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Full text of the Spec's interview with OPP Commissioner Julian Fantino

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Susan Clairmont's interview with OPP Commissioner Julian Fantino in Toronto

When you became commissioner, you said Caledonia would be your top priority. Is it?

"It ranks very high. It always has. But it isn't the only area in the province where we have First Nations-Aboriginal issues. If you followed the situation over the last year we've had the Aboriginal Day of Action. There's other flare-ups, there's other areas of difficulty we're dealing with. So in Caledonia we have really spent a lot of time and a lot of effort certainly doing all we can to preserve the peace and certainly have this issue resolved at a political level where really we don't have much opportunity beyond that to just motivate the people we can to get the issues resolved. In the meantime we do what we have to do. Preserving the peace.

Do you feel that you personally have to motivate politicians to do what they have to do there?

From time to time we're called upon to provide briefings and status as to the situation as you know. I've gone to the Management Board and the Treasury Board for added funds to deal with Caledonia-related issues. So from that point of view it's just keeping them informed of what's going on and of course when it comes to having political decisions made that's where one has to go.

Do you know how much additional funds you have received?

Well, I don't have the exact figures but the accounting is ongoing. What we have done though is we've logged how many person hours we've expended dealing with Caledonia issues and we're talking about 700,000-plus person hours. And it hasn't just been OPP, it's been Toronto Police, London, York, Hamilton, Peel. But things have stabilized there considerably. As long as we don't have those interlopers that come in creating problems, things are not all that bad. It's not a resolved situation, but things really escalate when we have outsiders come in.

You've been very vocal about that. Particularly with Gary McHale. You don't mince words.

And I don't still. He can sue all he wants. Any Canadian can do whatever he wants I suppose, but that's all mischief making. It's all diverting attention away from the reality. When he comes into town or when he agitates and creates problems down there we have to obviously create a greater police presence and that has cost, to date, well over a half a million dollars not counting other costs we've incurred. I now have an accounting for activities that relate specifically to these kinds of events. So I can tell you, the taxpayers of this province have had to bear over a half million dollars in policing costs when the likes of Mr. McHale come to Caledonia to stir things up. And that also creates a situation elsewhere for us because we have to backfill those people and they're taken out of their respective areas to then be deployed in Caledonia. So the costs in reality are probably much, much higher.

How many times have you personally been in Caledonia?

Numerous times. Numerous times. I can't even begin counting them. Probably a dozen. We dialogue with people generally, making sure people are informed and aware. Trying to get a sense of personal appreciation for what's going on down there. I've spent a lot of time down there. I think it's been fruitful for the extent that we're able to dialogue face to face on issues and meeting with the Confederacy, Six Nations leadership. You know those kinds of issues are really important and from the point of view of trying to get everyone not to let the situation escalate.



Hour long interview with OPP Commissioner Julian Fantino about his first year with the OPP and Caledonia. CAPTION OVER THIS.

A lot of people in Caledonia were not pleased with your predecessor Gwen Boniface's leadership role. In particular, the fact she hadn't been visible. You seem to be taking a different approach. Is that just Julian Fantino's style or was that something very deliberate, to do it differently than it had been done?

If you look at my background, you'll see that it is my style. I believe in leading from the front. I believe in leading with my people and I also believe in being with my people. Especially during difficult circumstances. I did that in Toronto, I've done it elsewhere. Whether it was OCAP demonstrations in Toronto, whether it was the first organized labour movement in London back in December 1995, whether it's the Papal visit or whether it's the finance minister is coming to town or whether it's a mini-riot anywhere, that's my style.

Did you feel at all that you need to win back the confidence of first, the people of Caledonia and secondly, your own OPP officers working there?

I wanted to establish myself as a leader that is visible, committed, dedicated and involved. And I did that again in the Aboriginal Day of Action. Long before that happened I went and met with First Nations leaders around the province. I went and spoke at the Assembly of First Nations gathering at Gatineau, Quebec, all working towards a peaceful outcome. A peaceful resolution. Doing what we can to establish communications with these people. Trust.

How do you establish trust?

"I think there's been a lot of it, actually. You just sit down with people, you listen to them, you make your views known, you're honest and up front and you basically have to let people know what your role and responsibilities are, what limitations one has, what's at stake if things go sideways. If we don't, all of us, in our respective positions take the leadership role. So it's just sitting across the table, having a meal with people, sitting down and talking. I think that that is the best way to go. Not communicate through the media, not write memos, not make phone calls. Go out and talk to people. And I find people on all sides once you sit down -- and we have to accept there are different points of view -- all come at issues from different experiences and different wants, likes, dislikes and expectations, but I find most people are reasonable when you sit down and talk things through. We end up sometimes not agreeing on everything but at least we have a better understanding of where everyone's position is.

What is the OPP's role?

Peacekeeping. It's basically ensuring that we do all we can to preserve the peace and that's not something you can do out of a canned program or script. It takes a lot of work, a lot of dialogue and very often it takes a reasoned tempered approach to things. Talking things through, negotiating outcomes. All those things take time. But the only other option, which I suppose some people want us to use, is violence. Force. And that will just escalate to more force. And we don't want to be the catalyst for any flare-up of any of these issues. We see ourselves as doing all that we can to keep the peace and allow those who have authority and responsibility for negotiating and dealing with these issues, give them the opportunity to do that in a peaceful environment.

Its limitations?

The limitations are, basically, that we can't do everything people expect us to do. There's all kinds of unreasonable expectations that are made on us. Like why don't we go in and vacate the occupiers from the lands. Well the lands are owned by the government now. We don't take land, we don't hold land, we don't negotiate for land. None of those things are our responsibility. So yeah, a lot of people have these expectations that we just go off and do certain things but the reality is, we have to work within the parameters of the law and we have to work within the reasonable and judicial application of the law. Not everything is black and white.

Does the public criticism stem from not understanding what you see as the OPP's role and responsibilities?

I believe so. And when I first came onto this job I wanted to basically be very up front and articulate all those issues because I think, as I saw it, it appeared the expectations on the part of many people that the police were going to deal with this issue and resolve it and make it all go away. Quickly. And as we know, these things go back centuries. The history of these land claims, these disputes, the genesis of those go back generations upon generations. There's legal issues and implications that are very, very complex. So the expectation that was put on the OPP I think was unreasonable, ill informed, and obviously not anything we could realize. And that's why this two-tiered rhetoric, this two-tiered justice we don't apply the law this and we don't do that and on it goes, all of that I think was because of the lack of appreciation or understanding of what in fact the police role is in all of this. And also I think a lot of mischief making. Even during the last elections the whole thing was politicized to no good end. The last thing we need is to have this thing flare up. We want to have people do all that they can in a responsible way to keep the peace because if that's not the case, you see every time there's a flare-up people leave the negotiating table. Because of the flare up there's a certain lack of trust or it's a bit of a crises and people withdraw from the negotiating table. All those sorts of issues. So that's why we're committed to do everything we can to keep the peace so the people who are responsible for negotiating or resolving this issue can do that ongoing without having all these interruptions.

Members of the Caledonia community as well as some OPP officers themselves say there is a two-tiered justice system. What can you say about that?

You must have a different source of information than what I do because I spent a lot of time with my officers both on the front lines and meetings and formal and informal dialogue, I don't get that feedback at all. What I do get is a sense of comfort that they're well supported that their mission is well defined, that they're well-informed and they're well equipped and well-supported and backed-up when things do flare up. There may have been some and probably are some who see things in a different way. The other thing I wanted to mention to you is that although an officer may say those things, he or she would not have the bigger picture. Caledonia is not an isolated, stand-alone issue. Caledonia is connected with all these other First Nations issues not only across the province, but country-wide. Everyone's watching what goes on in Caledonia and one misstep in Caledonia will result in a flare-up right across this country of conflict and confrontation. So while one officer may only have that one small piece of information, I happen to have the bigger picture from 30,000 feet up in the air. And all of this is interconnected. We can't go off and do the kinds of things one would do devoid of all these other complications. This is a very complex issue. So I haven't heard that from our officers, at least not me directly or nor have I heard it through second or third hand information.

The incident at the Canadian Tire parking lot involving an elderly couple and journalists from CH TV and native protesters has been a flashpoint for a lot of criticism. Tell me about it from your perspective.

As you know that whole thing has been also investigated by the Ottawa police department and I've looked at it. It's very hard, I guess, not having been there, to even read about what happened and fully appreciate what was going on. Things were moving very quickly but there's clearly a lack of understanding about roles and responsibilities and the fact that our police officers did do the right thing in those circumstances. They may not have been what people expected but they tried to deal with a very volatile situation that escalated very quickly and trying to keep the peace in those circumstances isn't always according to some instruction manual. People did the best they could. We're talking about police officers on the ground trying to deal with a very volatile, very difficult circumstance that flared up very quickly. And then, to be perfectly frank about it, the presence of the media very often escalates the situation. So I'm not saying that was the predominant cause, but certainly that was something that agitated people significantly.

It hasn't been an easy effort for us either, but there have been, to date, 92 criminal charges laid against 44 persons and there's still six arrest warrants out for a number of people. And these have ranged from attempted murder down to flight from police, mischief, a whole lot of stuff. And there's also ongoing investigations, criminal investigations. And I should also tell you that in the process we've had a number of police officers injured. Forty-odd police officers that were injured over time.

Would that incident have been handled differently if there were no natives involved?

It's hard for me to replay anything like that. I don't know what we would have done. Obviously I can only tell you that I'm confident that the police officers on the scene, dealing with the difficult circumstance they were dealing with, I think they did the best they could. But with the benefit of replay, who knows what different things we might have done.

What role does the media play in Caledonia and how does that affect what you have to do?

You know I always count on the media to do its job as the media counts on us to do ours. It's not an either or. You have a job to do and I respect that. We have a job to do as well. All we ask of the media is fair, balanced, honest reporting. The kind of attention the media have given these interlopers who come in to cause trouble to me is just a total waste of ink or video time or whatever. It's a tough call and you have a job to do. What do you do? I don't find myself being critical of the media in the context of, for the most part, the media does a darn good job. A fair job. But I think in some cases we tend to make heroes out of villains. The media does. It tends to sensationalize things when things should be downplayed. And I think the media sometimes forgets the consequences of what is in fact put out there and how people do become influenced by the media stuff. Including media being present at anything. It's like a magnet. The other thing we have to realize is there's many agendas in play. We have an agenda right? When you get these interlopers coming in the media should be asking the question about how is this in the greater good? I mean, I just told you how much the taxpayers of this province are spending and how much of a sacrifice it is for us to keep the peace when these people come in there. They're like throwing a bomb in the community and having everyone live in the ashes. Nothing good comes out of those things. I don't think the media has done an adequate enough job of exposing these people for what they are and what they're doing. There's been a lot of focus on us. Which is fine. We don't mind. But they should spend an equal amount of time looking at the bigger picture. Even the sensational play that was given to my e-mail to Haldimand council. That's such an innocuous . . . That's just me expressing concern about some of the very inflammatory rhetoric that was being perpetuated by people who should know better. How it was so unfairly characterizing the OPP and you know, basically, threatening us that if this or that didn't happen they were going to go and get someone else to do the policing. Well all I said was 'Fine, go ahead.' If this is the way it's going to continue, why do we want to be there? Our men and women don't want to go down there and be verbally abused every day by people who should know better. How did people characterize it? As a threat. That wasn't a threat. Not legally, not morally and not ethically. I would write it again.

What is the status of the OPP's contract with Caledonia? It comes up for review at the end of 2008.

You saw that Haldimand council in their wisdom, which is their right to do, they've been shopping for alternate policing. They've gone to Niagara, they've gone to Hamilton and neither one of those agencies are about, as I understand it, to take on the responsibility. It's their right. They make these decisions. They are political decisions. I have no issue. I mean, they can go and shop around all they want. Ultimately, if they want the OPP policing, you know we'll continue doing a professional job. We're not running from anything. We're committed to serving the good, decent, honest, hard working citizens of Caledonia and that whole area. We don't have any quarrel with them. We don't have any issue with them. In fact I don't think we have any issue with anybody. We're just there doing our job and we'll continue doing it. But you know, to keep expressing oneself the way we've heard it over and over and over again, we don't want the OPP this, the OPP that, very well then let it be. We have lots of other things to do in this province.

Is there any concern that other communities will look at Caledonia and not renew their contracts with the OPP out of fear of the same thing happening there?

No far from it. In fact we're doing costings in a number of other communities right now and renewing many others. In fact coming up for us is a very busy year. I haven't seen any of that. I think people who are objective and fair minded realize what a tough, tough situation it is for us, the OPP. And by the way, no less difficult for us in Deseronto when we had to deal with the blockade there. I believe we're doing a good job because even the Ontario Court of Appeal, Mr. Justice Marshall. . . the injunction. . . That whole issue ended up in the Ontario Court of Appeal and the Ontario Court of Appeal basically decided, ruled, that the approach we were taking was the right approach. Reasoned, tempered, talk things through, preserve the peace and all of that. And then following that we've also had the recommendations from Mr. Justice Linden on the Ipperwash Inquiry, again affirming the whole concept of reasoned, tempered approach, dialogue you know, do whatever you can to talk things through. If anything, we find our approach has been validated. And it does work by the way. I mean we haven't had any blood shed with the Aboriginal Day of Protest that was supposed to be such a confrontational event and all of that and to some degree it was, but you know we talked our way through that. And there was no blood shed. Some inconvenience of course. That's a small price to pay, I think, for any otherwise consequences that would result in people injured or, God help us, killed.

Do you think you are winning over the neighbours who live closest to the occupation site? To them it is very much about inconvenience.

They're most aggrieved. There's no doubt about it. And we put police officers in the local school there working with local staff and students. We're there physically all the time. There isn't the ongoing conflict between residents and Six Nations people to the degree there was. There's been an awful lot of work done on the part of Six Nations people. We've been able to mediate a whole lot of issues. They've been actually very responsive with kicking out some of the radical elements that were causing trouble. Troublemakers. They've done a great job and the issue still remains. But I know they have been very responsible in terms of listening to our concerns which have been the concerns of the community as well, taking action to prevent things from flaring up, getting rid of troublemakers who have converged on the lands. I can't bring relief to their situation beyond just trying to keep the peace and keep the parties separated and troublemakers out of there and keep things from flaring up. But I do very much sympathize. I understand. I don't discount for one moment their issues or their concerns, but they too have to realize this is not a police issue to resolve. This is a political issue that has to be dealt with at a political level and frankly, you know, First Nations issues in this country are primarily the responsibility of the federal government. I don't engage myself in those discussions or dialogue now that the province has appointed Michael Bryant, a minister totally dedicated to First Nations and aboriginal issues, I think it will show that at least the provincial government is focused on dedicating the political resources necessary to address this issue. I don't know quite what he intends to do. I haven't really had a sit-down with him since he was appointed to his job. We've chatted, but we haven't sat down and had any real in-depth discussions just yet. Very, very soon. You know, it's a new portfolio for him. And then there's Mr. Crombie who is appointed to deal with some issues. So I think things are moving. Are they moving fast enough? I suppose not, but what can you do. These things have been a long time in the making.

One particular resident, who happens to be a Hamilton police officer, has been very vocal. He thinks the OPP is doing a lousy job in Caledonia. You actually contacted Hamilton Police and called for an investigation into that officer. Is that correct?

I made his chief aware that the comments that were being attributed to the officer were unacceptable and that wasn't just my views, that was the views presented to me by a lot of people and I basically brought the issue forward. He was the one who decided what to do with that, the chief did.

His comments were unacceptable in what way?

Inflammatory. Unhelpful.

How did you relate that to his job as a police officer?

We're all held to higher standards, on the job or off the job and that was the approach I took as was the approach taken by his own peers with whom I had conversations both inside the OPP and outside the OPP.

In the end, no disciplinary action was taken against that officer.

And that's fine. My job wasn't to deal with the disciplinary matter. My job was to make sure his chief knew the consequences of that kind of inflammatory rhetoric that was not appreciated even by his own peers. And whether it merits discipline or not, I still believe it's unprofessional.

Do you have any plans to go to Caledonia any time soon?

I have plans to go back but we don't make it a media event. I don't think people like that and I'm very respectful of that. So I go and I come and the times you've seen me there publicly is when there's a heightened reason for me to be there. But I go down there all the time to talk to people or whatever. I've met city council and Six Nations people.

What's the next step then for the OPP in Caledonia?

We're going to keep on doing what we're doing. We're going to work to continue with these criminal investigations. We're still going to pursue the people we have warrants for. We're going to keep on policing the community as best as we can, flat out. We have new police officers infused in the community now. I think we're right up to speed. There's 66 new officers. And the Haldimand detachment is being renovated now to accommodate them so you know we're establishing a permanent deployment of people there. So there's actually 62 police officers and four administrative staff that have been dedicated to staffing enhancements in Haldimand County. And you may recall that I went to the Treasury Board for that issue. We could not continue to bring people in from all over the province. Enormous costs. So that's what's happening now. The renovations are going on in the detachment, which is good. By the way it was in bad need of repair to begin with. Existing contract expires the 30th of September 2008 so you know, we'll do what we have to do.

The builder who was beaten and badly injured at the Stirling subdivision brought another outcry from the public that the OPP was standing by and not arresting people. What happened that day?

The allegations that the police stood by and did nothing are totally erroneous. That did not happen. Our people did take action. Certain things happened outside of their view or their ability to know or detect, but no one stood by. That whole issue was reviewed. There was no such thing that happened, but there again people are emotionally charged up about issues. Things are said, media report them and before you know it, they're propagated as if they are truth when in actual fact none of that's true. Our people did what they could. You know that there's cases going before the courts now so. . .misinformation.

When you were considering becoming commissioner of the OPP, did Caledonia factor into your decision?

I was close to the action somewhat. I was in the same ministry as Commissioner of Emergency Management so I had some knowledge of Caledonia. No, I'm not deterred or intimidated or otherwise scared off of dealing with issues. Caledonia is a tough, tough issue. But I think we're doing - our men and women - I think we're doing a good job of keeping our focus on our mandate, trying to resolve issues, trying to keep the peace, advising as we need on our needs and those have been answered with added resources and those kinds of issues. But I'm not deterred by the least, be it Caledonia, Deseronto or any other area from just doing what we're supposed to do. Our job is law and order it's keeping the peace, preserving the peace, preventing offenses, protecting the public. We're doing all of that. What we don't do and we can't do or have any authority to do is resolve these land claims. Resolve these disputes. And people have to understand that. And I think for the longest time people misunderstood what role and responsibility we had in this whole process of First Nations land claim issues. These disputes. And it isn't just Caledonia. They're everywhere.

There's a public perception that Commissioner Gwen Boniface left the OPP under a cloud because she did not perform well at Caledonia. Do you have concerns about your legacy and how it will be affected by Caledonia?

I don't compare myself to anybody else. I'm an independent agent of me and then I'm accountable and responsible for what I do. I have an oath of office. I have my own experience. I haven't come down the river on a bicycle. I've been around a bit and I know I think fairly well what one is supposed to do and not do and I draw on a whole lot of great experience from the people here at the OPP. I think we're doing what we're doing together. I think we're trying to work very hard to ensure there's no blood spilled, there's no escalation of conflict. We are taking a measured, reasoned approach to issues. We're prepared to deal very swiftly and in a determined fashion in circumstances and we have done that. I'm quite comfortable with what we're doing. Is it perfect? No, it's not perfect. Would I wish it to go away? Yes, yesterday. But you have to also live with realities. We have to deal with this reality. This is a very, very complex issue. I can tell you though, that when I came into this, I didn't have the full and absolute appreciation of just how volatile and all the dynamics involved here. I haven't been immersed to the degree that I am now, talking to all sides and I'm understanding much, much better the very complex issues that are involved here. You get an appreciation for just how delicate a balance the peace is in all of these different issues. And you also realize just how important our role is in making sure we don't precipitate, we don't create or escalate a situation. Because as I told you earlier, the thing that I did not appreciate . . . I thought that Caledonia was a stand-alone, isolated issue. It's not. I mentioned earlier that it's linked to everything else that's going on in this country. When we were dealing even with the blockade there on the 29th of June, I know that people were watching every move we made, very attentive to the issues. And we also know that there was likely to be a very significant backlash if we did anything wrong or misstepped or acted precipitously. So that I didn't appreciate until I came into this and now more and more I'm driven to make sure that we, the OPP, continue to approach these things in a measured, reasoned way so we don't become the catalyst or the lightning rod if you will that will cause a flare-up, because it will. So we have a lot of extra pressure that people don't realize that is inherent to all of this. You can't call in the army and deal with this issue. You can't do it because what are we going to have? Civil war in our own country. I mean that's crazy. These things have to be resolved. We're a sophisticated society. We're a democratic society. We don't use the police as the army of occupation. Look what's happening in Pakistan for goodness sakes. And that's what the expectation is that a lot of people have, including McHale and company. But you know they want to see this thing escalate to a violent outcome, and for what? For a piece of land.

So how do we take the experience at Caledonia and apply that to the next place where it happens?

We've been doing that. We've been doing that in Deseronto, we've been doing it in Robertsville. . . all these different places that have flared up. That's exactly what we're doing and we've been able to resolve those things, for the most part, in a very civilized peaceful manner.

Should there be an inquiry into Caledonia?

We've got powerful lessons coming out of Ipperwash which have an impact on policing. The OPP has moved a quantum leap ahead on how we deal with these issues. For instance there's a protocol in place now on how to resolve these conflicts between police and First Nations communities and all of that. We've come a long way from the origin of Ipperwash as well. But to the most critical thing. . . the communications thing, I do totally agree, absolutely agree that that is our insurance. And developing that trust, that dialogue, that face to

face relationship with people. And that's why I'm spending the kind of personal time that I am because I want to know these people and I want them to know me, personally. I want to know them by first name, I want to be able to call them on their cell phone number as they're able to call me, I want to be on the front end of any potential flare up and that's worked very, very well for us. So the degree that communications are critical, I absolutely agree and that to me is our insurance. The other thing I should tell you too is that I've actually been on the land in areas where no other white person has gone since the occupation. Why? Because of trust. I'm not threatening, I'm not judging, I'm not condescending. I just talk to the people down there as human beings. They've got issues and I appreciate that. I don't argue with them or debate the issues with them. I just want to be sure we're on the same side when it comes to law and order and public safety, making sure things don't flare up, talking things through.

Do the front line officers in Caledonia have the respect of the community?

To a degree, of course they do. What kind of society would this be if we didn't have police, for instance? We also work very closely with Six Nations Police down there. We back them up, they back us up. There's still a serious need for police services in every community. We intend to keep on delivering those the best we can with our partners down there, Six Nations Police. There's all kinds of issues, but there's also a lot more to be done.

You have one year left in your Order in Council with the OPP. What happens then?

I look at it: Every day I go to work, it's a flat out, just do what you can, right down to the wire. And then when you leave, whenever that is, I hope that I can leave it a little better than I found it for the next person.

Assuming you will be leaving in a year, what will the situation hopefully be like in Caledonia at that point?

I would like for the thing to be resolved and I'd like for us to get back to normal policing in the community. No one can hope for anything more. Let the citizens get on with their lives and the Six Nations people get on with their lives. And remember as well, the two communities were so reliant on one another, on commerce and the interaction. Six Nations is a strong community down there. A lot of the businesses in Caledonia benefitted from the commerce. I'd like to see that get back to normal when people can look at one another as human beings, be mutually respectful and that includes the people really adjacent to the lands down there. Let the community get back to being a community. A community with normal issues and not having to be in the public spotlight in such a negative way with all these issues flying around.

If this were to be settled right now, could policing return to normal overnight in Caledonia?

Policing is always a work in progress. I don't think we can ever say we stop working. We would just have to continue doing what we're doing. Our detachment commander down there, Dave McLean, he's so highly respected by all sides. He's a great leader, the right man for the job, highly respected, I believe, all around. I certainly take his wisdom and count on him all the time to give me sage advice on issues. And he's committed to just trying to normalize things as best we can until this issue is resolved. But post this event, there's always work to be done for the police, always, whether it's community relations, whether it's crime prevention, or reaching out to our young people. But there's also been some benefits. The students and the staff in the school down there, to have the police . . . and it's a benefit for us too by the way. I wish I could do that in every school. It's such a great model if you can do it. I don't think the police down there are seen as the enemy. Some people are frustrated and I respect that and they don't know who to turn to, they're looking for some meaningful relief. . . I understand all that. But you know the police aren't the enemy here and we don't want our men and women to be beaten up over things that are not their fault.

One other incident we need to talk about. The family in Caledonia who found the video camera in their kitchen. Is that an OPP camera?

There's extenuating circumstances there and I wish I could elaborate more but there's a lawsuit as you know, that's been filed, so my best response as to all these issues will be dealt with at the appropriate time. But because of this litigation going on I can't really get into it. But let me tell you this though, I am confident that our officers tried to help that family and have been concerned and conscientious about their issues.

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