

REPORT Rossmo case airs police laundry

By CHAD SKELTON

When geographic profiler Kim Rossmo filed his wrongful dismissal suit against the Vancouver police department a year ago, few could have predicted the headlines to come.

Employment disputes are usually pretty dry affairs, consisting largely of technical arguments about contract language and severance pay.

The vast majority of such disputes never even make it to court — companies usually settle to avoid the embarrassment of a trial.

But the Rossmo trial, which wrapped up a week ago, served up an almost daily helping of shocking allegations and embarrassing revelations about the VPD and its most senior officers.

The trial even heard senior police officers — including Chief Constable Terry Blythe — accusing their subordinates of lying on the stand.

B.C. Supreme Court Justice Marion Allan has reserved judgment on whether Rossmo's dismissal was proper or not.

But several observers say that, regardless of what Allan decides, the VPD has already suffered a serious, perhaps irreparable, blow to its reputation and credibility.

"It's just awful," said B.C. Supreme Court Justice Wally Oppal, who chaired a royal commission into policing in the early 1990s that Rossmo assisted on. "I've watched it in the press and it's really disconcerting to hear

these types of allegations. It doesn't do much to foster confidence in the police department."

And while Oppal stressed that Allan may find many of the allegations at the Rossmo trial have no merit, he said the public is unlikely to forget the spectacle of senior police officers taking shots at each other on the stand.

"This stuff just doesn't happen," he said. "It's extraordinary."

Twice in two days, senior police officers accused other officers of lying.

Deputy Chief Constable John Unger testified that Sergeant Grant Smith was lying when he told the court that Unger angrily told him Rossmo would "never be an officer of this force and he'll never be a member of the officer's mess."

And Blythe accused Inspector Ken Doern of lying when he testified earlier that Blythe told him in a meeting that he was being reassigned because he had supported former chief constable Bruce Chambers.

"It's one thing to have police officers not necessarily agreeing with one another," said Ian Donaldson, a senior defence lawyer and spokesman for the

Trial Lawyers Association. "It's another to have them outright calling each other liars."

Donaldson said one of the biggest challenges defence lawyers face in court is challenging a police officer's testimony.

"It's an uphill battle to convince a judge or jury that a police officer is lying," Donaldson said. "There is a sense out there that police are truthful."

The accusations of lying at the Rossmo trial, he said, will make that task considerably easier.

"When senior police officers are calling each other liars ... that's something that ought to help the public conclude, in a general sense, that police are human like anybody else."

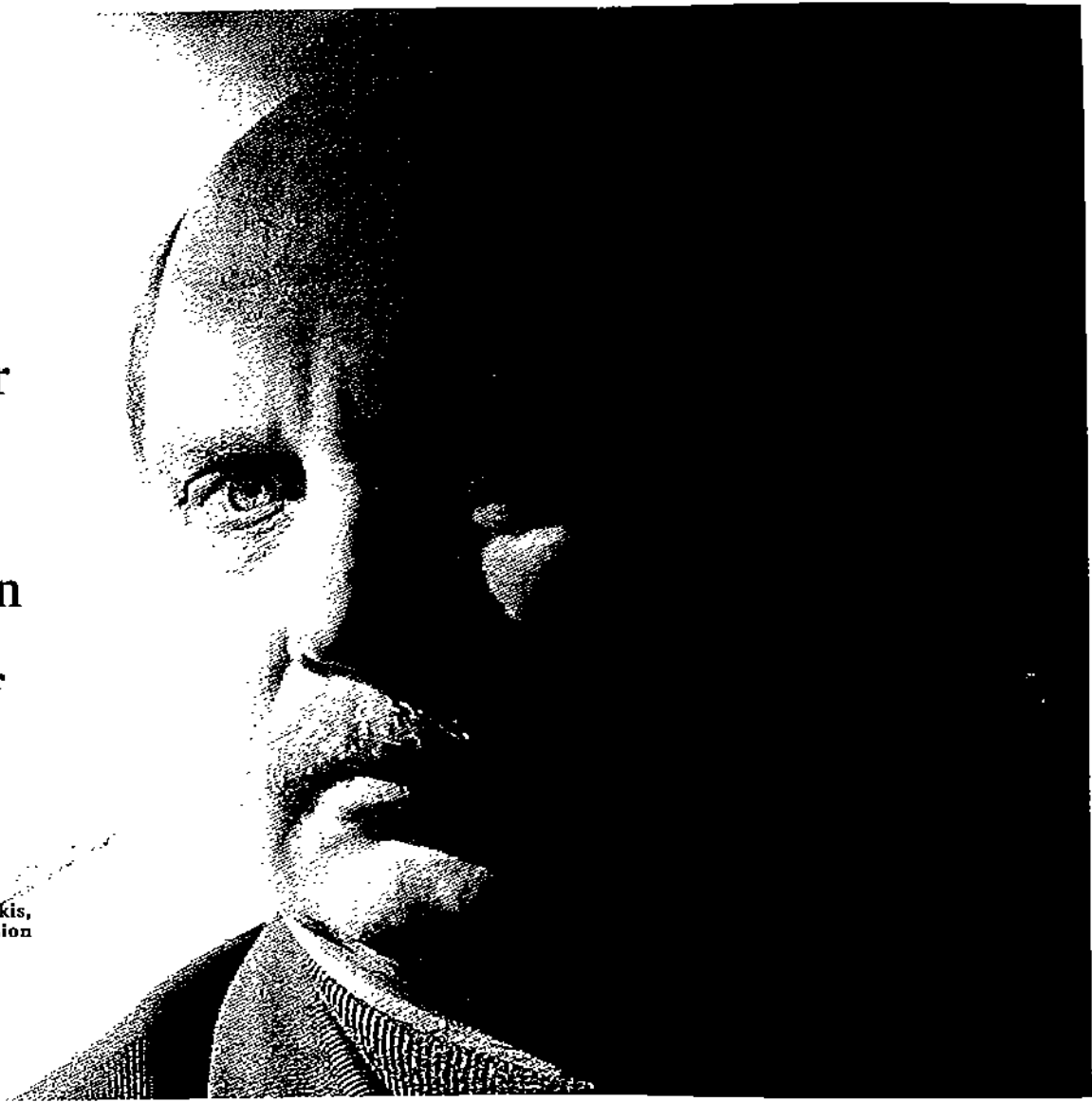
The allegations of lying could have an even more direct impact than that.

Doern — whom Blythe accused of lying on the stand — is one of the department's chief witnesses in the public inquiry into the "Riot at the Hyatt," which will examine how police dealt with protesters in 1998.

If the court finds either Blythe or Doern lied on the stand, that could taint any testimony they give to the inquiry, which begins Jan. 14.

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Tom Stamatakis, president of the Vancouver Police Union



Testimony sends message education is not respected

In 1995, Rossmo became the first police officer in Canada to receive a PhD after developing a system known as "geographic profiling" that predicted where an offender might live based on where his crimes were committed. After the RCMP offered Rossmo a job, the VPD gave him a five-year contract — paying him \$120,000 a year to head a geographic profiling unit and promoting him from constable to detective-inspector.

Rossmo testified that many senior officers were upset with his unprecedented promotion.

One inspector yelled at him, wanting to know how he got promoted. A derogatory poem was posted in the staff elevator about him.

"It's schoolyard behaviour," said Rob Gordon, director of the criminology department at Simon Fraser University, who hired Rossmo as an adjunct professor. "The public reading this stuff will ... look at it all as a rather pitiful display of childish behaviour. It's shameful and not at all good for the police department. Its reputation suffers as a consequence of this."

One of the more embarrassing allegations made at Rossmo's trial came from Chambers, who said that when he first became chief he asked about 30 senior officers to tell him their major concerns facing the department. Four, including Unger, raised the issue of Rossmo's promotion.

Tevlin poked fun at that testimony in his closing arguments. "The burning issues were not child prostitutes or the thousands of B and Es — it was Rossmo," he said.

And the resentment some officers felt against Rossmo's promotion may have had real consequences for policing in the city.

While Rossmo's geographic profiling system has been used by police forces all over the world to help track down repeat offenders, Rossmo testified that senior officers at the VPD were so annoyed at his promotion his talents were rarely used here.

Gordon was a police officer himself in the 1960s and 1970s. He said the Rossmo case illustrates the problems with the paramilitary structure adopted by police a century ago and still employed by most departments.

The rank structure is so rigid that attempts to promote those with special skills or education runs into stiff resistance.

He said many police departments around the world — including the FBI and the Metropolitan Police of Lon-

don — are more open to hiring people into senior positions because of their special training or ability.

"It's a sad statement that people that are enterprising and industrious won't be rewarded," he said. "If they're going to cling onto this 19th-century model of management, the police department can only go downhill."

Tevlin argued in court that part of Unger's anger towards Rossmo stemmed from the fact that Unger had reached his position with only a high school education and decades of hard work, while Rossmo was able to advance more quickly with a PhD.

Unger denied that and testified he held no grudge against Rossmo.

Neil Boyd, another criminology professor at SFU, said the Rossmo trial sends a disturbing message that the Vancouver police department is resistant to highly educated officers.

"That to me is one of the most problematic legacies of this trial," he said. "That there is a segment of the police department that is highly resistant to the value of education. It sends a really unfortunate message about education."

A message, Boyd said, that could make it difficult for the department to attract recruits interested in pursuing a higher education.

Indeed, Oppal's inquiry into policing found one of the biggest challenges facing police in the province is its strict rank structure.

"The inquiry heard repeated complaints from police officers that promotion is based on what is commonly referred to as an 'old boys' network,'" the report stated. "The rigid departmental and rank structure of police organizations has failed to make full use of officers' capabilities."

In an interview, Oppal said police forces have more officers with degrees than at any time in their history — but most aren't making use of their educated staffs. "The vast majority of the people going into policing have some kind of post-secondary training," he said. "The trick is for management to utilize them properly."

For its part, the Vancouver police department says it is confident its reputation will not be hurt by the Rossmo trial. "It's been somewhat of a sensational civil trial," said police spokesman Detective Scott Driemel. "[But] its actual impact on the police department hasn't been very great."

However, Driemel says the depart-

ment will be happy if the judge makes her decision quickly.

Tom Stamatakis, president of the Vancouver Police Union, said rank-and-file officers continue to serve the community as best they can. But he said he can't deny the trial has had a negative impact on his members' morale. "It's obviously not a healthy situation when you've got senior officers in the department calling each other liars," he said. "When things like this happen it sort of takes away from the good work being done."

George Garrett, a longtime police reporter with KGNW who is now a communications consultant, said the Rossmo trial has been bad for the department.

"I regret that they've had all this bad publicity," said Garrett, who conducted a media audit for the VPD earlier this year. "I think it impacts negatively. What it masks, in my opinion, is [that the VPD] is a pretty good department and has been for quite some time."

Garrett said the problems the Vancouver police have been facing are minor compared to the major scandals of corruption and criminality that other departments, such as the Los Angeles police department, have had to deal with.

"In the overall scheme of things, I don't view it [the Rossmo trial] as a catastrophic thing," he said. "I don't think it's going to have a long-term impact. I think people have faith in the department generally."

At times, the testimony at the Rossmo trial was so sensational it was easy to forget what the case was really about: a dispute over the decision not to renew a contract.

"Lost in all of this was whether he was wrongfully dismissed," Oppal said.

Indeed, on the final day of arguments, Unger's lawyer, Dick Hamilton, went as far as to allege that Rossmo and others were part of a "conspiracy ... to attempt to discredit the department" by giving evidence at his trial that was embarrassing to the VPD "but did not bear upon the real issues before this court."

Whether airing the VPD's dirty laundry was part of Rossmo and others' plans may never be known.

But if that was their goal, Hamilton conceded, "there can be little question that these men have succeeded to a significant extent."

Chief's memo praises conduct during trial

The Vancouver Sun has obtained a copy of a memo that Chief Constable Terry Blythe sent to all staff regarding the "on-going civil court process," an oblique reference to the wrongful dismissal trial of former Detective Inspector Kim Rossmo.

Under the heading, "A Message From the Executive of the Vancouver Police Department," the memo stated: "Recently, we have been the focus of significant media attention with regard to this matter.

"I anticipate that the trial proper will conclude in the near future. A decision will hopefully be rendered in a timely fashion.

"On behalf of your Executive, I would like to take this opportunity to commend you all for your dedication to duty and for the high standard of professionalism that you have exhibited over the past year, during which time this inquiry has taken place.

"I am confident that as a police organization, we will all continue to work together for the citizens of Vancouver, in the exemplary manner that is reflective of the esteem that your Police Board, Executive and the public hold for you."

Blythe also sent copies of the memo to Vancouver Mayor Philip Owen and members of the Vancouver police board.



Kim Rossmo checks a map at a crime scene. His computer program helps investigators pinpoint where a serial killer is most likely to live.

Chronology: How the Rossmo case unfolded

October 1995: Kim Rossmo, the first police officer in Canada to get a PhD, is named head of the Vancouver police department's geographic profiling unit and promoted from the rank of constable to detective-inspector. The five-year contract was offered to Rossmo after he was made an offer by the RCMP.

April 1997: The RCMP purchases computer software designed by Rossmo to set up its own geographic profiling unit.



Blythe

returned to his previous rank of constable on Jan. 1, 2001. The police board later approves the decision not to renew Rossmo's contract.



Unger

April 2001: Rossmo lands a new job at the Police Foundation in Washington, D.C. As director of research for the non-profit foundation, Rossmo will earn about \$192,000 Canadian (\$120,000 U.S.) — far more than he was making in Vancouver.



Chambers

concerns facing the department. Four, including Unger, mentioned problems with Rossmo's promotion.

June 19, 2001: Former Sergeant Grant Smith testifies that sometime after Rossmo was promoted, he saw Unger in the staff cafeteria and jokingly asked whether he should refer to Rossmo as Dr. Detective Inspector Rossmo or Detective Inspector Dr. Rossmo. "I don't care what you call him, he'll never be

November, 1999: Chief Constable Terry Blythe is presented with an award for leadership from the International Association of Chiefs of Police for the work of Rossmo's geographic profiling unit.

July 6, 2000: The VPD sends Rossmo a letter saying it plans not to renew his contract at the end of the year and that he will be

December, 2000: Rossmo files a lawsuit against the Vancouver police alleging he was wrongfully dismissed. Rossmo accuses the Vancouver police board and Deputy Chief Constable John Unger of breaching his contract, damaging his reputation and publicly humiliating him.

April 2001: Rossmo lands a new job at the Police Foundation in Washington, D.C. As director of research for the non-profit foundation, Rossmo will earn about \$192,000 Canadian (\$120,000 U.S.) — far more than he was making in Vancouver.

June 18, 2001: Rossmo's civil trial begins at B.C. Supreme Court before Justice Marion Allan. On the first day of testimony, former Chief Constable Bruce Chambers testifies that an "old boys network" in the department tried to obstruct progressive initiatives like community policing. He said when he first became chief, he talked to about 30 officers about the major concerns facing the department. Four, including Unger, mentioned problems with Rossmo's promotion.

an officer of this force and he'll never be a member of the officer's mess," Unger said, according to Smith. On the same day, Inspector Ken Doern testified that in March 2000, Blythe reassigned him to dealing with the gay pride parade. Doern testified Blythe told him he was being reassigned because of his relationship with Chambers. Doern recalled Blythe saying Chambers had "destroyed the department and I would destroy the department, too."

June 20, 2001: Rossmo testifies he warned the VPD in 1998 that it should issue a public warning that a serial killer might be responsible for the dozens of missing women on the Downtown Eastside. Instead, the department stated publicly it did not believe a serial killer was behind the disappearance of the women. (The department has since changed its position, saying there is a strong possibility a serial killer is at work.)

June 27, 2001: Deputy Chief Constable Gary Greer testifies Rossmo's contract wasn't renewed because the department felt it wasn't getting good value for its money. He said the unit, which cost about \$700,000 over five years, was more of an "international unit" assisting police all over the world than an essential part of the Vancouver department. Greer said the VPD offered Rossmo a two-year contract, but that Rossmo wanted another five years so he could retire with a pension. The trial is postponed until the fall.

Oct. 16, 2001: Greer testifies the department made a secret deal with Detective Constable Murray Phillips that allowed him to use up his sick leave rather than face disciplinary action. Lawyers for the police board later clarified that, under the arrangement, Phillips will use up his sick time, which is provided for under the collective agreement, and then attempt to apply for long-term disability and resign by March 2004 before he reaches his retirement date. If at any time it is determined that he is no longer ill, he will resign.

Oct. 17, 2001: Two inspectors, Chris Beach and Doug LePard, testify there is no "old boys network" calling the shots at the VPD. The two testified that many officers were disappointed with Chambers because he didn't follow through on some of his promises and established new positions without funding them properly.

Oct. 22, 2001: Blythe testifies he didn't assign Doern to the gay pride parade as punishment for being a Chambers supporter — contradicting Doern's earlier testimony. "That is an absolute untruth," Blythe says. Asked if he would go so far as to call Doern's testimony a lie, Blythe answers: "I would, yes."

Oct. 23, 2001: Unger contradicts Smith's testimony that he said Rossmo would never be an officer with the VPD or a member of the officer's mess. "You say that Sergeant Smith is lying about that?" Tevlin asked Unger. "Yes," Unger replied. "I say he is lying."

Oct. 24, 2001: Tevlin tells the court that retired inspector Ed Kemp, Unger's former assistant, called him after reading about Unger's testimony the previous day in *The Vancouver Sun*. Tevlin tells the court Kemp is willing to testify that Unger originally told him he was going to admit to the exchange with Smith in the cafeteria and then later told him, "We're not going to admit anything." Unger denies making such a statement. Allan doesn't allow Kemp to testify, saying it wouldn't assist her in determining who is telling the truth.

Oct. 26, 2001: After hearing closing arguments, Allan reserves her decision.