

**"SUSTAINABLE
FUNDING FOR
2,500 NEW POLICE
OFFICERS REMAINS
OUR NUMBER
ONE PRIORITY"**

– CPA President Charles Momy

PAO

2008 LOBBY DAY



Premier Dalton McGuinty with PAO President Larry Molyneaux and PAO Chief Administrative Officer Ron Middel.



Premier Dalton McGuinty with Windsor Police Association Director Jason DeJong.



Ottawa Police Association Director Brian Bonderud with Conservative Leader John Tory.



From left, Sudbury Police Association Vice-President James Gibson, Director Dan Zembrzycki, Minister of Community Safety Rick Bartolucci, Sudbury Police Association Director Marc Guerin and PAO/OPP Association Director Martin Bain.

PAO

POLICE ASSOCIATION OF ONTARIO

On The Cover:

CPA President Charles Momy addresses delegates during the PAO's Executive Board Meeting in November. He renewed the CPA's pledge to continue seeking sustainable funding from the federal government for the *Police Officers Recruitment Fund*.

Photo by Harry De Jong



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Does Size Matter?

By Larry Molyneux, President



Larry Molyneux

If there's anything I've learned in my first six months as your president, it's that association size does not matter when it comes to the determination and commitment provided by police association leaders across this province. Whether your association counts its members in the thousands or whether you are a member of one of our smallest affiliates, you can rest assured that your professional welfare and interests are being well protected.

As a member of the Toronto Police Association I grew up in an association environment where a full-time board of directors, full-time support staff and on-site legal counsel were the order of the day. Additional expertise or resources when needed were usually only a phone call away. And those providing it were often available on a moment's notice.

While I've come to know that this level of instant service may not always be available for our smaller and midsize associations, the willingness and determination to get the job done is the same no matter how many members your association represents.

The challenges in representing 6,000 members are no different than those found in representing 600 or 60. Good management practices can be found in the largest as well as the smallest organizations. Unfortunately, the same can be said for the poor management skills that often lead to a poisoned work environment.

The latter may be even more prevalent in a smaller workplace, where assigning those who lack good management skills to less important positions is rarely an available option. Therefore, the association is forced to deal with the same bad decision makers over and over again.

I've heard more than my share of these workplace abuses over the last few months. During that time I have marvelled at the understanding and commitment association leaders have shown in resolving them. I'm also amazed that in the complex workplace policing has become, police association leaders can somehow balance their family lives with part-time association responsibilities and a full-time career with their police service.

Our effectiveness at the local level is mirrored by our ability to get the job done at the provincial and national level. Both the Police Association of Ontario and the Canadian Police Association provide their members with the training, resources and education needed to make

today's association leaders the most effective and informed possible. Whether those undertakings and initiatives are geared towards the health and safety of our members or whether they are focused in the political arena, our two largest associations provide the strength and wherewithal we need to reach our goals.

During my time as an instructor at the Toronto Police Service's Charles O. Bick College, I was also the TPA's Chief Steward for that facility. Wearing both hats at that point in my career, made me much more appreciative of the impact training and education can have not only on a police service but also on a police association.

If someone had asked me back in August of last year about the biggest challenge facing police associations no matter what their size, my response would have been, 'maintaining adequate policing levels in their respective communities'. In addition to the funding needed to maintain those levels, I would have cited recruitment and retention as two major issues in need of being addressed. Law enforcement seems to have lost some of its draw for the topnotch candidate and we are constantly losing recruits to other professions. Incentives are needed to attract and keep the best.

While that still holds true today, there can be little doubt that the economic upheaval of the last few months has greatly impacted our priorities. Police associations will be severely tested in 2009; with an especially tough bargaining climate for those associations whose contracts expired at the end of 2008 and those expiring at the end of this year.

We must be vigilant that police services boards not use the economy as a means to justify take-away bargaining especially for those items they have failed to wrest away in years past. We must also keep our eyes and ears open to any attempts by police managers to dilute officer safety by disbanding, redeploying, reclassifying and otherwise stretching the already thin blue line in order to reduce overtime, limit court time and minimize investigations.

These are difficult times. What we must remember is that they are difficult times for all of us and the only way to get through them is by working together; no matter what the size of your association. The PAO is committed to doing its part by melding 32,000 voices into one.

RECRUITING POLICE OFFICERS

The Challenge and the Changes Needed

By Doug Allan, PAO Labour Specialist

Recruiting qualified police candidates has become and will in the foreseeable future, remain one of the foremost challenges faced by police services across Canada and the United States. Brought on by an exodus of retiring baby boomer police officers, the need for attracting top quality candidates has never been greater.

The days of qualified candidates lining up outside police stations with hopes of being hired have been replaced by a recruiting drought. What has changed to cause this troubling trend in policing?

Recruiting

Let's look at the recruiting scheme in Ontario. Most police services are looking for a candidate with a university degree. Anyone completing their university degree would be ready and willing to apply for a job that is steady and secure.

Right?

Wrong!

University graduates are not ready to become police officers. This fact is borne out by the average age, 29 years, of recruits at the Ontario Police College. In most cases, graduation from university comes well before being almost 30 years of age.

More debt!!

Many university graduates are buried under the high costs of their university education and must, therefore, obtain a job that will compensate them well enough to pay off these debts. To join a police service, a recent university graduate must come up with another \$10,000 to pay the tuition and board at the Ontario Police College. Although their employer may arrange for payment of the tuition through a payroll deduction plan spread over two or three years, I would reasonably suggest that most first time job seekers are rarely in a position to compound their debt payments.

One can argue that recruits are paid well starting at approximately \$51,000 per year and in three years they will reach \$76,000. The argument doesn't wash for someone looking at incurring a 20% increase in their debt load the day they join the police service.

Who are the New Generation of Potential Recruits?

The people born after 1982 are the millennial generation. Millennials were brought up to be respected and educated by their baby boomer parents. Some of the millennial person's traits are:

Ctrl + Alt + Del is as basic as ABC

Computers have always fit in their backpacks

The Internet is better than TV

Reality is no longer real

Doing is more important than knowing

Multitasking is a way of life

Staying connected is essential

There is zero tolerance for delays

Consumer and creator are becoming blurred

Typing is preferred to handwriting

"Many young adults are not bound to organizations by any sense of loyalty or commitment; thus they would leave one organization if they perceived a better offer from another organization. Nearly 65% indicated that they would likely engage in job surfing behaviors during their early careers. They have seen parents; relatives or friends' parents suffer the consequences of organizational downsizings and eroding benefits over the past 15 years. If organizations are not loyal to their employees, these young adults question why they should be loyal to organizations."

— Today's Young Adults: Surfing for the Right Job – Michigan State University



Doug Allan

What are Young Adults Looking for in a Job?

Michigan State University has extensively studied the issue of what young adults in 2007 looked for in a career. Below is what they found:

***Important Job Characteristics for Young Adults - Comparisons between young men and women**

A general comparison of men and women showed relatively few differences. Both ranked "interesting work" as the most important job characteristic in a job search. The table below compares these rankings; characteristics bolded for one group are significantly higher than the other group. For example, men tend to rate chances for promotion, high income, and a prestigious company as more important to their job search than women. These job characteristics can help define a person's career for others. Thus, observers may have a better idea of how well a person's career is faring if the pay is high, chances for promotion are good, and the company has a prestigious reputation. Given the popular stereotype of the importance of a man's career (Lacy, Bokemeier, & Shepard, 1983); perhaps these indicators of career success are more salient to men than to women.

In contrast, women tended to rate geographical location as more important to their job search than men. Perhaps these young women want to maintain close ties to friends and family that would restrict their job search to a specific geographical location. Conversely, men may want to cast a wider net in their job search and not be bound by where the job is located.

RANK	MALE	FEMALE
1	Interesting work	Interesting work
2	Chance for promotion	Good benefits
3	Good benefits	Job security

4	Job security (tie with 3)	Chance for promotion
5	Opportunity to learn new skills	Opportunity to learn new skills
6	High income	Geographical location
7	Annual vacations	Annual vacations
8	Geographical location	High income
9	Flexibility in work hours	Flexibility in work hours
10	Able to work independently	Able to work independently
11	Regular hours (tie with 10)	Regular hours (tie with 10)
12	Prestigious company	Limited job stress
13	Limited job stress	Travel opportunities
14	Travel opportunities	Prestigious company
15	Limited overtime	Limited overtime

*Important Characteristics of Early Career Jobs: What Do Young Adults Want? – Michigan State University 2007

Are Police Services' Human Resources Prepared?

Is policing ready for people who prefer a balanced life of work and play, who will ask why when assigned tasks that make no sense, and have no fear to change jobs when they are not getting satisfaction from the one they have?

The millennial people are not interested in inefficient policing due to shortages, driving a police cruiser from call to call, working 50% of their weekends and holidays, night shifts and not seeing advancement in their career for several years.

What Attracts Recruits?

Here is a sample of two advertisements for police recruits. Which one will get the most qualified candidate responses?

Advertisement #1 Now Hiring

A career in policing is demanding yet rewarding, requiring knowledge of the law and its application, exceptional interpersonal skills, and sound judgment. Today's Police Officer is personable, knowledgeable, highly motivated, physically fit and confident. Post-secondary educational pursuits and life experience have been shown to be beneficial in providing the skills necessary for policing. These personal qualities, experiences and education are the building blocks of a good officer, and the foundation of our Service.

Training

The fees for the Ontario Police College Recruit Training are \$7,500.

Recruits of the Police Service have two payment options:

- One time payment of \$7,500 Credit Union loan over 36 months.
- Interest rate fixed at prime.

There is nothing in this advertisement to attract a young adult to this position based on what young people are looking for in a career. This advertisement promotes more debt and what the employer wants and not what the employer can offer.

Advertisement #2 Join The Force And Make A Difference And Receive A \$10,000 BONUS! 300 Positions Are Now Available!

Your career as an Officer begins with the extensive training you will receive at the Police Academy. During the 32-week training period, you will be taught subjects ranging from criminal law, report writing, principles of investigations, defensive tactics, police vehicle operations and firearm training. While in the academy, you will draw a full salary as a Trainee Police Officer.

Retirement

Once you are hired, you will be enrolled in the Police and Fire Pension Fund.

You will contribute 8.5% of your paycheck to the pension fund, while the City contributes 27.5%.

You become eligible for full retirement at age 50, with a minimum 5 years of service.

The retirement plan pays up to 96% of the average of your highest paid 36 months of salary.

Outstanding Deferred Retirement Option Plan (DROP)

Upon leaving the Department, you will be paid for all accrued vacation time, at your present hourly rate of pay.

Without any hesitation the second advertisement draws more attention to the potential candidate. It jumps out and says:

We want you!

We will give you opportunity!

and,

We will look after you!

What is the Threat for Police Associations?

Police Associations are charged with the duty of fair representation for all of their members. Police Associations do not choose their members, Management does. If Management is picking unsuitable recruits then the Association faces the financial burden of representing these members when they find themselves in a job not right for them which leads to poor work performance, discipline and grievances.

All too often I have experienced supervisors saying, "One of your members..." has screwed up or did something to attract investigation and discipline. The acknowledgement by management of a faulty hiring, training or supervisory system is rare.

By working with management to ensure qualified and capable candidates are recruited the association can greatly reduce the negative public opinion and financial drain that often arises from hiring an unsuitable applicant.

What's the Answer?

Police Services in Ontario must realize that recruiting is now a country wide competition between all public and private sector employers and not just between police services.

To attract the best you now must offer the best. Keep the avenues of opportunities open for all members and not just the chosen few. New management skills must be introduced to keep up with the times. Work life balance promotion, not erosion, will reap recruiting rewards.

- Do away with the recruit paying Police College Tuition.
- Offer signing bonuses to help the new person get on their feet.
- Offer movement with frequent lateral positions for personal and career enrichment.
- Do not burn your people out with continuous pressure packed reactive calls for service.
- Sincere appreciation should outnumber the reprimands.
- Have open and frequent communication to identify issues before a crisis.
- Create team work environments.
- Show devotion and respect to employees.
- Realize your employees want and need a life outside of work.

The future of policing is in the hands of today's police leaders. They must come to recognize and understand the recruiting crisis they're facing. Only by changing old attitudes will they be able to attract and compete for the qualified candidates their organizations sorely need.



*Donations
to Ontario
Police
Memorial
via United
Way
Pledge
Forms*

The Ontario Police Memorial Foundation is a Charitable Foundation formed by the Police Association of Ontario (PAO), the Ontario Provincial Police Association (OPPA), the Toronto Police Association (TPA), the Ontario Senior Officers' Police Association (OSOPA), and the Ontario Association of Chiefs of Police (OACP).

On the first Sunday of May, the Foundation hosts the Ceremony of Remembrance, honouring

members of our profession who have made the supreme sacrifice serving the people of Ontario.

The Foundation is also responsible for maintaining the Memorial site and the cost of adding the names of the fallen officers to the Memorial Wall.

Your support is vital to maintaining the Memorial Wall and the Ceremony of Remembrance.

Donations to the Ontario Police Memorial Foundation can be made by using your United Way Pledge Form and directing your donation to the registered charity listed below.

Your donation to this most worthwhile cause will be greatly appreciated.

ONTARIO POLICE MEMORIAL FOUNDATION
6730 Davand Drive, #1, Mississauga, Ontario L5T 2K8 • www.opmf.ca

OPMF Charity # 868 395575 RR0001

The Bottom Line

Collective bargaining in Canada is a marriage with virtually no chance of divorce

By *René St. Pierre, Civilian Director, Windsor Police Association*



René St. Pierre

On September 29th and 30th, 2008, following the National Police and Peace Officers' Memorial Service on Parliament Hill, the Ottawa Police Association hosted a PAO Civilian meeting bringing together one hundred association delegates from across the province. Chaired by PAO Civilian Directors Brenda Lawson and Joanne Engelhardt, the two day session focused on Effective Bargaining Strategies.

Following greetings from Ottawa Police Chief Vern White and Ottawa Police Association President and newly elected CPA President Charles Momy, little time was wasted before getting down to business.

We were introduced to Professor Gene Swimmer who holds a Ph.D from Cornell University specializing in labour relations in Canada's public sector. Professor Swimmer has a longstanding relationship with the Police Association of Ontario and during that time has chaired many PAO workshops and seminars on police bargaining. It didn't take long to realize that when Professor Swimmer spoke, everyone listened. One of his areas of expertise revolves around running a simulated collective bargaining exercise. And on this day, we were going to take part in just that. Divided into management and association bargaining teams we were tasked with reaching a suitable contract settlement.

Those in attendance new to collective bargaining, and those who had some bargaining experience, were given an overview of what we should know before beginning the bargaining process.

When negotiating several things need to be kept in mind since "divorce" is not an option.

Both sides, Management and Association, must get along and be concerned about the long run. It also needs to be realized that whenever change is introduced in the workplace, change means conflict.

Preparing for bargaining is not just one-sided. Having tunnel vision is a real danger! It's important to look at the other side's perspective... "walk a mile in their shoes". Bargain in "Good Faith". Meet at reasonable times and places. Put agreements in writing. "It's not how hard the punch; just don't punch below the belt". Use techniques that move towards each other. Identify each member; emphasize similarities; keep composure; don't dwell on the past, look to the future.

Know the three stages of negotiation:

Disguise and discovery

Making agreements

Moving to closure

After this short introductory course in effective bargaining strategies was complete, Professor Swimmer assigned us to our association and management teams. We were provided with a list of the important issues still outstanding between the two sides.

Salary was at the top of the association list; followed by Supplemental Unemployment Benefits should be payable to



Ottawa Police Chief Vern White welcomes the delegates



Gene Swimmer hands out the workshop assignment.

those employees on parental leave for up to 10 weeks; OMERS benefits would be based on the best 3 years after a certain date; an extra 40 hours of vacation time to be added to any member after thirty years of service; service pay 3%, 4% and 5% of the base salary; and lastly a displaced members right to bump and contracting out.

On the management side, salary was also at the top of the order; followed by Supplementary OMERS benefits (only if Association agrees to a salary decrease); part-time civilian members working twelve months instead of six; the right to employ any number of part-time employees; following the Employment Standards Act with respect to Statutory Holidays for temporary part-time employees.

Now that we were presented with all this information, the “games” began.

The two sides were separated into separate rooms. Discussions ensued. As a first order of business we determined who in our group had the most actual collective bargaining experience. It didn't take long to realize we were lacking a bit of expertise in this area. One delegate had two years experience while the others had less or none at all. Needless to say, we voted for the delegate with the most experience to be our spokesperson. She did a great job! She persevered even when we found out who we were up against; the management team on the other side of the table was led by PAO Labour Specialist Doug Allan. Okay, so...we had our work cut out for us. No intimidation – Doug would walk by every so often claiming they were done – would stop us from reaching our objectives.

Discussions took all morning; each of us taking and researching an issue then planning our attack. I was impressed!! Even though we hardly knew each other, we worked well as a team.

When time was called to meet with management we walked in and sat down with a quiet confidence. Facing a man who has more years of experience than our ages put together (okay maybe not that much), we were still able to keep our composure and remain focused. What a great experience!!

In the end our team, while having to make some concessions, was happy with the outcome.

After the bargaining process was complete we all got up for a much needed break.

At the end of the day, all groups once again gathered, this time to review the outcome of the various bargaining sessions. Only one group failed to negotiate a contract and would be heading to arbitration. The rest appeared to be on the same page. They settled, coming out ahead in some areas while making concessions in others.

As we analyzed the results it became clear that both sides had started out with a bottom line but realized early that it was not cast in stone and flexibility was a key component in determining what happens in negotiations.

Day two began with everyone having an opportunity to meet PAO President Larry Molyneaux, who also provided an update on the latest provincial happenings. We also heard again from CPA President Charles Momy who elaborated on a number of national issues.

The remainder of the second day was spent on provincial updates. Unique to these meetings is the chance for every association to address the delegates about what is going on in their own local. Common issues ring out, including service pay, pay equity, job evaluations, part-time bank, civilian disciplinary process, to proper chairs just to name a few.

The PAO's Civilian meetings provide us with a sense of camaraderie, knowing that we are not alone in our quest to achieve what is in the best interests of every police officer and civilian member we represent.



PAO Labour Specialist Doug Allan provides advice to a “management” team.



Waterloo Regional Police Association Director Carey Janzen checks the bargaining statistics.



Woodstock Community Police Association delegate James Dalueg, is an attentive listener during the bargaining preparation process.



PAO President Larry Molyneaux during his presentation.

Out of Sight – Out of Mind

By Ron Middel, PAO Chief Administrative Officer



Ron Middel

Whether we like it or not, politics is what makes the world go round. One could argue that whether it's in raising a family, volunteering in minor hockey, or lobbying government, some sort of political process affects almost every aspect of our lives.

Then why do we often hear someone say, "I don't think the Association should be involved in politics?" Even if you haven't said it, the thought has likely crossed your mind. Not that many years ago I felt that way. Lobbying, Government Relations, Political Action, Government Promotion, or whatever name you prefer to call it – it still comes down to "politics".

I suppose in a perfect world, there would be no need for political activity by police associations. In an ideal political/police environment, MPs and MPPs would always be aware, in tune with, and supportive of our issues. They would be strong supporters of police and public safety. They would appreciate and respect the sacrifice and commitment that our members make each and every day.

I don't want to suggest for a moment that our representatives don't care about us, or don't want to do the right thing, but the reality is that if we are out of sight we are also out of mind. If we are not actively advocating our members' issues and concerns we empower others to speak for us. Many individuals and groups believe that they know what is best for policing without knowing the realities or considering our members responsibilities, safety or welfare.

These often self-appointed experts are very quick to offer opinions and to put pressure on all levels of government on topics such as Civilian Oversight, which includes the SIU and the new Office of Independent Police Review, Conducted Energy Devices, Private Security, and Adequate Staffing to name only a few.

Our Role

What is our role as Associations – as Member Representatives? I believe our role is to make certain our members have a voice. Our role is to ensure operational policing, public safety and members' rights, needs and concerns are presented from the members' point of view. If we don't provide this perspective, who will?

"The right to be heard does not automatically include the right to be taken seriously."

— Hubert Humphrey

Our members deserve to be heard. The perspective of the front-line is very important and must not only be heard, it

must also be understood. We bring a point of view that can be brought by no others. When it comes to public safety, senior management may have the same goals as us; however they do not have the same perspective. Although we may all have a goal to provide the highest level of policing possible, they may not always consider what is best for our members. It is our role to put the front-line viewpoint into the mix. We must provide a service to the public, while at the same time protecting the quality of life for our members and their families.

The PAO must have an ongoing presence at Queen's Park, meeting with elected representatives, behind the scenes bureaucrats and other staffers. At the local level, police associations must take advantage of every opportunity to deliver the front line perspective to MPs, MPPs, Municipal Councillors, and PSB representatives.

This past November, the PAO held its annual Legislative Day. Our 120 delegates from police associations across the province attended 100 meetings at Queen's Park with MPPs and their staff. What was their purpose? To educate the decision makers. Each of our delegations delivered a common message focusing on four topics listed below:

- *Federal Government Promise of at Least 2500 More Front-Line Police Officers*
- *Conducted Energy Devices*
- *The Ontario Ombudsman's Report on the SIU*
- *Abuses of Private Security and Multi-Tiered Policing*

Much of what we have gained from previous Lobby Days can be attributed directly to our increased political activity and the political relationships we have built over the years. A great deal of effort and a lot of resources have been spent establishing the PAO as a credible stakeholder and a sought after resource for government on all matters related to policing.

That level of recognition will be most important as we find ourselves in uncertain economic times. The downturn in the economy is worldwide and it is understood by all that now is not the time to pursue niceties. But it is also not the time to attempt to find savings by slashing police budgets. Rather, it is the time to ensure that our communities are safe.

Safe communities will attract business and thereby financial growth. Safe communities create trust and comfort and attract investment. They can only lead to a stronger Ontario. Adequate police staffing can only add to that sense of prosperity and help to boost our economy.

Preserving Safe Communities is a message that we can all advocate locally, provincially and federally.



From left, Guelph Police Association Director Daryl Porterfield and President Jeff Hunt meet with MPP Monte Kwinter.



2008 LOBBY DAY



From left, OPP Association President Karl Walsh, Chief of Staff Joanne Campea, Minister of Community Safety Rick Bartolucci, PAO Chief Administrative Officer Ron Middel, PAO President Larry Molyneaux and Sudbury Police Association Vice-President James Gibson.



From left, PAO Directors Ed Parent and Dave McFadden with MPP Dave Levac.



Members of the Port Hope Police Association Executive, from left, Vice-President Bryant Wood, 2nd Vice-President Dan Linker, Secretary/Treasurer Terry Teno and President Paul Spencer.

**DELIVERING THE
MESSAGE ON
BEHALF OF THE
FRONT LINE.**

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AN OVERVIEW

Preserving the safety of Ontario's communities is a key priority for police personnel, members of the public and government decision-makers. We know that increased incidents of violence, illegal drug use and the spread of gangs in urban areas have all contributed to the growing perception that Ontario's communities are not as safe as they once were.

Rather than rely upon anecdotes of what Ontarians think about community safety, the PAO commissioned two public opinion polls to test a number of hypotheses.

The studies conducted by Innovative Research Group in October 2005 and November 2007 asked Ontarians their views in a number of key areas:

Has community safety improved or worsened?

Should steps be taken to toughen laws and eligibility for parole for violent offenders?

Should funding for police services be increased to combat the incidence of unlawful behaviour in our communities?

RESULTS OF THE POLLS

While the complete poll results are available on the PAO website at www.pao.on.ca (see the section labeled Media Releases) here are some of the highlights:

45% of Ontarians felt they will fall victim to a break-in and 26% expect to be physically assaulted in the next five years.

Half of Ontarians are convinced the communities they live in are less safe now than they were five years ago. Significantly more people in smaller communities (59%) believe their community is less safe today.

An overwhelming majority of Ontarians (74%) believe problems with gun violence have increased.

Nine-in-ten (91%) agree laws and eligibility for parole should be toughened for crimes of violence and gun crimes.

Ontarians largely view the role of police officers in their community as distinct from those of other public servants.

There is very strong majority support right across the province for increased funding for municipal police and the OPP.

These results confirm what the Police Association of Ontario and its members understand intuitively: Ontarians believe that police personnel are vitally important in the effort to keep Ontario's communities safe.

Police Services must continue to be adequately staffed, trained, equipped and funded. Despite budget shortfalls, police services across the province have endeavoured to provide effective levels of service.

Federal Government Promise of at Least 2,500 More Front-Line Police Officers.

The PAO is calling upon our Provincial Government to continue encouraging the Federal Government to meet its 2006 promise to negotiate with the provinces to put at least 2,500 more front-line police officers on the streets of our communities, and Ontario should be allocated its fair share.

The "Police Officers Recruitment Fund" is insufficient in terms of the lack of long-term sustainable funding; the amount of money contributed to the fund; and controls of the funds. There are no guarantees that the monies will in fact reach the police agencies that are in need of new front-line police officers.

Abuses of Private Security and Multi-Tiered Policing

Public policing ensures the public interest is safeguarded. Public policing provides:

Quality of service to the public.

Accountability to the public through civilian governance, and civilian oversight.

Standards, training, qualifications, competency, pre-employment screening and appropriate controls.

Public policing ensures the independence of the police, a cornerstone of our democracy.

FOR MORE INFORMATION CONTACT

Police Association of Ontario (PAO), 6730 Davand Drive, Unit 1, Mississauga, ON L5T 2K8

S**H****E****E****T****S**

In many situations, private security is being considered in place of police. Private security companies are not a fundamental right, as enshrined in the Canadian Charter of Rights and Freedoms; are not accountable to civilian governance or civilian oversight.

Public police officers are able to render assistance in ALL situations. Confusion exists surrounding the roles and responsibilities of policing substitutes, exacerbated by private interests and two-tiered agents providing similar uniforms and equipment.

Ombudsman's Report on the Special Investigations Unit (SIU)

Ontario's Ombudsman André Marin recently released his report on the province's SIU.

The PAO strongly supports civilian oversight and believes that the SIU has a very important role to play ensuring that police are accountable for their actions and that the public has confidence in their police. Police are subject to an extremely high degree and standard of public accountability.

The PAO finds that the Ombudsman's report contains both recommendations with which the PAO concur, as well as recommendations with which the PAO completely disagree.

The PAO finds that the Ombudsman's report is written with such an excessively theatrical style and a "sound bite" approach that it detracts from the importance and seriousness of this civilian oversight agency. Further, the Ombudsman's report does not reflect an understanding of actual policing at the scene of an incident, including the ongoing multiple responsibilities of every officer at the scene.

The PAO supports the SIU's role as a civilian agency whose function is to investigate circumstances involving police and civilians which have resulted in serious injury or death. We share the desire of all Ontarians for a judicious, efficient and objective SIU.

Further, we support every effort to make the SIU the best organization it can be, as this is best for Ontario, and best for those of our members who for any reason have occasion to interact with the SIU.

The PAO has participated in past reviews of the SIU and civilian oversight in a cooperative and constructive manner and want to be at the table to share our expertise in any future reviews.

Conducted Energy Devices (CEDs)

CEDs (commonly referred to as Tasers®) are recognized by the global policing community as a valuable tool and a less dangerous option than a firearm.

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CEDs are one such intermediate force option, which have been successful in reducing injury to officers and violent subjects as compared to other use of force options, including lethal force.

The PAO supports:

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FROM PURSUIT T

By Lorna E. Boyd, OPP Association Legal Counsel



Lorna E. Boyd

On February 15, 2003 'D Platoon' was working the night shift in the City of Kawartha Lakes. It is a night none of them will forget.

The events begin with a report of a man who smells of alcohol walking into a convenience store to ask for directions. He leaves and steals the car of a woman who was inside with her granddaughter. The woman's emotional granddaughter can be heard as the theft is reported; she is crying because her dog is in the car. Outside of the convenience store the thief leaves behind the car he had previously stolen.

An officer, unseen at the side of the nearby road, responds to the stolen vehicle alert. He reports that he has "just had the vehicle go by me at 140 and he's all over the road". This is how the driver is operating the vehicle before he is aware of a police presence. The officer follows and pulls over the stolen vehicle. He exits his cruiser, takes a few steps and the stolen car flees. A pursuit is called in. The driving gets worse, much worse. The man in the stolen car weaves across the lanes of the road. He drives directly at oncoming cars at speeds of up to 180 km per hour while flashing the car's lights and signals on and off in a bizarre and random way. The pursuit enters a small hamlet and the officer watches as the vehicle slows down. The driver opens the car door and his hand appears near the rocker panel of the door. He drops a 6 by 6 inch heavy, flat black and silver v shaped object onto the road. The object doesn't bounce, it skids away. It appears to be a handgun. The officer radios to his platoon.

The Communications Centre Sergeant is monitoring the pursuit. The shift Sergeant calls for a spike belt as the tool to terminate the pursuit. The driver again increases his speed but repeatedly slams on the brakes to bring the following cruiser in close behind him. Speeds fluctuate between 60 and 180 km/hr. On approximately the fourth slam and skid maneuver the cruiser experiences a brake fade and there is a collision causing the cruiser's air bag to deploy. Other cruisers are now behind the lead officer. The officer with a spike belt responds quickly and deploys the belt. The driver continues on to the spike belt location. A cruiser with all emergency lights activated is blocking the remainder of the road. The stolen car heads directly for the empty cruiser and only veers off at the last second. The officers who are watching hope the deploying officer is not behind the cruiser; the officer who deployed the spike belt dives out of the way not knowing where the stolen car is going to go. The stolen car crosses over the spike belt at an extremely high rate of speed.

Beyond the spike belt is a rolling road block. The stolen car rams the first cruiser in the rolling block with such

intensity that it's later described as an "attack", causing that cruiser to spin off hard to the left. The stolen car crosses into the wrong lane and lines up, head-on, with an oncoming civilian vehicle. There is about to be a horrible collision when the Sergeant's cruiser makes intentional contact with the stolen vehicle and forces it onto the shoulder averting a crash. The impact dynamics from this maneuver pushes the Sergeant's heavier cruiser ahead of the stolen car; and into a bad position. The stolen car stops and the pursuing officers jump from their cruisers to arrest the driver.

Everything happens very quickly over the next 3 to 5 seconds. The driver contorts backwards and seems fixated on the officers behind the car. He then turns around and stares ahead, his gaze now locked on the Sergeant. Suddenly the stolen car's engine screams, the tires begin to screech and spin as blue smoke pour out from the wheels due to the rapid acceleration. For the Sergeant, things start moving in slow motion and he thinks he is going to die. The Sergeant has his firearm out in the low ready position and he has a sight picture in the centre of the driver's head; he believes he is going to be killed. It's a cold night and he doesn't want to die that way. During the seconds of chaos he thinks about his kids. The Sergeant is prepared to take the driver's life to protect his own but he can't get a clean shot.

On the other side of the car an officer tries to open the passenger door; it's locked. As he swings to break the front window the car moves so quickly that he shatters the rear window instead. Another officer sees his Sergeant's position by the stolen vehicle and points his firearm at the driver's head as he believes his Sergeant's life is in danger. Before the officer shoots the driver, the Sergeant jumps to the side, discharges two rounds from his firearm downward into the still inflated rear tire beside him but the car continues and drives away. The car is clearly being used as a weapon and someone is going to be hurt or worse if the driver is not stopped. The Sergeant runs to his cruiser and follows the stolen car. The stolen car is on the wrong side of the road, once again driving head-on at an oncoming vehicle. The innocent driver pulls quickly on to the shoulder of the road and the stolen car does the same, lining up for a head-on collision. The Sergeant pulls up and comes across the highway hitting the front right side of the stolen vehicle hard. Just before impact the Sergeant sees a dog stand up and look at him out of the window of the stolen car. He hopes the dog will be alright and he makes intentional contact. The stolen car is pushed explosively into a snow bank. It's stopped before it hits the civilian vehicle on the shoulder.

The Sergeant is hurt from the impact but jumps from the cruiser to take part in the arrest. The driver

o PSA ODYSSEY

continued the fight and struggle even though his weapon, the stolen car, is deep in a snow bank. One officer is injured before the combative drunk driver is brought under control. It took ten minutes and 32 kilometers for six officers in five cruisers to stop this person who tried so hard to cause harm.

• • • • •

The drunk, violent car thief pleaded guilty after the preliminary hearing to nine charges from the pursuit, including three counts of Mischief Endanger Life regarding the lives of the Sergeant, the officer who first saw the vehicle and the citizen in the car on the shoulder at the end of the pursuit whose life was saved by the actions of the Sergeant. He was sentenced to 6 years incarceration on top of the 8 and a half months of “dead time” prior to the plea. He acknowledged that he endangered the lives of two officers and the citizen on the shoulder of the highway. It seemed like a nice ending. However, for the officers of ‘D Platoon’ and their Sergeant the incident was not wrapped up by a criminal conviction and words of congratulations for a job well done. There were no commendations for the team of officers who stopped a very dangerous man on a cold night shift in February. Unfortunately, quite the opposite occurred.

The Professional Standards Bureau (PSB) charged the Sergeant with two counts of Discreditable Conduct. The first count alleged that the Sergeant did not employ alternate techniques to stop the fleeing vehicle and had not been following police orders during the pursuit. It was a frivolous and baseless charge. The second count charged the Sergeant for discharging his firearm into the car tire for the sole purpose of stopping a stolen vehicle contrary to section 8 of Ontario Regulation 546/99 – Suspect Apprehension Pursuits, under the Police Services Act. The first Notice of Hearing was later withdrawn and at that point it was suggested to the PSB Prosecutor that the other charge should also be withdrawn and that the Sergeant should be given a medal for saving the person in the car on the shoulder of the highway. The suggestion was rejected by PSB and a very contentious Police Services Act (PSA) hearing took place. PSB was adamant the Sergeant discharged his firearm for the sole purpose of stopping the fleeing vehicle. Many witnesses, including use of force experts, were called and dozens of exhibits were filed. The Sergeant’s poignant testimony clearly explained why he discharged his firearm. He stated:

I did that because I feared for my safety. I feared for my life. I had watched that man attack members of my platoon using his vehicle as a weapon, and in mere

seconds that was what I did to stop that threat and to protect my life and anyone else’s life that he was going to take that night, and that’s what I did.

The Sergeant also testified about the drunk driver:

He had driven his motor vehicle at me. He had used it as a weapon. I feared for my safety, and in the seconds that I had and as he was beside me, I discharged my firearm, but it was never for the sole purpose of stopping that motor vehicle.

The evidence repeatedly revealed how the impaired driver of the stolen car used the vehicle as a weapon against many people. The officers who testified praised the actions of their Sergeant during the pursuit. Words such as “utmost professionalism”, “not afraid”, “best supervisor” “calm” “directing people as he should” were used to describe their supervisor’s conduct that night. At the hearing, the Sergeant was found to be a credible witness and his evidence regarding why he discharged his firearm was uncontradicted. In order to be found guilty of breaching the regulation, the Sergeant had to have used his weapon for the sole purpose of stopping the fleeing vehicle. There was no such evidence heard at the PSA hearing. The PSB Prosecutor made over-the-top submissions about irrelevant matters unrelated to the charge the Sergeant was facing. It appeared to be a personal attack.

The Hearing Officer found the Sergeant guilty, writing reasons that are best described as an incomprehensible diatribe. As well as failing to comprehend the evidence of the Sergeant and other witnesses, the Hearing Officer ignored the particulars of the charge, the law and the standard required for a conviction in the process. Reading the PSA decision is both upsetting and mind boggling. The conviction is inconceivable and raises many questions. Did the Hearing Officer listen to the evidence presented? Did the Sergeant ever have a fair chance of truly being heard?

An officer found guilty of misconduct may appeal the conviction. The Sergeant’s conviction for Discreditable Conduct was appealed to the Ontario Civilian Commission on Police Services. The appeal was unsuccessful. As a result, the matter was appealed again to the Ontario Superior Court of Justice, Divisional Court.

The Divisional Court decision was released on May 20, 2008 and finally confirmed what many had believed all along. The Court found that the Sergeant’s evidence logically leads to the conclusion that the sole purpose of discharging his firearm was not to stop the stolen vehicle. The Court noted that the Hearing Officer failed to really



Sergeant Mark Wolfe stands alongside the highway where the pursuit took place.

assess the Sergeant’s evidence and found that it was not reasonable to find the Sergeant credible yet disregard his uncontradicted evidence as to his purpose for discharging the firearm. Further, the Court criticized the Hearing Officer’s decision and found that it was not reasonable to conclude that the Sergeant’s goal was to put an end to the risk to the public and officers, but conclude earlier in his reasons that the Sergeant’s sole purpose for discharging the firearm was to stop the vehicle. The court summed up the Hearing Officer’s errors by stating, “there is a logical inconsistency in the Hearing Officer’s reasoning”. The court [referring to the Sergeant as the appellant] also reviewed the task the Hearing Officer should have undertaken at the PSA hearing and stated:

“The Hearing Officer’s decision does not fall within a range of possible, acceptable outcomes which are defensible in respect of the facts and law because he failed to appreciate the inquiry necessary under s.8; he failed to give any weight to the evidence of the appellant concerning his purpose, while giving no basis for not accepting the evidence; and he took into account extraneous matters”

Commenting on the errors made by the Ontario Civilian Commission on Police Services, the Divisional Court referred to the Commission’s unreasonable decision and failure to properly apply section 8 and the evidence related to the Sergeant’s state of mind. The Court found:

...this ignores the appellant’s evidence that he fired, in part, because he feared for his officers and the public, as well as the total context in which he reached that conclusion. Given the erratic and dangerous behaviour of the driver, the intentional damage to Constable Lewis’ vehicle, and the hitting of Constable McDermott’s vehicle, as well as the use of the car to try and strike the appellant, there was substantial evidence of a serious danger to the other officers and the public. Moreover, Constable McDermott testified that he drew his weapon when he

thought that the driver of the stolen vehicle was going to run over the appellant. He was about to shoot when the appellant jumped out of the way. [Page 9, paragraph 48] The decisions of both the Commission and the Hearing Officer were unreasonable because of the failure to focus on the appellant’s purpose in firing the weapon, as required by s.8 of the regulations. [Page 9, paragraph 49]

The Divisional Court concluded by stating, “had the Commission approached this case properly, it would have had to find the decision of the Hearing Officer to be unreasonable and the complaint to be unsubstantiated”. [page 10, paragraph 51]

And finally, the Court wrote the words that the Sergeant and his platoon knew all along were the truth: “it is clear when that evidence is properly considered that the appellant’s sole purpose was not to stop the vehicle but to prevent further use of the vehicle as a dangerous weapon” [page 10, paragraph 51]. The appeal was allowed and the charge of discreditable conduct was dismissed against the Sergeant, five years and three months after the successful end of a ten minute pursuit.

The PSA process was long and unpleasant. Looking back at the conviction and the process that followed I recall the words in the “Penalty Decisions with Reasons” written by the Hearing Officer. In these “Reasons” the Hearing Officer commented on the number of letters of support received by the Sergeant and the fact that many members, opposed to his findings, stated they would do the same thing in the same situation. The Hearing Officer wrote: “I can only state that I find these comments disturbing”. I implore the Hearing Officer to re-read the flawed judgment he authored when he wrongfully convicted the Sergeant. I found it disturbing. The conviction was clearly an error. The Divisional Court agreed.

The suggestion made to the Professional Standards Bureau before the PSA hearing remains as valid today as it was the day it was made; the Sergeant should be recognized for saving the life of the person in the car on the shoulder of the highway. Maybe PSB could attach this commendation to its notification confirming that the penalty hours wrongly taken have been reinstated.

• • • • •

P.S. The officers went back to the scene the next day and found the dog unharmed. It was reunited with the little girl.

Sergeant Mark Wolfe extends his most sincere thanks to the OPP Association and all of the officers and civilian members who supported him during this difficult time. Many provided letters of support in the face of censure and Mark wants everyone who wrote to know how much he appreciated the backup!

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POLICE BADGE A FATHER-SON GIFT

Hamilton officer gets to wear the same number his dad wore for 35 years

By Susan Clairmont – The Hamilton Spectator

Badge No. 138.

It's an identification number. A 35-year legacy. A Hamilton police first.

And the best Christmas present Constable Larry Woods could ever give his son, Constable Scott Woods.

For the first time in the history of the Hamilton service, a retiring officer was given permission yesterday to hand his badge over to another sworn officer.

It was done with some pomp, a bit of circumstance, several zingers and tall tales and a few tears.

In other words, it was perfect.

"Hopefully he'll carry it on with pride for the next 25 years," Larry said after his shield was pinned by Chief Brian Mullan to his son's uniform. "It's been clean all these years, buddy," he added in a fatherly tone. "Keep it that way."

Larry was 23 when he left an office job at Dofasco to become a Hamilton cop. He was the second in his family to wear a uniform. His brother is a retired Halton officer, now working with the province's Special Investigations Unit. And their dad was a law-and-order guy, too, working as a guard at the Barton Street jail.

A Steeltown boy who has a way with people, Larry knew that being a police officer wasn't going to be his job—it was his calling.

Over the years he's walked the beat, pushed a cruiser, and worked in the detective office, intelligence, fraud,

labour relations and community services. And he's answered to seven chiefs.

"I've had an awesome career," he said, tears brimming.

And yet, when his spitting-image son Scott told him he wanted to follow in his footsteps, Larry at first tried to talk him out of it.

"I encouraged him to be a firefighter because they're always a hero," he said. "This job is very political."

It's maybe the one time Scott didn't heed his father's advice.

Just like his dad, Scott became a Hamilton cop at 23.

To say this father and son are close is an understatement. Scott was just eight when his mom left. Larry raised him and his sister on his own. They are buddies and colleagues and so much more.

"He's my mentor. My hero," Scott said emotionally. "I idolize him."

And yesterday, for the first time, the father and son partnered up for Larry's last day on the job.

For the past few years, after a knee replacement, Larry has worked at the front desk of the east end station. And Scott, who has been with the service eight years, is a patrol officer on the Mountain.

But yesterday, Larry wanted to go back to his favourite job of all—driving the wagon. He let his son work the lights and siren.



Constable Larry Woods with his son Scott, who will now be wearing Badge No. 138.

Photo Kaz Novak- The Hamilton Spectator

"The wagon's the best. You go to all the action calls but don't have to do the paperwork."

Together they stopped off at Central to turn in Scott's badge and reassign Larry's. Normally, a badge must be retired for 10 years before the number can be passed on to anyone. But strings were pulled, red tape was cut, and history was made.

The chief and Larry go way back. Mullan remembers one particular shift in the summer of 1975 out of the old Kenilworth station.

"We had a Priority 1 call," Mullan said, "and I'm hooked up with Larry. He was a stock car racer. We turned onto Barton Street on two wheels. I was so happy to get out of that car."

The badge hand-off was not the only retirement present Larry received.

There's the company watch, of course. A big, impressive one.

So Larry was a little puzzled when Scott took him to dinner at the police club and handed him a watch box. He opened it, and inside was a key. Scott told him to press the button and, somewhere outside, something began to beep.

Larry went out to look.

He found a champagne Cadillac with cream interior. A sign in the window said: "The HPS will never be the same without you. A great cop, a true friend, the best dad."

Reprinted courtesy of The Hamilton Spectator



TWO-DAY POLICE EMPLOYMENT CONFERENCE

MARCH 2-3, 2009

**HOLIDAY INN SELECT, TORONTO AIRPORT
970 DIXON ROAD, ETOBICOKE, ONTARIO**

CONFERENCE PROGRAMME HIGHLIGHTS

- *LEGAL UPDATES – the implications of recent and leading court and administrative law decisions for the police sector.*
- *How and where to deal with human rights complaints in the workplace – under internal policies and procedures, the new Human Rights Tribunal, grievance arbitration or at OCCPS – or in all four places?*
- *Technology and Privacy Rights – is there any privacy left at work?*
- *The new public complaints process and the Office of Independent Review – what does the future hold?*
- *Rethinking Grievance Arbitration – how can the parties resolve matters more quickly and reduce their costs?*
- *Current issues in Pay Equity*
- *The consequences of the Marin Report – what is new at the SIU?*
- *The continuing implications for Police Services Boards and Associations of the Court of Appeal's decision in Renaud v. LaSalle, and the scope of the duty of fair representation.*
- *Disability Management Issues, including recognizing and addressing mental illness in the workplace; an update on accommodation to the point of undue hardship; how much does the employer get to know, and how are health records handled; and managing return to work issues.*

CO-CHAIRS

- *Richard Baldwin, Mathews, Dinsdale & Clark*
- *Caroline V. (Nini) Jones & Ian Roland, Paliare Roland Rosenberg Rothstein*

PROGRAMME MATERIALS

Conference Participants will receive a comprehensive set of conference materials prepared by the conference speakers. These materials are intended to provide the participants with an excellent reference source following the conference.

WHERE AND WHEN

The conference will be held on Monday, March 2 and Tuesday, March 3, 2009, at the Holiday Inn Select, Toronto Airport, 970 Dixon Road, Etobicoke, Ontario. Conference sessions are from 8:30 a.m. to 4:30 p.m. Materials are

provided at the conference registration desk commencing at 4:00 p.m. Sunday, March 1, 2009 and from 7:30 a.m. Monday, March 2, 2009.

HOW TO REGISTER

To register, complete and mail the attached Registration Form with your payment today. You may reserve your place by calling the Police Association of Ontario at (905) 670-9770, or by sending a copy of the completed Registration Form by fax to (905) 670-9755. We can also be contacted by e-mail at pao@pao.on.ca

REGISTRATION FEE

\$500.00 per person if registered and paid on or before February 12, 2009, and \$550.00 per person if registering after February 12, 2009. The fee includes all conference materials, luncheons and refreshments. There is no G.S.T. on this fee, as the PAO is a non-profit organization.

CANCELLATION POLICY

Fees are non-refundable upon cancellation.

ACCOMMODATION

The Holiday Inn Select will be providing rooms at a special conference rate of \$128.00 per night + taxes (single/double occupancy). Registrants are responsible for securing their own hotel reservations. For your convenience you can book online at: https://resweb.passkey.com/Resweb.do?mode=welcme_ei_ne w&eventID=82147 or phone 1-800-524-8436 and ask for Reservations at 970 Dixon Road and indicate you are attending PAO Police Employment 2009 to receive special negotiated rate of \$128.00 per night. Rooms will be held at the special rate of \$128.00 until January 28th, 2009. Holiday Inn Select offers complimentary shuttle service from/to Pearson International Airport.

WHO SHOULD ATTEND?

- *Police Association Executives and Representatives*
- *Members of Police Services Boards*
- *Members of Municipal Councils*
- *Chiefs of Police*
- *Police Administrators and Senior Officers*
- *Municipal and Provincial Government Officials*
- *Other Professionals Interested in Police and Public Sector Labour Relations*



POLICE ASSOCIATION OF ONTARIO

**ADVANCE REGISTRATION
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MARCH 2-3, 2009**

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Please return the completed Registration Form to:

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Mississauga, ON. L5T 2K8**



A retirement gift from a father to his son. Constable Larry Woods with his son Scott, who will now be wearing his father's former Badge No. 138. Photo Kaz Novak- The Hamilton Spectator