



CONCLUDED PROBLEM REPORT PS-1

Problem ID: 8

Reporting Division :TRAFFIC

District:

Neighbourhood:

Address:

Reg	Rank	Last Name	First Name
1612	CST	BANDURA	RICK

Key Description : TINTED WINDOW ENFORCEMENT CAUSES PROBLEMS

Problem Description:

Constance (Joy) BONDARENKO was stopped by Cst. BANDURA on 93 April 14 for operating her Chev Monte Carlo with extremely dark tinted windows. The officer was surprised when the female produced a handwritten note from her doctor (Dr. SHIMIZU) which stated that BONDARENKO needed the extra tint on her windows due to her recent bout with skin cancer. As the writer knew of no special provision under the Act (other than for seat belts) whereby a person may be exempted from compliance via a medical certificate, further questions were posed. It was subsequently determined that this female had been stopped repeatedly for this very same offence (8 times as of this date in question by both Municipal police as well as R.C.M.P.). Each time the note was produced invariably the outcome was the same - a summons was issued, BONDARENKO would plead NOT GUILTY, a trial date would be set, and then on the date the charge was withdrawn or a trial would proceed and BONDARENKO was found NOT GUILTY for sympathetic reasons. It was obvious to Cst. BANDURA that if left unchecked this bureaucratic cycle would continue, all the while causing undue hardship upon BONDARENKO and repeatedly wasting the time of both the police officers and the already burdened justice system.

Problem solving strategies and results :

BONDARENKO was not issued a summons by Cst BANDURA. Instead, additional follow-up work was performed by the officer to determine the validity of her ailment and its severity. Initially Dr. SHIMIZU was interviewed, however, due to the length of time since he had last diagnosed her condition the doctor did not wish to stand behind his note with any degree of fervor. Cst. BANDURA advised BONDARENKO of his intent to assist her with her dilemma and asked that she get an updated prognosis from a dermatologist. In the interim, Dr. CHADSEY (head of the Alberta College of Physicians and Surgeons) was contacted and this particular situation was discussed. Dr. CHADSEY expressed the College's position clearly - that doctors are not to enter the legal realm by meddling in areas they have no authority or knowledge. Specifically, the issuance of notes to patients is not only frowned upon but strictly forbidden, hence this option was suddenly terminated. CHADSEY was able to recommend the names of 3 leading doctors whose expertise in applicable fields may prove valuable: Dr. GROOT (dermatologist); Dr. JIMBOW (also a dermatologist specializing in skin cancer); and Dr. CHORNELL (an ophthalmologist studying UV penetration through glass). Cst BANDURA spoke with all 3 doctors and their opinions concurred:

UVB radiation cannot pass through auto glass but causes skin cancer.

UBA radiation, however, can pass through auto glass and while it is not carcinogenic itself, it poses a high risk factor for enhancing the reoccurrence of the disease. In Ms. BONDARENKO's case it was agreed therefore that the extra tinting on her windows reduced the transmission of UVA waves through the glass and onto the side of her face where the carcinoma had been treated prior.

Armed with this information and BONDARENKO's most recent diagnosis indicating she held a 40-60% risk of the cancer reoccurring, Cst. BANDURA contacted the Solicitor General's Office - Motor Vehicles Licencing Division with the hope of obtaining a special exemption from the act (Sec. 52 H.T.A.). Such a request was denied citing no authority to do such a thing. Instead, Cst. BANDURA was referred to Jim BEDDINGFIELD, Mgr. of Equip. Stds. and Safety for Alberta Transportation.

BEDDINGFIELD listened, then balked at the idea of granting an exemption explaining that it would only serve to open "Pandora's Box" to a host of illegitimate requests based upon similar feigns of illness. Upon pushing the matter further BEDDINGFIELD agreed to put the request before his immediate supervisor Ross HOGG (Executive Director of Transportation Safety and National Safety Code). In an echo of "I told you so" the request was flatly denied. Politely Cst. BANDURA informed BEDDINGFIELD of his intention to push the matter further as no legitimate reasoning had been provided with the refusal.

Peter TRYNCHY's office (then Min. of Transportation for the province) was subsequently contacted and Cst. BANDURA liaised with the MLA's assistant regarding the matter. After several weeks the officer was informed that the minister was sympathetic to Ms. BONDARENKO's plight and that administrative queries were being made in order to determine how a "ministerial order" might be granted. The officer was advised that tentatively no opposition had been voiced to the issuance of such an order but that due to its rarity several more weeks would be required in order to identify the steps needed to obtain one.

In the interim (now 93 May) Ms. BONDARENKO contacted Cst. BANDURA and advised that she had been given yet another summons for tinted windows. Faced with a further delay of 2-4 weeks minimum, Cst. BANDURA arranged an appointment with Chief Crown Prosecutor Gary McCUAIG with the hopes of expediting and resurrecting some obscure, seldom used exemption which was already within the written acts - written and ready to be used. McCUAIG knew of no such exemption but agreed that a simple solution would be that of a special licencing condition imprinted onto Part 2 of Ms. BONDARENKO's Alberta drivers licence which would state "Medical Exemption for Tinted Windows". While it seemed easy enough to do, M.V.B. would not cooperate stating again that they / nor McCUAIG had any authority to print such a direction.

Eventually on 93 June 14 through the assistance of Chief Prosecutor McCUAIG, Ms. BONDARENKO received a letter of exemption under Sec. 34 M.T.A. pursuant to Sec. 8 of the H.TA Regs. (Alta. Reg. 51/77) which relates to window tinting on a motor vehicle.

ironically the man who fronted the most opposition from the start (Ross HOGG) "blessed" one of these documents with his signature. Since that date Ms. BONDARENKO has been stopped only twice for tinted windows (once in Red Deer and once in Edmonton). On both occasions producing the letter of exemption was all that was required in order to prevent being issued a summons as well as the common cycle of events she had unfortunately become so familiar with.