



Rights and Freedoms BULLETIN

Freedom: It's not just a word, it's a way of life

Geographic Profiling

A Canadian idea that had to leave to get accepted

Welcome to my weekly news Bulletin! As always, I will be including links to online resources [Text like this](#) means you can click on it to view a resource online if you want more information about the topic that is being discussed.

Now for the latest...

One of the things I don't like about Canada is that we really don't treat our own home-grown talent very well.

It doesn't really matter what industry it is, if the talent is Canadian then that talent has to leave Canada before we're willing to recognize just how good they really are and, as a result, we don't even realize what we've lost.

Actors, scientists, musicians, you name it, they've all got to leave the country and make it somewhere else before we are willing to claim them as our own.

D. Kim Rossmo is one of those very talented Canadians who had to leave the country in order to gain the recognition he so richly deserves.

Rossmo created a system which

is best described as "geographic profiling", where the locations of crimes along with other factors are used to figure out who is perpetrating serial crimes inside a specific geographic area.

He comes to attention this week because he was back in Canada testifying before the Missing Women Inquiry that's trying to get to the bottom of why convicted serial killer Robert Pickton was able to kill so many women before he was ultimately caught.

Mr. Rossmo started at the Vancouver Police Department (VPD) as a civilian employee way back in 1978, and became a sworn VPD officer two years later, in 1980.

While working full time for the VPD Rossmo was also taking his masters degree in criminology from Simon Fraser University.

Mr. Rossmo is clearly a driven man who wants to learn as much as he possibly can in order to further his police work.

According to his [Wikipedia](#) entry, Rossmo "was promoted to detective inspector and founded a geographic profiling section within

the Vancouver Police Department.

In 1998, his analysis of cases of missing sex trade workers determined that a serial killer was at work, a conclusion ultimately vindicated by the arrest and conviction of Robert Pickton in 2002."

He developed a system for tracking serial criminals while at the VPD, a system that his superiors refused to acknowledge was accurate or even useful.

It's typical, really.

His analytical skills and the system he created were not accepted by his colleagues at the Vancouver Police Department at the time, and as a result many more women died that would have been saved if Rossmo's profiling had been given the credibility it deserved.

I've included an article on Rossmo's testimony at the Missing Women's Inquiry, as well as a detailed history of the man himself, because how he solves serial crimes is really fascinating.

I hope you find reading about what he does as interesting as I did.

Katey

Police Misconduct

Former Vancouver City Police Officer Kim Rossmo testifies about Command Failure at the Missing Women Inquiry

[By Neal Hall, Vancouver Sun](#)

nhall@vancouver.sun.com

VANCOUVER - A senior Vancouver police officer had a temper tantrum when another officer suggested they issue a public warning that a serial killer may be on the loose, the Missing Women inquiry was told Tuesday.

Kim Rossmo, the former Vancouver police detective-inspector who wanted to issue the warning, said he believed the police force had a duty to inform the community a possible serial killer was preying on women in Vancouver's Downtown Eastside.

But his press release was nixed by then-Insp. Fred Biddlecombe, who was in charge of the homicide section and missing persons unit.

"He had a small temper tantrum," he told the inquiry, recalling the September 1998 meeting between Vancouver police and the RCMP in which the news release was discussed.

"He didn't like what we were doing."

Rossmo testified Biddlecombe said there was no evidence of a serial killer and felt the women would be eventually found.

"I found him arrogant and somewhat egotistical. He wasn't interested in a discussion. He was angry and unreasonable. He didn't want to work with us."

Biddlecombe's negative attitude effectively killed the working group that had been assembled to look into the missing women problem in August 1998, Rossmo said.

Instead, Biddlecombe asked Det-Const. Lori Shenherr to continue trying to locate the 27 women who had been reported missing between 1978 and 1998.

At the time, Rossmo was a serial murder expert and the first officer in Canada to obtain a PhD in criminology.

He is now is a professor at Texas State University, where he is the director of the Center for Geospatial Intelligence and Investigation.

He served 20 years with Vancouver police, includ-



ing two tours of duty in the Downtown Eastside.

His last five years were spent as a detective-inspector in charge of the geographic profiling unit, which assisted in serial crime investigations of rape, robbery and murders.

He recalled he had been asked to analyze the data on the missing women.

Despite Biddlecombe's negativity, Rossmo said he continued working on the case but had difficulty getting any data from major crime.

"I was somewhat frustrated in my efforts to obtain more data or information."

He didn't receive the data until months later, in February 1999, when he prepared a report concluding the number of missing women took a dramatic jump in 1995.

Three women were reported missing that year and the numbers subsequently grew — five women went missing in 1997 and 11 disappeared in 1998. "Something is going on," Rossmo explained as he showed a bar graph. "We have an outbreak. This is a warning to us."

Rossmo also studied the data of when missing people tend to show up.

"Most people are found within two days," he said. "After three weeks, 93 per cent are found."

Rossmo's research showed no other city in Western Canada had a similar problem.

"I thought the data could only be explained by the possibility of a serial killer," Rossmo said.

He passed on his conclusion to his superiors but it seemed to fall on deaf ears, he said. This was one of the "classic mistakes" made by police investigating Pickton, Rossmo added.

Kim Rossmo finds new uses for his crime-fighting methodology at Texas State University

Sometimes big ideas hit like freight trains.

Kim Rossmo's arrived on the Bullet Train between Tokyo and Nagoya in 1991. At the time, the Canadian police officer and doctoral student in criminology had an idea of where he wanted to go with his dissertation, but he was searching for a way to get there.

"I looked out the window, and all of a sudden an idea popped into my head about what the algorithm should look like," Rossmo recalls. As Mount Fuji flew by him at 120 miles per hour, inspiration struck: a mathematical algorithm that could be used to analyze the locations of serial crimes such as arson, rape or murder to map the most likely area in which the perpetrator lives.

As Rossmo jotted down the algorithm on a Japan Railways napkin, he knew he was closer to completing his doctorate. He didn't know his idea would later help the FBI, ATF and Scotland Yard help solve thousands of crimes and put him on the fast track to success.

Finding Criminals

The theory behind Rossmo's methodology is that criminals do most of their criminal acts close to home or in familiar territory. His method narrows an investigation, which can save time and money.

"The goal is to help law enforcement, intelligence and military agencies focus their limited resources in areas that are most likely to contain what they're looking for," Rossmo says.

Since the 1990s, he has worked with law enforcement on more than 200 serial crime cases, representing about 3,000 crimes spanning the globe. This includes many high-profile cases, such as the Washington, D.C., sniper killings and one of the largest manhunts for a serial rapist in Great Britain's history. His work was also the basis for the pilot episode of "Numb3rs," a TV series.

During production of the movie *Zodiac*, the 2009 thriller about the still-unsolved string of murders committed by the "Zodiac Killer" in the San Francisco Bay area in the late 1960s, Paramount Pictures



hired Rossmo to apply his methodology using known crime scene locations.

"We talked to retired law enforcement officers and surviving victims, and looked at the scenes of the crimes," he says. "It was quite fascinating because it was also a bit of a history exercise. I had to go to Berkeley University and dig through old map archives to get a sense of what the area looked like nearly 40 years ago."

The resulting report, which Paramount provided to law enforcement, highlighted an area in Vallejo, Calif., near Mare Island Naval Shipyard as the Zodiac Killer's most likely home base. "There were a number of things that supported the findings, which gave us confidence in the results," Rossmo says. "We don't know which suspects were from

that area, but there's a possibility there is someone who was never eliminated. And with DNA — they're pretty sure they have the Zodiac's DNA from the envelopes of the letters he wrote to police — the case is potentially solvable if he's still alive."

A New Direction

Rossmo's success has taken him from police work to academia and from Canada to Texas State by way of Washington, D.C. He has been a research professor in Texas State's Department of Criminal Justice since 2003 and the university's Endowed Chair in Criminology since 2009.

Rossmo also heads Texas State's Center for Geospatial Intelligence and Investigation (GII). In addition to assisting in criminal cases and training law enforcement on how to use his methodology in serial property crime investigations, Rossmo is exploring its versatility by applying it to projects ranging from border control to counterterrorism — projects for which he has secured more than \$2 million in grants.

"Dr. Rossmo is the heart of the center," says Bill Covington, PhD, associate vice president for research at Texas State. "He continually amazes me with the diversity of his interest and his ability to work on many different projects all at once."

Among GII's recent projects was one funded by the U.S. Department of Justice. Rossmo analyzed known locations where people illegally cross the U.S. border from Mexico. By identifying features common to these locations, Rossmo can predict other likely locations for similar activities.

This would allow the Border Patrol to deploy manpower or otherwise focus their resources where they're most likely to be needed to stop illegal workers, drug smugglers, foreign terrorists and fugitives from entering the country.

Another ongoing GII project involves analyzing the geospatial relationships between sites known to be used by terrorist cells, such as safe houses, weapon storage areas and pay phones. The theory is that terrorist operations, like serial criminals, produce patterns that can be used against them.

Still another project involves analyzing the locations where insurgent attacks take place in Iraq and Afghanistan. The goal is to determine the most

likely locations of insurgents' weapon warehouses, which act as bases, to help protect the safety of U.S. troops from the mortar, sniper and improvised explosive device (IED) attacks that are all too common in those countries.

Fighting bioterrorism is another area that Rossmo and GII are tackling. His work on projects in biology and epidemiology could ultimately provide a way to identify the source locations of disease outbreaks and release points of contagions by bioterrorists. This information could help prevent the spread of disease and deadly biohazards.

Future Applications

"I always try to think, 'Where can it be applied next?' and 'Where will this take us?'" Rossmo says of his methodology. "Some of the most interesting possibilities in law enforcement exist where different academic disciplines intersect. And this is really criminology, geography and mathematics, with maybe a little bit of forensic psychology. There is a lot of potential."

GII will soon be working on a project for the Office of Naval Research for which it will combine Rossmo's method with predictive analysis in an attempt to determine the future locations of improvised explosive devices. The U.S. Marine Corps has also shown interest and support for continuing the GII's project on insurgent attacks.

"There has been a tremendous amount of interest among members of Congress in the work that Dr. Rossmo is doing as it pertains to the military and border security issues," says Christine Pellerin, a partner of The Normandy Group, a government relations firm in Washington, D.C., that represents Texas State University.

This interest could help secure additional grants and projects for GII, a result that benefits Texas State in more ways than one. "I hope it will be possible for Dr. Rossmo to continue to grow the center," Covington says. "This implies that additional faculty and students will have increasing opportunities to work in the center and to be exposed to the interesting and high-quality research associated with a prominent researcher like Dr. Rossmo."

From Our Canadian Courts

Personal privacy: Explaining the new right to sue
By Sean Moreman, [CBC News](#)

Jones v. Tsige, 2012 ONCA 32
The Full Decision can be found online at:
<http://www.ontariocourts.on.ca/decisions/2012/2012ONCA0032.htm>

Last week, the Ontario Court of Appeal broke new ground in the area of privacy law. It made it possible for individuals to sue each other for what it called an “intrusion into seclusion,” an element of what most of us would call invasion of privacy.

Although the Charter of Rights and Freedoms has been interpreted to include a right of privacy (in the prohibition against unreasonable search and seizure), and there are several laws in Canada that discuss the notion of privacy (among them the federal Privacy Act and Personal Information Protection and Electronic Documents Act, and Ontario’s Freedom of Information and Protection of Privacy Act), these laws have normally served to protect private citizens from intrusions into their private lives by government or by big business.

The Ontario ruling effectively creates a new tort — a new wrong, with specific definitions and limitations attached — to allow an individual to sue another person directly for violating his or her personal information.

Assuming this new tort is not struck down, what it means is that if something like Britain’s cell-phone-hacking scandal were to take place in Canada, there would now be a direct recourse for someone whose privacy was invaded to sue the reporter or media boss who made away with this personal information.

The twist here, however, is that in order to keep frivolous suits to a minimum, the Ontario court is setting out very low damages, which may not act as much of a deterrent.

Jones vs. Tsige

In this case, the defendant and plaintiff were colleagues at a major Toronto bank. The defendant, Winnie Tsige, had started dating the ex-husband of

the plaintiff, Sandra Jones, and subsequently fell into some dispute over money with him.

As part of that lovers’ quarrel, Tsige accessed Jones’s personal bank account records approximately 174 times over a four-year period to see whether she was receiving child-support payments from her ex-husband. Though why this was important to her remains a bit of a mystery.

When she became suspicious, Jones told the bank and Tsige confessed to her superiors what she had done and appears to have been truly upset by her own conduct. The bank suspended her for a week without pay, and denied her a bonus for the year.

Although the bank seemed to be dealing with the problem, neither of the remedies it provided served to compensate Jones for the invasion of her privacy, so she sued and was asking for \$90,000 in damages.

Defining invasion of privacy

Faced with this situation, the court had to ask itself two questions: First, was someone even allowed to sue another person for an invasion of privacy under the laws of Ontario; and second, if a suit could be brought, how much money should be awarded for that intrusion?

In writing the unanimous decision, Justice Robert Sharpe noted that this first question has been bandied about in the courts for the last 120 years without a clear answer.

He also pointed out that existing laws would do nothing to compensate the wronged party in a case he thought cried out for a remedy.

At least five Canadian provinces (B.C., Saskatchewan, Manitoba, Quebec and Newfoundland and Labrador) as well as many American states allow individuals to sue other people for an invasion of their privacy.

But none of those jurisdictions define exactly what an “invasion of privacy” is, which is what the Ontario court set out to do.

After an exhaustive look at the state of the law in Canada, Australia, New Zealand, the U.K. and the U.S., Sharpe and his colleagues settled on the following rule: “One who intentionally intrudes, physically or otherwise, upon the seclusion of another or his private affairs or concerns, is subject to liability to the other for invasion of privacy, if the invasion would be highly offensive to a reasonable person.”

In other words, if you start snooping through my stuff, either in person or through some electronic means, I might be able to sue you. I say “might,” as the last part of the definition is very important.

‘Highly offensive’

The Ontario court wanted to make sure that judges would not be flooded with claims from people who might be overly sensitive about their personal space.

So, to clarify the situation, the court said that only intrusions into things like one’s financial or health records, sexual practices and orientation, employment, diary or private correspondence would qualify as “highly offensive” for the purpose of the test.

It also made it clear, without going into great detail, that there would be other times where the invasion of a person’s privacy would not result in a successful claim.

So what does all this mean for you when your neighbour starts rooting through your recycling — how much money can you recover in damages?

Well, that is where Judge Sharpe threw a bit of a wet cloth on any great expectations.

In her case, Jones was suing for \$90,000, but the Appeal Court reasoned that damages for invasion of privacy should rarely be higher than \$20,000, and even then only in the most serious of circumstances. In the end, Jones was awarded only \$10,000.

Her lawyer, Christopher Du Vernet, told CBC that he is happy the courts have recognized that people should be able to sue for breaches of privacy, but he expressed his disappointment at the cap on damages.

He believes that some people or organizations will see a \$10,000 damage award as merely “chump change,” well worth the cost to get hold of some juicy information on, say, a business rival or a celebrity or political opponent, which might have much more value in the long run.

Both the parties in this case will have until mid-March to decide whether they want to try to appeal the decision to the Supreme Court of Canada.

Jones v. Tsige, 2012 ONCA 32

<http://www.ontariocourts.on.ca/decisions/2012/2012ONCA0032.htm>

The Firearms Act

[What to do if the RCMP calls you on the phone about your Firearms License](#)

by Christopher di Armani

NOTE: I am not a lawyer, nor do I play one on television or the internet. :)

It has come to my attention that the RCMP may or may not be phoning people who have firearms licenses expiring within the next 12 months. I’ve heard of at least one individual who says they have been contacted on the telephone by someone claiming to be from the RCMP and that person demanded all kinds of personal information from them.

NOTE You are under NO OBLIGATION to answer personal questions from an unidentified voice on the telephone!



See the full thread on Canadian Gun Nutz:

<http://www.canadiangunnutz.com/forum/showthread.php?t=699862>

I have no way of confirming whether or not this story is true, but here are the steps that every firearm owner should follow if they receive a telephone call from anyone claiming to be from the RCMP or any other branch of law enforcement.

While this all sounds a bit absurd and far-fetched, the RCMP does seem intent upon getting firearms out of the hands of legitimate, law-abiding firearm owners when they should be far more concerned about getting guns away from violent criminals.

Anyone willing to jump through all the hoops and background checks to get a firearms license is not likely to be a threat to anyone.

So... A voice on the telephone is simply that: a voice on the telephone. You have no way of confirming they are who they claim to be, no matter what information they say they know about you.

That being said, here are some simple rules that everyone should follow if they receive a phone call from anyone claiming to be from any branch of law enforcement.

Step 1. Understand that just because someone claims to be from the police, that doesn't make it so. Do not answer personal questions about firearm ownership or anything else to an unidentified voice on the telephone.

Step 2. You are under no obligation to answer personal questions from an unidentified voice on the telephone, regardless of who they claim to be. Do not answer personal questions about firearm ownership or anything else from an unidentified voice on the telephone.

Step 3. Never EVER answer personal questions about firearm ownership or any other personal issue from an unidentified voice on a telephone.

Now that the first three steps are fully understood, it's time to get to the good stuff. :)

Step 4. Tell the voice on the phone the following:

"I have no way of confirming that you are who you claim to be. I will only respond to your questions IN WRITING and only upon receipt of a letter from you on OFFICIAL LETTERHEAD that fully identifies you by NAME, RANK or position and BADGE NUMBER or employee number.

If that is not satisfactory, please contact my local

RCMP (or other police force) detachment and request that a local constable contact me to schedule a face-to-face interview where your questions may be addressed.

This interview will ONLY be conducted in the presence of my legal counsel and will be recorded using the audio and/or video recording device(s) of my choosing."

Step 5. Repeat Steps 1 thru 4 until they either hang up or begin threatening you.

Step 6. If they interrupt you or begin to threaten you in any way, demand their full name, badge number, rank and commanding officer's name.

Repeat that demand until they hang up or allow you to complete the statement above.

I cannot state strongly enough that you should never EVER answer questions about your personal life or choice in personal property ownership to an unknown voice on the telephone.

There are far too many documented cases where firearm owners have been duped by criminals and have then suffered home invasions or thefts of their firearms for anyone to be that trusting of a voice on the telephone.

If the inquiries are legitimate, then the police force will be quite willing to conduct an interview in person, in the presence of your legal counsel and have that interview recorded for the record.

If those conditions are unacceptable to the voice on the phone, you can draw your own conclusion about the legitimacy of the caller...

If you have photographs and/or videos of yourself and firearms posted on Facebook, YouTube, etc, then you may want to re-think those postings, and either remove them or make them private.

This would appear to be where the voice on the phone is obtaining their information about firearm ownership. Social Media is a wonderful thing, but it can also tell the world information you would prefer to remain private.

KNOW YOUR RIGHTS and KNOW THE LAW.

Privacy Rights -- USA

While this case is from the United States Supreme Court, it shows that Privacy Rights are not dead south of the border, and that's a good sign.

[US Supreme Court Justices Rein In Police Use of GPS Trackers. Warrant is Required, they say.](#)

The US supreme court has ruled unanimously that police must get a search warrant before using GPS technology to track criminal suspects.

The decision was a defeat for the government and police agencies, and it raises the possibility of serious complications for law enforcement nationwide, which increasingly relies on high tech surveillance of suspects, including the use of various types of GPS technology.

A GPS device installed by police on Washington, DC, nightclub owner Antoine Jones' Jeep helped them link him to a suburban house used to stash money and drugs. He was sentenced to life in prison before the appeals court overturned the conviction.

Associate Justice Antonin Scalia said that the government's installation of a GPS device, and its use to monitor the vehicle's movements, constitutes a search, meaning that a warrant is required.

"By attaching the device to the Jeep" that Jones was using, "officers encroached on a protected area," Scalia wrote. He concluded that the installation of the device on the vehicle without a warrant was a trespass and therefore an illegal search.

All nine justices agreed that the GPS monitoring on the Jeep violated protections in the Fourth Amendment of the US Constitution against unreasonable search and seizure, a decision the American Civil Liberties Union said was an "important victory for privacy."

Washington lawyer Andy Pincus called the decision "a landmark ruling in applying the Fourth Amendment's protections to advances in surveillance technology." Pincus has argued 22 cases before the supreme court and filed a brief in the current case on behalf of the Center for Democracy and Technology, a civil liberties group with expertise in law, technology, and policy.

Scalia wrote the main opinion of three in the case. He was joined by Chief Justice John Roberts and Justices Anthony Kennedy, Clarence Thomas and

Sonia Sotomayor.

Sotomayor also wrote one of the two concurring opinions that agreed with the outcome in the Jones case for different reasons.

Justice Samuel Alito wrote, in the other concurring opinion, that the trespass was not as important as the suspect's expectation of privacy. Police monitored the Jeep's movements over the course of four weeks after attaching the GPS device.

"The use of longer term GPS monitoring in investigations of most offenses impinges on expectations of privacy," Alito wrote in an opinion joined by Justices Ruth Bader Ginsburg, Stephen Breyer and Elena Kagan. Sotomayor in her concurring opinion specifically said she agreed with Alito on this conclusion.

Alito added, "We need not identify with precision the point at which the tracking of this vehicle became a search, for the line was surely crossed before the four-week mark."

Regarding the issue of duration, Scalia wrote that "we may have to grapple" with those issues in the future, "but there is no reason for rushing forward to resolve them here."

Alito also said the court should address how expectations of privacy affect whether warrants are required for remote surveillance using electronic methods that do not require the police to install equipment, such as GPS tracking of mobile telephones. Alito noted, for example, that more than 322 million cellphones have installed equipment that allows wireless carriers to track the phone's location.

"If long-term monitoring can be accomplished without committing a technical trespass suppose for example, that the federal government required or persuaded auto manufacturers to include a GPS tracking device in every car the court's theory would provide no protection," Alito said.

Sotomayor agreed. "It may be necessary to reconsider the premise that an individual has no reasonable expectation of privacy in information voluntarily disclosed to their parties," she said.

A federal appeals court in Washington had overturned Jones's drug conspiracy conviction because police did not have a warrant when they installed a GPS device on his vehicle and then tracked his movements for a month. The Supreme Court agreed with the appeals court.