

# KOPS AND KIDS GATEWAY VS AUTHOR

Dear Sir,

In reply to Mr. McIntosh's comments on "The Relationship Between the Police and Young People in Alberta", an excerpt from which appeared in the Oct. 26/71 edition of the Gateway, firstly let me say that had he taken the trouble to read the full report, he would have found that many of his objections result from the Gateway's editing job and not my "serious errors and omissions" and "essentially one-sided view-point." I fail to see how Mr. McIntosh can feel that since the Gateway has not treated the report fairly, that he is thereby relieved of his obligation to do so. It may interest him to know that the members of the Edmonton Board of Police Commissioners (who read the whole report) praised its "completeness and objectivity."

## POLARIZATION

Firstly, I was not the one who drew the "arbitrary line between police and young people." What I said was that the police are, themselves, helping to draw the line by the tactics that they sometimes use. I do not think that Mr. McIntosh can deny that such polarization exists. I agree with him that age as a factor is overrated. However, other factors (such as dress and length of hair) apparently are not. Although the

report dealt with harassment of "young people" I tried to make it clear that it is the freaks who get it in the ear.

Then I am accused of lumping all policemen together--damning them all on the basis of the actions of the few. Again I did not type the police, that is an accomplished fact to which certain policemen contribute by their actions.

## POLICE DISCRETION

Second, I did *not* advocate the elimination of police discretion and I agree that such a suggestion is absurd. What I did say (and, again, this did not appear in the Gateway) was that discretion must be exercised fairly and democratically. I did not say that the police should exercise their discretion differently in relation to young people. That is precisely what the report is complaining about!

In relation to drug law enforcement, I do not blame the police for the existence of the drug laws--though I hasten to add that the police have worked as a lobby group to have these laws retained and strengthened. The point is that the methods used by police in enforcing these already unpopular laws has greatly contributed to the rise of the "cop as pig" image. What young people want is not special status; just equal status.

Then Mr. McIntosh asks how

many of the alleged instances of harassment are simply the result of the performance of the police function? The obvious answer is none. If an act is performed in the legitimate exercise of the police function, then it is by definition not harassment. Arresting someone who has broken the law is not harassment, kicking him in the ribs in the course of arresting him is.

## DENIAL OF RIGHTS

In reply to the fifth point, let me say that the reasons that there was a denial of rights in the case of the accused drug traffickers are not perhaps as readily apparent as they should be. In addition to taking the application, the student advises the accused of his rights and options during the first court appearance. We have found that accused persons often plead guilty or fail to obtain bail through ignorance. Thus some of the accused may have failed to obtain bail because they were not interviewed. Further, since there is a great inducement to plead guilty built into the system (i.e. if you plead not guilty, you may spend considerable time in custody awaiting trial) it is essential that accused persons be interviewed *before* their initial appearance to encourage them to reserve their plea until they have talked to a lawyer. Although the lawyer is not appointed until after the initial appearance, talking to the interviewer and knowing that a lawyer is coming is better than nothing.

In relation to the last point regarding the practicalities of police work. It may interest Mr. McIntosh to know that there is no rule of law to the effect that the police can do whatever they like so long as it is practical or efficient. The police are subject to the law like everyone else and if they do not like the law they have only to do what they endlessly advise everyone else to do--change it. I was very careful not to include any incidents where what happened could be construed as a legitimate exercise of police power.

## RECOMMENDATIONS

Then we come to the recommendations. They were contained in a section of the paper which made up almost half of its length. I think that had Mr. McIntosh troubled himself to read it, he would have been calmed down considerably.

## OMBUDSMAN

As to giving the ombudsman the task of adjudicating citizen complaints, it is quite true that justice must not only be done, it must appear to be done. I

related this same hackneyed phrase in the brief. However, Mr. McIntosh had incorrectly applied his maxim. It is *internal* review of complaints which can never satisfy the second requirement (i.e. justice appearing to be done) and police commissions are internal reviewers. Anyone who had troubled himself to discover the make-up and functions of such bodies knows this for Christ's sake. The chief and deputy chief of police sit on the damn thing. Objective? The Edmonton Board of Police Commissioners itself admits that it has "to get along with the police" (Commission chairman Edwards Nov. 3/71). Further, the police commission is required by the Alberta Police Act to conduct its enquiries on charges against police officers in private.

How then can justice be seen to be done? What is needed is *external* review by some person or body independent of the police department. The most often-voiced suggestion has been for the establishment of a civilian review board to adjudicate complaints. Such a board is external. Unfortunately, civilian review boards tend to antagonize the police, thus further polarizing police and citizens--which was the evil that civilian review was designed to correct in the first place.

Hence the ombudsman idea. The ombudsmen is external. Despite Mr. McClelland's background (of which I was aware) I think it can be said that he has bent over backwards to be objective. Next, since the ombudsman reviews all civil servants and not just the police, the police cannot claim that they are being singled out or picked on. Next, the ombudsmen has a built-in store of prestige and good will not associated with civilian review boards.

I should add that Mr. McIntosh is labouring under another misapprehension which could have been cleared up had he read the brief. The ombudsman already has jurisdiction to adjudicate complaints against the police, but only as a court of last resort after all other remedies have been exhausted. The proposal is to give him *first instance* jurisdiction.

## CONTROL OF POLICE

The reason for the second set of recommendations, of which the suggestion that control over police forces be returned to the civic administrations is only a small portion, is shortly, to minimize the distance between the police and the citizen. The police are the servants of the people and must be controlled by them. On the other hand, the people must, as Mr. McIntosh says, be aware of the problems the police face. This awareness

## TRAINING

surely cannot be brought about by insulating the police from the community.

The last recommendation relates not only to training but to direction of officers. It is only because officers receive the tacit approval of their superiors that certain unwise practices continue on the scale that they do. As to the question of training, I hope that Mr. McIntosh is not as pessimistic as he sounds. Of course respect is a two-way street, but someone must make the first move. I suggest that the police must make that move. Community support will not present itself to the police unless they earn it. **POLICEMEN AS SYMBOLS**

The brief cites hostility between police and young people as a grave and an increasing problem. Of course in a fundamental sense it is inaccurate to call the problem hostility to the police. To a large extent the policeman only symbolizes deeper problems. He is merely the unwilling symbol of a society from which the young are increasingly alienated. We may well say that it is not the "fault" of the police; that they are only the symbol of the real problem; that someone else must act. And yet, precisely because the policeman is a symbol--precisely because he symbolizes so much--it is of critical importance that every possible step be taken to allay grievances that flow from police activity. In this work, the police bear a major responsibility for making needed changes.

Yours truly,  
John Faulkner  
Law III

*Editor's Note: Mr. Faulkner's preamble to the foregoing letter implied that The Gateway edited his submission for the Alberta Human Rights Association in such a way that Mr. McIntosh's criticisms refer to The Gateway and not to him, and that The Gateway "has not treated the report fairly". These are completely unsubstantiated.*

*The Gateway edited out eight paragraphs of Faulkner's report and all the preambles to the recommendations because of space problems. No bias was intended nor was any bias incurred by our editing.*

*It is my view, after carefully examining Faulkner's original report, that our extract from that report entitled "Kops and Kids" (which I did not edit), and Mr. McIntosh's letter about "Kops and Kids", that Mr. Faulkner is attempting to represent criticism of his own submission as a criticism of The Gateway.*

*Mr. Faulkner's original submission is available at the STOP office on second floor SUB for Mr. McIntosh or anyone else to read.*

# Lettitors

All letters to the editor should be typed double space, not more than 250 words. Otherwise they may be abridged (exceptions will be considered). Pen names will be used at the writer's request. They should be sent to: THE GATEWAY, Room 282, SUB, Edmonton, or dropped off at our offices, no later than 6:00 P.M. Friday and Tuesday, if they are to appear in the following issue. The Gateway shall not be held responsible for any libel or damages incurred.

## You Do Not Teach Profs

To the editor:

Since reading Wes Stickle's letter on Tuesday, my reactions have alternated among amusement, frustration, fear, and the feeling that in some circumstances he might be right. Many of his comments, however, seem to reflect a lack of understanding of university level education, from the point of view of philosophy as well as the hard realities. What we must first understand is that most professors are researchers who teach in order to keep a roof over their heads. I am a graduate student, and as such see almost daily both the teaching and the learning aspects of higher education. It is from that point of view that I make the comments that follow.

There are probably four reasons why university professors should not be required to take any education courses: 1) at the university level, with the possible exception of junior level courses, the actual function of teaching is greatly diminished in importance from what it is at primary and secondary levels. 2) in the course of being a graduate student, one

becomes all too familiar with the logistics of student evaluation, 3) required education courses are perhaps the best way to drive many of our most qualified professors out of the system, leaving vacancies to be filled often by people whom all the education courses in the world would not help. 4) there is a considerable sociological-psychological jargon-bullshit factor involved in many education courses, which often is less than valid since the professor himself probably hasn't taught anything but education.

With the first point, it should be sort of obvious that a professor's role is to be a source of information for and an example to her students. Perhaps this is oversimplifying the matter a bit, but a university student should be almost entirely self motivated and anxious to learn. What the student needs is not someone who will lead him through the subject matter by the nose, but someone who is thoroughly familiar with the literature and the state of the art

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