

feature

by Mick Chong

The Los Angeles police killed more than 300 people in a year, last June's *Economist* reported. The problem of police violence may not as yet be perceived as serious in Canada as in the United States. But RCMP statistics from The Report of the Commission of Inquiry relating to public complaints, internal discipline, and grievance procedure with the RCMP reveals a total of 41 founded cases involving use of excessive force and close to 60 founded complaints involving both police harassment and violation of statutory rights in one year between 1973 and 1974. Further, more than half a dozen of police brutality cases within the last couple of years pending investigation involved municipal and provincial as well as the RCMP forces.

Brutality and the use of fatal force are often committed in the context of self-defense. But occasional unjustified force after arrest, unprovoked attack and excessive force in subduing those under arrest are equally common.

In September 1978, Andrew Evans was shot to death by a Metro Toronto policeman in a tavern. According to witnesses, the shooting was unnecessary.

At about the same time, a Halton Region policeman was fined \$350 for assaulting a suspect in a police cell.

On the same day a woman testified before a Quebec coroner court that she saw police beating a detainee shortly before he was found hanged.

In September 1979, Albert Johnson was shot in his house by the Metro Toronto police. According to the seven-year-old witness, the police ordered the deceased to kneel down and shot him while trying to arrest him.

November 1979. A native Indian was killed by three point blank shots fired by a Quebec provincial police constable. The band chief insisted that the officer be charged with murder.

A few days later, John Chief Moon was grabbed and punched by three RCMP officers before the police found out they got the wrong person.

In June 1980, a B.C. court sentenced a RCMP officer to 30 days in jail for assaulting a hitchhiker without any apparent reason.

In the same month, Ethel Mason and her son filed a written grievance complaining a Vancouver police officer used excessive force when arresting the son and called him a "Nigger".

A Richmond RCMP officer was charged with assault causing bodily harm in a provincial court, September, 1980. The witness suffered severe internal bleeding after the accused allegedly pulled

the chair out from under him twice during an interrogation.

The cases above happened within the last two and a half years in Canada. Most involved members of a minority group.

But what is police brutality? Despite the fact that it has become a public issue in recent year, we have little access to any well-researched documented literature

member of a minority group are yet less likely to be believed by authorities, according to some criminologists.

Perhaps there are more reasons than effective solutions to all these problems. One widely accepted reason for this problem is the attitude of the police towards minority people.

Toronto Police Chief Adam-

son, R.S.O. 1970 c.351, subsection 24c.1, the municipal, police chief and the offending officer are all liable.

However, tort actions often require both time and money. And it is more often the deprived groups that lack these resources.

Besides some innovative proposals like the setting up of the civilian review board and better

the most effective means for developing understanding and curbing practices offensive to minority groups is to have the participation of these groups.

This may perhaps be the answer to the fact that 21.4% of the Chinese Canadians rated their police as 'bad' in the report on *British Columbians' attitudes and experiences relevant to the police, law and crime*, despite the fact they are one of the largest minority groups in the province.

Before the Canadian police forces adopt the mentality that "we are the cops and law and whatever we do is justified," the court should adopt a more liberal approach to assure the public of the court's position. As a result, more cases would be brought before the court. But increasing cases do not necessarily signify that there are more abuses or worse problems.

While internal investigation lacks necessary procedure, and credibility to be widely accepted by the public, and compounded by the police's reluctance to accept a review board, the only possible resort for controlling police brutality and racism seems to lie in the hands of the courts, which is what it is at present.

It is time perhaps our government considered introducing a bill similar to the Federal statute Title 18 and not hesitate to prosecute offenders under the Canadian Bill of Rights.

POLICE BRUTALITY IN CANADA

of this concern. Holding a suspect and beating him with a night-stick would no doubt be brutality. How about arm-twisting in the process of securing arrest? Or threats with potential violence and gun? Or are instances, such as a person being stripped and rectally searched, brutality?

David Bayley and Harold Mendelsohn, the authors of *Minorities and the police confrontation in America*, once said, "If brutality is synonymous with mistreatment of any kind, then verbal abuse, ridicule, malicious humor, denigrating epithets, and elaborate condescension would all qualify." The same authors show that the respondents surveyed in one study defined the phrase as activities ranging from police unfriendliness to physical force.

United States federal legislation outlines a relatively broad definition of the phrase "police brutality". Under the federal statutes, Title 18, police brutality is committed when "police officers conspire to injure, oppress, threaten, or intimidate a citizen in the enjoyment of any right or privilege secured by the Constitution or the Federal or State statutes" or "any person who, under the color of law, rule, or custom, subjects to a U.S. inhabitant the deprivation of any right or secured by constitution or the law, because of his being an alien or of his color or race."

In a fragmented community, minority groups are more sensitive to police activities. Police records prove a more consistent contact with police than middle class members of the community.

In fact, of all the more publicized incidents in both the United States and Canada, most involve primarily members of minority groups. Allegations of police wrong-doing complained by a

son once publicly admitted the existence of this problem attitude in his force: "Some member of the force are 'anti' whatever they're dealing with." Although there is no actual figure available or any survey tested on police officers' attitudes in Canada, Director of the Center of Research on Social Organization of the University of Michigan, Professor Albert Reiss, found that "In predominantly Negro precincts over three-fourths of the white policemen express prejudice or highly prejudiced attitudes towards Negroes...close to one-half of all the officers in predominantly Negro high crime rate areas show extreme prejudice against Negroes."

Such attitudes possibly reflect to some extent the similar problems that some of the Canadian police forces are still facing today. Meanwhile, it is worth noting that last fall Chief Adamson has to apologize publicly for two articles in the police union's magazine. One article directly insulted homosexuals and another remarked "blacks think of little but their color, and Jews of their Jewishness."

Ironically, the union spent thousands of dollars later on advertisements entitled "We can't do it without you."

Another more important factor contributing to the ongoing problem of police brutality is the relatively supportive attitudes and response from both the judicial authorities and the citizenry at large. Generally speaking, police brutality cases usually take the form of assault and battery. The courts very often scrutinize such complaints in the light of the presumption that the officer acted properly and exerted only the necessary and 'minimum' force under the circumstances. In more aggravated cases plaintiffs will recover. However, judges and juries are reluctant to 'second guess' the police officer who usually demonstrates that he behaved reasonably in a trying situation.

In the most often cited case *R. v. Wray* (1970), the court decision not only condoned the police using threats and assault to obtain evidence but went further to recognize such obtained evidence as legal and admissible.

In a lawsuit for damage for false arrest and assault, *Scott v. The Queen* (1974), the plaintiff was awarded \$200 for false arrest but attributed the assault as provoked by plaintiff's resisting the illegal arrest.

The old tort remedies such as assault, battery, false imprisonment are available as weapons to be used by citizens against wrong-doing policemen, and if they are successful, according to the Police

education for officers, the process for screening new applicants to the force is equally important to spot and eliminate racial bias, sadism and other serious prejudices by psychological tests.

However, these tests are highly subjective and more often than not, manipulated by the examiner or so-called expert.

Another area of improvement in the recruiting process is to attract proportionate minorities from the deprived groups. It has been suggested that

and Alberta

by Peter Michalshyn

You stand a better chance in Edmonton to be abused — physically or verbally — by policemen, than in many other places, says a prominent civil rights spokesman.

Harry Midgley, lawyer, journalist, and president of the Alberta Human Rights and Civil Liberties Association, spoke to 20 people at a forum sponsored by the Canadian Interest Club on campus Thursday night.

"I feel a sense of conflict which is not necessary between police and the policed," Midgley said.

He said in London, for example, there is greater respect of the public's basic rights and dignities by policemen.

"It wasn't just that they called you sir ... it was as if they meant it," he said.

But in Alberta, lack of respect and the public's less than vigilant defense of their rights has resulted in a "psychological barrier that leads to confrontation between citizens and policemen."

Midgley called Alberta a "very, very conformist state," and said the quality freedom in Canadian society leaves much to be desired.

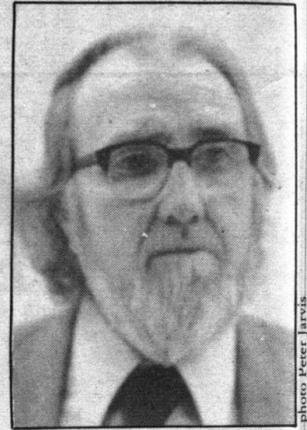
The response to the abuses of the RCMP revealed by the MacDonald Commission reinforces this view, Midgley said.

"After all the revelations of the MacDonald Commission, very many people, especially in government, took the view that they should give the police legal power to do things they were doing illegally before," he said.

This is the kind of thinking found in authoritarian states, Midgley said.

"The best practical advice to have a nice, quiet life, is to comply with alacrity and politeness and the utmost civility with their (police) requests, spoken or otherwise..." he said.

"That's the advice appropriate for a police state."



Harry Midgley

Midgley admitted it was easy to be laughed at for overstating the danger of drifting towards authoritarianism. He said by and large, Canadians lead a free and easy life.

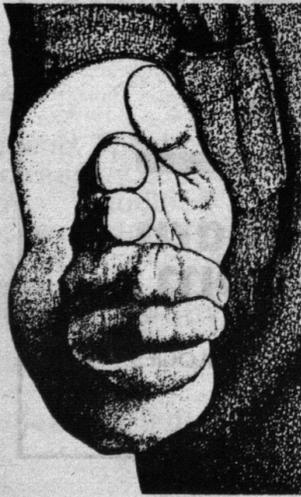
But he also said a state can maintain its freedom only by exercising it, and Albertans in particular aren't exercising enough.

"Our society should be judged by how it treats its unwashed, its unclean, its disadvantaged," Midgley said, and not by how the majority of middle-class, unaffected people are treated.

"Order is important, and laws are important, but law and order are only important as defenders of the quality of peoples' lives," Midgley said.

And people will determine the quality of their lives by their vigilance against police whose aims are to defend morality on their own terms, or to break the rule of law when it seems to be impeding efficient operation of the system.

Thus, the controversial Charter of Rights and Freedoms to be entrenched in the new constitution will be only as good as citizens make it.



Holding a suspect and beating him with a night-stick would be brutality. How about arm-twisting in the process of securing an arrest? Or threats with potential violence of a gun? Or are instances when a person is stripped and rectally searched brutality?