

## **CACOLE Conference 2004**

### **“Doing the Right Thing – Police Training, ‘Bad Apples’ and Ethical Frameworks”**

#### **Speaking Notes - Chief Cal Johnston, Regina**

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Good morning.

Thank you for this opportunity to participate in the 2004 Conference of the Canadian Association for Civilian Oversight of Law Enforcement.

“Doing the right thing” rests upon more than good intent; it requires competence. To do the right thing a police officer must first know what that is. Perhaps moving away slightly from what the title of this morning’s session implies, I would like to speak briefly about the importance of fundamental knowledge of law and proven police procedures and their essential role in the good conduct of police officers.

In our police service, through an examination of public complaints received, we recently instituted an in-service training program on powers of arrest. This may surprise you, but the need was real, and the training reduced the number of complaints almost immediately. You might ask, “How could a police officer function without this knowledge?” or “How could a police officer emerge from basic police training without this knowledge?” There are answers to those questions.

Our Service is quite junior on the frontline. We have gone through a period of high attrition occasioned by the 25 year cycle of the police pension. Almost all of the new officers hired are post-secondary graduates, a large number have university degrees, and most have a successful and proven past-employment records. The instruction that they receive at the Saskatchewan Police College is delivered by trained and experienced legal professionals (crown prosecutors), and the course of study is carefully constructed and vetted. Our officers are well-intentioned, and they are hard-working. Coming out of police college, they are assigned to field training officers (specifically trained for this role), and they complete a series of written and field assignments before assuming duties on their own.

However, quite quickly thereafter, they learn the 'tricks of the trade', ways of doing things which in the days of heavy, manual labour were sometimes known as "slights"—that is, techniques for getting the job done which save time, energy and sometimes trouble. These conventional and routine techniques will carry an officer quite some distance in repetitious, day-to-day assignments, and for the most part, setting aside that they are utilized without a complete and necessary understanding, they work and are within the bounds of the law and good conduct. However, when they prove themselves insufficient or inappropriate to the task, a public complaint is not an uncommon result.

Police work is often done in situations of conflict, and frequently alcohol is a factor. At times, an arrest for public intoxication can prevent a fight, injury or allow an officer to complete other duties such as an investigation. However, a police officer does not have authority to arrest every obnoxious and belligerent drunk. The powers of arrest for public drunkenness hinge upon the sometimes not-so-obvious requirement of taking place in a public place (also sometimes not-so-obvious). A belligerent drunk, impeding an officer in private place (e.g., a back yard, an apartment hallway, a private residence) cannot be dealt with using authority and arrest powers that might otherwise be appropriate and helpful.

When the complaint comes in, the officer is out-of-bounds right from the outset, as he / she was operating outside of legislated authority. This becomes of even greater importance when an officer has had to use force to effect the arrest. Without the authority to make a lawful arrest, the officer is in real jeopardy with respect to an offence of criminal assault.

As police leaders we can adopt an attitude of indifference and perhaps even disdain at this lack of professional knowledge, seen after the fact as basic and something every police officer should know. This is not a helpful approach. We must deal with the human realities of routine, informal learning, lack of experience (which does not always equate with time on the job) and, at times, taking the easy path. By looking at these incidents and drawing from them the early-stage gaps in knowledge and procedure, we developed specific training and re-visited some of the material first introduced in recruit training. This was delivered in the spirit of helping our officers become more proficient and professional at their job, and it was well-received. The point here is that we cannot and should not assume that our police officers are well-equipped in all areas of knowledge, leading to competence. It will often be the exceptions to routine, perhaps resulting in a public complaint, which can provide the opportunity for insight and the development of a proactive approach to improvement. We can choose to let each officer learn from the school of hard experience with all of its attendant negative side-effects, or we can take preventative measures to help officers help themselves.

“Bad apples” do not all betray themselves by their appearance. Dealing with truly criminal officers, who transgress in ways that bring about the disapproval of their peers, whether openly-voiced or not, is usually not that difficult for police leaders. There are the matters of due-process and evidence and not every prosecution is successful. Nonetheless, matters of this type, though often protracted, if handled

with care, can be relatively straightforward. Thievery, sexual offences, etc. are of this nature.

But not all 'bad apples' are recognized as such, and many police leaders have been faced with stiff resistance when confronting a popular, hard-working police officer, who is perceived perhaps to have been overly zealous but not ill-intentioned. In these cases, the officer's conduct (usually an offence against discipline, and not so commonly an offence against criminal law, although assault may apply) is somehow linked to an element of the police sub-culture. Perhaps, the officer was 'sticking up for' a fellow officer or 'taking up' for a victim. What the officer did is not understood as correct, but it is not seen as all that wrong either. Many officers and often citizens can relate to officer's situation and choices. For a police leader, this is where the going can get rough, and the lack of understanding can alienate a leader from his / her employees. And yet, if properly assessed and supported by solid facts and good procedure, cases of this nature can be of the highest importance in establishing the parameters within which good and appropriate policing occurs.

Police culture (sub-culture) is not always a bad thing; it is simply the living and working strategy (how we do things around here) of police officers. However, it can and does have elements, if exaggerated or unquestioned, that are inappropriate and harmful. To state the obvious, police officers are not vigilantes, they are professionals working within the constructed bounds of a deliberately designed system.

To have feelings is only human, but to exercise those feelings through the work of policing can, at times, be wholly unprofessional. A police leader must confront these manifestations. To look the other way or to adopt a posture sympathetic to the motives is to allow the entire organization to slip. Because the occurrence is understood and being interpreted through the police culture, there exists a penchant, a basis, for seeing things this way, and if allowed to grow, it will

become an increasingly difficult thing to contain and trouble will result. The danger is that more of this kind of behaviour will occur, and the interpretation of what was an understandable action--perhaps even perceived as well-intended, though uncontrolled--becomes more and more acceptable, leading to more and more occurrences. Sometimes the 'bad apple' does not look all that bad, but it is definitely having its effect on the rest of the barrel.

Another aspect of dealing with 'bad apples' is something that I have come to call the "second mistake." When speaking with recruit training graduates, before they begin their street duties, I make a point of talking about the "second mistake." As police officers, we all make mistakes, and sometimes those mistakes will land us in trouble. Perhaps we will lose our temper, perhaps we will be lazy, perhaps we will not know what to do and pretend that we do. Whatever the mistake, we need the opportunity to learn and to grow. We do not simply arrive as fully formed professionals. Where things go really wrong is in the "second mistake." The reason that the "second mistake" is so serious is that it almost invariably involves an issue of character that may disqualify us for a continued future in policing. The "second mistake" happens after the first mistake when we lie, deny, minimize, transfer, avoid or otherwise attempt to avoid responsibility for the first mistake. The first mistake can sometimes occur before we even know that it is happening, but the "second mistake" is always a matter of choice, a very bad choice. Police leaders should be understanding and constructive in their response to first mistakes and intolerant of "second mistakes."

I would like to close by offering some thoughts, which I cannot claim for my own, on the subject of police ethics. Each time that I have read the following comments, I have been struck by their lucidity and their wisdom. I am aware of the Canadian Association of Chiefs of Police (CACCP) Human Resources Committee's work on an ethical framework for police, and I am supportive of this work. However, I take a lot from the words of Rene Marin, and quite recently

have had the opportunity to be involved in an initiative to articulate an ethic for Saskatchewan Police Officers. Following the words and observations of Mr. Marin, I will close with what is still a draft of a statement being contemplated for adoption by all members of the police community in our province. Thank you again for this opportunity and your kind attention.

The Honourable Rene J. Marin, then Chairman of the RCMP External Review Committee, noted that in a document entitled A Vision of the Future of Policing in Canada: Police Challenge 2000 (Solicitor General, 1990), the authors, Andre Normandeau and Barry Leighton, concluded that community policing “has probably always been the most appropriate policing response to crime and order maintenance within local communities in the past, the present, and in the future.” Marin observes that they go on to say that “policing in some common-law countries has run the risk of being misdirected towards efficiency rather than effectiveness, towards crime control and strict law enforcement rather than the provision of public peace and safety, and towards an autonomous policing enterprise rather than a partnership with the community they serve. Police organizations have reflected these misplaced directions and must now be reoriented organizationally and operationally towards community policing.”

Mr. Marin also has this to say: “all police forces have a Discipline Code. These are not codes of ethics, though: they are not the result of a mature reflection by the police community on the best way of conducting themselves. They are societal response to perceived lapses on the part of the police. A quick glance at any of the codes will confirm this view; the codes do not promote ideal values for the police community, they condemn specific types of unacceptable conduct.

“If police officers want to be considered professionals, police forces must gain the public’s confidence; police forces must demonstrate to the public that they are competent and moral organizations. Allan N. Kornblum discussed this subject in

“The Moral Hazards: Police Strategies for Honesty and Ethical Behaviour.” He wrote:

If police develop a body of knowledge, and if they apply it within the bounds of ethical standards, the public may come to rely upon them, trusting that officers will act unselfishly in the public’s best interests. The foundation of this model of professionalism is a set of deeper humanistic values that would produce voluntary adherence to ethical standards. Among the most desirable of these values are the impartial enforcement of laws, commitment to enforcement through the rule of law, and belief in the dignity and worth of the individual regardless of race, sex, or social class.”

Mr. Marin concludes by saying: “I believe that the concepts of professionalism and ethics can be summed up in two words: social responsibility. Persons who are socially responsible will ensure that they are competent to provide the services being offered, will protect their autonomy, will put their public’s interests before their own and will adhere to superior moral principles. In this way, ethics become part of their personality.”

Another way of thinking and describing this is “culture” -- who we are defined by how we do things around here.

## **The Saskatchewan Police Ethic**

### **As police officers...**

#### **We stand for:**

- Democracy and Freedom
- Peace and Order
- The Rule of Law
- Public Trust and Due Process
- Safety and Protection

**We believe in:**

Honour and Justice  
Duty and Service  
Honesty and Fairness  
Helping and Caring  
Human Dignity and the Equality of All People  
Responsibility and Accountability  
Learning and Professionalism  
The Value of Our Work and Ourselves

**We value:**

Courage, Dedication and Forthrightness  
Generosity, Humility and Kindness  
Faith, Compassion and Patience  
Ability, Knowledge and Thoroughness  
Tradition, Teamwork and Leadership

**We will:**

Respect the rights and freedoms of all people  
Uphold the law by personal example  
Enforce the law with diligence and competence  
Be Proactive and Prevent Crime  
Be willing and alert  
Be fit and capable  
Be neither intimidated nor deterred  
Be neither distracted nor corrupted  
Be impartial, non-partisan, and unbiased  
Be positive and resist cynicism  
Be a part of the communities we serve

**We need:**

The public's confidence and trust  
The public's co-operation and respect  
The friendship of the people we serve

**As men and women...**

**We:**

Hope, Love, Grieve, Aspire, and Dream

**We are proud to be Saskatchewan Police Officers.**