

MODULE 1

Introduction to Policing

Focus Question: What is policing and why do we need it?

Overview

This module invites students to examine why policing is useful by considering the role that police play in society and what our society would look like without the police. Students are then introduced to formal definitions of policing which are analyzed and critiqued in the context of their own personal conceptions of the police. Students are invited to reflect on the different attributes of the police and to consider which attributes are most valued in society. This is further explored by challenging students to consider their conception of an ideal police officer.

Learning Objectives

- To understand the role of policing.
- To generate a comprehensive definition of the police.
- To reflect on what ideal policing should look like.

ACTIVITY 1

Thinking of the Police as an Entity

Teaching and Learning Strategies

1. Introduce the topic of policing by inviting students to consider what tasks are performed by police officers in our communities. You may choose to make a class list on the board.



Teacher's Key

Some examples include:

- Crime prevention - keeping communities safe/ patrolling the streets, protecting victims, ensuring laws are enforced, etc.
- Investigations - making arrests, collecting evidence, etc.
- Traffic safety - giving out tickets, directing traffic, ensuring by-laws are enforced, etc.
- Maintaining order - controlling disturbances of public peace, intervening in conflicts that arise between citizens, etc.
- Responding to emergencies

Reference can also be made to the *Ontario Police Services Act, s. 42(1)*:

The duties of a police officer include:

- a) Preserving the peace;
- b) Preventing crimes and other offences and providing assistance and encouragement to other persons in their prevention;
- c) Assisting victims of crime;
- d) Apprehending criminals and other offenders and others who may lawfully be taken into custody;
- e) Laying charges and participating in prosecutions;
- f) Executing warrants that are to be executed by police officers and performing related duties;
- g) Performing the lawful duties that the chief of police assigns;
- h) In the case of a municipal police force and in the case of an agreement under section 10 (agreement for provision of police services by

O.P.P.), enforcing municipal by-laws;

- i) Completing the prescribed training.

2. Either in pairs or as a class, discuss the following:

- Who else can complete these tasks other than the police?
- What would that look like?
- What would it look like if you took over these tasks?
- What would public protests, sporting events, festivals, or other activities that have very large public gatherings look like without the police? Do you think there would be more violence, less or the same as normally happens? Explain.
- Who, if anyone, could take over the job of police officers during those types of activities?

3. In small groups, ask students to come up with their own definitions for the police (approx. 2-3 sentences). Ask students to reflect on the following:

- Where do the police get their power?
- What do the police do? (refer to step 1)
- Who do the police have an impact on?

4. Provide students with one or more definitions of police and discuss the following:

- How similar or different are these formal definitions to the personal definitions?
- Are these definitions fair? Accurate? Too complicated?
- Do you agree or disagree with these definitions?



Teacher's Key

Definitions of police include:

- An organized civil force for maintaining order, preventing and detecting crime, and enforcing the laws.¹
- Any body of people officially maintained or employed to keep order, enforce regulations, etc.²
- The internal organization or regulation of a political unit through exercise of governmental powers especially with respect to general comfort, health, morals, safety, or prosperity; control and regulation of affairs affecting the general order and welfare of any unit or area; the system of laws for effecting such control.³
- The department of government concerned primarily with maintenance of public order, safety, and health and enforcement of laws and possessing executive, judicial, and legislative powers; the department of government charged with prevention, detection, and prosecution of public nuisances and crimes.⁴

¹ <http://dictionary.reference.com/browse/police?s=t>

² *Ibid.*

³ <http://www.merriam-webster.com/dictionary/police>

⁴ *Ibid.*



MODULE 1 - Introduction to Policing

ACTIVITY 2

When Citizens Take Over Policing

Materials

- Copies of newspaper articles (one or more per group)
- Copies of *Focused Discussion Questions* (one per group)
- Backgrounder: *Citizen's Power of Arrest and Self-Defence and Defence of Property*, available at: http://www.justice.gc.ca/eng/news-nouv/nr-cp/2013/doc_32865.html (one per student)
- *What You Need to Know About Making a Citizen's Arrest*, available at: <http://www.justice.gc.ca/eng/dept-min/wyntk.html> (one per student)

Teaching and Learning Strategies

1. In small groups, have students review one or more of the newspaper articles on the citizen's arrest that took place in Toronto's Chinatown neighbourhood in 2009. Ask each group to discuss the *Focused Discussion Questions* and record their answers. Debrief as a class.
2. Use the Four Corners strategy and Statements below to encourage students to formulate their own opinions about the incident.

Four Corners

- Label each corner of the class as strongly agree/ agree/disagree/strongly disagree.
- Read out each statement below and invite students to go to the corner of the room that best represents their opinion.
- Give students time for discussion with others of the same opinion. Have a spokesperson from each group present their case to the class and give them time to ask questions or challenge other groups. Give students the opportunity to move to a different corner if their opinion changes.

Statements

- The shopkeeper dealt appropriately with the shoplifter under the circumstances.
- The shopkeeper should have been arrested.
- The shoplifter's 30-day sentence was appropriate and fair. (Note: this was a lighter sentence because he testified against Mr. Chen).

3. Inform students that Mr. Chen was ultimately acquitted and that the events surrounding his citizen's arrest led to amendments in Canadian law. On March 11, 2013 the *Citizen's Arrest and Self-defence Act* came into force, which made changes to the *Criminal Code of Canada* relating to the power of a private citizen to make an arrest after they find a person committing a criminal offence on or in relation to their property. Distribute the following handouts and have students review the current law on citizen's arrest:

- Backgrounder: *Citizen's Power of Arrest and Self-Defence and Defence of Property*, available at: http://www.justice.gc.ca/eng/news-nouv/nr-cp/2013/doc_32865.html (focus on the section dealing the citizen's arrest)
- *What You Need to Know About Making a Citizen's Arrest*, available at: <http://www.justice.gc.ca/eng/dept-min/wyntk.html>

Discuss the following:

- Do you agree with the changes to the law?
- What do you think should qualify as "reasonable force"?
- What impact, if any, do you think this new legislation will have on shopkeepers' ability to deal with theft?
- Can you think of other circumstances where someone might make a citizen's arrest?

Extension

Have students do internet research to read more about the outcome of David Chen's trial. Discuss as a class.



Citizen's arrest?

Leave policing to the police

By ALAN SHANOFF June 7th 2009

There was a time when society encouraged citizen's arrests but that time has long passed as David Chen, owner of a Toronto grocery store, can attest.

Chen and two of his employees chased a man they observed stealing from the store.

When they caught him they tied him up and placed him in the back of their van.

Before they called police, another person called 911 to report the apparent abduction.

Chen and his employees were charged with assault, kidnapping, forcible, confine-ment and carrying a concealed weapon, namely a box cutter.

So what is a citizen's arrest? First, the right to make a citizen's arrest is actually enshrined in our Criminal Code but as usual the devil is in the details. The Criminal Code explicitly permits "any one" to make an arrest in four situations.

Everybody has the right to arrest any person who is "breaching the peace."

However, it would be nice if the Criminal Code actually defined or explained what "breach of the peace" means, particularly since there is no offence known as breach of the peace. One might wonder if the illegal occupation of a public highway is a breach of the peace, but I won't go there.

EVERYONE HAS THE RIGHT

Everybody also has the right to arrest any person who is in the course of committing an indictable offence.

Everybody has the right to arrest any person who is escaping from and being actively pursued by a police officer, provided there are reasonable grounds to believe that person has committed a criminal offence.

If you own or lawfully possess property, you may arrest any person committing a criminal offence on, or in relation to, that property.

In all cases the person making the arrest must tell the person why the arrest is taking place, must get the person to the police as soon as practical and only reasonable or proportionate force may be used to accomplish the arrest.

So what can go wrong? Plenty.

Suppose you are wrong and the person wasn't in the course of committing an indictable offence. Suppose the fellow you thought was shoplifting actually put the product back on the shelf. Or, you may end

up obstructing a police officer and thus hindering an arrest. You might not get your prisoner to the police fast enough. You might be accused of using more force than was necessary or reasonable.

Sounds pretty simple, doesn't it? No? I didn't think so. Actually it's pretty risky.

Leave aside the possibility of being injured or killed while you try to arrest some criminal who may have a hidden weapon.

YOU CAN BE SUED

As Chen discovered, you can also be arrested and charged with criminal offences by a real police officer.

A criminal record is a possibility. You can also be sued for damages for civil assault, battery or false (wrongful) imprisonment. A damage award can be substantial and failure to pay can lead to garnishment of wages or having a lien placed on your assets.

What does this mean for shopkeepers like Chen? It means they have to put up with a certain amount of theft as a cost of doing business. Either that, or hire security guards. But remember, security guards have no more rights of arrest than anyone else. But at least security guards have training and their presence may deter theft.

And what about restaurant owners when patrons leave without paying? Sorry, you've got the same problem. Detaining someone for failure to pay a bill amounts to detention for a breach of contract and that can also lead to criminal and civil consequences.

So what is a store owner or restaurant owner supposed to do?

Well, you can ask the person to remain while you call the police. Seeking voluntary compliance is not an arrest and is almost risk-free. Ask for the person's name and address. Take his or her photo if you can, so you can give it to the police.

Otherwise, leave the policing to the police and leave citizen's arrests for those who wish to make political statements like British Columbian John Boncore, who was arrested in Calgary after an attempt to make a citizen's arrest of George W. Bush earlier this year.

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NATIONAL POST

No Playing Favourites

By MARNI SOUPCOFF Monday, October 26, 2009

Once, when I was a law student working in a California district attorney's office, I handled a drug case against a meek-looking white teenager from a middle class suburb. Instead of being incarcerated, the young man was diverted into a community service program. Assuming he completed it (which he likely did - he seemed desperate to please), his record was eventually wiped clean.

My reaction to this outcome was mixed.

I had no desire to see a scared kid with no record stuck behind bars for a hiding a magic mushroom in his locker -- to what end? It made me uncomfortable, though, because I felt unsure whether a scowling black kid from a lousy part of town would have been given the same break in otherwise identical circumstances. I was a tiny bit disturbed, at that moment, by the discretion that judge and prosecutor have to mete out justice differently depending on the individual before them.

My discomfort over the kid with the magic mushroom came back to me recently when I heard about the case of David Chen -- and the angry reaction to it. "Mr. Chen is the Toronto grocer who back in May performed a citizen's arrest on a serial thief," my colleague Lorne Gunter wrote on these pages Friday (in a column entitled "We the people just get in the way"). "But now [he] faces charges of assault, kidnapping and forcible confinement for his actions." Mr. Gunter sees this as an indication that the Crown has its priorities out of whack. "It is more interested in the rights of criminals," he wrote in his column, "than the safety of ordinary Canadians and their property."

Well, maybe. Mr. Gunter is correct that the fact that the Crown chose to enter a plea bargain with the thief in order to secure his testimony against Mr. Chen is hard to fathom. But the fact that the Crown chose to prosecute both men for breaking the law, which both men allegedly did, seems to me an encouraging sign that justice is being applied evenly -- not playing favourites or deeming some people good guys and others bad guys.

What I think strikes people as unfair about the Chen case is that they believe a shop-keeper (and his employees) should be allowed to attack and confine someone who stole from him if the thief returns to the scene of the crime.

Problem is, that's not what the law says is an acceptable way for people to behave in these situations, and police and prosecutors are there to uphold the law as it's written, not as they (or we) think it should be. That's what keeps the system on the straight and narrow and prevents individual prejudice from creeping in. It's what ensures that one defendant doesn't

get treated more leniently than another just because he looks a certain way, or has a certain status.

I'm sympathetic to the argument that shopkeepers should have more leeway when dealing with people who have robbed them. The Chinatown area where Mr. Chen runs his store is hard hit by theft. If criminals knew store owners had more power to nab them, it might stop them from targeting these groceries and reduce crime in the neighbourhood. But if you want the law changed, you have to lobby your government, you can't blame the Crown.

Mr. Gunter predicts that the more people think the justice system is failing them, the more they will take matters into their own hands, as Mr. Chen did.

Perhaps. But anyone who takes matters into his own hands should be prepared to pay the legal price for doing so; they shouldn't expect special treatment.

Picking and choosing who gets to break the law and who doesn't is a dangerous game. We should be grateful it's one that our prosecutors and police don't seem inclined to play.

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Shopkeeper's charge shelved?

Lawyer tells court of surprise twist in case of store owner, 2 others who grabbed shoplifter.

A case that started with a Chinatown store owner being charged with kidnapping and assaulting a shoplifter has gone off in unexpected directions.

After hordes of media descended Thursday on what turned out to be a routine court appearance for David Chen at Old City Hall.

Chen's lawyer, Peter Lindsay, told court that the Crown is considering dropping the kidnapping charge against him and his two co-accused.

Another shopkeeper went to police with a new theft allegation about the shoplifter.

Lindsay and the police got into a war of words over how this new allegation was originally received.

"My client is a good, hard-working shopkeeper who tried to apprehend a criminal," Lindsay told a crush of reporters. "Mr. Chen is being dragged through the courts and it's ridiculous."

Anthony Bennett, the shoplifter, pleaded guilty on Aug. 17 to stealing 10 plants from Chen's Lucky Moose Food Mart on Dundas St. W., and also to plant thefts at a King St. W. store.

According to a transcript of Bennett's court hearing, a judge sentenced him to 30 days instead of the 90 days requested by the prosecutor because he will be a Crown witness against Chen. He has a three-page criminal record.

"The bad guy says, 'I'll help you get the good guy and our court system gives him a pat on the head,'" Lindsay said.

On May 23, police said, Chen and two employees chased Bennett as he fled the store, forced him into a vehicle, tied him up and assaulted him. Police charged Chen, 35, Jie Chen, 21 and Qing Li, 40, with assault, forcible confinement, carrying a concealed weapon and kidnapping.

"I don't feel that I did anything wrong," Chen told reporters.

Lindsay told a courtroom crowded with Chen's supporters that the Crown is considering dropping the kidnapping charges. A Crown spokesperson declined comment.

Lindsay said if the case goes to trial he will mount a constitutional challenge against Section 494 of the Criminal Code, which allows a citizen's arrest only if the suspect is in the process of committing the crime. In Chen's case, he believed Bennett had stolen an hour before.

Supporters showed reporters three recently written complaints about Bennett, including one about an alleged plant theft from a Spadina Ave.

store just two weeks ago.

When Lindsay told the officer prosecuting his client, Det. Marjorie Duffy, she refused to take the new theft complaint, he said.

Police spokesperson Mark Pugash said the detective thought Lindsay was trying to attack Bennett's credibility, which he is entitled to do in court, but not in a private. The officer told Lindsay to give the evidence to the Crown, Pugash said.

Instead, Lindsay accompanied Mei Huang to 52 Division Thursday afternoon as she laid a complaint that Bennett stole a \$29 plant from China Arts City Ltd. two weeks ago.

When approached at his home, Bennett declined to comment.

With files from Isabel Teotonio.

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MODULE 1 - Introduction to Policing
ACTIVITY 2: When Citizens Take Over Policing

STUDENT HANDOUTS

TORONTO STAR

Put thief, not me, on trial, grocer says

By JENNIFER YANG November 4, 2009



Chinatown merchant David Chen is accused of chasing down and holding a shoplifter until police arrived after a theft at his store this summer.

David Chen's legal burden is lighter now that two of his criminal charges have been dropped, but for the Chinatown grocer this does little to relieve a heavy heart.

"With this matter in my heart, my head hurts," Chen said Tuesday, speaking in Mandarin.

"This situation is very difficult ... (my family and I) don't sleep very well with this situation still unresolved."

The 35-year-old shopkeeper and two of his employees were arrested following a May 23 incident in which they allegedly chased down and tied up a shoplifter, detaining him in a delivery truck until police arrived.

Chen, Jie Chen, 21, and Qing Li, 40, were charged with assault, forcible confinement, carrying a concealed weapon and kidnapping.

But in a pre-trial hearing Tuesday morning, Crown prosecutor Colleen Heburn tossed out the latter two charges for all three men.

This was welcome news for Chen and his lawyer, Peter Lindsay, but outside the courthouse, both expressed dismay with the Crown's decision to proceed to trial on the other two charges.

"I don't believe that Mr. Chen should have ever faced criminal charges," Lindsay told a group of reporters in front of Old City Hall. "My much-preferred outcome would have been that all four (charges) had been dropped." On Aug. 17, Anthony Bennett pleaded guilty to stealing 10 plants from Chen's Lucky Moose Food Mart on Dundas St. W., as well as plant thefts at another store on King St. W. Bennett was sentenced

to 30 days in prison.

Bennett will now testify as a Crown witness at Chen's trial, which is scheduled to begin on June 21.

If convicted, Chen and his co-accused face a maximum penalty of two years in prison.

Because the kidnapping charge – the only indictable offence – has been withdrawn, Chen can no longer have a juried trial and a judge will determine his fate.

On Tuesday, Lindsay said he doubted any jury would convict Chen, who has seen an outpouring of support, especially from the local Chinese community.

In the courtroom gallery, the back row was filled with Chen's supporters, both friends and strangers.

Some learned of Chen's situation from a Chinatown flyer distributed by the Victims' Rights Action Committee.

Thousands signed the group's petition in support of Chen.

"Mr. Chen was just doing the right thing any property owner would do to defend their property," said committee member Ricky Chan.

After the hearing, Lindsay reiterated his plans

to raise the constitutional issue of whether Chen enacted a valid citizen's arrest.

Under the criminal code, a property owner can only arrest someone if they're caught committing a crime, Lindsay explained.

Chen didn't catch Bennett red-handed, but the theft was captured on surveillance camera and Chen caught Bennett nearly an hour later when he returned to Lucky Moose.

"The current law of citizen's arrest is too narrow," Lindsay said.

Chen complained on Tuesday that his court dates have cost him both time and money.

He worries about juggling his legal issues while also running a business and supporting his two young children, ages 6 and 2, he said.

"In China, if this happened, a lot of people in the area would help, plus the police would arrive immediately," he said in Mandarin.

"The thief would be on trial, not the store owner."

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MODULE 1 - Introduction to Policing

ACTIVITY 3

Police Officers as Individuals

Materials

- Copies of *Attributes of an Officer* (one per student)
- Copies of *Wanted: Police Officer for Ideal Police Force* (one per student)

Teaching and Learning Strategies

1. Distribute the handout, *Attributes of an Officer*, to students and ask them to label a point on the graph for each of the attributes listed.
2. As a class, discuss which adjectives and characteristics are most important for the police to have and list these on the board for everyone to see. Refer to the list of police duties from Activity 1 and have a discussion about whether the most desirable attributes align with the responsibilities of the police.
3. Distribute the handout, *Wanted: Police Officer for Ideal Police Force*, and direct students to write a job posting for a police officer in an ideal police force.

**Teacher's Key**

You may choose to provide students with the following sample job posting before they write their own.

Position Available: Office Manager

We are seeking individuals who meet the following requirements to join our office in Anytown, Ontario as Office Manager.

The ideal candidate will be able to fulfil the key responsibilities of organizing and managing our office in the most efficient manner.

Candidates must also have at minimum a high school diploma and be willing to participate in all necessary training. Candidates must also have no criminal record.

Finally, the ideal candidate will possess the following

skills and qualifications:

- Thorough knowledge of Microsoft Office and data entry skills
- Excellent organizational skills
- Punctual, organized and cooperative

We thank all candidates but only those receiving an interview will be contacted. Please forward your resume and cover letters to info@anytown.ca.



4. Have students share their completed descriptions and discuss the following as a class:

- What were some common attributes in the job descriptions of an ideal police officer?
- How similar or different are these descriptions from the definitions of police from Activity 1?

ATTRIBUTES OF AN OFFICER

Label a point on the graph for each of the possible police attributes below.

- Fair
- Powerful
- Authoritative
- Compassionate
- Professional
- Friendly
- Aggressive
- Corrupt
- Shy
- Good Sense of Humour
- Honest
- Physically Fit



