

# Conversation

## with Desmond Ellis

Recent police shootings in Metro have brought public charges of racism in the police force amid an increase in violent behavior. Earlier this week Excalibur's **Greg Saville** talked with Professor Desmond Ellis, a York sociologist. He presently teaches a course entitled Crime and Delinquency and is also completing research for his soon-to-be published book, **Violence in Prisons: A Contingency Approach**.

### Do you think the police have too much power?

I certainly do, and its because our legislators are thinking we want the police to have those powers. The Federal Conservatives are now making an amendment to the Criminal Code which will make it a crime to publicize searches that do not result in charges. The police could come into your home suspecting something, with a warrant, search it and find nothing. If no charges were laid, the newspapers, under this amendment, couldn't report it.

### Recent discussions have called for independent police review boards separate from police departments. What's your position on this issue?

I think you must have an independent review board with effective adjudicative power or else everything else is Mickey Mouse.

### What about American examples of the same thing where some police forces say that citizen review boards have turned into kangaroo courts?

There are many citizens who feel the same way about our criminal justice system. Many policemen feel that under the Police Act they're unjustly treated. When you point things out that happen in other cities the police force is likely to say a citizen review board will not work here...if the police force doesn't like it. But when you point out something like a tactical force or squad, they'll say it will work. They selectively borrow and oppose other developments in other countries and societies to suit their own interests here.

### Do you think some of the problems with this issue lie in people's perceptions of police and crime?

It's people's perceptions of crime which generates the fear that we react to and which helps us support police request for expanded powers. The police seriously suggested to Ontario that their powers of arrest be expanded when they already have enormous power. If you talk to civil liberties organizations they could document various cases in which the Canadian Bill of Rights and the Canadian courts offer no protection to the individual.

### But what about the Statute of Limitations? Doesn't that offer some protection?

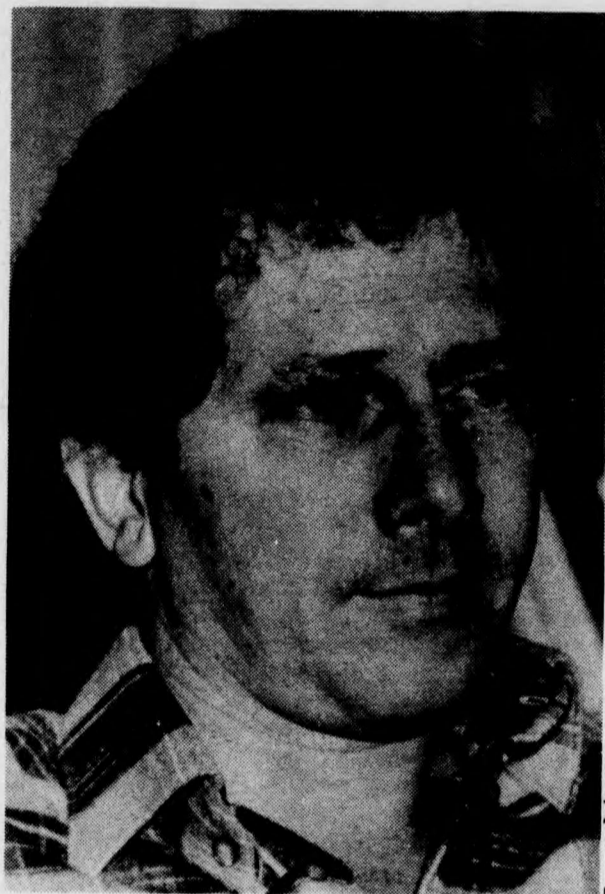
The Statute of Limitations only says that after a certain point in time you may not be charged. But that doesn't stop you and your girlfriend from being strip-searched if you happen to be in a motel, say two years ago, by policemen who were looking for drugs.

### But if the police did such a thing without reasonable and probable grounds that I was indeed carrying illegal drugs, wouldn't they be liable for false arrest or harassment?

The police are liable now for false arrest, but try and prosecute a policeman for it. If his union takes it up, he'll have far more funds than you will probably have. It's an expensive business. In almost every instance where citizens have complained about police procedure, the Supreme Court of Canada has not acted to change police behaviour. The Supreme Court is not protecting the individual Canadian citizen a great deal.

### There are some citizens groups which are attributing the recent shooting by Toronto police to a trend towards greater racism in the police force and argue that police are becoming more violent towards black people. Do you agree?

You may remember that three or four years ago a number of policemen were killed. Police were up in arms saying that citizens are killing more policemen



than before and there was talk about capital punishment. Some saw this as evidence that citizens were getting more violent. Well, one could no more use that as evidence that citizens were getting more violent then you can with the present circumstances concerning more violence on the police force.

Having said that, I still think the way in which the police handle hostage-taking incidents leave a lot to be desired. There are other societies in which hostage-taking incidents are handled without loss of life. I think police can certainly improve their behavior in this particular area.

### Is there any other way of handling these situations?

The strategic use of time, for example. Often they have found that most hostage-taking incidents are solved without getting anyone killed, except in highly unusual cases.

But then the police come up with a sort of attribution theory about people who are waving guns about; that these people really want to commit suicide, which is really the most blatant, self-serving type of statement one can make.

### You don't agree with that idea?

No, I don't buy that at all, any more than the policeman wants to commit suicide when he waves a gun around. It goes both ways, doesn't it?

### Except that the policeman is authorized by society to carry that gun and to go into situations with his gun drawn, whereas no one else is.

True, that's what the law says. But I'm talking about what a citizen might say who is armed with a high powered rifle while the policeman is armed with a revolver. If the policeman tries to take this person, he or she might say, "This cop doesn't want to live any more, coming at me like that with a gun." We mustn't confuse what the law says and how it really approximates more or less closely what is really going on.

As I said, the single most important factor in hostage-taking incidents is how one uses time. Obviously, the policeman who takes a sort of 'cowboy approach' to things...well, time is what that individual will find least able to put up with.

### What do you mean by 'cowboy approach'?

The 'shoot-em up' attitude that one has to stand up face to face and blast a guy.

### But what about the specially trained Emergency Task Forces and S.W.A.T. teams? Aren't they trained to handle these types of difficult situations?

Yes they are, but the creation of task forces itself creates reasons for their use. Why should we take an especially provocative approach? We don't have a task force on rape. Why should we especially have one on violence? It's a highly visible example for policemen to do the sorts of things they think society expects them to do. As you may know, police work is 80 per cent routine. Only a small part of that fits our image of what policemen should be doing. Policemen are just like professors in this regard. If they have a chance to live up to what they believe are the 'real' reasons for their existence, they take it. We have the police force that we deserve.

### It's my understanding that of the 300 or 400 gun calls the Emergency Task Force answered in Toronto in the past year, only a very small number, maybe three or four, resulted in the loss of lives.

Yes, but is this greater or less than the situation before? It's part of this militaristic image of themselves.

### Militaristic image?

They are a sort of quasi-militaristic organization anyway. All the excitement that is generated by specially trained task forces is not inconsequential to the image police want to have of themselves as crimefighters putting themselves on the line for society. It caters to this 'thin blue line' image of them between us and chaos. I'm not sure of whether, compared with jurisdictions that don't have these special forces, we're any better off. I'm also not sure whether having them doesn't make the situation worse.

### As I understand, task forces were designed to train highly specialized police officers to deal with armed situations such as snipers or hostage-taking incidents. The average policeman simply isn't involved with those types of situations every day.

Yes, but the average policeman also isn't involved with rape every day either, yet we don't have a special rape squad. We put up with a system which gives our police enormous powers. We have the worst of two worlds. We've been influenced by the British in conferring upon our police enormous powers, powers which they don't have in the United States. Then we've been influence by the Americans in arming these people with guns.

### What kinds of discoveries has your research about violent behavior and prisons produced?

We found what most other people have found — that the biggest single factor relating to violence is age. Usually prisons with older inmates have less violence than those with younger inmates, so the median age of a prison is a very good indicator of the amount of violence in that prison. The book I'm now writing deals with "maturational reform"; that is, people have found that as a population ages, the crime rate decreases.

### Turning to comments you made in a Toronto newspaper a few months ago, you stated that it is really a non-violent society in which we live.

Yes, relatively so. Sex and violence—we natter about them a lot. They're made into commercially exploitable spectacles because of their relative scarcity.

### Another comment you made in the same article was that, in spite of everything, you find it hard to sit in judgement on some of the recent police shootings because you're not answering those calls, and you're not being shot at. Do you still feel that way?

Yes I do, because when everything is said and done I empathize with the circumstances in which policemen are being placed. Although most of their work may be non-violent, they do take a considerable amount of abuse. They are also in hazardous situations, but maybe not as frequently as we all might imagine. It's easy to pontificate from a situation of security sitting in an office or a library, without really knowing exactly what one would do. Surely, though, one doesn't want to have a completely situational morality. One can empathize with the situation of the policeman who actually walks the beat, sits in the car, has to decide right away what to do. I know there are statements made that the police force is racist. If they are, they're no more racist than the rest of us.