

The RCMP's Use of Mr. Big:
An Independence and Accountability Media Case Study

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On June 24, 1990, the strangled and mutilated body of 16 year-old Brigitte Grenier was found naked, in a forested area, near the grounds of a ski resort in Roseisle Manitoba, the venue of an outdoor rock concert held the night prior.¹ The two main suspects in Grenier's murder, 19 year-old Kyle Unger and 17 year-old Timothy Houlahan, both made sexual advances at Grenier the night of the concert. Both had consumed substantial amounts of alcohol and Unger had also consumed some LSD. While witnesses stated that Houlahan first took the victim into the forest, Unger joined them shortly afterwards. Both men returned to the group at the concert-- Houlahan with muddied clothing. Houlahan and Unger were both charged with first degree murder, arrested and held for bail; however, the Crown entered a stay of proceedings. While being held in remand, though, Unger had made several incriminating statements to his cellmate. These statements prompted the RCMP to initiate an undercover operation, often referred to as "Mr. Big", against Unger to garner more information regarding the Grenier murder.

On June 13, 1991, two undercover RCMP officers staged a breakdown of their vehicle outside of a farm where Unger was working.² The undercover officers befriended Unger and gave him the impression that they were part of a lucrative organized crime gang who would be interested in recruiting Unger. In this gang, individuals could earn hundreds of dollars a pay carrying out simple jobs, of which Unger assumed to be the drug trade. During the duration of their friendship, Unger mentioned to the undercover operative on separate occasions that he had previously been wrongfully imprisoned for murder. The undercover operative implored Unger to be truthful about his previous interactions with the police and that the group was not interested in taking on an individual who had ongoing problems with the police. Furthermore, the undercover operatives made it clear that Unger could not meet with the organization's 'Mr. Big,' who must meet with and interview any new recruits to the organization, unless he was truthful about his past interactions with police. This caused Unger, with "demonstrable enthusiasm," to admit to the murder.³ Unger not only took the undercover officers to the murder scene, he also boasted to his friend that he was becoming part of a successful criminal organization, his membership extended because of his previous involvement in a murder.⁴ Unger was subsequently convicted and sentenced to life imprisonment without parole for 25 years.⁵

In his appeal, Unger argued that the method used by the police officers surmounted to dirty tricks, entrapment and that the undercover scenario was unfair. However, the Manitoba Court of Appeal found that Unger's statements were admissible because they were not made to persons of authority and that undercover police officers were not considered persons of authority, as the accused was not aware of their true identity.

Unger remained incarcerated until the Government of Manitoba reopened previous murder convictions that involved hair evidence, as the DNA test used in the past (and in Unger's case) was deemed to be faulty. On March 11, 2009, the Minister of Justice, Rob Nicholson ordered a new trial for Unger, declaring that, "...there is a reasonable basis to conclude that a miscarriage of justice likely occurred in Mr. Unger's 1992 conviction."⁶ Upon reopening the case, the crown was forced to withdraw the charges due to lack of evidence and Unger was acquitted.

The number of Mr. Big stings, like the one used in the Unger case, that have been

¹ *R v. Unger* 83 C.C.C. (3d) 228, para 1

² *Ibid.*, para 19

³ *Ibid.*, para 22

⁴ *Ibid.*, para 23-24.

⁵ Forensic Evidence Review Committee, "Final Report," Manitoba Justice: Government of Manitoba, 2004.

⁶ Department of Justice Canada, "Minister of Justice Orders New Trial in Manitoba Murder Case," Department of Justice Press Release, 11 March 2009.

implemented across Canada has been referenced at as low as 180 to as high as 350, with a success rate reported to be between 75 percent to 95 percent (when success is determined by a conviction or the elimination of a suspect).⁷ This technique has sparked deep criticism from defence attorneys, civil rights groups, and those advocating on behalf of the wrongfully convicted, who contend that the sting promotes false confessions and necessitates police coercion.

Given the possibility that evidence garnered from such a tactic could be unreliable and result in wrongful convictions, the Mr. Big scheme is not permitted in the US or Britain. This paper explores the degree to which the Mr. Big investigative tactic has been scrutinized in Canada by the courts, government and the media, with a particular focus on print media. The paper begins by reviewing the literature concerning the ways in which police can be held accountable while maintaining an appropriate degree of autonomy or independence. The paper then briefly reviews how two key actors within the accountability matrix in which police are embedded—courts and government officials—have reacted to the Mr. Big technique. After demonstrating that these state actors have mostly explicitly or implicitly endorsed the Mr. Big tactic, the paper turns to examining how the media have covered the use of this tactic. We assess how the print media, more specifically newspapers, have reported on Mr. Big investigations, court cases and other news items related to this investigation tactic. Are journalists critically examining Mr. Big in their coverage, reporting not only on the successes, but scrutinizing the failures and controversies that arise out of the investigations? Alternatively, is the press generally supportive of the tactic? Or, do newspapers report mostly on the “facts” of the case without overt commentary on the Mr. Big scheme?

Our content analysis of major newspapers reveals that most stories about Mr. Big are factual in nature, offering no critical commentary on the technique. In our conclusions we offer some suggestions as to why this might be so, lament the lack of accountability surrounding the use of Mr. Big by both state and non-state actors, and offer some recommendations concerning the use of the Mr. Big investigation technique.

Webs of Accountability

The contentious relationship between police independence and accountability has received considerable attention recently, primarily in response to the APEC Summit and from the Ipperwash Inquiry. In both instances, the motivation for scrutinizing the independence and accountability of the police arose from concern that government officials had interfered with police operations. In trying to help us understand and navigate the tension between independence and accountability, Kent Roach offers four distinct models ranging from full control over the police to complete police independence. Although he notes the difficulty of separating “operations” from “policy”, two of Roach’s models—“core” and “democratic” policing – rely on the distinction to the extent that it can be maintained.⁸ Lorne Sossin, eschewing the model approach, instead recommends a system of “apolitical” (but non-partisan) and “autonomous” (but not fully independent) policing grounded in norms of understanding and

⁷ Brian Hutchinson, “A New Film Looks at Controversial RCMP Stings,” *National Post*, August 17, 2007, The Fifth Estate, “Someone Got Away With Murder – Mr. Big Stings,” CBC News, http://www.cbc.ca/fifth/2008-2009/someone_got_away_with_murder/mr_big_stings.html) and Royal Canadian Mounted Police: British Columbia, “Police Services: Undercover Operations,” Royal Canadian Mounted Police, <http://drugawareness.bc.rcmp.gc.ca/ViewPage.action?siteNodeId=520&languageId=1&contentId=-1>.

⁸ Kent Roach, “Four Models of Police-Government Relations,” *Police and Government Relations: Who’s Calling the Shots*, Margaret E. Beare and Tonita Murray eds, (Toronto: University of Toronto Press), 16-83.

a web of institutional accountability (involving courts, police boards, and so on).⁹ Others, such as Martin and Braithwaite, also discuss webs of accountability.

Both Martin and Braithwaite argue that the police must be entangled in ‘webs of dependence.’¹⁰ More specifically, to prevent the police from being dominated or exploited by any one group or structure, they must be dependent upon all of them.¹¹ This creates a web of dependence or accountability that ensures two things: first, that the powers of the police are not exploited by one single dependant (such as the government in cases of political interference); and, second, it creates multiple sites of accountability through the various channels that the police must answer to for their actions. These various channels of dependence and accountability include: “oversight bodies, civil society, loosely organized community groups, a free press, the judiciary and, at the highest level, the executive branch of the state structure.”¹²

The two most traditional methods of accountability for police in democratic societies has been through the courts and the government. The accountability function for the courts is borne out of an entrenched bill of rights and legislative review. Formally separated from the political branches of government, the courts are relatively insulated from partisan pressures and political influence.¹³ It is this insulation from the need to achieve and sustain popularity that allows the courts to protect rights and enforce the constitution, even in circumstances where it may not gain support from the majority of citizens, as is often the case with criminal defendants. The courts hold the extremely important “...responsibility to review legislative and executive action for compliance with the constitution.”¹⁴ The courts serve one of the most important defenders of civil rights and liberties within democratic societies. It is because of this function that the courts serve as a line of accountability for the behaviour of the police.

In terms of Mr. Big, the courts have shied away from directly ruling on the tactic. The most common arguments put forth by defence counsel against the tactic comprise of the right to silence found in section 7 of the *Charter of Rights and Freedoms*, the common law confessions rule or persons in authority doctrine, and alleged abuse of process and dirty tricks by the undercover officers. For the most part, save a few anomalies, these arguments have been unsuccessful.¹⁵ In terms of the section 7 right, the courts have consistently ruled that suspects in undercover police operations are not under detention; therefore, the coercive power of the state is not engaged and, thus, the section 7 right to silence does not apply.¹⁶ Furthermore, the courts

⁹ See: Lorne Sossin, “The Oversight of Executive Police Relations in Canada: The Constitution, The Courts, Administrative Processes and Democratic Governance” *Police and Government Relations: Who’s Calling the Shots*, Margaret E. Beare and Tonita Murray eds, (Toronto: University of Toronto Press), 97- 128.

¹⁰ Diane Martin, “Accountability Mechanisms: Legal Sites of Executive-Police Relations – Core Principles in a Canadian Context,” *Police and Government Relations: Who’s Calling the Shots*, Margaret E. Beare and Tonita Murray eds, (Toronto: University of Toronto Press). John Braithwaite, “On Speaking Softly and Carrying Big Sticks: Neglected Dimensions of a Republican Separation of Powers,” 47 *University of Toronto Law Journal*, 305-361.

¹¹ Martin, “Accountability Mechanisms: Legal Sites of Executive-Police Relations – Core Principles in a Canadian Context,” 288.

¹² *Ibid.*, 289.

¹³ Rainer Knopff and F.L. Morton, *Charter Politics*, (Scarborough: Nelson Canada, 1992), 139.

¹⁴ Janet Hiebert, *Charter Conflicts: What is Parliament’s Role?* (Montreal: McGill-Queens University Press, 2002), 21.

¹⁵ Examples of unsuccessful Mr. Big cases (charges either withdrawn, acquittal granted or confession excluded as evidence): *R v. Evans* [1996] 2 C.R. (5th) 106, *R v. Rose* [1998] 108 B.C.A.C. 221, *R v. Creek* [1998] B.C.J. No. 3189, *R. v. Mentuck* 2000 MBQB 155, *R v. Crane Chief* [2002] A.J. No. 1706, *Dix v. Canada (Attorney General)* 2002 ABQB 580, *R v. C.K.R.S* 2005 BCSC 1624, *R v. Ciancio* 2006 BCSC 1673, *R v. T.C.M* 2007 BCSC 1778

¹⁶ *R v. Hebert* [1990] 2 S.C.R. 151

have ruled time and again, that undercover police officers are not considered persons of authority. More specifically, the suspect in undercover investigations does not know that he or she is dealing with police officers and thus the coercive powers of the state are not engaged. As a result, the crown does not have to prove that the admission or confession gathered in these investigations was voluntary. Last, in terms of the abuse of process or dirty tricks by police officers in these undercover stings, the courts have found that:

... it [is] difficult to accept that a reasonable, dispassionate person, aware of the difficulties in the investigation of this case would consider the undercover operation and use of tricks by the officers as being unfair or so unacceptable, indecent and outrageous that the evidence that was derived from that operation, if admitted as evidence in the trial of the accused, could bring the administration of justice into disrepute.¹⁷

Throughout Mr. Big jurisprudence, the courts have consistently contended that the public would not be shocked by the actions of the police officers, rather they would endorse the actions of the police. By failing to directly address the problems of the Mr. Big tactic directly, the courts have failed as a strong line of accountability for the RCMP in terms of the use of this tactic. In terms of Mr. Big, courts have prioritized the necessity to prosecute crimes by the state and the communal interest in the repression of criminal activity over the scrutiny of investigatory techniques of the police.

The other common method of insuring accountability for the police is through the government and its related departments that overlook aspects of the criminal justice system. This relationship between the government and police can manifest in several different ways, and many scholars have attempted to flesh out the idea-type for this relationship.¹⁸ However, much of the scholarly debate on this issue centers around case examples where the government has ‘gone too far’ and encroached on the independence of the police, affecting their essential discretion on day to day operations (as in Ipperwash and the killing of Dudley George in 1995 and the APEC Affair of 1997). However in the case of the controversial Mr. Big investigation technique, arguably the independence of the police may be too high and more accountability and oversight needed.

More avenues for oversight can be found in various governmental institutions, including the Department of Public Safety, the Department of Justice, the provincial attorney generals and the civilian-run Commission for Public Complaints against the RCMP (or CPC). The potential for oversight via these institutions is quite strong, as the Department of Justice and the Department of Public Safety can set fiscal or budgetary restraints, and create policies that directly affect the RCMP. However, save for a few press releases on Kyle Unger¹⁹ and Jason Dix²⁰ (acquitted men, investigated via Mr. Big), these departments have provided no official commentary or policy position on the tactic, let alone provided any formal oversight or publicly setting parameters for these investigations. The CPC, another potential avenue for oversight and accountability, functions in an extremely limited capacity. The Commission lacks the power to subpoena witnesses to inquiries or hearings, it does not have the power to compel disclosure

¹⁷ Unger, para 70.

¹⁸ See work by Sossin and Roach

¹⁹ For example: Government of Manitoba, “Government Responds to End of Crown Proceedings Against Kyle Unger,” *Manitoba Press Release*, 23 October 2009.

²⁰ Peter Tadman, “Charges Dismissed in Dix Case,” Government of Alberta News Release, 3 September 1998.

from the RCMP and has had serious difficulties with achieving cooperation from the RCMP, sometimes resulting in applications to the Federal Court of Canada.²¹

It is clear that a number of potential strands in the web of accountability for the RCMP in general and for the Mr. Big tactic specifically are weak or non-existent. However, the media, unlike the courts and governmental bodies, serves as an avenue that is removed from the formal state system and has the potential to provide a different style and possibly more effective form of accountability altogether.

As Pue explains, “A free press is the first – and one of the most important – of the accountability mechanisms in any democratic society. It is the precondition to the creation of an informed public, the *sine qua non* of liberal democracy.”²² Although members of the media may not have the same resources as a government agency, in a representative democracy the media has a significant power over government and the police – the power of social control through the fact that all decisions and actions can be subject to public scrutiny.²³ In other words, the news media can serve as a strong restraint for behaviour of public officials for fear of exposure to the public. In democratic states, the media occupies an extremely important position, as fourth estate, the media carries out the essential role of ‘freedom-seeker-and-defender,’ forum for the citizens and an adversarial investigator of the government.²⁴

In terms of filling an accountability role, the most important role the media can take is a watchdog of the government. Rather than being a submissive ‘lap dog’ of the government and the status quo, watch dog-style journalism takes on the traditional fourth estate role by engaging in proactive investigations of the behaviour of government and public policy officials.²⁵ Essential to this role is independence from the government and a strong commitment to the representation of the interests of the public rather than the powerful.²⁶ This style of journalism can serve as a strong check on governmental behaviour on behalf of the citizens, to prevent any misleading by government officials or unethical behaviour.

Good quality muckraking journalism has had significant socio-political consequences throughout history, exposing such events as Watergate in the United States and the Sponsorship Scandal in Canada.²⁷ As a watchdog of the government and public agencies, the media can serve as a valuable check on abuses of power and authority. Furthermore, the media has the ability to report on issues that may look unfavourably on public officials, as uncovering such behaviour can be beneficial to a journalist, as it can serve to increase their audience and journalistic influence.²⁸

The power of the media cannot be underestimated. Members of the media have the authority to define what the public will consider important through coverage in the news.²⁹ Journalists have the ability to shape the political agenda by focusing their attention on whatever

²¹ For example see: *Canada (Royal Canadian Mounted Police Public Complaints Commission) v. Canada (Attorney General)* 2004 FC 830

²² Pue, *Pepper in Our Eyes*, 20.

²³ Terry Milewski, “Forces of Journalism” in W. Welsley Pue, ed., *Pepper in Our Eyes: the APEC Affair* (Vancouver: UBC Press, 2000), 143.

²⁴ George Donohue, Phillip Tichenor and Clarice Olien, “A Guard Dog Perspective on the Role of the Media,” *Journal of Communication* 45, no.2 (1995), 118.

²⁵ *Ibid*, 115.

²⁶ *Ibid*, 118.

²⁷ Warren Francke, “The Evolving Watchdog: the Media’s Role in Government Ethics,” *Annals: American Academy of Political Science* 537, (1995), 112.

²⁸ Milewski, “Forces of Journalism,” 143.

²⁹ Francke, “The Evolving Watchdog,” 117.

issue or public figure deemed important at the time. Furthermore, this influence is not limited to the public alone; rather this agenda setting power can cause the public to pressure policy makers to focus their attention on the same issues that the journalists deemed important enough for the six o'clock news or the front page of the newspaper. However, even before the public engages in influencing public officials, certainly headline-grabbing stories will also catch the attention of public officials.³⁰ Moreover, by placing certain issues at the forefront of public discourse, the media has the ability to lift the quality of ethics of public officials for fear that any missteps will suffer from intense media scrutiny.³¹

It is important to note that the quality of journalism has significantly improved over the past several decades. Newsgathering has now become an active role of the media who engage in diligent research to uncover the true story. In the past, this role was much more passive, as news outlets simply reprinted verbatim official policy positions and governmental documents.³² Furthermore, in the age of increasing information available via Internet based and database sources, journalism has become more scientific in its research methods, emulating the research methods of social and behavioural sciences.³³ Now more than ever, journalists are equipped with more information to more fully examine and scrutinize the conduct of public officials.

The police are not immune from the necessity of good publicity. The legitimacy of the police and the actions of its members rests on perceptions of the public and public scrutiny.³⁴ In other words, in order for the police to retain authority over the community that it polices, it must project images of 'good police work' through the media. Stories of police incompetence, miscarriages of justice, and racist behaviour can cause the public to seriously question the legitimacy and integrity of their police.³⁵ If citizens become dubious about the integrity and capabilities of their police, the result is a lack of confidence in not only the police, but also the criminal justice system as a whole, which could cause the entire system to falter.

The importance of the media upon the police becomes even more apparent when the police consciously alter their behaviour due to media coverage. As Manning explains, the Los Angeles Police Department had to significantly change their practices due to the media firestorm surrounding the Rodney King incident, as officers were warned that if their behaviour was deemed unethical they could be sharing a prison cell with the sergeant who was sentenced to prison because of the incident.³⁶ The force introduced an ethics roll call and instituted sweeping changes that have led to the decrease of the use of force by officers.

Methodology

A total of 101 newspaper articles were compiled for the present analysis. Articles were gathered from the three of the largest newspapers in Canada, which includes two national papers: *The National Post* and *The Globe and Mail*, and one regional paper, *The Toronto Star*. The time period covered was January 1st 1987 to November 1st, 2009, the starting date coinciding with the

³⁰ Ibid, 118.

³¹ Ibid.

³² Ibid, 116.

³³ Ibid, 120.

³⁴ Rob Mawby, *Policing Images: Policing, Communication and Legitimacy* (Portland: Willan Publishing, 2002), 53.

³⁵ Ibid.

³⁶ Peter K. Manning, *Policing Contingencies* (Chicago: University of Chicago Press, 2003), 101.

start of the RCMP's use of the Mr. Big technique, in British Columbia.³⁷ Search parameters used to find the articles included: Mr. Big, RCMP sting, RCMP murder investigation, RCMP tricks/trickery, RCMP confession, police tricks/trickery. All relevant articles were selected for analysis.

The compiled articles were then examined and coded based on content.³⁸ Modeled after Sauvageau, Schneiderman and Taras' study, *The Last Word: Media Coverage of the Supreme Court of Canada*, articles were analyzed in terms of the view presented of the police; the view of the investigation and the over all tone of the article (whether it was positive, negative, mixed or neutral).³⁹ Moreover, all articles that were coded as either negative or mixed in their coverage of the subject matter were then re-analyzed for the degree of criticism in coverage, ranging from one to five – *one* being completely neutral (simple reporting of facts), *two* representing commentary (article may have used terms such as controversial, questionable), *three* containing articles that outright question the actions of the police, *four* representing articles that explicitly criticize the police and Mr. Big, and *five* being a strong condemnation and denunciation of the actions of the police.⁴⁰ If the articles directly discussed the police, it was noted if this commentary was either “positive”, “negative”, “neutral” or “mixed.” Lastly, for articles providing updates on court procedures and trials, it was noted if the article mentioned any of the arguments made by the defence against the investigation or the actions of the police.

The style of article was also noted. Articles that were of the ‘hard news’ nature included pieces that reported on an event that recently occurred, which often included updates on trials and court proceedings. The category of ‘features’ included articles that were still simple reporting of facts (similar to hard news), but lacked an immediate event to spark the story, often including the discussion of academic studies. Articles assigned to the ‘editorial’ category comprised pieces that presented the point of view of the paper, containing clear opinion and argument. Similar to editorial articles, ‘opinion piece/commentary’ pieces comprised articles that provided straight opinion and argument, but belonged solely to the individual author (who may not be a journalist), rather than the host newspaper. Lastly, articles placed in the ‘news analysis’ category comprise articles that are covering recent events, but provide a researched context and often commentary from experts in the field (academic or otherwise).

It is important to acknowledge the limitations of this methodology. First, only print media will be analyzed, which overlooks television stories or movies that may discuss the RCMP's Mr. Big. A notable television piece on Mr. Big can be found in *CBC News: The Fifth Estate*, and its story titled, “Someone Got Away With Murder,” which covers the wrongful conviction and investigation of Andrew Rose, who was pursued through a Mr. Big investigatory sting.⁴¹ A notable film documentary, “Mr. Big: A Documentary,” directed by Tiffany Burns (the sister of Sebastian Burns, a man convicted via Mr. Big investigation) is highly critical of the tactic. This

³⁷ Brian Hutchinson, “RCMP turns to ‘Mr. Big’ to Nab Criminals: Shootings, Assaults Staged in Elaborate Stings,” *National Post*, December 18, 2004.

³⁸ Please see appendix for a sample coding sheet.

³⁹ Florian Sauvageau, David Schneiderman and David Taras, *The Last Word: Media Coverage of the Supreme Court of Canada*, (UBC Press: Toronto, 2006), 241-250.

⁴⁰ Again, please refer to the appendix for a more detailed explanation of the different categories.

⁴¹ This piece is available online and can be viewed at: http://www.cbc.ca/fifth/2008-2009/someone_got_away_with_murder/

condemnatory piece provides the basis for several of the critical articles in this sample, as any article reporting on the documentary, ranked as negative, in terms of its criticism.⁴²

It seems unlikely, however, that the Mr. Big technique was subject to much more TV or film coverage as no other cites to productions could be found via newspaper or internet searches. Furthermore, this study focuses solely on three of Canada’s largest papers, and thus the sample may miss articles pertaining to Mr. Big published in smaller local papers.⁴³ That being said, the *National Post* is part of CanWest Global Communications Corporation, which owns several smaller papers throughout Canada and these smaller papers often rely on the *Post* for content, publishing many of the same stories made available through the CanWest network. Also, it is unlikely that stories in smaller, regional papers would have the policy impact that stories would have in *Globe*, *Post* or *Star*.

Findings

As indicated in Table 1, an overwhelming majority of the articles in the sample fell into the hard news category. For the most part, these articles contained pieces that provided coverage of court proceedings, updating the public on the daily events of the trial, such as guilty pleas, witness testimony, and sentencing. Conversely, very few articles comprised opinion-based pieces, including both columns and editorial style articles, at less than 10 percent of the total sample. Another small number of the articles (approximately nine percent) went beyond simply reporting the facts by providing some context and expert opinion to supplement the story being covered. The final category, feature, comprised only a small portion of the total sample of articles, at less than five percent of the total pieces examined. An example of a feature-style story can be found in, “Parents of a Triple Murderer Vow to Fight: ‘We Should Have Screamed Out Loud.’”⁴⁴ In this article, Brian Hutchinson interviews parents of convicted murderer Sebastian Burns, five months after his conviction to examine the impact the guilty sentence has had upon the family. Table 1 summarizes the types of articles in the sample.

Table 1: Style of Articles in Sample

Type of Article	Number (<i>n</i> = 101)	Percent
Hard news	81	80.19
Editorial	2	1.98
News analysis	9	8.91
Column, opinion piece, commentary	4	3.96
Feature	5	4.95

⁴² For example see: Rod Mickleburgh, “Hurricane Carter to Take on Mr. Big,” *The Globe and Mail*, 3 March 2008, A5.

⁴³ For an example of a highly critical piece from a small paper see: Lee Giles, “Lets Outlaw Mr. Big Stings,” *Red Deer Advocate*, Advocate View, 28 January 2009.

⁴⁴ Brian Hutchinson, “Parents of a Triple Murderer Vow to Fight: ‘We Should Have Screamed Out Loud,’” *National Post*, 13 November 2004.

For the most part, the articles in the sample provided stories that were neutral in tone, comprising approximately 70 percent of the total. In these articles, the author simply reported facts and did not present any evidence that he or she or the newspaper either supported or opposed the investigation tactics used by the police.

Table 2: Tone of Articles in Sample

Tone of Article	Number (n = 101)	Percent
Positive	1	0.9
Negative	14	13.86
Neutral	71	70.29
Mixed	15	14.85
TOTAL	101	100%

While almost a third of the sample either characterized the police tactics as negative (approximately 14 percent) or provided some evidence that the behaviour of the police may be questionable or that there was members of the community that found the actions of the police to be questionable (approximately 15 percent). Related to the concept of questioning the actions of the police and the legitimacy of Mr. Big-style investigations, 27 of the articles that covered court proceedings, mentioned the arguments put forward by the defence against the tactic or evidence gathered from the investigation. For example, in Ian Bailey’s article covering the trial of Rajinder Soomel, he includes the following, “Mr. Bolton, [Soomel’s attorney] said the police actions was ‘perilously close to entrapment’ ...he suggested that Mr. Soomel may have had no way out of his situation. ‘When a person is that far into scenarios with Mr. Big people, how exactly does he back out?’”⁴⁵ Similarly, in a *Toronto Star* article covering the trial of Nelson Hart, Tara Brautigam notes, “Hart’s lawyer, Derek Hogan, told the jury in opening arguments that Hart’s confession was a lie intimidated by RCMP officers he believed were actually gangsters.”⁴⁶ While these articles may not have taken a completely negative stance towards the RCMP or the Mr. Big tactic, they do make note of the possible arguments and criticism pertaining to the force and the investigations. Any article covering the Mr. Big documentary by Tiffany Burns presented a clear critical analysis of the undercover technique and focused on the possibility for false confessions and wrongful convictions.

It is interesting to note that only one article in the sample was explicitly positive pertaining to the investigations and the evidence gathered. In Rod Mickleburgh’s article covering the Burns and Rafay trial, his main source of information is prosecutor, Roger Davidheiser, who repeatedly praises the investigation, calling it, “a superb RCMP undercover operation,” which results in the article having a distinctly positive tone towards the investigation.⁴⁷ For example, Mickleburgh states, “Mr. Davidheiser lavished praise on the RCMP agents... ‘I cannot stress

⁴⁵ Ian Bailey, “Man Jailed Four Years for Attempted Murder,” *The Globe and Mail*, 29 March 2008, S4.

⁴⁶ Tara Brautigam, “‘I Struck them with the Shoulder’; Court Hears Accused on RCMP Tapes Describe Pushing Twin Daughters into Newfoundland Lake,” *Toronto Star*, 16 March 2007, A14.

⁴⁷ Rod Mickleburgh, “Ideas of ‘Foolproof Crime’ Fuelled by Teenagers Hubris, Court Told,” *The Globe and Mail*, 25 November 2003, A7.

enough how important their acting ability was. Their performances were absolutely critical,' he told the jury."⁴⁸

A total of 29 articles were coded as negative or mixed. This subset of articles was re-analyzed to gauge the level of criticism present in each article.

Table 3: Level of Criticism

Level of Criticism in 'Mixed' or 'Negative' Articles	Number of Articles (<i>n</i> = 29)	Percent
1 – <i>Neutral</i> – Simply reporting facts and events	3	10.3
2 – <i>Comment</i> – Article goes beyond reporting of fact to provide some commentary on tactic, investigation, police, evidence gathered (terms that may appear: controversial, questionable, coercion, entrap)	12	41.4
3 – <i>Question</i> – More than commentary, calls into question the technique, evidence gathered, police behaviour, use of Mr. Big in general	8	27.9
4 – <i>Criticisms</i> – Outright critiques the RCMP, the evidence gathered, the investigation, use of Mr. Big	6	20.7
5 – <i>Condemns</i> – Actively argues against the technique	0	0

A significant portion of the sample was coded into the second degree of critical analysis, the 'comment' category, at approximately 42 percent of the total sample. Articles that comprised this category did not outright criticize or condemn the police, the investigation or the evidence gathered from the investigation, but used language that suggested that the techniques employed were at least controversial or made mention that the tactics used by the police are illegal in the United States or the United Kingdom. For example, Stewart Bell writes, "The murder remained unsolved and, in 2000, the RCMP homicide squad began an undercover operation using a controversial technique called the Mr. Big scenario" (emphasis added).⁴⁹

An example of a "questioning" article (category three) is found in Michelle MacAfee's piece for *The Globe and Mail*, covering the Bridges trial in Manitoba. In the article she quotes criminal law professor, David Deutscher, "But from a societal point of view, I think the real issue is: Is it worth the price? I think an argument can be made that it's not a price worth paying because the temptation is too large and there's too great a risk of people falsely confessing" (emphasis added).⁵⁰ Another example of a level three article can be found in Kari's article in which she writes, "Critics of the stings say they are dangerous, because of the potential to generate a false confession because the suspect believes that's what his new friends want to hear (emphasis added)."⁵¹ All of the articles in this category made note of the controversial nature of the investigation style and discussed the issues related to Mr. Big, such as false confessions, targets that are easily susceptible to temptation, wrongful conviction and weak evidence against the targets of the investigation.

⁴⁸ Ibid.

⁴⁹ Stewart Bell, "Who's Screening our Recruits? Military Accepts B.C. Man who Allegedly Boasted of Murders, Said he was Christ," *National Post*, 28 January 2008, A1.

⁵⁰ Michelle MacAfee, "Mounties' Successful Mr. Big Stirs Debate," *The Globe and Mail*, 4 July 2005, A9.

⁵¹ Kari, "Need to Catch a Bad Guy?"

While no articles in the sample provided criticism strong enough to warrant a categorization of five, a small portion (approximately 20 percent) were placed in category four (criticism). Articles that were coded as a four often included sentiments such as, "...defence lawyers and experts in the field of false confession warn that the RCMP is using coercion and intimidation to elicit admissions of guilt from murder suspects. The method they say is dangerous (emphasis added)."⁵²

As summarized in Table 4, the tone of the headlines followed closely to that of the articles, but with slightly more falling into the neutral category.

Table 4: Tone of Headlines

Tone of Headline	Number (<i>n</i> = 101)	Percent
Positive	2	1.98
Negative	16	15.84
Neutral	79	78.21
Mixed	2	1.98
Unable to assess	2	1.98

This phenomena reflects the fact that the headline for the story often tells the reader what the story is going cover and does not leave room for the journalists to critique the events being covered or to provide any form of commentary relating to the story. An example of a neutral headline can be found in Shannon Kari's article titled, "Real estate agent gets life for killing B.C. women," which provides no context, criticism or opinion.⁵³ While a positive headline can be found in another article by Kari titled, "Need to catch a bad guy? Just leave it to Mr. Big."⁵⁴ Finally, a negative headline is examined in Hutchinson's piece, "Mr. Big claims another victim; Unger Released; Questions mount over police use of confession ploy."⁵⁵ The number in the 'mixed' category is much lower in headlines compared to articles, is simply a reflection of the amount of space afforded to the headline, which does not provide for both positive and negative commentary.

Finally, in order to ascertain how the articles in the sample portrayed the police; a separate analysis of discourse relating to the police was completed. More specifically, did the articles present a positive view of the police, conveying at the very least, passive support for the behaviour of the police in the stories? Conversely, did the articles in the sample present a negative impression of the police, demonstrating a disagreement or disapproval of the police actions in the event being covered? However, one caveat must be borne in mind: members of the media may be concerned with being overtly critical of the police, as they must maintain a good working relationship, as police serve as one of the most common news sources a journalist must rely on for information.

⁵² Brian Hutchinson, "Meet Mr. Big; A New Film looks at an RCMP Method that British and American Police aren't Allowed to Use," *National Post*, 18 August 2007, A1.

⁵³ Shannon Kari, "Real Estate Agents Gets Life for Killing B.C. Women," *The Globe and Mail*, 3 June 2006, A10.

⁵⁴ Shannon Kari, "Need to Catch a Bad Guy? Just Leave it to Mr. Big," *The Globe and Mail*, 11 August 2006, S1.

⁵⁵ Brian Hutchinson, "Mr. Big Claims Another Victim; Unger Released; Questions Mount Over Police use of Confession Ploy," *National Post* 24 October 2009, A1.

Table 5

View of Police/RCMP	Number of Articles (<i>n</i> =101)	Percent
Positive	3	2.97
Negative	14	13.86
Mixed	25	24.75
Neutral	52	51.48
Unable to assess	7	6.93

The number of articles that were explicitly positive in coverage of the police comprises only a small portion of the entire sample. The articles in the sample were more likely to present a view that was either neutral or mixed when discussing the police, with more than half of the articles presenting neutral discourse on the police. Further, almost 60 percent of the sample contained articles that are both neutral or contained no analysis of the police, illustrating the lack of strong emotion regarding the police in the sample, regardless if it was positive or negative. This would support the notion that journalists may display hesitation in their criticism of the police in order to ensure a good working relationship and, thus, journalists may feel that it is more acceptable to criticize the actions of the police, rather than individual officers or the force itself.

Turning to articles in which positive references were made, the articles in the sample were not likely present a positive picture of the police (at less than three percent of the sample); instead, the investigation or the evidence gathered against the suspect is commended. This reflects the fact that articles would more likely praise the investigation in successfully determining the suspect and gathering evidence, instead of lauding the police for completing their job effectively. For example, in his article, Marshall Jones commended the investigation and the evidence it gathered by quoting a crown attorney who stated, “Until Ronda Black confessed, the police had nothing but suspicion and intuition.”⁵⁶ The article continues to explain how the confession (gained through the Mr. Big investigation) was central to the conviction of Black, but makes no mention of the police ‘doing a good job.’ The evidence, rather than the police, is praised. The fact that the actions of the police were more likely to be praised rather than the police themselves, may reflect the fact that by gathering good evidence or gaining a confession in order to gain a conviction in court can be seen as a tangible benefit to citizens (an thus more accessible for newspaper coverage), while ‘good police work’ may just be expected by citizens and journalists alike and therefore does not necessitate news.

Analysis and Conclusions

A free press is central to the functioning of a democratic state. High-quality media can provide accountability via the creation of an informed public, “The bare knowledge that decisions will be exposed to public scrutiny, that abuses will be revealed, imposes a powerful constraint in and of itself.”⁵⁷ If the police are abusing their power or engaging in behaviour that might be deemed as unsavory to the Canadian public, citizens would expect their newspapers to

⁵⁶ Marshall Jones, “A ‘Mr. Big’ ruse, A 100-Day Trial and a Surprise Twist,” *The Globe and Mail*, 14 May 2007.

⁵⁷ W. Wesley Pue, ed., *Pepper in Our Eyes: the APEC Affair* (Vancouver: UBC Press, 2000), 20.

report on it. However, if the media is simply reporting on events, without providing any form of commentary or criticism, the accountability abilities of the media can be seriously hindered.

Many argue that journalists must be active investigators, striving to seek the truth on behalf of the public and present a critical analysis. However, one must not neglect to acknowledge the merits of neutral reporting. Highly critical media may present a bias in its coverage of events, swaying readers to a particular view without letting them decide for themselves, which can be just as dangerous for democracy as the verbatim acceptance of information presented by government officials. News that is reported without opinion provides the opportunity for members of the public to formulate their own opinions regarding the information being presented. That being said, readers must be able to trust that journalists will present all sides of events being covered and will interview sources that reflect differing opinions of stories, in order to make informed opinions.

Last, it is necessary to acknowledge the unique relationship between the police and the media. As mentioned previously, journalists may want to scrutinize the actions of the police as government officials to ensure accountability. However, journalists may be hesitant to present severe criticism of the police, due to the fact that writers must maintain a good working relationship with the police who serve as one of their main sources of information for news reports on crimes and other current events. As a result, media coverage of the police may need to walk a fine line; coverage too critical and the police may not be as open to responding to inquiries by the media, while coverage that does not hold the police accountable for abuses of authority or other missteps can be seen as a disservice to the public and to the functioning of democracy.

Although some of the articles in the present analysis provided some examples of quality investigative journalism (most notably articles by *National Post's* Brian Hutchinson), most pieces in the sample were lacking critical commentary. Articles that comprised the categories of three (question) and four (criticism), accounted for only a small portion of the entire sample. These articles either outright critiqued the police, the Mr. Big-style investigation and the evidence gathered, or at least attempted to draw public attention to the subject by questioning the actions of the police. These articles attempted to draw the public's attention to the actions of the police and, more importantly, the mistakes made by officials in these investigations.

Regardless of the fact that the article denounced or supported the Mr. Big investigation practice, it is interesting to note that only five of the articles in the sample made mention of the amount of public funds that are required to carry out a ruse. This style of investigation can be quite expensive (both financially and resource-wise); for example, the Hennessy and Cheeseman investigation in Mayerthorpe, Alberta cost over \$2-million dollars, requiring the participation of over 200 personnel.⁵⁸ Furthermore, in those few articles, the issue of the great expenditure of public funds on Mr. Big investigations was not presented as a pressing issue or as something that should concern taxpayers, which can be seen as limiting to the level of accountability being provided by the media on behalf of citizens.

The lack of critical pieces presented in the sample raises several questions. If journalists are not acting as a 'watch-dog' monitoring the actions of the police, with a critical eye, are they not requiring officials to answer for and legitimate their actions? As Wesley Pue explains, "...the press cannot serve as a check on arbitrary, unlawful, or unconstitutional power if reporters limit

⁵⁸ Kevin Libin, "RCMP used strong-arm tactics," *National Post*, 21 January 2009, A15
John Cotter, "2 Charged in Slaying of 4 Young Mounties; Alberta Men Accused of Aiding Gunman in 2005 Ambush at Mayerthorpe Farm," *Toronto Star*, 09 July 2007, A1.

their ambitions to attending prearranged ‘photo-ops’...A vigorous, democratic press requires motivated journalists, a spirit of critical inquiry, and resources sufficient to sustain investigative journalism.”⁵⁹ Simply put, many of the articles in the sample fell short of demonstrating evidence of a ‘vigorous, democratic press,’ resulting in limited accountability functions. However, it does not mean that all accountability is sacrificed. Simply publishing articles on the technique provides some form of accountability, because it conveys to the police and public alike that the media is aware of the actions of the police in Mr. Big investigations.

The majority of the articles in the sample provided neutral coverage in relation to police actions and the use of the Mr. Big technique in criminal investigations. These articles did not go beyond reporting the facts, to provide any form of analysis or commentary, nor did they question the validity of this style of investigation, while at the same time, no single article actively argued for the expansion of the technique. This could suggest that for the most part, members of the media may be complacent with the actions of the police in Mr. Big stings. Alternatively, members of the Canadian press may place a greater emphasis on providing neutral, unbiased coverage of events, providing the information to citizens, allowing them to interpret for themselves, the actions of the police.

This study may reflect the findings of Sauvageau, Schneiderman and Taras’ analysis of media coverage of the Supreme Court, in which they found a “glaring reality” that the complicated legal aspects of stories were glossed over and more salacious political arguments were emphasized, which they argue does not serve to benefit ordinary citizens.⁶⁰ The authors point to the fact that for the most part, journalists are assigned to cover the Court in a haphazardly fashion, and thus, have little or no specialized knowledge that would allow a deeper discussion of the issues that arise.⁶¹

In terms of this study, journalists may have avoided covering the complexities of the legal arguments surrounding Mr. Big and similarly have chosen to focus on concrete outputs and sensational storylines such as guilty convictions and the gathering of evidence. Furthermore, this phenomena may be reflective of the fact that, for the most part, journalists in the sample may not devote a large portion of their time to coverage of criminal justice and legal issues and thus may lack the background knowledge necessary to critically examine the complexities of the Mr. Big tactic. What has resulted is that the majority of the news journalism covering Mr. Big has been reporting on court cases, providing updates on trials and information about the crimes committed. This may be due to the fact that most journalists are not trained the areas of criminal law or more specifically the legality of police actions. Further study of this issue seems warranted.

The lack of critical assessments of the Mr. Big technique is particularly unfortunate given that the media could influence government to take greater interest in this matter. By focusing on particular stories or events, the media has unparalleled agenda setting capabilities. In other words, quality media has the power to create ‘policy windows’ by publicizing events that point out flaws in current laws or legislative structure.⁶² These ‘policy windows’ can move items or issues on the formal government policy agendas. Furthermore, although courts are designed to be removed from public pressure, judicial politics scholars have argued that media coverage can

⁵⁹ Ibid, 21.

⁶⁰ Sauvageau, Schneiderman and Taras, *The Last Word*, 227-228.

⁶¹ Ibid., 228.

⁶² Michael Howlett and M. Ramesh, *Studying Public Policy: Policy Cycles and Policy Subsystems*, Second Edition (Don Mills: Oxford University Press, 2003), 135-136.

influence the development of doctrine and that, “the court is watching the media, just as much as the media is watching the court.”⁶³ Thus, in terms of Mr. Big, the media can serve as a catalyst for change, by focusing on the areas for concern, such as coercion by police officers, false confessions, and use of resources.

One legal rule change that could enhance the media’s potential in reporting on Mr. Big cases would be to prohibit publication bans on Mr. Big cases, unless young persons are involved. Such publication bans prevent news coverage of the various controversial methods the police may implore to procure a confession while using Mr. Big. By making these methods known to the public, the police may be forced to change the tactic or the government may see the news coverage as a policy window, or an opportunity to legislate more accountability in these investigations. Although such bans in criminal proceedings are common,⁶⁴ the Supreme Court has stated that it is in the public interest to restrict the usage of publication bans in Mr. Big-style cases. According to the Court, “The improper use of bans regarding police conduct, so as to insulate that conduct from public scrutiny, seriously deprives the Canadian public of its ability to know of and be able to respond to police practices that, left unchecked, could erode the fabric of Canadian society and democracy.”⁶⁵

For the preservation of the separation between policy and operations – to ensure the state does not encroach on the independence of the police-- legislators cannot tell the police specifically how to carry out their investigations. However, as Roach and others have noted, policymakers can set policy parameters in terms of how police can generally investigate crime.⁶⁶ In Canada, often the parameters of investigations are set in common law through judicial decisions. However, the Criminal Code does contain a number of rules passed by Parliament concerning how police can investigate crime, including warrant requirements and provisions about the use of illegal activities. In some judicial decisions, courts have explicitly suggested that any changes to the Mr. Big scheme should come from Parliament; for example, the court in *Unger* stated that “Courts should not be setting public policy on parameters of undercover operations.”⁶⁷ We argue below, in fitting with the theme of the need for webs of accountability, that various rule or policy changes in various institutional contexts, including the courts, would best maximize the potential for the Mr. Big scheme to be used in such a way that it minimizes its potential negative effects.

Rather than ban the use of Mr. Big altogether, as has been done in the US and Britain, we would suggest policy changes that would allow the RCMP to use the technique but within certain parameters. First, the RCMP could be required to seek prior authorization from a crown attorney or from a judge before initiating a sting operation. This third party could ensure that there is other strong evidence that points to the target in the investigation, and that there would be more evidence confirming the guilt of the suspect outside of the confession gained through the Mr. Big investigation. Second, the courts should expand the common law confessions rule regarding persons in authority to take into consideration situations where power is conveyed over the suspect, even if it does not come in the form of formal state power, to encompass the Mr. Big

⁶³ Sauvageau, Schneiderman and Taras, *The Last Word*, 205.

⁶⁴ Eliza Walsh and Jennifer Haynes, “Legal Affairs: Publication Bans,” *Canadian Association of Journalists*, Winter 2002, <http://www.eagle.ca/caj/mediamag/winter2002/legalthankless.html>

⁶⁵ *R v. Mentuck* [2001] 3 S.C.R. 442, para 51

⁶⁶ Roach, “Four Models of Police-Government Relations,” 21 and Phillip Stenning, “Someone to Watch over Me: Government Supervision of the RCMP,” in W. Welsley Pue, ed., *Pepper in Our Eyes: the APEC Affair* (Vancouver: UBC Press, 2000), 92.

⁶⁷ *Unger*, para 69.

character played by an undercover police officer. This would increase the threshold that the crown must demonstrate the reliability of the confession before it is accepted as evidence at trial.

Other more general recommendations could help make the Mr. Big tactic more reliable and help with police accountability more generally. One such recommendation would be to improve the legislative mandate of the CPC. By widening the powers of the Commission, the government could provide the CPC the power to compel documentation and information from the RCMP to assist in its investigations and inquiries. Furthermore, the CPC could be given power to investigate the policies and procedures of the RCMP (and thus, the usage of Mr. Big) and prove specific recommendations to the force on how to improve the transparency surrounding the investigatory tactic.

Another form of restriction that could ensure more accountability in Mr. Big cases can be through financial restrictions, similar to any other public agency. Warburton argues that accountability can be achieved via financial constraints, in that in the competition over limited resources, the police must be seen to be attempting to fulfill the goals set forth by the government.⁶⁸ Thus, while the government holds the power of the purse, it can demand that law enforcement be accountable and transparent with spending of public funds, especially in instances of Mr. Big investigations, as these stings can be a large drain on resources, both financial and otherwise. For example, the Hennessy and Cheeseman investigation in Mayerthorpe, Alberta cost over \$2-million dollars, requiring the participation of over 200 personnel.⁶⁹ The government could, for instance, place a spending cap on investigations and require approval to go beyond the limit. However, more than so than the other recommendations, this one has the potential to encroach on police independence and would have to be carefully considered prior to implementation.

Finally, internal police policies and training need to be continually made more robust. For example, although this paper has emphasized the potential benefits of the media, we recognize that sensationalized coverage of high profile crimes can put enormous pressure on the police to come up with a suspect, which means that proper training and organizational norms need to be in place to resist the temptation to arrive at ill formed conclusions. Furthermore, training needs to emphasize the importance of triangulating results during investigations of serious crimes. Crucially, does the physical and other evidence of the crime match what a suspect says during the Mr. Big sting investigation?⁷⁰

While each of these prongs of accountability for the RCMP – the courts, media and governmental bodies-- have strengths and weaknesses germane to their relationship with the police, together they form what Braithwaite refers to as a ‘web of dependency’ or accountability.⁷¹ In this web, while each piece is not without its individual failings, they serve to make the police dialogically accountable; each actor is “responsible for participating in a dialogue, listening, being open to accountability for failings and to suggestions for remedying those failing...this is more likely when there are many actors with causative or preventative

⁶⁸ Damian Warburton, “Drawing the Thin Blue Line: The Reality of Who Controls the Police,” *The Police Journal* 77 (2004), 140.

⁶⁹ Kevin Libin, “RCMP used strong-arm tactics,” *National Post*, 21 January 2009, A15
John Cotter, “2 Charged in Slaying of 4 Young Mounties; Alberta Men Accused of Aiding Gunman in 2005 Ambush at Mayerthorpe Farm,” *Toronto Star*, 09 July 2007, A1.

⁷⁰ Although this point may seem obvious, it seems to not always be followed. See, for example, the Fifth Estate documentary, “Someone Got Away With Murder.”

⁷¹ John Braithwaite, “On Speaking Softly and Carrying Big Sticks,” 343-344.

capability with respect to that abuse.”⁷² Thus, the strength in accountability is not from the concentration of the power in one single institution such as the courts or the CPC, but rather from dispersing this power amongst several institutions that must rely on each other in various ways to operate and achieve their respective mandates. We would encourage the media to play a more active role in being a part of this web and in encouraging other bodies to scrutinize the Mr. Big tactic more carefully.

⁷² Ibid., 333.

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R v. Unger 83 C.C.C. (3d) 228

Appendix I: Coding Sheet

1. Article number:
2. Title:
3. Name of Newspaper:
4. Date of article:
5. Author:
6. Length (words):
7. Topic
 - a. Case
 - i. Name:
 - b. Mr. Big in general:
8. Main focus of headline:
9. Tone of headline:
 - a. Positive
 - b. Negative
 - c. Neutral
 - d. Mixed
 - e. Unable to assess
10. Main topic of story
 - a. Details of case
 - b. Details of investigation
 - c. Update on court proceedings
 - d. Background or history
 - e. Discussion of incriminating evidence
 - f. The RCMP or Mr. Big investigations in general
11. Secondary topic
 - a. Details of case
 - b. Details of investigation
 - c. Update on court proceedings
 - d. Background or history
 - e. Discussion of incriminating evidence
 - f. The RCMP or Mr. big investigations in general
 - g. Not applicable
12. Overall tone of article
 - a. Positive
 - b. Negative
 - c. Neutral
 - d. Mixed
 - e. Unable to assess
13. Type of article
 - a. Hard news
 - b. Editorial
 - c. News analysis
 - d. Column, opinion piece, commentary

- e. Direct excerpt (from court)
 - f. Feature
 - g. Other _____
14. Sources
- a. Court proceedings
 - b. Police
 - c. Crown attorney/prosecutor
 - d. Defence counsel
 - e. Politician
 - f. Defendant/accused
 - g. Victim's family or victim supporters
 - h. Defendant/accused supporters
 - i. Other: _____
15. Number of sources in story
- a. 0
 - b. 1
 - c. 2
 - d. 3
 - e. 4+
16. Source quoted first:
- a. Subsequent sources (in order of reference):
 - b. Not applicable
17. View of police
- a. Positive
 - b. Negative
 - c. Mixed
 - d. Neutral
 - e. Unable to assess
18. View of Mr. Big operation and/or evidence gathered from operation
- a. Positive
 - b. Negative
 - c. Mixed
 - d. Neutral
 - e. Unable to assess

COMMENTS:

Appendix II: Coding Details

Article Style

Hard News	Event recently took place, simple reporting of facts – includes update on trials and court proceedings
Feature	Still simple reporting, but no immediate event to spark story – includes discussion of academic studies
Editorial	Point of view of the paper, straight opinion, clear angle or argument made
Opinion piece/commentary	Straight opinion, clear angle or argument made, but belongs solely to individual author who may or may not be a journalist from the paper
Direct excerpt (from court)	No commentary or background provided, just quotation from court
News analysis	Recent event took place, but research is also presented in article – e.g. opinion from experts (often academic)

Rank Scale for Critical Articles

[1] Neutral	Simply reporting facts and events
[2] Comment	Article goes beyond reporting of fact to provide some commentary on tactic, investigation, police, evidence gathered (terms that may appear: controversial, questionable)
[3] Question	More than commentary, calls into question the technique, evidence gathered, police behaviour, use of Mr. Big in general
[4] Criticisms	Outright critiques the RCMP, the evidence gathered, the investigation, Mr. Big
[5] Condemns	Argues against the technique