

EXCERPT FROM
SKELETONS IN MY CLOSET
BY DAVE SWEET AND SARAH GRAHAM

Policing has taught me that there are few certainties in life and just because we can do something doesn't mean we should. Our actions, even if by the book, can have unintentional yet still incredibly damaging consequences on others. Discretion allows us to make wise, thoughtful decisions, with or without a manual that says it's okay. It allows us to mindfully go about our business and problem-solve at our best, not just when it is easiest. Discretion is intangible, and perhaps that is why it is so often underestimated. Its very nature introduces grey, few things in life are simply black and white.

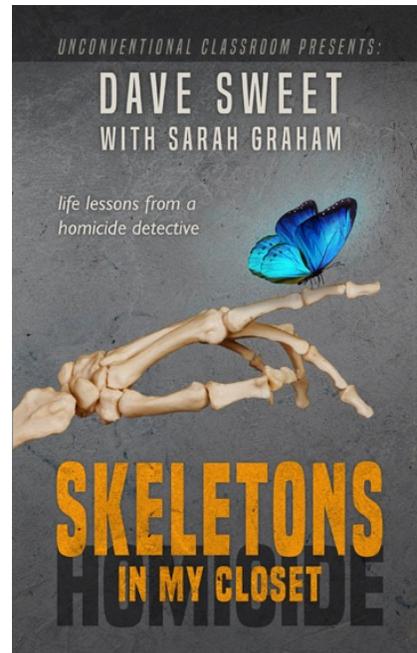
When a crisis occurs, people living within it often don't have the ability to see outside. Decision-making processes are muted, or corrupted because of the crisis. Finding lawful, creative, appropriate solutions can mean the difference between someone surviving a crisis, or being debilitated by it. When discretion is used for sound, compassionate reasons, how could its application ever be critically judged?

Policing 101 teaches us that when it comes to the management of witnesses, it is a best practice to keep them separated until investigators have had an opportunity to speak with them. This is sound logic, as it avoids the potential for statement and evidence contamination. In many cases police witnesses do not have to be eyewitnesses. In homicide cases, most people who provide information are actually providing evidence of the backstory. Witnesses may have information about the last time they saw the victim alive, problems the victim may have had with other people, or criminal behaviour. What happens when witnesses are also victims to a crime? Should the rules learned in Policing 101 still hold true?

Several years ago, I investigated an extremely sad and brutal case of murder. It was an early spring morning when a father of three returned from work to discover his wife and youngest child had been slain inside the family home. The husband first found his wife, still in her nightgown, lying motionless on the kitchen floor, while cartoons played on the main floor television. It was clear she had been the victim of a vicious stabbing. On the edge of the kitchen counter was his child's lunch still packed for his day at pre-school.

Racing through the house and calling out his child's name, the father ran up the stairs and into the master bedroom where he found his child massacred on the floor. Armed with only a back scratcher, his five year-old's frame had been no match for the knife-wielding intruder.

When we arrived on scene, we brought the husband in for questioning to hear his backstory (typical protocol). The surviving children, who were all in school when the murders occurred, were also brought to our headquarters for the same purpose. Once at the station, each was to receive the news about their mother and youngest sibling's passing. It became the discretion of our investigative



team on how best to do this. Should investigators have all the family members brought together for the delivery of the news (discretionary choice), or should each be told separately to avoid the risk of contaminating their statements (by-the-books protocol)?

For all of us in the unit this was a no-brainer. In this instance, the need for compassion for the surviving children far outweighed following the protocol of witness management. The horrible news was delivered to everyone together.

Does the use of discretion in this way affect the investigation in the short term? It does. Regardless, in this case and cases like these, putting others before ourselves trumps everything. I am blessed to work with a group of people who also see it that way. How do we know we made the right decision here? Because the alternative wasn't conscionable. Imagine the outcome if, after each child had been told the awful news, they were left to deal with it on his or her own, sobbing in a room while a stranger looked on?

Something I learned long ago from one of my *old-dog* mentors is that you should never mind being in the news, but never have your actions make the headlines for the news. If discretion had not been applied in the cases above, what could the headlines have been? Asking myself this question is a simple exercise that has always helped me identify if I am doing the right thing.



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