

SPECIAL REPORT



Last year Jimmy Odo, a convicted sexual offender and thief, a diagnosed schizophrenic, murdered a five-year-old Nova Scotian girl, Darlene Davidson. Ever since the tragedy, the still unanswered question has been, Why was Odo free to walk the streets of Halifax and kill? Can blaming doctors, lawyers, police or prison officials prevent such a tragedy from happening again? Can anything?

By Stephen Kimber

Margaret Davidson's voice was a jangled, disconcerting mix of fear and hope. "Is he dangerous?" she demanded. At the other end of the telephone line, Naveed Akhtar knew there was no simple, satisfactory answer to that question. But Margaret Davidson was insistent: Akhtar was a psychiatrist, Jimmy Odo was his patient. Surely, Akhtar must know if Odo was dangerous. He must.

He didn't.

Neither did Margaret Davidson. For most of the past year, Davidson and her four children—aged three to nine—had lived with Odo, 36, in a rundown public housing project in north end Halifax. But she didn't really know him. She knew he'd been in jail—she says she didn't know what for—and she knew he was seeing Akhtar—she thought it was because he drank too much. Odo seemed nice enough. Even though they had split up a few months earlier and even though she had since married another man, Odo remained close to her children. The day before, he had even taken her five-year-old daughter, Darlene, and her daughter's seven-year-old friend, Chastity Beals, to a local fair. They hadn't come back.

"Is he dangerous?" Margaret Davidson asked again. But prediction—as Akhtar would later insist to a journalist who wanted to know why he had allowed Odo to be on the streets in the first place—is not psychiatry's strong suit. Akhtar is the director of forensic (legal) services at the Nova Scotia Hospital, the province's largest mental hospital, and he had treated Odo on and off for nearly

a decade. He could tell Margaret Davidson that Odo was a borderline schizophrenic, that sometimes he was normal and sometimes—when the stress became too much for him, and the booze or the drugs or perhaps simply the smell of the cool breeze on a hot afternoon loosed the demons trapped inside his head—Jimmy Odo could be very, very dangerous. Had he been drinking, Akhtar wanted to know? Yes, she said. "I don't want to alarm you, Mrs. Davidson," Akhtar began, "but..." It was 3 p.m. on June 2, 1981.

Federal MP Howard Crosby was home in Halifax doing routine constituency work when he heard the first reports on the radio. "I heard, 'Kid missing,' 'Odo.' And I knew right away..." Howard Crosby knew all about James Joseph "Little Jimmy" Odo. As a legal aid lawyer, Crosby had successfully defended Odo, a sometime cook, small-time thief and all-time loser, in a sensational 1974 murder case involving the gruesome disembowelling of a 15-year-old boy in Halifax's usually pastoral Point Pleasant Park. During the trial Odo claimed he was innocent, and even named the two men he said were really responsible for the murder.

The two men committed suicide. Odo was acquitted. Howard Crosby went into private practice and, in 1979, he became a Tory MP. There are those in Halifax, Crosby knows, who blame him because Jimmy Odo wasn't behind bars in June, 1981. Crosby offers no *mea culpa*. "People around here just don't understand the art of being a good defence lawyer." Still, Crosby insists he

too knew Odo was "crazy, you know, mentally ill. His [later] crimes were totally predictable. Somebody," Crosby says today, "should have taken positive steps to assume responsibility for him."

Like Crosby, Cpl. Obrey Benjamin knew Jimmy Odo. But, as he hurried through a picket line of fellow Halifax policemen just before 7 p.m. on the evening of June 2, Benjamin was thinking mostly about how tired he was. Halifax's 196 police patrolmen had been on strike for a week, forcing the remaining officers—including Benjamin, a detective and 23-year veteran on the force, into unaccustomed uniforms and 12-hour shifts. Most criminal investigations were on hold for the duration. But tonight, his supervisor called him aside. "Benjie," he said, "they've found Odo. He's up at RCMP headquarters..."

In 1970, Benjamin had arrested Jimmy Odo for break and enter. Later, he'd helped investigate the 1974 murder in Point Pleasant Park. "How are you, Mr. Benjamin?" Odo asked him politely as Benjamin began his interrogation. Chastity Beals had been found, safe and unharmed, but Darlene Davidson was still missing.

"You knew what the possibilities were," Benjamin allows today, "but you tried not to think the worst." After his acquittal on the murder charge, Benjamin knew, Odo had been convicted of having sexual intercourse with his nine-year-old niece in Sydney, N.S., in 1976. He'd been sentenced to five years in Dorchester Penitentiary, but had been released on Feb. 20, 1980, after serving just two-thirds of the sentence. By not getting into any trouble with prison authorities, Odo had "earned" the right to serve the last third of his sentence on the streets—regardless of whether he was really ready or capable of coping in society—under what is known as mandatory supervision.

For every month an inmate spends in a federal prison without getting into additional trouble with authorities, he

THE ODO FILE

CANADIAN PRESS

earns the right to serve up to 15 days—to a maximum of one-third of his sentence—outside prison at the end of his term under a program known as mandatory supervision (MS). The theory is that the program will not only give inmates an incentive to toe the line in jail but also provide those who don't qualify for ordinary parole—usually serious offenders like Odo—with a gradual, supervised transition back into society. Although more than a third of inmates on MS are sent back to prison before completing their term—25% of them for committing new indictable offences—prison and parole officials insist the program is working well. Last year, however, a Solicitor-General's Department committee did recommend tighter procedures to control the most potentially dangerous cases. Between 1975 and 1980, in fact, 52 of the nearly 2,600 prisoners released under MS were convicted of murder or manslaughter during their supervision. And there have been at least two more spectacular mandatory supervision failures since that report was published in March, 1981. Convicted mass murderer Clifford Olson was one. He was on mandatory supervision when he went on his killing spree in British Columbia in 1980. Jimmy Odo was another.

At 2 a.m. on the morning of June 2, Odo confessed. "It was like somebody had lifted a 10-ton weight off him," Benjamin remembers. Odo guided Benjamin through thick woods near Dartmouth for nearly two hours. "She's over there," he said finally, pointing to a spot near a tree where Benjamin discovered the girl's bloodied, semi-nude body. Darlene Davidson had been hit on the head at least seven times with a rock. She had also been strangled. "Odo," Benjamin remembered later, "showed no remorse, no emotion at all when he saw the body."

Odo hadn't taken the girls to the fair, he admitted, but to Dartmouth. As they walked along a power line road near a

main highway, Odo said, the two girls began to argue and throw rocks at each other. When he told Darlene to stop, she ran away. He chased after her and found her. She was going to the bathroom. "I hit her head with a rock," he said. The unanswered—perhaps unanswerable—question was why. Odo didn't say. He just told Benjamin that he was "looking for a lawyer this time who will do what I want to do. And who will help me."

The next morning, a boyish-looking 31-year-old Nova Scotia Legal Aid lawyer named Brian Bailey—who'd followed Odo's first murder trial while studying law at Halifax's Dalhousie University—took the case. "Odo was nervous, very disoriented," Bailey remembers of their first meeting. "He realized he'd caused a homicide, but he didn't know how he'd done it. He was pretty messed up. As soon as I'd talked to him for 10 minutes, I knew we were looking at an insanity plea. Jimmy Odo was insane."

But at his trial last October, Odo insisted he be allowed to plead guilty. "He did everything he could," Bailey says today, "to make sure he was punished." Because Odo couldn't recall actually committing any murder, however, Bailey felt he had to plead him not guilty by reason of insanity. Both Akhtar and a Halifax psychologist testified they believed Odo was insane. Odo himself told a stunned courtroom he had been under the spell of a high priestess of a Satanic cult since the mid-Sixties, that he had witnessed and participated in ritualistic murders of young hitch-hikers in Montreal and that he had lied to beat the earlier murder charge.

The jury took barely an hour and a half to find him guilty of first degree murder anyway. He was sentenced to life in prison with no possibility of parole until the year 2006. Most people connected with the case agree it's unlikely he'll ever get out of jail.

No one was more relieved by the

decision than Odo. During his trial, "there were days when we almost literally had to use glue and tape and spit just to get him together enough [psychologically] to face another day in court," Brian Bailey remembers. Odo didn't wash or shave and wore the same green work shirt and faded blue jeans to court every day. The night after he was convicted, however, Bailey went to see him again in jail. "He was clean-shaven, showered and more relaxed than I'd ever seen him before. For him, the stress was over. He didn't have to face the possibility that he would be in a position to kill again."

But should Odo have been in the position to kill in 1981? "If you're asking me if there are people who should be incarcerated because they're too dangerous to be on the streets..." Brian Bailey begins. He stops, considers for a moment. "Jimmy Odo didn't fit in anywhere. Maybe he never would. But the legal system—thank God!—doesn't let you put someone in jail just because you think he's a bad person. There was no indication of violence in Odo's record until the Cluett [murder] case. And he was acquitted of that. The system has its limitations," he admits, pointing to a stack of files on his desk. "I could close my eyes and grab any two of those files and find one similar to Odo. Same background. Same kind of record. Same kind of problems. Does that mean they'll all do what Odo did?"

"Hindsight..." Naveed Akhtar offers with a small, sad smile, "hindsight helps in situations like this." I had come to Akhtar looking for a simple answer to a simple question: How did it happen? How could the system—police, lawyers, psychiatrists, parole officers—permit a convicted child molester with a history of serious psychiatric problems to live in the same house with small children? The unspoken question was whether Darlene Davidson really had to die?

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But Akhtar, a soft-spoken man, refuses to frame his answers to fit that black-and-white frame of reference. "There are no simple answers," he says quietly. "There are just many questions, many 'what ifs.'"

What if, to take the first instance, Odo had been brought up in different circumstances? In truth, he was born in the hardscrabble mining town of New Waterford, N.S., on June 24, 1945, one of the two sons in James and Isabel Odo's brood of 13 children. Odo's father—a fisherman, house painter and coal miner—lost both his legs in the Second World War, and the family split up when Odo was six. His father disappeared, his mother and sisters moved to Montreal. Odo was placed in the Little Flower Orphanage in Sydney, then bounced from foster home to foster home until he finally quit school at 16. Odo's own memory of family life, given at his 1981 trial, is stark. "I never bothered with none of my people," he explained, "and they never bothered with me."

During the Sixties and Seventies, Odo drifted between a series of odd jobs and what he called the "hippie" street life in Halifax and Montreal. In 1965, he had his first brush with the law and his first stretch in a mental hospital. He was convicted of theft in Montreal. While on parole, he was committed to the Nova Scotia Hospital. He was afraid, he told doctors, he was going to murder his mother. A psychiatrist diagnosed him as schizophrenic.

He was remanded to the Nova Scotia Hospital again in 1970 after being convicted in Halifax of common assault and property damage. By then, Odo was a small-time criminal; he had convictions for vagrancy, theft, break and enter and escaping from jail. When he first examined him in 1970, Akhtar confirmed the first psychiatrist's diagnosis. "His mental functioning," Akhtar determined, "is so tenuous he can go over the brink very easily."

On the night of Oct. 20, 1974, Odo—then a short-order cook at a Halifax hotel—and Anthony Cluett, a 15-year-old dishwasher, punched off work together at about 11 p.m. The next morning, passersby discovered Cluett's body in Point Pleasant Park. His feet had been bound and his wrists tied to the trunks of two trees. He'd been stabbed four times and the blood apparently drained from his body. There was evidence he'd been sexually assaulted. Two months later, after repeated questioning and polygraph tests, police charged Odo with his murder. Although Odo's startling



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testimony implicating others during that trial helped win his acquittal, he recanted it during his 1981 trial. "I lied in '74 to beat the charge," he said. "I should have been doing life for it."

This is the second—and perhaps most crucial—what if. What if Odo had been convicted in that case? He would likely have been in jail in 1981. Even if he weren't, Akhtar admits, psychiatrists would logically have considered a convicted murderer a potentially more dangerous schizophrenic than they did Odo. "As a psychiatrist," Akhtar argues, "I could not play judge and jury in my office. He had been acquitted of murder. I could not deal with him as if he

were guilty."

In the fall of 1976, however—after Odo pleaded guilty to the charge of having sex with the child of his wife's sister (Odo was married in the late Sixties and had three or four children; his wife left him after his 1976 conviction)—Akhtar did recommend he be given psychiatric help. The judge in the case agreed. But Akhtar says Odo didn't get the treatment he needed in Dorchester, a century-old maximum security institution. "He was not highly motivated to seek help himself," Akhtar admits, "but the prison didn't have the facilities to treat him properly even if he wanted help."

As early as 1972, a federal government study had recommended that a regional psychiatric centre be built in Atlantic Canada to treat disturbed prisoners like Odo, but such a facility—initially delayed by the protests of local residents who didn't want potentially dangerous criminals in their midst and then shelved by budget restraints—still doesn't exist. Some prisoners do get sent to the regional psychiatric centre in Kingston, Ont., but Dr. Roger Léger, the Atlantic regional manager of health care for the federal Correctional Services, admits Kingston "can't take all [the prisoners] that we could send them at the present time." Odo was never sent there.

Could that have made a difference? If Odo had developed a trusting relationship with a psychiatrist, Akhtar believes,

he might have been able to tell the therapist "about those demons in his mind that haunted him. Perhaps then he could have been helped."

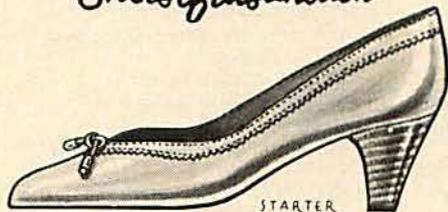
Odo himself recognized that he needed help. Even before his release in 1980, he asked parole officer Oscar Miller to arrange for him to see a psychiatrist when he got out. Later, Odo voluntarily became one of Akhtar's private patients.

But for most of the 15 months he spent on the streets after his release, Miller says, Odo was a model parolee. He held a steady job in a north end laundromat and helped support Margaret Davidson and her children. He seemed to be a perfect surrogate father: He took Davidson's children to the movies, helped them with their homework, made sure they were properly fed, clothed and in bed at a decent hour. Darlene Davidson, her mother would recall later in court, thought of Jimmy Odo as a father; Odo affectionately called her "Dar."

Although Odo was under what Correctional officials called "intensive supervision," Miller insists he couldn't—and shouldn't—have informed Margaret Davidson about Odo's record as a sex offender. "The man had paid his penalty and he was supposed to be readjusting to society," Miller argues. "If we went around telling everyone he came in contact with about his past, what chance would he ever have had to lead a normal life." Miller usually saw Odo at least once a week. "He seemed to be pro-

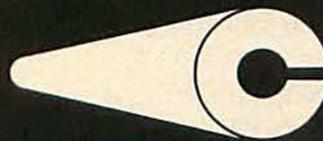
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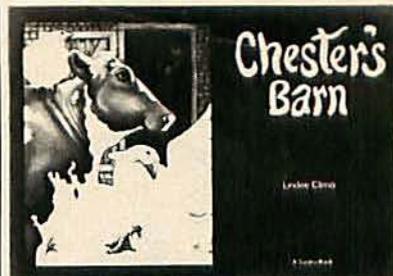
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gressing very satisfactorily," Miller remembers sadly. "He was very communicative. For the most part, he'd answer questions and ask questions and there were no problems."

But then in March and April, 1981, Odo came to the Nova Scotia Hospital complaining he was having "strange thoughts" and was afraid of what he might do. Once, he told the doctors, he'd lost his temper and badly injured a neighborhood dog. He was admitted both times, but soon "settled down" and asked to return to his job. Akhtar agreed. What if Akhtar had committed him for an extra 30 days just to make sure he wasn't dangerous?

"There is no question he was becoming more tense as time went on, but did that make him more dangerous?" Akhtar asks. "It depends on whether you considered him guilty of that earlier murder." Akhtar pauses. "Today, I think I would keep him longer, even if he seemed to become settled after a week." Would it have helped? "I don't know," Akhtar allows quietly. "I don't think anyone does."

Naveed Akhtar probably knew Jimmy Odo better than anyone. But even he will tell you he didn't know him well. When he warned Margaret Davidson that Odo could be dangerous when drinking, Akhtar admits, "I was thinking of a sexual offence of some sort, not that he would...kill her."

Akhtar still thinks about Odo. "I ask myself, 'What could have been done? What one thing would have made the difference?'" He wonders, for example, if the ending might have been happier if authorities had forbidden Odo to drink alcohol while on mandatory supervision. "Alcohol was one of the triggers for his behavior," he says, "but parole officers are almost always reluctant to send someone back to jail just because he's had one beer. In Odo's case, however, that could be enough." Akhtar also believes Odo's chances of staying out of trouble would have been greater if there'd been a regional psychiatric centre to send him to after he was convicted in 1976. "The situation in the prison simply isn't conducive to treatment." And he still worries from time to time that his own decision not to commit Odo for a longer term when he came to the hospital in March and April of 1981 might be partly responsible for the tragic outcome.

None of that matters anymore, of course. Not to Jimmy Odo. Not to Darlene Davidson. But can we at least learn something from this tragedy for the next time? Naveed Akhtar isn't sure: "The problem, in the end, is that human beings are ultimately unpredictable. We can define their problems, we can say what might trigger a certain response, but we can't say when or why or how the situation will occur. We can't supervise a person 24 hours a day. As long as we live in a free society, I regret to say, we will have Jimmy Odos."

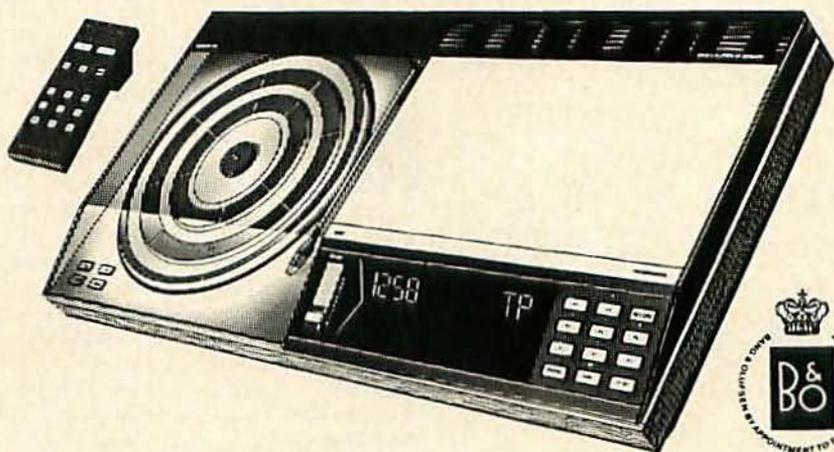
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