his back.

“We need to do here what we did there: Reduce the desire of young people to pick up a gun.”

David Kennedy, an anthropologist at the John Jay College of Criminal Justice at the City University of New York, is the godfather of this approach. In 1996, when he was a professor at Harvard, Kennedy launched the Boston Gun Project, the first intervention of its kind. It reduced gun crime in the city by 60 per cent. Since then, it has blossomed to a number of cities across the United States.

Kennedy views bans, like the one Miller is pushing for, as a symptom of the problem, not a cure. “For people desperately searching for a solution, it seems like it makes sense,” says Kennedy. “What they don’t understand is that there are better tools that don’t

The solution lies not with trying to remove guns from the equation – the proverbial impossible task – but communicating to their users both consequences and options. In Cincinnati, any offender who asked for help back to a crime-free life was welcomed. In a year, 20 per cent of the 1,000 took the offer.

In Logan Square, Johnson – officially, a “violence interrupter – has a task at hand. A teenage gang member – a high school student – had been shot in the chest the night before, the victim of a rival gang member. “Now, it’s my job to stop the retaliation,” says Johnson, matter-of-fact.

As he slips into the street on foot, bound for some tough negotiations (“Usually, you’ve just got to talk them into taking a day, two days,” Johnson says; “by then, they realize they don’t really want to do it”) Santiago cruises in his Jeep, pointing out gang borders. “That’s Cobra territory, over there is Disciples,” he says, rolling slowly past modest bungalows and well-kept lawns. “You’ve got to know the borders, or you could be in a lot of trouble.”

**Kennedy views bans, like the one Miller is pushing for, as a symptom of the problem, not a cure. "For people desperately searching for a solution, it seems like it makes sense," says Kennedy. "What they don't understand is that there are better tools that don't require law to implement, and are practically cookbook and off-the-shelf."**

require law to implement, and are practically cookbook and off-the-shelf.”

Chicago’s Project Safe Neighbourhoods is close to Kennedy’s prescription (he helped advise on the project); Cincinnati’s Initiative to Reduce Violence is its full manifestation. In Cincinnati, gun-related homicides spiked in 2006 to 89, more than double the annual average, since 1991, of 43.

Kennedy’s research team unpacked what he calls typical trends: They identified 69 distinct street groups, comprising about 1,000 people. Of the 89 homicides, these 1,000 people – less than half a per cent of the city’s population – were connected to more than 75 per cent of them.

Identifying the problem makes the solution relatively simple, Kennedy says. “If we change the behaviour of these people, we solve the problem.”

Simple, but not easy. Still, Kennedy’s methods have had impact: In Boston, in Chicago, and in Cincinnati, where homicides were cut in half the first year.

He rolls to a stop near an alleyway, where the boy was shot the night before. A broken box spring, the alley strewn with trash. The Eagles, an upstart faction, did the shooting here, in Cobra territory, Santiago explains. It makes the job more complicated, but not impossible.

Ceasefire, with its street-bred outreach workers, may lack the scientific basis that Project Safe Neighborhoods can claim. But still, it can claim results: In the worst police beat in America, a reduction in gun violence over four years of more than 80 per cent.

Minus the data, the message rings clear. “We’re the little breath they need to rethink their actions,” Santiago says. “They think they need to do this. They don’t. I had a choice not to pull the trigger. I was looking to make a name for myself, I ended up killing somebody and I paid the price.

“We let them know: This is not what you want to become.”

Reprinted with permission Torstar Syndication

# VICTIMS DEMAND PAROLE REFORM

By Heidi Illingworth, Executive Director  
Canadian Resource Centre for Victims of Crime

Two families made an emotional trek to Ottawa during the third annual National Victims of Crime Awareness Week in order to meet with the Minister of Public Safety, the Honourable Stockwell Day. Their journeys bond them in a way that most Canadians might not understand. These families have suffered the horror of a precious loved one being taken from them by a stranger in a very violent manner.

On April 16th, the Gardner and Prioriello families shared their ongoing pain with Minister Day, asking him, with the support of nearly 5,000 signatures from across Canada, to change the way the Canadian justice system treats families victimized by homicide. They asked the Minister to amend current laws to stipulate that convicted murderers should only have parole hearings every five years after reaching their parole eligibility dates.

Sheryl Gardner was a 20-year-old aspiring model working in Toronto when Ralph Ernest Power, then 28, ended her life. Power impersonated a telephone repairman and arrived at Gardner's apartment to fix her phone. Once inside he hit Gardner with a hammer and, when she began convulsing, he hit her 15 more times, bludgeoning her to death. Days later, Power attacked another woman who escaped. When he was arrested, police found files on 15 other women he had been stalking. At the time of the killing he was on parole for an arson sentence. He was convicted in 1981 for Sheryl's murder.

In 1982, David Dobson sexually assaulted, tortured and brutally murdered 16-year old Darlene (Dolly) Prioriello. After the murder, he taunted detectives and called the victim's family. In a letter to the police, Dobson vowed to kill again on the anniversary of Darlene's murder. Dobson tried to plead guilty to second-degree murder, but the Crown rejected his attempts and pushed for a first-degree murder conviction. On April 11, 1983, Dobson was convicted of first-degree murder and sentenced to life imprisonment without parole for 25 years.

Both Ralph Power and David Dobson have now reached their Full Parole eligibility dates. The victims' families feel overwhelmed with anxiety and horror knowing that they will face the burden of a hearing every two years, regardless of whether the offender has made positive progress or not.

Power has since twice waived his right to a hearing, giving the victims a temporary reprieve from sitting face-to-face with him. The Prioriello family has not been as fortunate, facing David Dobson in April of 2007, when he was denied full parole by the National Parole Board. Another hearing is automatically scheduled for 2009. Terri Prioriello, Dolly's sister, is not sure

her mother can survive the stress of another parole hearing for Dobson, so soon after the last one.

"We had a good meeting with Day. He was sympathetic, he told us he agreed with us. He was on our side. We asked him if we had his support, and he said yes," said Carolyn Gardner, Sheryl's younger sister.

The Canadian Resource Centre for Victims of Crime (CRCVC) proudly accompanied the families to the meeting in Minister Day's Parliament Hill office. We have since urged the Minister to introduce legislation to change the law from two to five years as a stand alone issue before Parliament breaks for the summer. The Minister has indicated that he hopes to include the change in a large government package of proposed criminal amendments scheduled for the fall of 2008.

Most families facing the burden of a hearing every two years are supportive of extending the time between hearings, not to mention groups that work supporting people victimized by violent crime and the public in general. This change would help families already victimized once by the actions of the offender



From left, Sally Gardner, Terri Prioriello, Carolyn Gardner and John Gardner on Parliament Hill.

Photo: Harry De Jong

avoid frequent re-traumatization by the federal parole process. Changing the law to stipulate that hearings occur every five years would also allow time for an offender who is truly motivated to change to do some real work between hearings.

To show your support, visit the CRCVC web site, where you can print the petition and have your family, friends and colleagues sign in support - <http://crcvc.ca/docs/petition-parole-hearings.pdf>.

Changing this law is one small but crucial step in trying to better balance the rights of crime victims with those of offenders in Canada.

# CROWN MUST JUSTIFY ADULT SENTENCES: RULING

*Narrow majority finds it morally, legally wrong to treat violent youth like adults for purpose of sentencing*

*By Kirk Makin – Justice Reporter, The Globe and Mail*

A fractured Supreme Court of Canada struck down a law forcing young offenders who are guilty of serious, violent offences to be sentenced as adults unless they can prove it would be unfair to them.

The 5-4 ruling drew immediate condemnation from the federal government, with Justice Minister Rob Nicholson sounding a battle cry against soft treatment for young offenders.

“Our government believes that more work needs to be done to ensure that sentences are proportional to the gravity of the offence and to the degree of responsibility of the offender,” Mr. Nicholson said. “I am disappointed about this decision and its implications for the youth criminal justice system.”

Writing for the court majority yesterday, Madam Justice Rosalie Abella said it is morally and legally wrong to treat young offenders as if they were adults for the purposes of sentencing.

“No one seriously disputes that there are wide variations in the maturity and sophistication of young persons over the age of 14 who commit serious offences,” she said.

“It is widely acknowledged that age plays a role in the development of judgment and moral sophistication. Courts, too, have acknowledged the reality of reduced moral culpability on the part of young people.”

Continuing a recent trend of badly split rulings, the decision bared sharp disagreements over how much deference ought to be shown to parliamentary decision-making when a bedrock element of the justice system is at stake.

“Studies on public perceptions of youth crime suggest that the prevailing views of the public are that youth crime is rising, particularly violent youth crime, and that young offenders are handled too leniently by youth justice courts,” Mr. Justice Marshall Rothstein wrote for the four-judge minority.

“Studies also suggest that a strong majority of Canadians think that the sentences imposed by youth justice courts are either too lenient or much too lenient,” he observed.

The decision comes amid a growing debate over legislation the government introduced recently to make it easier to detain suspected young offenders and to include deterrence and denunciation as principles of sentencing.

Judge Abella said that automatically merging the most serious young offenders into the adult justice system flies in the face of the philosophy that underlies the Youth Criminal Justice Act.

“The principle of fundamental justice at issue here is that young people are entitled to a presumption of diminished moral blameworthiness or culpability flowing from the fact that, because of their age, they have heightened vulnerability, less maturity and a reduced capacity for moral judgment,” she said, writing on behalf of Chief Justice Beverley McLachlin, Mr. Justice Ian Binnie, Mr. Justice Louis LeBel and Mr. Justice Morris Fish.

“That is why there is a separate legal and sentencing regime for them.”

Cheryl Milne, a lawyer who made legal arguments in the case on behalf of Justice for Children and Youth, said the fatal flaw in the provision was that it catered to society’s desire for retribution without having any actual impact on rehabilitation or reducing youth crime.

At the centre of the case was a 17-year-old Ontario youth – identified only as D.B. – who was convicted of manslaughter in connection with a Dec. 13, 2003, assault in a Hamilton shopping mall.

During a fight between rival groups, D.B. sucker-punched a teenager identified as J.R. and continued to punch him in the head after he went down. J.R. died as a result of his injuries. Eighteen months after the attack, D.B. pleaded guilty to manslaughter.

Judge Abella said the court’s ruling should not be seen as giving violent young offenders a free pass.

“This does not make young persons less accountable for serious offences,” she said. “It makes them differently accountable. Nor does it mean that a court cannot impose an adult sentence on a young person.”

She said it simply puts the onus on the Crown – “where it belongs” – to justify an adult sentence.

In a related issue, the court struck down a provision that requires young offenders, after the imposition of an adult sentence, to demonstrate why they should remain entitled to the continued protection of a publication ban of their identities.

“Lifting a ban on publication makes the young person vulnerable to greater psychological and social stress,” Judge Abella said.

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Photo: Harry De Jong

## SLIGHT-OF HAND AT THE SUPREME COURT

*The Globe and Mail Editorial Page*

Seldom in recent years has a constitutional decision seemed so conjured out of thin air. Yesterday, the Supreme Court of Canada struck down the youth-justice law's presumption that 14- to 17-year-olds who commit the most serious offences, such as murder, will receive adult penalties. Its legal justification was simply baffling. It can be understood only as a policy choice, usurping Parliament's role.

On what constitutional grounds did the court decide the presumption cannot stand? Madam Justice Rosalie Abella, writing for the 5-4 majority, said it violates a "principle of fundamental justice" – a value so basic to Canadians that the legal system would fall into disrepute without it. The principle is that young people in general should be held less culpable for their crimes than adults. On that, Judge Abella was right – but the law already embodies that principle.

The Youth Criminal Justice Act is a delicate political compromise and a balancing of competing societal interests. The act's main thrust is overwhelmingly liberal: that young people should be kept out of jail if at all possible, especially if their crimes are non-violent (arson is considered a non-violent crime, as is leading police on a 160-km-an-hour car chase). The government argued that the act took into account public safety by presuming that the few youths who commit the most serious crimes (murder, attempted murder, manslaughter, aggravated assault or three serious violent offences) would receive adult

penalties. (The presumption covered those 16 and 17 in 1995, and was extended to 14 and 15-year-olds in 2003.)

That presumption can be overcome, however, by the convicted youth. And the judge is required to invite the youth to argue against the presumption. And any arguments the youth and his lawyer make are presented in the context of the youth-crime law, which stresses the importance of rehabilitation. And even some of the adult penalties have been modified for youths. For instance, first-degree murder for adults brings an automatic life sentence with no parole eligibility for 25 years. First-degree murder for 16 and 17-year-olds also brings life, but parole eligibility is set at 10 years; for 14- and 15-year-olds, it's set at seven years. The law already establishes a separate criminal law for youth based on their lesser maturity.

As Mr. Justice Marshall Rothstein said for the minority, "The presumptive offence scheme significantly recognizes the age, reduced maturity and increased vulnerability of young persons." (His emphasis.) It cannot then violate Canadian notions of fundamental justice.

The court has confused a legitimate policy choice with a fundamental value. In the United States, more than 2,000 juveniles convicted of murder are serving life sentences without a chance at parole. That would violate core Canadian principles – even for adults. Roughly a quarter of those 2,000-plus juveniles did not commit the murder themselves but were along on a robbery or other crime that turned deadly. That would shock Canadians' consciences. Nothing in the Canadian law comes close. The youth-justice law as it stood did not offend basic values. This was a case of a court imposing its political viewpoint on the country with a constitutional sleight-of-hand.

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# It was "Miller Time"

## Bruce Miller steps down after eight years as CAO

By Harry De Jong



Harry De Jong

When he joined the London Police Service in 1979, like most newcomers to the police beat, Bruce Miller had no inkling about police labour relations and the mandate of the London Police Association.

Over the next two decades, Bruce served in Patrol, Criminal Investigations, Major Crimes and Vice; a career during which he received a Chief's Citation for Valour, a Canadian Police Association Award of Excellence and the Ontario Police Bravery Medal. He would also become very familiar with the role of police associations and the positive impact a strong association could have in the police workplace.

When he looks back over the early years of his police career, Bruce recalls former London Police Association President Gord Noels as the type of association executive who provided the strong leadership and clear direction that constantly met, and often exceeded, the goals and objectives of the LPA. "It was Gord who first kindled my

interest in association work and we have remained good friends ever since. "Over the years he has offered insight and advice and has been a sounding board for ideas both good and bad."

Bruce served as a Director with the London Police Association for six years, the last three in tandem with his election to the Board of Directors of the Police Association of Ontario. Between 1995 and 2000 he served as a PAO Director, followed by terms as Board Chair and President.

In 2000, Bruce became the Chief Administrator of the Police Association of Ontario; an appointment that would soon have an impact on the PAO and its membership.

His immediate focus was on bringing all municipal and provincial police personnel in Ontario back under the PAO umbrella. Working with the President and Board of Directors of the day, that goal was accomplished in



Bruce Miller with fishing expert Bob Izumi.



Bruce with PAO President  
Bob Baltin and Chair  
Brenda Lawson prior to the  
PAO's presentations on Bill 103.

Photo Harry De Jong

Photos: Harry De Jong

quick order; creating a total membership of 31,000 police and civilian members. Those numbers also added up to one of the largest and foremost police labour associations in North America.

With a unified membership in place, Bruce developed a business plan which spanned both the political and labour agendas of police associations across the province. His efforts at Queen's Park raised the profile of the PAO in direct proportion to the respect Ontario's elected representatives were, in some cases begrudgingly, having to show for those tasked with representing front line policing in Ontario.

Working with successive provincial governments, Bruce Miller and the PAO helped ensure a safer Ontario for the police and public alike. During his tenure, the PAO worked tirelessly to increase the numbers of front line police personnel and to strengthen the provincial legislation that protects all Ontarians. The resulting increase in police numbers coupled with the new OMERS legislation, a pension divestment agreement which addresses the pension issues arising from OPP Contract Policing and the Blood Samples Act are four major accomplishments reached under Bruce Miller's direction.

Bruce brokered a new level of cooperation between the PAO and the Ontario Professional Firefighters Association and its president, Fred LeBlanc. This labour partnership served both associations extremely well as Bill 206 wound its way through the Ontario Legislature, and that spirit of cooperation continues today on matters of common interest and mutual concern.

Bruce also played a lead role in the creation of the Kids Cops and Canadian Tire Fishing Days program. Designed to provide young people with an opportunity to

interact with police personnel in an up-close and personal environment this program has grown from five events and a few hundred kids in 2003 to over 50 events and 8,000 participants in 2007. Similar programs are now being sponsored by police associations in three other Canadian provinces.

During his tenure the PAO improved communication and enhanced the level of service to its membership at every level. The PAO Employment Conference, now in its 17th year continues to be the leading conference of its type anywhere in North America. In 2006, the hiring of longtime association leader Mr. Doug Allan as the PAO Labour Specialist provided PAO affiliates with ongoing access to training, education and the latest labour data and legislation affecting the police workplace.

Bruce will continue to represent the PAO on the Board of Directors of the OMERS Sponsors Corporation (SC). The SC's mandate is to represent sponsors in the oversight of the OMERS plan. Bruce has been actively involved with OMERS for over a decade and has spoken about pensions at a number of conferences across North America. The PAO is fortunate to retain his corporate knowledge.

During Bruce Miller's eight years as Chief Administrative Officer, the PAO has increased its membership, strengthened its financial resources, developed new business, personal and professional partnerships and is recognized nationally and internationally as a leading police labour relations organization. Much of this is the direct result of the focus and determination of Bruce Miller. His vision of what the PAO could become never wavered. His determination to make that vision a reality never faltered.



**2008**  
*Memorial Service*