

The touchiest impaired driving incident I had to deal with, in over three decades of dealing with, was a 30-something blonde, in a convertible – and a bikini.

The Saskatchewan Crossing District is at the farthest northern end of Banff National Park, much of it over an hour, by road, from Lake Louise (which now administers it) or by helicopter, responding from the Banff/Canmore area. It was affectionately referred to as 'Saskatchewan Crossing National Park' by its fortunate park citizens - campground staff, 'naturalists', as they were once called, gate staff and wardens - a small community of enthusiastic public servants in the summer, a population reduced to two, or one, or, sometimes, no wardens, in the winter. Its isolation necessitated all but independent operations, within Banff Park, beyond reliable radio communication, until the modern repeater system was implemented, and having more than a small park's worth of occurrences and activities to deal with, on its own.

Having resided there for about a third of my pensionable time, I can testify to its unending action and pace ... enough responsibility and enough isolation to send some to hide on a horse trail, when managers were looking around for another tenant.

We loved it.

But I was working at the Sunwapta Warden Station, in Jasper National Park, which shares its southern border with this district of Banff, when a radio call came in from Dan Graham, one of the three Crossing wardens stationed there at that time. An obviously-impaired driver had been encountered by the public, parked at roadside and drinking in her vehicle, north of the warden station. She had driven off, northbound, after the concerned citizens had tried to convince her not to drive any farther and they had driven back to The Crossing Resort to get help. (There is still no cell coverage along most of the Banff-Jasper Highway.)

The driving time involved in reporting the incident, meant that Dan was not likely going to be able to overtake the vehicle before it reached the Jasper side, so I headed out to sit in a turnout near our shared boundary and watch for the described vehicle. I did not have long to wait.

As the vehicle passed, I pulled out and began to follow, looking for the familiar pattern of a driver under the influence of a drug, or alcohol, as the legislation specified, even way back then. Again, I did not have long to wait. The vehicle was literally all over the road, classically, dangerously, all over the road and the summer traffic volume was too heavy to delay the stop.

Jasper Dispatch was informed of my location and intentions and asked to request the RCMP to attend, thinking 'roadside testing device' (not that it was needed). Lights and siren were engaged, as much to warn oncoming traffic, as to effect the stop. The vehicle slowed, with an extended and familiar 'who-me?' reluctance, but eventually it was pulled to the side and parked appropriately enough. Every subsequent observation was indicative of extreme impairment. Her eyes were watery; her speech was slurred and profane; her attitude was abusive and insulting, without provocation. An almost-empty bottle of hard liquor was sequestered on the seat beside her.

In spite of the resistance, the introductory formalities were taken care of: identifying myself and giving her the reason for the stop, etc. and I requested her documents; she challenged my authority to ask for them. I repeated most of my introduction before demanding them.

She didn't know where they were.

I requested that she exit the vehicle.

She refused and reached for the bottle. I grabbed it from her and secured it outside the vehicle, to prevent any chance of another swig becoming a defence to the process that was to follow, also taking the keys from the ignition. The verbal abuse intensified, becoming threats of legal action from her friends in high places and lawsuits that would end my career.

The sudden removal of her property, compounded by her present dearth of intellectual acuity, took her beyond the reach of verbal intervention. Still, a few more explanations and requests for her co-operation were made, in an attempt to avoid physicality and coax her into voluntary compliance, but a 'hands-on', forcible extrication soon became the obvious requirement.

A petite lady shouldn't be much of a problem, but the risk of injuring her informed my first hesitation. Then there were 'the optics': in full view of the passing stream of tourists, a larger man, even one in uniform, subduing a scantily clad lady was not an appealing PR proposition. Vehicle extrication is both art and science and neither will work seamlessly, when a bikini is involved.

Following the designed flow of intervention-model decision-making, inward fears and outward optics notwithstanding, I moved around to the passenger side, placed her formally under arrest and, with continuing verbal commands and 'soft-hand' control, uncoupled her from the steering wheel and wrestled her out of the vehicle.

That was possibly the easier part. Controlling her in a warden pick-up, threatened to be the hard part and, fortunately, Dan had arrived to assist. Our first priority, apart from preventing her from running into traffic, was to get her into the light jacket that was in the back seat of her car. Given Dan's presence, we were able to 'surround' her, allowing her to do this chore on her own. She also seemed to realize that she was no longer in control and her behaviour began to moderate. She began to negotiate: in exchange for her cigarettes, she promised to behave.

I had to decline the deal (smoking doesn't affect breath analysis but it does, or can, contaminate the machine, so was routinely forbidden). As she insisted that she had to have a cigarette, and having some sympathy for her, I contacted the RCMP directly, by radio, primarily to see how close they were and also for their counsel on the smoking question. As it turned out, they had declined my dispatch's request to attend because they were short-staffed and we were over an hour out of town.

“You'll have to bring her in.”

They did OK the smoking, however, and, upon hearing their assent, she victoriously, and with renewed profanity, declared that she was going to “smoke her {*%^-@#!} face off, all the way to town”.

Fine. She was given her caution, charter rights and the breath demand and even said she understood.

We didn't have partitioned cabs for prisoner escort in those days, and I didn't want her behind me, so she had to be seated in the front. We did have hand-cuffs but, she had moderated, and again, the force that could have been required if she reverted to her flailing resistance mode ... then, there was the pain and discomfort that would be inflicted by the long ride, in cuffs.

We exacted another promise of good behaviour from her and violated policy.

Given the potential for something to go bad, even allegedly bad, I asked Dan to follow me to the nearby highways camp at Tangle Creek and radioed ahead, to see if one of the cooks might be available to accompany us to town. Wendy Watters answered the call and her presence, seated behind my client, changed the dynamic of the encounter, completely – until we reached the cop shop.

To my surprise, this lady, who had passed the ride from camp to town in near silence, began to go off on the cops, just as she had initially done with me ... swearing at them, accusing the breathalyser operator of voyeurism (not her word for it) during the sampling process, in which she was clearly not co-operating. I brought Wendy into the testing area, to equalize the gender gap between tests, and it seemed to help, but I was silently pleased that they would need no convincing of my 'case-history' narrative.

She blew well over the legal limit, in the .120 range, and this, almost two hours after her arrest. Her plea was 'not guilty', of course.

The lady turned out to be an experienced player in the 'beat-the-rap' game, too, having her lawyer on speed dial and specializing in impaired driving charges, two of which she had recently beaten. I was looking forward to the trial (always) and invited a trainee to sit in for the experience, simply to develop familiarity with the process.

The court room is a stage; everyone there is playing a part, and the warden's primary concern is to excel at giving evidence; it can be the entirety of the case for the Crown. Comfort with the court system, its language and structure and procedures, is so important to developing your own court presence. Surprises are the enemy and nervousness is unbalancing, in that forum, eating away at your credibility and the ability to think and recall. I attended often but hadn't had a trial, for months.

Seated on the prosecution side and in uniform, a few minutes before court was to begin, we were obviously of interest to the defence table, as her counsel surveyed the room. I had been easily able to identify the lady as she entered the courtroom, which is always a concern, moreso when the trial is months after the event, as this one was. Pointing out the critical importance of that to my invited observer, I was about to expound further on various aspects of giving testimony, when her counsel approached us, real friendly-like, and began to ask questions about 'our' participation today, obviously believing that my current partner, Jane Emson, had been the chaperone I had picked up at the highway camp, that day.

Super-slickly, he asked, almost as an aside, about the number of cases like this I had been involved in, specifically referencing the time it can take to determine that someone behind the wheel is impaired. I laughed, spontaneously and out loud, saying that there was no time to take the time, in this case; oncoming drivers were heading for the ditches to avoid her. She had to be stopped immediately.

After some obviously abbreviated pleasantries, he excused himself and returned to his client, escorting her out of the room, briefly, then returning.

The judge entered; we all rose; he called the case and asked the tables if they were ready to proceed. Mr. Super-slick informed the court that they would be changing their plea to 'guilty'.

I had ruined my own trial and Jane's training day with my big mouth! It's nice to win; it's even nicer to win a tough one. This one proved to be no contest (not in the legal sense of the term), which was a little disappointing to me, at that moment, but taking the larger view, the people had won – this time.

