

LETTER --

Kops and Kids: An essentially one-sided viewpoint

Dear Sir:

With respect to the excerpt of John Faulkner's report on "The Relationship Between the Police and Young People in Alberta" published in the October 26, 1971 edition of your paper, I would like to take this opportunity to point out what I feel to be some rather serious errors and omissions in what appears to be an essentially one-sided view-point. I must state at the outset that I have not seen the full report, but am basing my observations on the excerpt. However, since it is that excerpt upon which opinions among students will be formed, I feel I do Mr. Faulkner no injustice by commenting upon it. By way of explanation, I am a second year law student here, and have some knowledge of the law and its operations as taught in the faculty, so I feel I do not speak from a strictly biased standpoint. But perhaps more appropriate to the subject, I am a former police officer with the Calgary City Police Department, with seven years of service. With this varied background then, I will proceed with what I hope to be objective fair comment on the excerpt.

Firstly, I think it is a fallacy to draw an arbitrary line between "police" and "young people". In my experience, by far the greatest number of police who come in contact with "youth" as such, are within that age group themselves. Indeed, the majority of uniformed police officers with a rank of constable are under the age of thirty, and over 50% of those are under twenty six. I was in my first (and only) gun battle just after my twentieth birthday. While this may vary from department to department, I feel it illustrates that, while harassment of youth may take place, age as such as a factor is vastly, and falsely, overemphasized. What, then does lead to harassment, if it exists?

In answer to the querae, may I pose a hypothetical situation? What do you suppose public reaction would be if a negro walked into a coffee shop, and while quietly minding his own business, was subjected to cries of derision and ridicule, and open insult, based, not upon his qualities as an individual, or a human being, but upon his colour? What is the reaction of youth who feel constantly stereotyped by society and is categorized by his age to an inferior position, because society feels that his opinions are only those of the group, that he could not possibly add anything individual in them, and that his opinions are not worth a damn anyway? Change the black man's colour to a blue uniform, and substitute a police officer for the youth, and you will begin to comprehend the problem. Nothing can be more demoralizing and dehumanizing than to be typed and grouped as an individual, within a predetermined class, based upon someone's stereotyped view of that group, and upon perhaps one bad experience. When we see a drunken Indian in a brawl outside an east-end tavern, we are constantly told that we cannot view him as a representative of his race, and that we must not stereotype people. Why, then is an individual policeman, who may be a bad actor, always viewed as typical of his class, by our "educated, objective, unbiased" young people? I had occasion once to stop a youth for speeding. Had he been an adult, he would have been instantly arrested, as the speed was in excess of sixty miles within the city. However, being keenly aware of a possible criticism for overly reacting to the situation, I proceeded to issue a summons, whereupon I was asked why police always pick on young people. At headquarters, I was politely asked by the Duty Station Sergeant why in hell I had let the youth free, in view of the fact that arrest for that high a speed is common procedure, for anyone. This experience, among others, led me to view that any exercise of police discretion in favour of youth, or other minority groups, was at best a futile way to promote public relations, and at worst a serious infringement of duty, having regard to procedures faced by the average white adult male. I am willing to lay odds that the help, encouragement, and courtesy that I, and most police officers of my acquaintance have tried so desperately to show to both minority groups, and the public as a whole, will in the final analysis be totally forgotten, and those men who are fortunate enough to still be wearing the blue uniform, will be classed and lumped together with the vigilante type portrayed in the picture accompanying the excerpt.

Secondly, I question the propriety of the report in advocating, on the one hand, the elimination of positive exercise of police discretion towards youth, and on the other hand, the establishment of a negative exercise of police discretion towards certain unpopular laws. Perhaps I do Mr. Faulkner an injustice in this interpretation, but he appears to feel that police should not enforce laws of which certain vocal segments of society disapprove, at least not actively. May I point out that, while discretion in law enforcement must always exist, its exercise is a source of constant criticism, regardless of its direction. The way in which police best serve the public, is with consistency, and the elimination so far as it is possible, of discretion exercised at the instance of one of society's segments. It is perfectly true to state that the police are overly responsive to the pressures of community opinion, but to state that this opinion should be ignored, is to state that opinions of minority groups, too should be ignored. Thus, in essence, the police are faced with an impossible task - that of satisfying all of society's desires, while still upholding the law. To state that such a proposition is absurd is to beg the question, and the fact remains that, regardless of how much police discretion is curtailed, and regardless of what direction the exercise of the remainder takes, some groups are going to get stung. The fact that, at the moment, the drug laws are unpopular, and that enforcement of them leads to alienation of youth is unfortunate, but these laws, as others, were the result of parliamentary procedure, and until they are abolished by the same means, the problem remains. The point is that, no matter which laws are enforced some one won't like the procedure, and to suggest that youth should be granted special status in this regard is to suggest that public relations is the prime function of the police. The fact remains that there is a job that needs to be done, and if its performance does not win popularity contests, the resulting dislike of those who perform it is unfortunate, but perhaps inevitable.

This leads to my third point, which is - how many alleged instances of harassment are simply the result of the performance of the police function? Youth, with its tendency to generalize, stereotype, and if you will pardon the cliché overreact, frequently view every police action in which they are involved as a manifestation of the policeman's personal dislike for them. After the contact, the policeman goes away, blissfully unaware that he has picked on anyone, or that he has created a "radical". Is the radical really created in this way, or is he created by a society which has given him an exaggerated opinion of his own importance, and a resulting distaste for the restrictions which of necessity are placed on us all?

Fourthly, I feel that this distaste, or hatred of the police, leads to greatly exaggerated stories of police abuse. Mr. Faulkner's report has not proven its conclusions by recounting horrible, emotion charged tales of gestapo-like police tactics as details in headings of search procedures and physical abuse, because it has ignore the most basic legal requirement of objective analysis. In other words, is there the slightest evidence to support these allegations, other than the unsupported testimony of those directly involved, and admittedly biased? Were there any independent witnesses? Were the police involved interviewed? I doubt that this degree of objectivity was even attempted, and that the resulting emotional opinions formed such limited evidence is the strongest argument I can think of for the need of judicial supervision of our system. Why were not these complaints the subject of legal action? Why has there been no official inquiry into such a case? I suggest that the reason is because many of them would prove patently false. It reminds me of the student who was detailing the abuses to which he was subjected on his arrest previously, to me over coffee one day in Calgary. The story lost some of its impact when he discovered that I was the arresting officer. In short, I do not deny that abuses exist - I simply question the propriety of the methods used in the report to investigate them, and the conclusions based upon such investigations. What about the presumption of innocence, Mr. Faulkner? A policeman must be much more objective in laying his charges than you have been in laying yours!

My fifth point, in a discussion admittedly already too long, has to do with the report's conclusions on denial of rights to arrested persons. Simple physical necessity is frequently the basis for an alleged denial. For example, with thirty-nine accused young persons in the cells, along with many others, there is a vast amount of work to be done by the police in terms of sorting out personal property, arranging phone calls for accused persons, and placing the right people in the right place at the right time. Is it really such a serious infringement of rights to have the application for legal aid taken after the rush is over? Counsel is not appointed until after the initial court appearance anyway, despite my voiced opposition to this practice last year! Therefore, what has been lost? Is the fact that an accused must wait several days in Fort Saskatchewan Gaol before the application is taken, is the fault of the police, or the reluctance of those taking the applications to inconvenience themselves by going out there? While taking these applications myself last year, I found the police most courteous and helpful, though they do not know my background, and though with comparatively long hair and a beard, a para-military, fascist cop is presently the last thing I resemble.

Lastly, I would question Mr. Faulkner's conclusions as to the way in which police perform their functions, by requesting him to view the practicalities involved. I was admittedly shocked, for example, by the practice of seizing a suspected narcotics carrier by the throat, until I found that the goods are frequently carried in the offenders mouth, and swallowed if he is approached. Thus, unless we are prepared to accept that one's mouth is an inviolable area, in which drugs may be carried with impunity, this practice is a necessary if unpleasant evil. The use of undercover agents, and the searching of those who most obviously are suspect, are similar necessary evils, with our laws as they now stand. I suggest that if these practices are abhorrent, that the laws necessitating them be changed, not that the police functionally ignore laws they are sworn to uphold.

In closing, might I deal with the recommendations of the report. The Alberta ombudsman, at present, is a former police officer and Commissioner of the R.C.M.P. with thirty-five years of service. The recommendation to give him jurisdiction over citizen complaints against police, is a simplistic solution to a complex problem, and would defeat the very basic requirement of objectivity, presently met by the police commissions. I do not for a moment suggest that the present, or indeed any future ombudsman, would not be objective, but to quote a famous maxim, "Justice" must not only be done, it must be seen to be done" and the objectivity requirement presently found in the police commissions would be difficult to improve upon. The second recommendation, insofar as it requests return of the control over police to civic institutions, neglects the very argument posed earlier in the report, that of response to community pressure. Political interference with the police on a local level can have catastrophic effects, as the American experience will demonstrate. And I might add, that Calgary still has the same mayor who was responsible for the necessity of removing this control in the first place. The last recommendation is an admirable one, that of better training for police in their dealing with youth and groups. But might I ask, in view of what I previously said, if it is of any value? Respect and cooperation is a two-way street, and a "nice guy" does not stay that way long if he is consistently rebuffed for his efforts. More involvement of the police as individuals in the community is perhaps one way of bilaterally bridging the communications gap which presently exists, rather than mere formal training. In short, while we should recognize the potential for ill that exists with the police perhaps a greater awareness of the problems they face will make us realize that they are not ogres, but merely human beings, and perhaps, one day we may even treat them that way to the mutual benefit of all concerned.

Yours truly,
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