

An Introduction to Mr. Big

How do you get sucked in? Well, out here [on a reserve] it's close to poverty. There's no jobs. All you have to do is pick something up here and take it there for \$500 to \$1000. Who's going to turn that down? Obviously, I didn't (Mentuck quoted in Burns 2009).

... the police must be aware that as the level of inducement increases, the risk of receiving a confession to an offence which one did not commit increases, and the reliability of the confession diminishes correspondingly. In this case, in my view, the level of inducement was overpowering... it provided nothing but upside for the accused to confess and a downside of frustration and despair in maintaining his denial (Mr. Justice MacInnes in *Mentuck* 2000b: para. 100.)¹

When people with minor or even extensive criminal pasts, and who appear not to have made much money in their lives, are suddenly befriended and paid increasingly large sums of money for committing crimes in an apparently secure environment, they want such a pattern of life to continue, and indeed, to get even better — that is, more lucrative. Like many other people in society who are motivated by greed and profit, such as some directing and executive officers of large corporations, they will readily cheat and lie to obtain these goals (Nowlin 2004: 395).

One need not be referred to evidence to acknowledge the ubiquitous nature of criminal activity in our society. If the struggle against crime is to be won, the ingenuity of criminals must be matched by that of the police; as crimes become more sophisticated so too must be the methods employed to detect their commission (Mr. Justice Antonio Lamer in *Mack* 1988: para. 15).

Andrew Rose

On October 6, 1983, the bodies of two German travelers were discovered in a wooded area approximately thirty-two kilometres west of Chetwynd, British Columbia. Both victims had been shot in the head (Rose 1991: para. 3). The victims' camping gear, passports, and travellers' cheques were missing from the crime scene, suggesting robbery as a motive. The following day, a pair of bloodstained blue jeans, waist size 34 inches, was discovered a few kilometres from the crime scene. A forensic serologist determined that the blood was consistent with that

of the victims (*Rose* 1991: para. 6). Alas, the case went cold, and nearly six years passed before the RCMP would catch the break they anxiously needed.

In August 1989, Madonna Mary Kelly, an acquaintance of Andrew Rose, who was then living in Newfoundland, told a drug dealer who was staying with her that on the night of the murders Rose came to her home covered in blood, claiming to have just killed two people. The drug dealer turned out to be an undercover police informant who subsequently relayed the information to the RCMP. As a result, Andrew Rose was arrested and charged with the double murder of the German tourists (*Rose* 1991: para. 8).

Although Rose acknowledged that he wore size 34 jeans in 1983, the prosecution was unable to prove that the bloodstained jeans belonged to him. As Gudjonsson indicates, the circumstantial evidence was in Rose's favour; he did not have access to firearms, he did not cash the travellers' cheques belonging to the victims (the victims' travellers' cheques were cashed by someone other than the accused), and he did not own a vehicle (2003b: 574). Since there was no other evidence linking Rose to the crime, the incriminating statements he made to Madonna Kelly would become the lynchpin in the Crown's case (*Rose* 1991: para. 10). Notwithstanding the lack of physical evidence, Rose was convicted of the murders on the testimony of Kelly. However, in 1992, the British Columbia Court of Appeal overturned the guilty verdict, finding that there was significant circumstantial evidence that could have raised a reasonable doubt about his guilt (*Rose* 1992: para. 45).

At his second trial, Rose was again convicted of the double homicide. Once more, the only evidence connecting him to the murders was the testimony of Madonna Mary Kelly (para. 4). Subsequent to his second trial, Rose provided the RCMP with a blood sample for DNA analysis, which excluded Rose as a source of the DNA found at the crime scene (Gudjonsson 2003b: 575). In addition, the RCMP followed up on a confession made about the murders by one Vance Hill to his estranged wife. Hill's story was consistent with the facts of the case. Unfortunately, Hill committed suicide on July 28, 1985, making it impossible to confirm the veracity of his statements (*Rose* 1998: para. 6). In light of the fresh evidence, Rose was granted yet another trial (Gudjonsson 2003b: 575).

Perhaps because of tunnel vision, Gudjonsson notes, Canadian police were concerned that the newly acquired exculpatory evidence could result in Rose's acquittal. Such tunnel vision then led the RCMP to trick Rose into confessing by engaging him in an undercover operation (2003b: 575). As part of his bail conditions, Rose was required to sign in at the RCMP headquarters in Thompson, Manitoba, where he had taken up residence. Outside the station, he was introduced to UC1,² an undercover police officer posing as the main contact for a wealthy criminal organization (Burke 2009). UC1 was charged with the task of befriending Rose, which he did by hiring him to do a job for the criminal syndicate. Over the next few months, UC1 involved Rose in a series of various criminal activities, mainly to

do with drug trafficking, for which Rose was paid (Gudjonsson 2003b: 575). UC1 indicated to Rose that he could stand to profit a great deal from the organization but that he would have to meet with UC2, “Mr. Big,” to discuss some troubling issues in his past that could jeopardize his career in the organization. UC2 claimed to be able to help him with his problems and the murder charges, stating, “If I fucking help you, you would be guaranteed not to be found guilty.... You won’t even go to another trial” (578).

During the undercover interrogation sessions, Rose was subjected to what Gudjonsson would later call “relentless pressure, abusive language, threats, inducements, robust challenges and psychological manipulation” (2003b: 578). He emphatically stated that he could not and would not confess to a crime he did not commit. The following exchange took place between Mr. Big and Rose:

UC2: Yeah, that’s a lie, that’s a fuckin’ lie right off the bat. Cuz everything I fuckin’ found out about it, the evidence is all fuckin’ there that you did it. They convicted you twice on the fuckin’ thing; they can convict you a third time. Listen, I don’t give a fuck.

Rose: I do not lie to you.

UC2: I don’t give a fuck, let’s get that clear. But, if you’re just gonna lie to me, and you don’t want fuckin’ help, then I can’t help you. I’m helping you because...

Rose: If I tell you I didn’t do it and you don’t believe I didn’t do it. What am I supposed to say? I need your help.

UC2: Yeah, well, you’re not gonna fuckin’ get it unless I get the fuckin’ story. And I’ll explain to you how...

Rose: I didn’t do it.

UC2: I’ll explain to you how I can fuckin’ help you.

Rose: What can I say now?

UC2: Tell me the truth.

Rose: I didn’t do it.

UC2: Come clean with me and I’ll tell you how I’m gonna help you.

Rose: I didn’t do it.

UC2: Well then you don’t need my help.

Rose: I’ll never say I did it. I’ll never say I did it, cuz I didn’t.

UC2: Well...

Rose: So, what can I say?

UC2: Well, if you didn’t do it, you don’t need my help. Let’s let the fuckin’ courts decide. If I fuckin’ help you out you’d be guaranteed not to be found guilty, but I’m not fuckin’ helping you out for the fuckin’ uh, I don’t fuckin’...

Rose: Yeah, but you want me to say I’m guilty.

UC2: I want the fuckin’ uh, I want to be able to fuckin’ trust you. When I leave this fuckin’ room I know I’ve got a guy I fuckin’ trust.

Rose: I know...

MR. BIG

uc2: All the fuckin' circumstances I have found out and I've looked into I have fuckin' come away fuckin' saying, "Okay, this guy offs these two people, I don't give a fuck why. That's the least of my fuckin' ' worries. I will help him if he fuckin' just comes clean, and if he doesn't, then I'm not givin' him a fuckin' minute of my fuckin' time anymore".

Rose: I didn't do it, okay?

uc2: Well then, there you go. You don't need my fuckin' help, do you?

Rose: Damn right I do.

uc2: You better come clean.

Rose: Well, I'm still not gonna say I did it, cuz I didn't. So, what am I supposed to say?

uc2: From what I know, you haven't got a chance. That lady from the States, she'll not be givin' the evidence you think she's gonna be givin'.

Rose: No?

uc2: The police have been fuckin' soft-shoein' her big time. That's why this has been fuckin' delayed the way it is. (Burke, 2009)

Despite considerable psychological manipulation and pressure to break down Rose's resistance, persuade him of his guilt, and elicit a confession by reiterating the strength of the evidence against him and the likelihood of a third conviction, Rose repeatedly and emphatically denied any involvement in the double murders.

Rose: I'll tell you right now, if this means the end of me and you and [uc1] whatever... I will not say I did it. That's it. Then I'm outta here, you know, simple as that. That's the way she goes. I will not say I did it when I didn't do it, and I didn't do it and that's it.

uc2: Go downstairs to the lounge, have one fuckin' beer, think this over.

Rose: Well, I'm not gonna come back up here and say I killed them. (Burke 2009)

Following their discussions, Rose and uc1 went downstairs to the lounge where they spent almost two hours drinking beer (Gudjonsson 2003b: 579). Although it is unclear how much alcohol was consumed, Rose's lawyer later commented he was an alcoholic "plied with liquor," and CBC's News' *The Fifth Estate* reporter, Linden MacIntyre, described him as "fortified with beer" (Burke 2009).

After repeated and emphatic denials to Mr. Big, a man who arguably undermined Rose's confidence in both the criminal justice system and his legal team (Burke 2009),³ Andy Rose would eventually confess, telling uc1 and uc2 what they wanted to hear: "Well, we'll go with I did it, okay?" In the end, RCMP operatives elicited a confession from him in the second and third interrogation sessions, which were audio and videotaped (Burke 2009). Not surprisingly, Rose was unable to provide undercover operators with specific details — outside the scope of those

already known to the police or media — about the circumstances surrounding the double murders. For instance, when asked where he got the firearm, he responded, “Oh I had it, I had it” (Gudjonsson 2003b: 579). Rose’s numerous attempts to retract his confession would prove futile. When confronted by his sister as to why, after years of denying the murders, he would confess to something he did not do, he said he wanted it to “go away” (Burke 2009). Anyone watching the videotape available through the documentary (Burke 2009) would be hard pressed to conclude Rose was not lying when he “confessed” to the murders.

At Rose’s third trial, defence counsel sought to qualify as an expert Dr. Gisli H. Gudjonsson, a professor of forensic psychology at King’s College London and a forensic psychologist with special expertise in the area of police interrogation and false confession. It was hoped that Gudjonsson would give evidence about the scientific literature related to false confessions, the nature of police interrogation techniques, the similarities between non-custodial and custodial interrogation techniques, the factors in this case consistent with those typically found in cases of false confessions, the results of the psychological evaluation, and the reliability of Rose’s admission to RCMP operatives (Gudjonsson 2003b: 580).

In addition to conducting a psychological evaluation of Rose, Dr. Gudjonsson read through transcripts of the telephone conversations and interviews with undercover officers, listened to audiotape evidence, and watched the videotapes of the interviews with undercover officers. Significantly, as already noted, Gudjonsson (2003b) found evidence of “relentless pressure, abusive language, threats, inducements, robust challenges and psychological manipulation” (578). He concluded that the “immense pressure that Rose was placed under, and the extreme distress he displayed during the three videotaped interviews, raises important ethical issues about the use of non-custodial interrogations” in cases such as this (Gudjonsson 2003b: 581).

In January 2001, however, the prosecution’s case would incur a setback, as further DNA analysis eliminated Rose as a suspect. Though the lack of physical evidence linking Rose to the murders significantly undermined the Crown’s case, they still had Madonna Mary Kelly’s testimony, the lynchpin that had led to the two earlier convictions. Yet after careful deliberation with the office of the B.C. Attorney General, the prosecution announced that it would no longer be proceeding with the case against Rose. In the opinion of Crown counsel, Gil McKinnon, Q.C., “to have a conviction against a person, I want to be very certain that that is the person who committed the offence” (Burke 2009). He went on to say that he would have been uncomfortable if a guilty verdict had been reached. After being confined almost ten years in prison for two murders he did not commit, Rose re-established his relationship with his nineteen-year-old son and is on friendly terms with his son’s mother, but he spends much of his time alone (Burke 2009).

Clayton George Mentuck

On July 13, 1996, members of various surrounding communities converged on the town of Rosburn, Manitoba, for the annual Harvest Festival Fair. Throughout the day residents took in activities, including the morning pancake breakfast, afternoon midway rides and visits to the petting zoo, quarterhorse and thoroughbred racing, and early evening chuckwagon races (*Mentuck* 2000b: para. 9). Following the last race of the evening, Amanda Cook's father searched the fairgrounds for her to no avail. He gathered that she had gotten a ride home with someone else, and he consequently left the fairgrounds without her (para. 11). The following day the fourteen-year-old was reported missing to the RCMP. On the morning of July 17, police discovered Amanda Cook's partially clad body, with a large rock placed on her head, in a boggy area near the fairgrounds (Makin 2000: A3; *Mentuck* 2000b: paras. 11, 26).

Clayton George Mentuck, a young Aboriginal man from the nearby Waywayseecappo Reserve who was at the Harvest Festival Fair on the day of the alleged offence, was suspected of being involved criminally in Cook's disappearance and death. As indicated by Makin (2000), the evidence against the accused "was startlingly thin" (A3). Mentuck was offered up as a suspect primarily because evidence indicated that he and the deceased were in each other's company throughout the day, although not in a one-on-one setting for any prolonged period of time (*Mentuck* 2000b: para. 13). No forensic evidence linked Mentuck to the victim or the crime scene (para. 18), and witnesses testified that the accused appeared normal and acted normally in the hours after the killing (para. 31). Counsel for the accused suggested that "The point of this investigation was ultimately not to gather evidence to determine who did it, but to create evidence to show that [Mentuck] did it" (Makin 2000: A3).

As noted by Mr. Justice MacInnes of the Manitoba Court of Queen's Bench, "this case has had a lengthy and arduous history" (2000b: para. 2). In April 1998, his colleague, Mr. Justice Menzies, ruled that Mentuck's statements to the police were inadmissible. The Crown was forced to stay the charges (*Mentuck* 2001: para. 3). Counsel for the accused had discovered that a significant portion of the videotape of Mr. Mentuck's police interrogation was missing. This fact was later confirmed by an RCMP lab in Ottawa. Moreover, Mr. Justice Menzies ruled that Mentuck's constitutionally enshrined right to silence was violated because police continued to question him even after asserting his right to silence seventy-five times (Makin 2000: A3). McIntyre (2006b: 137) suggests that "Mentuck talked about wanting to speak to a lawyer on nine separate occasions."

Following a stay of proceedings at the first trial, the RCMP, in an attempt to bolster their case against Mentuck, targeted him in a sophisticated undercover sting operation (*Mentuck* 2001: para. 4). The RCMP hired Douglas Brau, a man with a lengthy criminal record, to act as an informant and aide in the undercover operation (*Mentuck* 2000b: para. 74).⁴ He was to visit Mentuck at the Brandon

Correctional Institute and sell him on the possibility of their working together in a sophisticated criminal organization following Mentuck's release from custody (para. 75). On the day of his release, Brau picked Mentuck up and the two travelled to a dwelling in Brandon, which was the RCMP's front house (para. 75).

Mentuck was introduced to RCMP officer UC1, who portrayed himself as Brau's boss in the criminal organization. As a sign of good faith, UC1 loaned Mentuck one hundred dollars to buy some new clothes, since his wardrobe consisted of what he was wearing upon his release from custody (para. 76). Undercover operatives were able to gain the target's confidence, and Mentuck was taken in by this crime boss ruse.

For the next seven days, Mentuck and his newfound friend completed tasks for the organization, including delivering parcels and counting large sums of money (*Mentuck* 2001: para. 4). Given the minimal time commitment (approximately twenty hours of work), the two were generously remunerated, Mentuck earning \$1,800 (2000b: para. 76). The aim of this scheme was to impress upon Mentuck that as a member of the syndicate he could, over time, earn considerable sums of money. He would, though, have to come clean about his criminal past. Stressing that honesty, integrity, and loyalty were paramount to his membership in the criminal organization, the undercover officer encouraged Mentuck to tell him "exactly what he had done, both as proof to them of his honesty and so that they would be able to protect him and not be faced with any surprises result" (para. 77). Over the next few days the scenarios were configured so as to ensure lengthy one-on-one meetings between UC1 and Mentuck (para. 78). A front house was surreptitiously furnished with electronic surveillance equipment (audio and video) to monitor all activities and correspondence in the house, as well as "for the recording of telephone calls made from the residence" (para. 75). In a one-on-one meeting at the front house, Mentuck was told that the criminal organization had sources and that those sources indicated that Mentuck had committed the crime. The undercover operative continued to impress upon Mentuck that the organization did not care what he had done. Despite the officer's insistence that the organization knew that Mentuck was responsible for the death of Amanda Cook, Mentuck vehemently denied any participation in the murder, "upwards of a dozen times" (para. 57). The operatives then convinced Mentuck otherwise:

UC1: So you killed her?

Mentuck: I guess I must of 'cause I can't remember that part.

UC1: Well, we got to try to remember here George.

[There was then a period of silence]

UC1: We got to try to remember. How did you kill her?

Mentuck: They said I used a rock.

UC1: Well they said that. But how did you do it?

Mentuck: I don't know. (*Mentuck* 2000b: para. 81)

Despite suggestions from UC1 that the organization could cover things up and make this situation disappear, Mentuck avowed that all he knew about her death was “the result of things he’d been told or had seen in connection with the court proceedings” (Mentuck 2000b: para. 94).

In a further effort to obtain a confession, UC2, an RCMP corporal who purported to be UC1’s superior, entered the front house and confronted UC1 about his ability to do his job, warning that if he was unable to get the necessary information from Mentuck about his involvement in the murder, his job with the organization would be in jeopardy (para. 81). He added that UC3, the criminal syndicate’s kingpin, would be arriving in town the following day to meet the newest prospect. UC2 subsequently left the front house, where UC1 continued to grill Mentuck for details, this time adding that UC1’s lucrative career with the organization was on the line and that he did not want to lose it. He added, “And I don’t think you do either. Cause where the fuck are you gonna end up? Back on the reserve and back in jail. Do you want to do that? Huh? George do you want to do that?” (para. 81). Mentuck, in response, offered to return the previously earned money and purchased clothing and withdraw from the organization. However, UC1 “made clear to the accused that it wasn’t that simple, that they were in this together and that if the accused were to step out, [UC1] would be out too” (para. 82). The following exchange then took place:

UC1: You know... they know you killed her. You told me you killed her, but you’re saying you don’t remember. You gotta remember something George.

Mentuck: I said, I guess I killed her.

UC1: You guess?

Mentuck: Yeah. ‘Cause I don’t fuckin’ remember anything from the fuckin’ night there. I just remember fuckin’ leaving the grounds, being tripped, getting picked up on the road, going home, playing Nintendo and passed out.

UC1’s efforts to elicit a confession from Mentuck, although persistent, proved futile. In a final attempt, Mentuck was taken by the primary undercover operative to a hotel in Winnipeg to meet UC3, the organization’s big boss. To demonstrate the wealth and power of the organization, UC3 told Mentuck that it had arranged to have one of its confederates dying of cancer and AIDS take full responsibility for Cook’s murder. As a result, this matter would come to an end: the police investigation against Mentuck would cease, and he would be cleared of any wrongdoing (para. 80). Moreover, the organization would help secure Mentuck’s future by providing him with legal counsel and the necessary financing to institute legal proceedings against the Crown for having been wrongfully charged and imprisoned. UC3 emphasized, however, that the target would have to give explicit details about Cook’s murder because the fall guy would likely undergo a series of extensive police interviews before his admission of guilt would be accepted (Mentuck 2000b: para.

90). This time Mentuck told the undercover operatives that he had killed Amanda with a rock because she would not stop pressuring him to have sex with her.

Once sufficient evidence against the accused was obtained by virtue of an undercover operation, the indictment against the accused was reinstated, with a second trial commencing in January 2000 (*Mentuck* 2001: para. 5). Having been unable to reach a verdict, the jury was discharged and a third trial proceeded in September 2000 before a judge alone (para. 7).

In his judgment, Mr. Justice MacInnes of the Manitoba Court of Queen's Bench found Clayton George Mentuck not guilty of the murder of Amanda Cook as charged. Having considered the totality of the evidence, including the circumstantial evidence (i.e., physical and scientific evidence), the evidence concerning opportunity, and the entire undercover sting operation, he concluded:

the police must be aware that as the level of inducement increases, the risk of receiving a confession to an offence which one did not commit increases, and the reliability of the confession diminishes correspondingly. In this case, in my view, the level of inducement was overpowering... it provided nothing but upside for the accused to confess and a downside of frustration and despair in maintaining his denial. I conclude that the confession, if not false, is certainly too unreliable for acceptance as an admission of guilt. (*Mentuck* 2000b: para. 100)

Mr. Justice MacInnes described the killing of Amanda Cook as a “tragic event,” but added that “at least equally tragic to the death of Amanda Cook... would be the wrongful conviction of one charged with her murder” (paras. 4–5).

Sometime after the Mr. Big sting, Mentuck was interviewed on the Bird Tail Sioux Reserve in Manitoba. Facing poverty and unemployment, he stated, he was an easy target for the undercover officers who “impressed him with expensive cars and wads of cash, and promised huge windfalls should he satisfy Mr. Big” (Hutchinson 2007).

Michael Bridges

Following the mysterious disappearance of Erin Chorney on April 21, 2002, police in Brandon, Manitoba, initiated a nationwide search. Crown prosecutor Bob Morrison said the disappearance “remained a compelling mystery for a long time” (MacAfee 2005a: A10). Though they initially treated it as a missing person case, police would soon have reason to suspect foul play. Weeks earlier, her ex-boyfriend, Michael Bradley Bridges, had been charged with assaulting Chorney, and he admitted to being the last person to see the victim (McIntyre 2006a: A9). As a result of the investigation that followed, Brandon Municipal Police suspected Bridges of being involved criminally in Chorney's disappearance, but lacked sufficient evidence to make a strong case against him. Investigators turned to the RCMP for help. In order

to obtain vital evidence relating to Chorney's disappearance, the RCMP launched a four-month undercover operation involving fifteen undercover officers posing as members of a powerful and wealthy national criminal syndicate (MacAfee 2005b: A12). Having been somewhat burnt by the Mentuck case, the RCMP conducted this investigation with the assistance of Bob Morrison, "Manitoba's most senior Crown attorney" (McIntyre 2006b: 153–54), to ensure they "hadn't crossed any legal boundaries or done anything to jeopardize the status of any evidence they might dig up" (2006b: 212).

To initiate contact with the target, an undercover RCMP officer (an "attractive woman," according to McIntyre) (2006b: 125) posed as a marketing company representative, knocked on Bridges' door, and asked him to participate in a survey, which he did, despite initial reluctance. Shortly thereafter, he was notified that as a result of his participation in the survey he and the other "grand-prize winners," all undercover police officers, had won an all-expenses-paid trip to see an N.H.L. hockey game in Calgary. At the game, Bridges was introduced to one of the other winners, who claimed to belong to a successful criminal organization. The undercover officer befriended Bridges and successfully recruited him (*Bridges* 2005a: para. 3). Over time, Bridges would participate in a number of purported criminal activities for which he was paid lucratively.

From the onset, themes of honesty, loyalty, and truthfulness were repeatedly developed with the target. Bridges was led to believe that he was being recruited to join the organization, but that in order to be taken in as a member, he would be required to disclose details of his criminal past. Bridges was told that if he was honest and truthful, the boss of the organization, Mr. Big, could make his criminal problems disappear (para. 6). Only upon verification of the details, which would be cross-referenced with Mr. Big's extensive connections, would Bridges be made a member of the organization.

In a meeting that he thought was a dress rehearsal for a pending interview with the all-important crime boss, Bridges brought up the death of his ex-girlfriend. The undercover operative, posing as the main contact for the criminal organization, indicated to Bridges that the organization could retrieve the body from the burial site, dispose of the evidence, and create an alibi for Bridges at the time of the murder (*Bridges* 2005a: para. 19; MacAfee 2005b: A12).

Bridges carefully outlined his involvement in the murder of Erin Chorney, describing in detail how he planned to bury her in a recently excavated grave in a Brandon graveyard. He indicated that he had wrapped the body in a white, flat, unfitted bed sheet and buried Chorney face-up in the centre of the grave. He also told the undercover investigators the type of shovel he had used (MacAfee 2005b: A12). McIntyre (2006b) later wrote that the body was "face down with an electrical cord wrapped around her torso... a fitted white sheet was around the body. The remnants of Saran Wrap were around her head and hair" (357–58). According to Mr. Justice Menzies, "much evidence was heard as to the emphasis placed on the

necessity of telling the truth if one wanted to be a member of this organization” (*Bridges* 2005a: para. 15). Consequently, “the motive which caused him to confess would also operate as the motive which caused him to tell the truth” (para. 19). A noteworthy fact is that the police located the body of the deceased *only after* receiving the information from Bridges. Had it not been for the elaborate undercover investigation employed by the RCMP, the murder of Erin Chorney might still be unsolved. In the end, a jury convicted Michael Bradley Bridges of first-degree murder (*Bridges* 2006).

In some respects, Bridges might be considered the “poster boy” case for support for the RCMP’s Mr. Big operation. Defence counsel did, however, appeal the jury’s first-degree murder verdict, arguing that Bridges had exaggerated his confession about the killing making it appear to be planned and that the trial judge had misdirected the jury on first-degree murder. Bridges’ appeal was dismissed (2006). The question still remains, was this really a first-degree murder case?

The above three cases illustrate both the dangers and the allure of Mr. Big undercover investigations. The risk of false confessions and wrongful convictions, however, is high and will be discussed further in Chapter 2. The three cases also expose the general format of a Mr. Big operation, which will be discussed in further detail in Chapter 3. Chapter 4 examines some of the legal and moral issues arising out of Mr. Big undercover operations, and Chapter 5 explores some of the possible solutions to their dangers. The remainder of this chapter sketches out the origins of Mr. Big and its script, court challenges to the secrecy surrounding Mr. Big, the prevalence and price of the operation, its use outside of Canada, and the methodology used in this present study of eighty-one cases of Mr. Big in Canada.

The Origins of Mr. Big and Its Script

The first reported Mr. Big operation in Canada, although it was not called by that name, was probably the case against Mr. Todd in 1901 in Manitoba. Faced with an unsolved murder, the chief of police employed two men as detectives to see if they could procure evidence against Todd. The two detectives pretended to Todd “that they belonged to a gang of organized criminals, from the operations of which large profits were likely to be made, and they offered to make him a member of the gang if he would satisfy them that he had committed some serious crime; and it was by the influence of this inducement that the prisoner confessed” to one of the detectives (para. 15). Mr. Justice Dubuc described the evidence gathering operation as “vile,” “base,” and “contemptible” (paras. 3 and 8). Apparently, the tactics were so embarrassing to the Crown that he did not support the admissibility of the statement and stated that there should be a new trial in which the Crown would not tender evidence of the confession. However, the Crown was not prepared to concede that the statement was inadmissible in law, and so the Court went on to decide its admissibility (*Todd* 1901: para. 13). The court found that the detective was not a person in authority and since there were no charges at the time the detec-

tive could hardly be said to have induced a confession in relation to outstanding charges. The Court went on to say that the trial judge was correct in admitting the evidence and confirmed the conviction (paras. 11 and 23).

The case of *Beaulac* in 1988 was, perhaps, a precursor to the Mr. Big investigative technique.⁵ An undercover officer who was working in the drug squad at the time of the investigation posed as a gangster and got Beaulac to confess to the brutal murder of a young woman in 1981 (para. 9 and 11). Beaulac testified at his trial that his confession was mere boasting in order to be accepted into the undercover officer's fabricated gang (para. 13). It is unclear as to whether the Beaulac investigation fits within the well-orchestrated scenarios that the police developed in the early 1990s; however, one source identifies it as the first Mr. Big operation, claiming this "tradecraft ... has solved hundreds of murders across Canada, and a growing number around the world" (Lions Gate Investigations Group 2009).⁶

In 2004, when he was asked about this interrogation technique, Al Haslett, an RCMP sergeant based in Kelowna, British Columbia who has been credited as one of its pioneering architects, responded: "I was probably the one who started it ... I was just thinking outside the box, trying to see how far we could go" (Hutchinson 2004: RB1). This study addresses the question, just how far will they go? It is unlikely that Haslett was aware that he was, as Mr. Justice Rosenberg suggests, reviving an ancient technique (*Osmar* 2007a: para. 1), which over one hundred years earlier the Manitoba Court of King's Bench had described as vile and contemptible.

Some academics suggest that police investigations in many countries have moved from coercion to deception in order to investigate serious criminal behaviour effectively in the face of a progressively more regulated custodial investigative environment (Bronitt 2004: 36; Leo 1992; Ross 2008b: 451–52).⁷ In Canada, the RCMP has creatively fashioned a controversial undercover interrogation technique that maintains aspects of coercion and adds further deception to their pre-custody investigations. The "Mr. Big" scenario, also referred to as the "crime boss" scenario, "the advanced homicide undercover technique" (Gorbet 2004: 54), and the "major crime homicide technique" (RCMP 2009), enables the police to circumvent many of the procedural and evidentiary rules that govern their investigations once a suspect is taken into custody (Bronitt 2004: 36; *Evans* 1996: para. 36; Leo 1992: 43). Investigators claim to turn to this investigative technique in a last resort effort to obtain incriminating evidence in the form of a confession from a suspect in investigations of serious crimes that have reached an impasse (*Osmar* 2007a: para. 1). When police have eliminated all other suspects but are unable to obtain sufficient evidence to support a charge against a suspect, this investigative procedure can produce sufficient evidence to substantiate a charge against a suspect, identify additional suspects in the criminal investigations, or eliminate a suspect from suspicion (*Dix* 2001: para. 14; *Skinner* 1993: para. 7).

The Mr. Big tactic is usually a three-stage process of "introduction, credibility-building and evidence-gathering" (Fournier 2009: A9), where operatives continu-

ously interchange roles as passive observers and active participants. After following a target for some time in order to gather information about that person's daily habits (Baron 2008b: A8; Cherry 2005: A8; *Evans* 1996: para. 5; *Hart* 2007: para. 18; *Lepage* 2003: para. 14; *Macki* 2001: para. 9), the police develop an interactive scenario. An undercover officer who has participated in over one hundred Mr. Big stings said, "We definitely get as much detail as we can about the target, so we know, for the most part, how we should be acting around him or her. Everything is thought out methodically" (Baron 2008b: A8). Marx (1988) indicates that a suspect's behaviour will be conditioned by what the environment offers (72). In some instances, the police will consult with behavioural profilers, psychologists, and forensic psychiatrists about the personality and behaviour of the target. These experts can help undercover operatives assume the personae of criminals who can interact with the accused (*Griffin* 2001: para. 39; *Osmar* 2001: para. 35). This stage of the operation can take weeks or even months to complete (Baron 2008b: A8). What's more, some targets can be under surveillance and subjected to having their conversations intercepted during this stage of the undercover operation (*Roberts* 1997: para. 3).

The thrust of a Mr. Big scenario is to have a number of undercover police officers adopt fictitious criminal personae, pose as organized crime figures, and deceive the suspect into believing he or she is being conditioned to join an intricate and highly successful criminal syndicate under the direction of Mr. Big, the boss of the enterprise (*Bicknell* 2003: para. 94; *Dix* 2002: para. 119). An offer of a lucrative career in organized crime is held out to the suspect on the condition that the crime boss is "satisfied of [his or her] honesty and trustworthiness" (*Skiffington* 2004: para. 10). Indeed, the RCMP has perfected a backdrop that simulates a real-world criminal environment in which undercover agents are enmeshed both directly and surreptitiously with the criminal underworld, so much so that fantasy is difficult to differentiate from reality. The verisimilitude of their performance is gripping. Hank Reiner, a British Columbia prosecutor, commented on the undercover sting operation, saying, "If you are going to pretend that you are a member of a gang, you have to adopt the colouration of the gang" (Baron 2008d: A10). Closing the gaps between appearance and reality, a well-executed simulated event becomes the reflection of its reality, preventing the viewer from distinguishing the real from the simulated (see *Bogard* 1996).

RCMP operatives endeavour to establish their credibility as members of a criminal organization (*MacMillan* 2000: para. 23). Intrinsic to the success of the operation (i.e., obtaining a confession from the target) is the "carefully structured relationship" that develops between the target and the undercover operators (*Evans* 1996: para. 28). Such bonding or grooming can include spending time together "drinking and watching strippers, discussing sexual exploits in the grossest possible language" (*Evans* 1996: para. 7), and telling their targets about their own criminal behaviour.