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POLICE VIOLATION OF REGULATIONS:  
IN PURSUIT OF EFFICIENCY?

S. K. MAJTHENYI

University of Ottawa

Master's Thesis

1987

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UNIVERSITY OF OTTAWA

## SUMMARY

Police officers are placed in a unique position by the duties assigned to them, and the powers they are afforded in order to carry out those duties. However, like any power bestowed upon a person or a group of people, it must be used wisely. Power can be easily misused. In the case of law enforcement agencies, abuse of power may infringe upon the very things it is supposed to protect - the right of society to a safe and peaceful existence, as well as the individual rights to life, property, privacy, and such.

With the recent focus on police abuse of power, most notably in the McDonald Commission on wrongdoings of the Royal Canadian Mounted Police, a search for explanations and solutions to such wrongdoing is still very much a current and important topic. A number of theories have been put forward to explain police abuse of power - the Class Conflict Theory, Organizational Theory, Occupational Norms Theory, the "Rotten Apple" Theory, and variations of same.

This study was conducted in order to test the hypothesis that the apparent abuse of police power is a circumvention of rules in order to be efficient. In so doing, the focus is on rule breaking or 'bending' in the investigation of cases, and an appropriate definition of

efficiency in police work. A questionnaire method was selected in order to obtain the input of both police officers and the public. While there can be a number of problems with questionnaire studies, some of which were encountered, it was felt that the input of these two groups was more important to any research on the issue.

Both police officers and the public were approached to respond to a questionnaire dealing with the types of rules that are broken by police, and why they are broken. Questions were also asked about the desired goals of police work, in an attempt to determine how both groups define police efficiency. Recommendations for changes, that may minimize police abuse of power, were also asked of the police officers.

The police responses indicated some problems are caused by inadequate legislation and restrictive internal regulations. The officers also noted difficulties working within the Canadian Charter of Rights which may be protecting the offender at the expense of the collective good.

Both samples substantially agreed on the perceived reasons for such abuse of power, in that a desire to 'get the job done' and protect the public may cause such abuses. A difference, between the courts and the police, in the interpretation of laws, may also lead to some unintentional rule breaking. The public desires police officers who are

pleasant to them and who can 'get the job done'. Their responses revealed a fair tolerance to rule breaking, by police, in order to protect the public. Protection of the public is the primary goal of police work, according to both the public and the police. Therefore, a common measure of police efficiency would appear to be the extent to which the public feels safe or protected - something which, the study argues, cannot be found in official statistics.

The hypothesis is supported if this definition of efficiency is accepted. This is not to suggest that police should be allowed to bend rules, or to have a different set of rules, in order to protect society. However, it is intended to illustrate that improvements should be made both in legislation and in the methods used to determine police efficiency.

The police recommendations indicated a need for updating and amending legislation to provide a more realistic framework within which they can work. It was also suggested that Chiefs of Police should have more control over the operational activities of their departments. The public responses revealed strong overall satisfaction with their police, but both samples criticized the leniency of the courts and loopholes in the law.

Further, this study recommends that the police have more input into legislative changes pertaining to their work, and that official statistics not be relied upon to

evaluate police efficiency. Public satisfaction and feelings of safety should be given more, if not all, weight in such evaluations.

However, the most valuable aspect of this study is the comments of the police officers themselves - which reveal their thoughts on the issue of police abuse of power and factors that may contribute to it.

## ACKNOWLEDGMENTS

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S.K.M.

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CHAPTER 1

THE SETTING: POLICE VIOLATION OF RULES

Police officers are placed in a unique position by the duties assigned to them, and the power entrusted to them under the law. (Henschel, 1977) The duties entrusted to them require them to protect person and property, and to maintain law and order while the powers given them entitle them

"to exercise force in the conduct of their duty. In addition, the law empowers an officer to strip away the rights and freedoms of an individual where, in his judgment, the safety of the community is threatened or a crime may have been committed."

(Hale, 1974, 30)

Consequently, it would not be uncommon for complaints to be registered against the police with regards to their use of these powers, claiming misuse or abuse.

The most common complaints against the police are those categorized as police brutality. (Galvin & Radelet, 1967; Jayewardene, 1982)

Police officers are allowed to use force, including firearms, wherever it may be necessary in the course of their work, especially in cases where there is a fleeing felon or they ~~just~~ defend themselves. (Jayewardene, 1982)

Studies of police killing or injuring citizens through the use of firearms in Providence, Rhode Island, (Providence Human Rights Commission, 1979); in New York City (Fyfe, 1978, 1979, 1980); in Los Angeles (Raine, 1966) and in Australia (Harding, 1970, 1975) seem to indicate that most of the killings by them were unnecessary. The Providence study showed that during the period 1969-1978, six citizens were killed by police and seven were wounded. Most incidents (70%) involved no infractions of the law, but the suspect attempted to flee. Of the remaining 30% of incidents, only minor infractions were involved.

The New York studies showed that these incidents occurred more often in inner-city, high crime areas, and that minority groups, such as Blacks and Hispanics, were the most likely targets for unnecessary use of firearms; regardless of the race of the officer. (Fyfe, 1978, 1979, 1980) The Australian studies revealed yet another aspect - the total inadequacy of the procedures adopted in the investigation of such incidents. (Harding, 1970, 1975)

Police brutality constitutes more than the unnecessary killing or injuring of people. Defined as

"...the subtle, overt or brutal misuse of police authority ranging from an indifferent or contemptuous glance to sadistic application of illegal violence; from cold silence to obscene vituperation; from unwillingness to take proper action to delight in taking unnecessary action; from failure to consider any alternative of

repression to selection of the most punitive possible sanction" ..(Germann, 1969,4)

it encompasses a wide range of behaviour so that the actual incidents of brutality can be vastly different. (Bittner, 1970) Quite a number of such complaints against the police appear to involve discourtesy. (Galvin & Radelet, 1967)

It has been claimed that very few of these complaints ever result in charges or convictions so much so that members of the public feel that the police do not take such complaints against them seriously. (Kelly, 1976) This opinion is promoted by the fact that charges of brutality and sadism directed against the police appear well supported. (Davis, 1974) The seeming police disregard of such complaints may have its roots in their interpretation of their role.

Ericson (1982) describes the role of the police as "the front-line agents in the reproduction of social order". The police have a mandate to preserve order. To do this, they work within a framework of rules and strategies. Ericson explains that the police officer

"... 'negotiates order', variously employing strategies of coercion, manipulation and negotiation. This work is always carried out with respect to rules, including legal rules, administrative rules, and 'recipe rules' of the occupational culture of line officers. In other words, it is the work of producing and controlling deviance, of using social rules in the construction of social order."

(Ericson, 1982, 9)

This interpretation of the role of the police promotes the view that the abuse of power by them is not breaking the law, but deviating from "the ideals of legality that the law supposedly expresses". (Ericson, 1982) Adding support to this view of police brutality is Henschel's (1977) finding that it is only certain types of complaints against the police that are given this scant regard. Those incidents of misconduct that afford some personal gain to the officer in question are treated as serious violations. There are rarely any prosecutions for "selfrighteous" criminality, those illegal activities that occur in the pursuit of police objectives" (Henschel, 1977).

A second form of the abuse of police power is police corruption. This involves police behaviour that provides the police officer with personal gains at public expense, often termed "illegitimate exchange" (Shearing, 1981.).

Barker and Roebuck (1973) identified the major types of police corruption, as

- 1) Corruption of Authority, the receipt of officially unauthorized, unearned material gains by virtue of his position as a police officer.
- 2) Kickbacks, receipt of goods, services or money for referring business to towing companies, ambulances, garages, lawyers, doctors and the like.
- 3) Opportunistic Theft, actual theft from arrestees, victims, crime scenes and unprotected property.

- 4) Shakedowns, acceptance of bribes for non-arrest.
- 5) Protection of Illegal Activities, acceptance of bribes for non-interference in illegal activities.
- 6) The Fix, fixing of cases for a material reward. Direct criminal activities.
- 7) Direct criminal activities.
- 8) Internal Pay-offs, collection of fees for distribution of assignments.

Goldstein (1975) and Sherman (1974) point out that there are forms of police deviance that do not include the element of personal gain for the police officers. These include, aside from police brutality, activities such as wire-tapping and fabricating evidence, which are used more as weapons in the "fight against crime". (Sherman, 1974)

These are the "self-righteous crimes" that were previously mentioned (Henschel, 1977); and which are usually treated with lenience.

Recently, attention has also been focussed on abuse of authority with the purpose of furthering organizational objectives. (Shearing, 1981) "Organizational crime" refers to "criminal acts....to contribute to the achievement of goals and other objectives thought to be important for the organization as a whole, some sub-units within the organization, or their own particular job duties." (Shover, 1978, 39)

Organizational crime can also include some of the illegal activities that are committed in the "fight against crime". The commission of these illegal activities may be facilitated by the police subculture.

Perjury is another crime which is not uncommon to police officers. Perjury is defined as a situation where an officer "lies or deliberately misrepresents the truth while under oath". (Barker, 1978, 265) It may be used for a number of reasons as a part of some type of corruption; or to further organizational objectives and make the department look better. (Barker, 1978) Perjury could also be used to justify some action of a police officer; or to convict someone that the officer "just knows" is guilty but where the actual facts aren't enough to get a conviction.

These abuses of power appear to have their roots in the nature of police policy. Police policy, Davis (1974) claims

"is characteristically based on superficial guesswork and hardly at all on systematic studies by staffs of qualified specialists or on investigations like those conducted by the best administrative agencies and legislative committees."

He also claims that it

"is almost completely exempt from the kind of limited judicial review deemed necessary for almost all other administrative agencies and legislative committees."

(Davis, 1974, 703-4)

He goes on to further aver that

- "much of it is illegal or of doubtful legality;"
- "subordinates at or near the bottom of the organization, not top officers, make much of it;"
- "most of it is kept secret from those who are affected by it."

(Davis, 1974, 704)

Attempts to understand the abuse of police power have led to a number of theoretical formulations depending on the point in the social structure from which these formulations proceed. The first of these theoretical formulations, which could be called the Class Conflict Theory proceeds from the nature of society as its focal point. It claims that the police mandate to maintain social order has been interpreted in terms of the consensual model of society, which assumes that the masses are in agreement with regards to the police role in protecting them. (Cain, 1973) However, the heterogeneous nature of society has promoted a conflict theory approach, which sees the police as the agents of control for the more powerful segments of society, and where the police are considered to be following the standards and definitions of order as set down by this dominant group. (Cain, 1973) Ericson (1982) explains how this happens:

"Their (the police) sense of order is reflexive: they think that they are doing what the powerful and respectable want at the same time as they see

this as something they themselves support, but in a way that sustains their own sense of autonomy and purpose."

(Ericson, 1982,9)

Lee (1981) attempted to link the different interests of the different groups in society to the police abuse of power. Observing that there was a relationship between police violence and the "inequalities of society"; he tested the hypothesis that there was an increased likelihood of the use of extreme force, by police, where economic inequality was more pronounced. Lee (1981) obtained some support for his hypothesis.

The class conflict approach sees the police as employees of the powerful classes who allow them to use violence but only against those who are a danger or threat to the "elite". When the violence is used against the privileged, it usually results in much controversy. (Kania & Mackey, 1977) Lee (1981) indicates that the lack of justice for the minority groups, who are discriminated against, is what initially causes conflict. It was observed that people, in general, do not appear to object too much when the use of violence is directed mostly towards minority groups and radicals who usually cause the disturbances. (Gamson & McEnvoy. 1972; Stark, 1972)

Ericson (1982) states that as the view of police professionalism and bureaucratization emerges; the police

can convince the public that they are being policed by legal, and not class, standards.

Wenninger and Clark (1967) claim that the police contribute two essential functions of the social system 1) goal attainment, and 2) value maintenance. The police are, on behalf of the government, an instrumental agency of social control; and, at the same time, they represent the established values of society as a symbolic agency of social control.

To the extent that a consensus exists between communal and legal norms, the role of the police becomes more symbolic (peacekeeping) than instrumental (enforcement). (Wenninger & Clark, 1967) Following that, the less consensus there exists in a society, the more instrumental will police action become. (Banton, 1964; Cain, 1973)

Since our societies are heterogeneous, the trend in policing is towards the law enforcement orientation in which the police serve as instrumental agents of social control. This orientation makes policing more repressive and the conflict and group differences in society more defined. In these circumstances, the police need to become more powerful. They not only tend to be given more legal powers; they tend to use those powers illegally as well. (Ericson, 1982)

The second theoretical formulation, which could be called Organizational Theory, proceeds from the fact that

there exists in society, aside from the dilemma of who dictates what social order is, a dilemma of how to control it. The police have a full enforcement mandate yet they must work within the boundaries of the law. The expectation from the police for "full effectiveness within the law", makes impossible the "full enforcement" mandate. (Watchorn, 1966)

Society expects high production and efficiency, yet strict adherence to the formal procedures makes this virtually impossible. The police are

"themselves blocked by a set of constraints which demand a tortuous path between opposing dilemmas, constitutional requirements versus demand for crime controls." (Clark, 1979; 31)

The police believe that the public wants offenders controlled and punished at any cost; however, the citizens also want respect for their rights along with fast police action towards offenders. (Morand, 1976) The police believe, however, that the emphasis is on results and perceive a great deal of pressure to "perform". (Barker & Roebuck, 1973; Cain, 1973)

Since production or "output" is a high visibility operation; and adherence to rules is of relatively low visibility; it becomes a matter of satisfying public demands with whatever means are available (even if they are not the correct ones). In this case, the "end" is used to justify

the "means". This is especially true when the Criminal Justice System continually disregards arrests or dismisses them; then harassment and illegal or questionable methods become the "unofficial system of (social) control". (Wiseman, 1970)

A third formulation is what is called the Occupational Norms Theory. Skolnick (1966) and Niederhoffer (1967) argue that police "malpractice" occurs, because the police are faced with society's contradictory demands, only to the extent that such demands on police organizations, Niederhoffer (1967) adds, result in a cynical attitude on the part of the officers, making corruption or the abuse of powers an inherent part of the occupation.

Westley (1970) agrees, placing the basis of the illegal use of violence in the "officer's basic occupational values". Since the public and the police are often each other's biggest problems, the police officer may feel that his occupation is in conflict with the public. Consequently, the police officers may become a minority of their own, wherein they emphasize a "norm of secrecy", a need to coerce respect from members of society, and the use of any means necessary to make important arrests.

The "norm of secrecy" is just one aspect of a police subculture that Foucault (1977) believes is responsible for the co-ordination of police action, at least in part.

The police subculture is seen as a normative mechanism which new officers are introduced to, and socialization into the subculture is viewed as a source of direction and guidance for the new officers.

The 'occupational norms' theory of police deviance involves the development of a police subculture that provides internal norms (for the officers), some of which may contradict departmental policy. (Kania & Mackey, 1977) Violence may be accepted, even expected, by peers (Westley, 1970) and the deviance "will be protected by the "norm of secrecy" and the solidarity of the line officers. There are three elements that are involved in this occupational deviance:

- 1) Opportunity structure and techniques of rule violations;
- 2) Socialization through occupational experiences;
- 3) Reinforcement and encouragement from the occupational peer group.

(Barker, 1978, 265)

The "norm of secrecy" among police officers can facilitate illegal behaviour in that it permits the organization to secretly support or allow certain police activities that, if known, would be considered a very serious matter. Also, it allows for the use of "cover-up" tactics which indirectly support or promote further such

deviant behaviour among officers. (Barker & Roebuck, 1973; Henschel, 1977)

The subculture also provides the police officer's "rules of thumb", or "recipe rules", that are based on the experiences and 'wisdom' of past generations of police officers. (Ericson, 1982; Manning, 1977) Like tradition, it is the past's legacy to the present.

The rookie officer would enter this subculture after his training, and so-called "identity stripping" (Ericson, 1982) and learn the contrast between "book learning" and the "tried and true methods", (Niederhoffer, 1967) since not every situation can be covered in an officer's training.

This subcultural theory also sees senior police officers as only being interested in legitimizing the police work to the public and political authorities by appearing to be governed by the ideals of egalitarian justice. Regular police officers see this as a denial of the reality of police work (Harris, 1973). Therefore, the role of the "brass" is seen as the framework for the legitimizing of the police work within the department, but it is not seen as the guideline for police discretion.

In other words, "you can't do it by the book" (Wilson, 1968) and "cover your arse" (Manning, 1977). It fits with a "get ahead" normative system that promotes the idea that "anything goes as long as you don't get caught". (Clark, 1979, 31)

Officially, the "brass" doesn't approve of this 'hypocrisy' but actually they support it through rewards for those who might have done things the 'wrong' way but could make it look 'right'. There is evidence for this in that those who are most efficient at sustaining the official hypocrisy seem to have the best career prospects. (Shearing, 1981)

One aspect of the "recipe rules" involves how the patrol or line officers can "control" supervisors by appearing to be productive. (Ericson, 1981) Of course, the "brass" probably knows about such behaviour but doesn't seem to do much about it except when it comes to public attention.

Following a study conducted within the Communications Centre of a large Canadian municipal police force, Shearing (1981) produced a typology of four role models for police officers. They reflect the way in which different officers cope with the pressures and the subculture.

- 1) The Wise Officer - his moral commitment is to the police subculture and its views. He expresses the double standards of police work by controlling the "unproductive classes" while appearing to support the egalitarian nature of police work. He walks a "thin blue line", which he feels is an important criterion for promotion; and thinks that he is "world wise".
- 2) The Real Officer - he is the 'hero', the tough guy. He accepts the subcultural view and the police role

in the struggle of classes, but rejects the hypocrisy of legitimization. He is willing to risk the wrath of the "brass" and does what he thinks should be done. He feels that in this way he is more committed to "social theory" than the others. He is confident and unintimidated.

- 3) The Good Officer - He recognizes the subculture but rejects it. He is ideological but, like the 'real' officer, he rejects the hypocrisy of legitimization. He believes in the egalitarian values expressed in departmental policy and law; and considers this to be "police professionalism". He likes to believe that the "brass" share his commitment and issue derivatives that reflect their commitment to these values. He believes that his job is to implement, not undermine, the departmental policy. Some become "doormen" (snitches) for "brass". "Good Officers" are usually not regarded too highly by the other officers.
- 4) The Cautious Officer - To this officer, police work is just a job, not a vocation. He is indifferent to both the subculture and the "brass". He doesn't want hassles from anyone, and simply does what he is told. This type of officer does well at mundane desk jobs.

(Shearing, 1981, 32-4)

Overall, the existence of this subculture hasn't been found to hurt organizational efficiency; although it has facilitated police misconduct. (Shearing, 1981)

The central theme, according to Westley (1970) "is the actual or presumed hostility of the public towards policemen and the policemen's inferred sensitivity and frustration. They are sources of strong in-group cohesiveness, secrecy and police violence. Violence, he claims, is not an

occupational disease. It reflects an attempt to obtain respect from marginal elements and status among colleagues."

(Jayewardene, 1982, 97)

Stark (1972) believes that the corruption or abuse of power is a result of weakened controls over the police, both internally and externally. When these controls are sufficiently weak, the lower ranking officers will begin to make their own decisions as regards their behaviour. Then, they proceed according to their own view of order, and their "recipe rules".

The fourth formulation is the Environment Theory which considers corruption and brutality to be the result of interaction with the environment (such as the political and task environments), Sherman (1977) has synthesized a "formal environmental theory of police corruption" which included the following elements:

- a) Systematic police corruption is a function of the political culture and the task environment.
- b) Older, immigrant-dominated cities are more likely to foster an environment conducive to corruption.
- c) These factors are so strong that a police administrator cannot counter them.
- d) Gathering evidence on corruption is impossible because of the universal code of silence among police officers.

- e) Police departments are, therefore, closed systems responding passively to their environments.
  - f) Those environments are largely static over time.
  - g) Therefore, where systematic police corruption exists, it cannot be controlled.
- (Sherman, 1977)

Sherman's presentation of this theory reveals a number of gaps. The role of the administration with reference to police corruption, has been largely ignored. As mentioned earlier, the administration has to play a big part in police corruption in that they supervise the line officers and make the guidelines and departmental policy.

A New York City Police Department study showed that departmental restrictions in the use of firearms could reduce the number of deaths and injuries, without increasing the number of officers injured or killed. In August, 1972, "administrative shooting guidelines and shooting incident review procedures" were introduced (Fyfe, 1979, 309) producing the above-mentioned results. Therefore, it was concluded that this decrease was associated with the introduction of clear guidelines and review procedures. (Fyfe, 1979)

In addition to this, many of the elements of the theory have been refuted or simply not supported by studies. The second element, referring to "older, immigrant-dominated

cities", has been refuted in research. This element implies the "honesty theory" which believes that, in areas that are dominated by white, Anglo-saxon, protestants, there is an atmosphere of honesty that isn't conducive to police corruption. Data, however, did not support this theory. (Sherman, 1977)

Kania and Mackey (1977) related police use of violence to community characteristics and found the most significant association to be, not with race, but with the general levels of violence and homicide in the area. They concluded that, although it did not rule out other theories, police use of violence is culturally-determined. This fact suggests that police officers learn to be violent. Skolnick (1966) suggests the notion of the "symbolic assailant". The police officer is believed to respond to a "symbolic assailant"; and may use violence towards him in the (possibly mistaken) perception that it is in his own self-defense or in the defense of his authority. (Kania & Mackey, 1977) The officer may also be over-reacting to his perception of danger. (Barker, 1978)

There are also different aspects of the situation that may give rise to violence. It has already been stated that violence is more likely to occur if the subject is a member of a minority group, is resisting arrest, or provokes the officer with verbal abuse or such.

There are a number of other factors that could affect the outcome of the interaction. The expectations of the particular community, the appearance of the individual and the situation, and the status of the situation. Ericson (1982) discusses how encounters between police and citizens involve a "negotiation of status claims" in that the officer uses whatever cues he has available to decide as to how to define the situation. Once the situation is defined and given a "status", the officer can decide on an appropriate course of action. (Ericson, 1982) In these cases, stereotypes may also come into play.

Most studies in this area centre on the characteristics of race and socioeconomic standing; yet, the most important determinants seem to be the attitude of, and amount of deference shown by the suspect or subject. (Ericson, 1982)

The most common theory of police abuse of power is the "Rotten Apple" theory, which suggests that the selection system for police officers failed in "weeding out" those candidates who would be more likely than others to be "bad". (Parsons, 1973) This theory assumes that there are violence prone individuals responsible for police violence. This "rotten apple" theory is, however, usually rejected in favour of one of the other aforementioned theories.

Sherman (1978) makes a distinction between a corrupt police department and a corrupt police officer. Corrupt departments involve organizational deviance in that it has

group role-breaking for organizational purposes; whereas, a corrupt police officer is an individual who behaves on his own and may hurt the organization.

Lee (1981) indicates that deviance is not usually dependent on characteristics of police officers because the typical police officer is not found to be any more authoritarian than the typical citizen. Therefore, he believes that any authoritarianism in their characters probably comes as a result of their socialization into the department and the occupational environment. The police say that it is the minority groups that make them tough.

On the other hand, Kania and Mackey (1977) indicate that the psychological approach to deviance follows the idea that policing attracts certain personalities, and that they tend to show tendencies to paranoia and aggression.

Henschel (1977) favours the "tip of the iceberg" theory which states simply that there are many more officers, other than the "bad apples", who engage in abuse of power but that they just haven't been caught yet - they haven't come to the "surface".

In an investigation of the New York City Police Department, it was observed that there were more than a few "bad apples" and that the administration just wasn't bothering to investigate and ensure the adequacy of the screening procedures. Because of this, the corrupt members of the department were left undisturbed, and rookies were

exposed to the corruptions within this system. (Barker & Roebuck, 1973).

Westley (1970) sums up the typical abuses of power as consequences of four major patterns that officers experience:

- 1) the complex duties of the police officer;
- 2) an ambivalent status of the police department within the community;
- 3) the socialization of recruits (into the subculture);
- 4) the defensive solidarity of the police officers.

What this entails is a stress of the dependence of the abuse of power on the nature of their power.

The basis of police power is discretion. This is the "power to decide which rules apply to a given situation and whether or not to apply them." (Ericson, 1982, 11) Power itself, is the "influence exerted by the potential use of force". Here, force can be "social force", which is the "actual limitation of the social choices of an individual or group", or physical force. (Clark, 1979, 37-8)

Once used, however, power loses its potential and influence and, instead, dissipates into raw force. (Clark, 1979) Other elements of power include the fact that it can't be seen, only its effects can. Power relations exist

everywhere in society, although it may be invisible to the subject of it at times. (Clark, 1979)

As mentioned, the type of power in a given situation may mean physical strength, but an individual may also have expert power and "charisma" power. The power of an individual can take any of the three forms mentioned here. Physical (strength) power is self-explanatory; expert power is knowledge; and "charisma" power is the emotional-affective power of a person. (Elliot & States, 1980)

There are a number of other forms of power also. Institutional power is that power which is derived from a document or concept, such as the power of a church. (Elliot & States), 1980)

The power of an individual in an organization can have three different sources; and is referred to as "legitimate power". Legitimate power can be derived from the following sources.

- 1) Legitimized Power - when power is conferred on an individual by some legitimizing agent, such as a "boss" or "authority" figure who have power attached to their positions.

(Once the power is given, subordinates accept the power of the institution to grant the individual the title, and will follow it.)

- 2) Social Structural Power - power that is involved in the relationship of offices and positions. It involves the "perceived right" to power with the acceptance of the social structure ranks.

- 3) Culture Power - the power that is assigned by a culture upon acceptance of its cultural values and roles. For example, in male-dominated societies where certain cultures bestow all of the power upon men, the women accept the cultural values.  
(Elliot & States, 1980, 88)

The police are unique in their ability to influence the behaviour of others through the exercise of legitimate power. Police power, however, does not stem solely from legitimized power, but essentially from social structural and cultural values. In order for the police to have the power to influence behaviour, the citizens must see the police as being powerful and accept these values. A badge or uniform merely identifies those who are entitled to have legitimate power. (Elliot & States, 1980)

Police officers thus can do tasks that other people cannot simply because citizens allow them to. The most important part of crime control is the control of antisocial behaviours (i.e. dangerous to society). for which the police rely on the citizens' acceptance of them to acquire information for use in solving such criminal matters. (Elliot & States, 1980)

Different tasks of the police require different types of individual power. To maintain order, an officer mostly needs physical strength and the legitimate power to use it; whereas to control crime (such as solve a murder) one would need more expert power than physical strength. The

expertise is required to know what to do and how to go about it. Obviously, not all tasks require all kinds of power, but these different types of power do exist within the police organization. (Elliot & States, 1982)

As mentioned earlier, the police often need co-operation from the citizens to aid in crime control. In exchange for this citizen co-operation, the police use discretion in their policing. (Ericson, 1982)

Discretion depends on the rules, both legal and administrative, that govern a policeman's actions when making the decisions in certain situations. Discretion is a low visibility behaviour, and since patrol officers usually have a minimum of supervision, discretionary decisions cannot easily be reviewed. (Ericson, 1982)

The Morand Commission (1976) came about as a result of allegations made, by a police constable and a former police constable, against certain other police officers of the Metropolitan Toronto Police Department. In their statement, the two constables cited "improper influence" in certain arrests, charges, and prosecutions, for "driving, traffic, or liquor offences". (Morand, 1976, 1) One case in point was the release of a Toronto solicitor who, the complainants felt, was accorded special consideration because of his position in the community. After hearing the above case, and others, the Board of Inquiry decided, unanimously, that

the problem was not one of misconduct or corruption, but discretionary power perhaps unwisely used.

Since there was no personal gain (material or financial) involved, it was not corruption. However, it was pointed out that ALL persons should be treated equally. Discretionary judgments by police officers are open to criticism and that is a risk that an officer assumes in making any such decision. However, even if discretion can never be adequately defined or regulated, it should not be discouraged as long as it can be used fairly and with good reason. (Morand, 1976, 92) Thus, the power of discretion lies with the patrol officers. (Ericson, 1982)

Power is a "potential element in any interaction but it is not necessarily exercised". (Ericson, 1982, 12) Power involves the control of resources in order to achieve certain outcomes. In police-citizen encounters, the police officer has the power to interpret the situation and take the course of action that he feels is most suitable. In deciding on his interpretation and action in a situation, the officer has a system of rules to guide his decision(s); especially when he is in a new situation. (Ericson, 1982)

Rules play an important role as "power tools in the reproduction of order." They serve two interconnected functions:

1. as weapons of social conflict

2. as justifications for actions.

As weapons of social conflict, rules indicate the difference between groups with reference to their interests in interactions. As justifications for action, rules can be used to "fit" the circumstances, and explain an individual's actions. (Ericson, 1981)

Rules can, therefore, be used to legitimize behaviour so that officers can just do their jobs and make it appear acceptable to others. The officer will use the "recipe rules" of his police subculture in discretionary decision-making. The criminal law comes into use when the officer sees no other way to improve the situation. Therefore, the law doesn't necessarily determine arrests, but is used to explain them, especially since the law can be made applicable to a wide range of situations. In essence, "justice becomes a matter of justification". The police also have power in that the court and attorneys depend on them; on their evidence and reports; and on their "production of the facts". (Ericson, 1982)

Discretion is intrinsic to police work, and is necessary for proper functioning of the police and the courts since not all situations can be covered specifically in the law. (Cain, 1973) Having discretion however leads to the problem of "delegated discretion" versus "unauthorized discretion". (Skolnick, 1966) Delegated discretion is that discretion which is clearly afforded to the police officer -

- this is equal to legitimate power. The problem, however, is the lack of clarity about what this actually involves. A police officer is delegated the authority to make "alternative official decisions" but he is expected to make these decisions according to the standards and policies of the department, which are not always clear. Unauthorized discretion is that discretion which the police officer exercises but is not really authorized to do so. This is where the individual officer's motives are important -- is he satisfying personal or institutional motives? (Skolnick, 1966)

Overall, if we assume the Transactional Model of Policing, where there is the incident (stimulus), the officer's interpretation of the situation (intervening variable), and the officer's decision as to a course of action (response); we can see that the power of a police officer comes into play at the second stage of the situation where s/he can exercise discretion in how to interpret and act upon the situation. (Ericson, 1982)

In considering power, its use and its abuse, one must necessarily consider the conditions which serve to constrain or facilitate the use of power and, thereby, affect the efficient functioning of any institution or agency.

Needless to say, as far as the police are concerned, there is the basic constraint of law; but there are also a

fair number of other constraints under which the police must operate.

At the organizational level, individuals must work towards fulfilling the objectives of an agency or institution (in this case, the police department). The first problem arises when the objectives of an agency are not in line with the realities of its operation. This would occur when the "interests of people (are) not always consonant with the extant technological variables". (Jayewardene & Jayasuriya, 1981) In this type of situation, the objectives cannot be obtained; and, therefore, become meaningless. A realistic set of objectives for an agency must consider not only the desires of the interested parties, but it must look at them within the limits of its own resources.

Perrow (1961) identified two categories of objectives. The first category involves the official objectives. These are what the agency wants people to think that it is doing; and are based on the desires of those same people. Official objectives, however, are usually idealistic rather than realistic; and fail to consider the constraints on its actual operation.

The second set of objectives are the operational objectives. These form the basis for the decisions regarding the actual daily operations. These indicate what the agency is actually doing; and incorporates both the

group interests and the realities of the constraints upon the agency or institution. (Perrow, 1961) Therefore, to formulate attainable objectives, they must include identification of the interested parties and their needs, and the type of "product" that will satisfy these within the agency's capabilities. (Jayewardene & Jayasuriya, 1981)

For a police department, the official objectives might be their mandate for "full enforcement" of the law; whereas, their operational objectives would be departmental policy or guidelines for discretion.

There are also a number of surrounding constraints, such as the interests and constraints of the Criminal Justice System; legislative interests; government interests and constraints (such as cost-effectiveness); public interests and constraints (such as civil rights; facilities and resources for the agency); and employee interests (such as job satisfaction). (Jayewardene & Jayasuriya, 1981)

Woodward (1970), in her book on 'Industrial Organizations, introduces also the administrative style of the institution as a possible factor which could interact with the technological aspect. The administration's role can work in two dimensions; the production dimension and the personnel dimension; to promote efficiency within the institution.

The production dimension involves the administration's choice in dealing with the constraints,

- 1) the administration can work with the constraints and thereby adjust the objectives accordingly, or
- 2) the administration can work to overcome the constraints and therefore organize activities to avoid them.

(Woodward, 1970)

The personnel dimension involves employee's work motivation. The work environment can affect work motivation by the restrictions that it places on the workers. (Cressey & Elgesem, 1968; Woodward, 1970) If these constraints work against job satisfaction, the worker may engage in behaviours that are not specified but will provide the worker with some other form of satisfaction. The behaviour may be of questionable nature.

For example, Cain (1971) describes the "easing behaviour" of police officers, where officers engage in behaviour that isn't prescribed for, but makes the job more interesting or satisfying. (i.e. making marginally legitimate arrests; going back to the station early before the end of the shift; taking coffee breaks while on patrol.)

Constraints on the police, from the administration or related factions, can take many forms. Departmental policy is one example; also, organizational constraints may include directing the officer's attention towards certain types of offenders or crimes. (Cressey & Elgesem, 1968) The police are also influenced by the courts and the judges. The

degree to which a court upholds officers' charges and the sentences that are given out, will affect an officer's future decisions in charging citizens. (Ericson, 1982)

Organizational constraints can also include things such as

"available manpower, organizational priorities, production expectations, 'recipe rules' for 'targeting' segments of the population and many other elements (which) influence transactions and the production of case outcomes. In sum, the patrol officer's sense of order in the community is inextricably bound up with this sense of legal order and police organizational order..."

(Ericson, 1982, 21)

Within the police organization, there are also other efforts at control by administrators. There are line supervisors who are expected to patrol and generally keep an eye on the routine work of the patrol officers. (Ericson, 1982)

Occasionally, the constraints can produce undesirable effects such as "overproducing" and/or "underproducing" in certain areas, as well as emphasis on "clearance" rates for investigations. (Ericson, 1982)

The public is yet another constraint on efficiency of operation. Public demands and criticisms are often based on a misperception of the agency or institution, yet play an important role in its operation; especially when these public opinions are widely publicized by the press. (Jayewardene & Jayasuriya, 1981) The public has its own

ideas of what the agency is and what it should be. The public is entitled to dislike what it sees provided that it is seeing an accurate and unbiased picture of the agency or institution in question. (Jayewardene & Jayasuriya, 1981)

Another problem in this connection is that the public is not a homogeneous group. There are different groups with different views; therefore, it is difficult to follow the belief that the public should dictate what certain agencies, such as the police, should do. (Cain, 1973; Jayewardene & Jayasuriya, 1981)

This is actually a dilemma for the police -- they are both servants and masters to the public, some of whom are the offenders. (Jayewardene & Jayasuriya, 1981)

All of these constraints on the police keep them from doing their job as well as they think they should.

The examination of the literature on the abuse of power by police, the types and the theories behind them, as well as the concept of power and the constraints of power, leads to the proposition that

- the apparent abuse of power by the police is a circumvention of rules in order to be efficient.

The police, themselves, have described the situation.

"...if police did everything 'by the books', a lot of criminals now behind bars would be walking the streets. But many people can't seem to understand that. So we equalize things slightly, that's all.

We assist the systems of justice. As you know,  
they are defective."

(Weston, 1982)

## CHAPTER 2

## THE SETTING: POLICE EFFICIENCY

In this study, it has been hypothesized that police abuse of power results from attempts, by the police, to be efficient. In order to better understand the meaning of this statement, a discussion of efficiency, as it is defined both generally and with regards to the police, is in order.

Efficiency, in basic terms, is the ratio of output to input, or "the ratio of useful work done to energy expended". (Oxford Dictionary, 1978, 272) It represents the extent to which resources are effectively utilized. (Levine, Musheno & Palumbo, 1980) However, in discussions of efficiency, there are two other concepts which get involved and are sometimes misinterpreted for efficiency. These are the concepts of productivity and effectiveness.

Productivity involves the use of available resources in producing a high rate of output. In itself, this is a major area of concern as it relates to the use of often limited resources and the results that can be obtained from their use. (Kuper, 1975) Its confusion with efficiency results from the fact that improved productivity means obtaining a high output at a low cost, which is an expression in terms of the measurement of efficiency.

Effectiveness involves the achievement of a specific result regardless of cost (Kuper, 1975), but as costs are not unlimited, it is not difficult to see how effectiveness can get confused with efficiency. The difference between the three concepts is one of focus. For productivity, maximum use of resources is stressed; with regards to effectiveness, achieving the specific goal is the main concern. Efficiency involves a combination of the two concepts in that it refers to the achievement of a specific goal at the least possible expense. (Bouza, 1978; Kuper, 1975)

Efficiency is a matter of concern for government agencies, as their operations are often closely scrutinized in the light of a public demand for optimal performance. The police, as a public service agency, are not free of such scrutiny, and police performance is a matter of concern not only to the citizen who is being protected by the police, but also to the functioning of the municipal governments. The administrative body of a town or city is often judged by the performance of its employees, just one group of which is the police. (Hamilton, 1975) However, since crime, the sphere of police activity, is an area of major concern to citizens, police functioning is often more important to a local government than other groups within its employ.

Police performance has been defined and judged in a number of ways. One method involves the use of official

statistics on crime. Such statistics are considered to provide the public and their governments with solid factual information with which to assess the functioning of police operations (Levine, Musheno & Palumbo, 1980); a situation that makes the collection and presentation of such statistics very important.

However, as all social scientists are aware, there are many problems involved in the use of official statistics; and the picture that they present. Unfortunately, those not aware of this, such as the average citizen and some government officials, take these official statistics to be true and real; and, consequently, form a distorted picture of reality. This is especially true if the statistics are presented in such a manner as to suggest that they are a true portrayal of the situation. (Giffen, 1975)

"Data collection is the process of garnering facts in a systematic way, and measurement is the technique of making factual observations about the collected data with some degree of precision. Data, especially quantitative data, can enrich our knowledge of criminal justice, but they can also create false illusions. Expressing ideas numerically sometimes gives them an aura of truthfulness that is undeserved. Numbers have been aptly demystified in the punchline of the old joke about 3 kinds of prevarications people tell: "Lies, damned lies, and statistics!"

(Levine et al., 1980, 494-5)

The rationale for using crime rates (absolute crime figures converted to a "per capita" ratio) as measures of police performance stems from deterrence theory.

Deterrence is the philosophy underlying our Criminal Justice System - virtually threatening the public into obeying the law. (Zimring & Hawkins, 1973) It operates through the sure and speedy infliction of severe punishment on the wrongdoer. Police, through their crime investigation activities which result in the apprehension, prosecution and conviction of the offender, are able to make this threat credible and thus deter people from committing crime.

The premise of deterrence is that almost everyone harbors some criminal urges, for any number of reasons, and that these urges can be controlled through the fear of punishment. Torn between fear and criminal desire, the hope is that the fear will make these people maintain a relatively law-abiding status. (Zimring & Hawkins, 1973)

The intimidation of the Criminal Justice System, thus, assists in controlling people's behaviour. There is no indication that it changes their thoughts, but it is the overt behaviour that we are interested in.

"Deterrence tries to control objective behaviour rather than change subjective feelings about crime."

(Levine et al., 1980, 354)

If police perform their functions properly, this intimidation should result in low crime rates.

However, the incidence of crime is dependent on a number of factors, other than the fear of punishment. One

of these factors is the motivation of the offender. Jeremy Bentham, who set out the rationale for deterrence theory, assumed that people's motivations would operate on a "maximize pleasure, minimize pain" principle, which involves a person's weighing the benefits of an action against its risks, and choosing the most pleasurable alternative. (Zimring & Hawkins, 1973) Not everyone, however, has a rational approach to self-interests. In crimes of passion, for example, where strong emotions are involved, little consideration is given to the legal consequences of actions. As well, a number of factors can inhibit rational thinking, such as "spur-of-the-moment" crimes; need; greed; peer pressure; and the fanatical belief, of some moral and political activists, that what they are doing is "right". (Levine et al., 1980)

Another factor involved in the incidence of crime is the existence of opportunity. Waller and Okihiro (1978) discuss the relationship between crime and opportunity. "Crime as opportunity" involves the physical aspects of a situation. This is the extent to which a crime may be committed within the physical circumstances that exist. For example, this would involve how well a residence is "fortified" against burglary.

"Crime and opportunity" involves the presence of potential offenders in the area where a crime may occur; and "crimes of opportunity" relates to the availability of goods

to be stolen (Waller & Okihiro, 1978), or people to be robbed or assaulted.

Consequently, the incidence of crime is really not causatively dependent on police activity, and is related to it only in that it reflects the extent of police activity. Therefore, what official statistics are telling us is not about the efficiency or performance of the police and the Criminal Justice System, but about the magnitude of the activities of these agencies, and even here it is not the actual extent of crime and criminals: the facts are selective and incomplete. (Giffen, 1976) "Crimes known to the police" are exactly that - crimes officially brought to the attention of the police. (Levine et al., 1980)

The study and analysis of deterrence theory has led to the postulation of the existence of two types of deterrence - general and specific. General deterrence is the deterrent effect, on the whole population of potential criminals, of seeing others punished for their criminal actions. Specific deterrence, on the other hand, is the deterrent effect, on a punished offender, with regards to committing another offense. (McGrath, 1976)

Within the area of general deterrence, there exist three levels. Absolute deterrence is the total avoidance of a specific crime, total abstinence, for fear of the consequences. For example, total avoidance of all drugs for fear of legal punishment would be "Absolute Deterrence."

This type of deterrence , however, presents a very impractical goal. It would be difficult to be certain that no one is committing that specific crime. (Levine et al., 1980)

Partial, or restrictive, deterrence is the second type, and involves that decrease in criminal activity in order to decrease the probability of punishment. An example of this is the "speeder" who slows down almost, but not quite, to the speed limit to make it less likely that he will be punished with a ticket. The violation of law is still present, but is not as serious. This type of deterrence is a more reasonable expectation but the law in question is still being violated. (Levine et al., 1980)

Marginal deterrence is the most relevant and practical approach to general deterrence . It reflects the amount of crime that is prevented by certain changes or reforms in the Criminal Justice System. If, for example, we hired more police and handed out stiffer penalties, it may deter a certain number of people from violating the law, who may previously not have been deterred. (Levine et al., 1980)

With reference to specific deterrence, the key issue to consider is whether the punishment will actually deter the offender, and make the Criminal Justice threat "real" enough; or will it simply reinforce criminal tendencies and undermine the philosophy of deterrence? (Levine et al., 1980) Whatever the deterrence may be the credibility of the

threat, contained in the law, is an important ingredient for its operation.

In this connection, in Bentham's rationale, it was thought that by making the likelihood of punishment large enough, and greater than the benefits, criminal behaviour would be irrational. This notion fits in nicely with human behaviour in that it takes advantage of people's basic egocentrism to benefit the public. (Levine et al., 1980)

There are three concepts involved in making risks of punishment "real". The certainty, severity and celerity of punishment are all factors in the extent to which this punishment will deter individuals from committing crimes.

With regards to the "severity of sanctions", a punishment must be sufficiently painful to deter and yet not too severe or costly as to cross a "threshold level" at which point "diminishing returns" may set in. If sanctions are too severe, it may cause the theory to backfire. Juries may become afraid to convict; criminals may feel that they have little more to lose if they commit more serious crimes; and recidivism may increase as more people go to prison which may actually breed further criminal behaviour. (Levine et al., 1980)

The severity of punishment for a crime also serves a "sermonizing function" in that it reflects society's views towards the gravity of that particular offence, and is a constant reminder to the public. (Levine et al., 1980)

The "certainty of sanctions", or the certainty of apprehension and punishment, is another important condition to deterrence. Although it is impossible to make apprehension a certainty, it must be likely enough to make risks "real".

"The deterrent effect lies in the probability of detection and conviction, rather than in the kind or amount of punishment that may follow conviction."

(McGrath, 1976, 9)

The third factor, celerity, or the swiftness of punishment, is also involved although its influence is not clear. Research in conditioning suggests that punishment must be swift to be effective. (Levine et al., 1980)

These three concepts combine to give credibility to the threat. However, studies seem to indicate that it is the certainty of punishment which plays the dominant part.

The severity of punishment alone does not appear to deter offenders, except for homicide where the apprehension levels are highest. It seems, therefore, that the severity of punishment may seem far-fetched if the chances of apprehension are low. (Bailey, Martin & Gray, 1974) Studies show that there is a relationship between increased chances of being arrested and convicted, and lower crime rates (Bailey, 1976), but there appears to be a critical turning point. Where there is less than a 50% chance of

apprehension (or certainty of punishment), risks do not appear to be high enough to offset the benefits of crime. (Levine et al., 1980) Criminals have a relatively realistic knowledge of their chances of apprehension; and, weighing their risks on a fairly knowledgeable scale, may not be deterred by the severity of sanctions. (Zimring & Hawkins, 1973)

The swiftness of punishment is believed to be the important time link between apprehension and punishment. It is generally felt that delays in the Criminal Justice process may hurt a case in that witnesses may move away or forget details of the crime; facts become less clear; and ultimately, this may result in more acquittals. However, it has also been suggested that celerity is not as important a factor since delays may increase the accused's ordeal and, thereby, increase the deterrent effect. (Levine et al., 1980)

Consideration of the effect that these factors have on the operation of deterrence theory seems to suggest that the outcome of police activity would be a better measure of police efficiency. Outcome of police activity has traditionally been measured by clearance rates and conviction rates. These measures give an indication of the police contribution to making the Criminal Justice threat of punishment credible. As such, they could provide a better indication of the quality of police performance.

The compilation of data on police performance includes measures of charges, arrests, convictions and clearance rates. A charge or arrest doesn't necessarily mean that an incident or crime has been handled appropriately or correctly; but it is one way of "clearing" a case. "Clearance" merely indicates that a case has been handled to the satisfaction of the police department, and does not reflect the outcome once a case has gone to court and been disposed of. (Ahern, 1972)

Canadian statistics also tell us the number of cases cleared "otherwise" (other than by a charge); which usually indicates that a case has been dismissed prior to going to court. This can occur for a number of reasons - such as a victims' unwillingness to testify or co-operate with the police in the processing of a case, such that it leave the police with insufficient evidence to pursue a charge. (Giffen, 1976)

Conviction statistics actually provide a better indication of the work of the Criminal Justice System, and illustrate the proportion of cases 'cleared', which go to court, and actually result in punishment to the offender. (Giffen, 1976). However, there are problems with the use of these statistics, which detract from their value as measures of police efficiency.

Official statistics are the product of institutional processing, and as such are actually defined by the process

of measurement. At the first stage of data collection is the concept of crime itself. Since crime is a socially - defined act - not just a physical one - someone must decide if a specific act or event constitutes a crime. (Levine et al., 1980) The Canadian Criminal Code attempts to provide legal definitions of crimes, but such definitions can be vague and complex, and cannot possibly cover every situation. (Levine et al., 1980)

"....in North America, criminal legislation is the function not as much of legal scholars and allied disciplines as of politicians." (Grygier, 1976, 19).

Legal definitions aside, someone at the scene of an event must decide if it constitutes a crime. At this stage, the citizen becomes crucial to the construction of crime statistics. Since it has been shown that much of a police officer's work is reactive (Bottomley & Coleman, 1976), the decision to initiate official proceedings is important, and citizen reporting is heavily relied upon.

It is estimated that 85-90% of all police-citizen encounters are a result of citizens reporting to the police (Demers, 1979), so it is cause for grave concern when we are told that a lot of crime is going unreported (Canada, 1982; Waller & Okihiro, 1978); especially when it directly affects the production of official crime rates (Waller & Okihiro, 1978) by which we judge our Criminal Justice System.

Official investigations and sanctions, as well as the overall effective operations of the Criminal Justice System, are directly dependent upon citizen reporting of crime. (Waller & Okihiro, 1978)

Reporting at this level, is also dependent upon the relationship between the police and the community; such that a good relationship between the two factions would produce more reliable reporting. (Ahern, 1972; Waller & Okihiro, 1978)

As earlier mentioned, and as shown in studies beginning in 1965, the crime rates reported by police as compared to those obtained directly from the public are widely discrepant (Waller & Okihiro, 1978), indicating that many offenses are never reported to the police and, therefore, cannot be recorded. (Canada, 1982)

Victimization surveys, which poll citizens regarding any offences or crimes which may have happened to them, uncover "hidden" and unreported crime. (Levine et al., 1980; Waller & Okihiro, 1978) Such studies, in both the United States and Canada, have revealed large discrepancies between "known" and "unknown" crimes. (Curtis & Dussuyer, 1970; President's Commission on Law Enforcement and the Administration of Justice, 1967; Waller & Okihiro, 1978)

While these surveys do not give us "actual" rates of crime, as some researchers (Waller & Okihiro, 1978) suggest, they do provide a more realistic picture than police

reports, and suggest that there is a significant problem with crime reporting. (Canada, 1982) Although victimization surveys are not flawless (Giffen, 1976), they are found to be highly reliable and valid (Levine et al., 1980); and their results cannot be ignored.

The victimization surveys have also revealed that the primary reason for non-reporting is a lack of confidence in police effectiveness, or the doubt that the police could really do anything about the crime (Ennis, 1967; Waller & Okihiro, 1978). Ironically, this would appear to be a result, and a cause, of inaccurate statistics.

Other reasons for non-reporting include citizens' beliefs that certain incidents should be dealt with privately (Ennis, 1967; Waller & Okihiro, 1978); some matters are considered too trivial to pursue; fear of punishment to the offender; the inconveniences and unpleasantness involved; fear of reprisal; and even fear of trouble from the police. (Waller & Okihiro, 1978)

It is obvious, then, that even at this first stage of acquiring police statistics, there are problems of crime reporting.

Once a crime is reported to the police, its recording as a crime is not guaranteed. The officer at the scene is further responsible for reporting the incident as a crime, and the classification of crime that it will be reported as. (Levine et al., 1980)

"As invokers of the criminal law, the police frequently act as its chief interpreter..."  
(Skolnick, 1966, 14)

Fortunately, with their knowledge of the penal code, the police are in a position to make decisions with regards to the existence and classification of a crime. At the scene, police may "unfound" certain crimes and, therefore, exclude reports of some incidents that may merely amount to a citizen's misfortune, or where there is no real evidence that a crime has been committed. (Levine et al., 1980)

At this stage, police discretion is another source of error in the official reporting of crime. (Bottomley & Coleman, 1976) It is an inherent part of an officer's occupation and there is no logical way to measure it with statistics. (Hamilton, 1975) It is the authority that an officer exercises in deciding, not only whether or not a crime has occurred, but how to classify it and if it should lead to a charge. Although the use of police discretion often draws severe criticism from the public, and distorts the reporting of crime, it is important to consider when discussing police efficiency. It is argued that attempting to control police discretion may seriously hurt the functioning of the police. (Bennett-Sandler, 1979)

It is virtually impossible, for many reasons, to suggest full and complete enforcement of the law (Niederhoffer & Blumberg, 1973) which would be the suggested

result in eliminating police discretion. A primary reason is the issue of police resources.

"With the growth in the number of offences, and growth in police manpower not keeping up to it, selective enforcement of the law is necessary. Total enforcement of the law is unrealistic."  
(Grosman, 1975,78)

There simply isn't enough time, money or resources to enforce all laws; therefore, the police must set priorities for how police resources will be used. This links police resources, as well, to the production of criminal statistics (Giffen, 1976; McDonald, 1969).

There are also cases where non-enforcement is desirable, and perhaps beneficial, to certain segments of society. This type of selective enforcement often reflects the attitudes and tolerance levels of the community. For example, police often exercise wider latitude with juveniles, and may look to alternative courses of action, as opposed to introducing a child or youth into the Criminal Justice System. (Giffen, 1976) Unfortunately, this type of interaction is rarely revealed in official statistics, and crime reports, but it does serve as part of the police officer's role.

Since the police officer is both a member of the Criminal Justice System and of the community, he/she must mediate between the two. (Reiss, 1971) This is a difficult situation and the officer must often choose a course of

action quickly and with incomplete information in such a way as to "protect the interests of all concerned and to be effective...and appear to be just." (Reiss, 1971, 130). These front-line officers, by their conduct and efficiency, largely determine how society will react to violation of the law. (Caldwell, 1956)

As stated by Grosman (1975, 86);

"There is a great human element in law enforcement that you can never lose sight of. This is the public relations area, because they say that no law was made to be enforced to the letter."

Also, there are certain crimes where official proceedings may prove ineffective or inappropriate; or where non-enforcement may actually benefit the Criminal Justice System. (Skolnick, 1966) A good example of this is the casual drug user, or prostitute, who may be more valuable to the police as additional "eyes" and "ears" on the street. Such "crimes" may never be reported.

Therefore, it is suggested that the public must rely on, and trust, the police to use their powers of discretion wisely in order to allow the police department to operate efficiently. (Hale, 1974)

Other factors involved in this use of discretion, which may distort crime reports, include characteristics of the officer, the offender and the situation. (Giffen, 1976)

All told, Black (1970) has found that only 64% of situations that police respond to result in the reporting of crimes. Unfortunately, it is difficult to assess the use of discretion by front-line officers (Goldstein, 1963), and such situations are only investigated when a formal complaint is lodged about an officer's behaviour. (Grosman, 1975; Bennett-Sandler, 1979)

Unwise use of police discretion is a great source of concern to the public, and may also be a reason for the lack of confidence in police effectiveness. The point is that the officer has, within limits, this authority to handle a case as he/she feels will be the most efficient and still fair (Reiss, 1971); and these decisions are not controlled, and consequently, not classified or reported for all to see.

Unfortunately, this situation allows for deliberate manipulation of reports. The reasons for manipulating police reports are varied. It may be done to make a police officer, or police department, look good; or perhaps even to make them look bad. (Ahern, 1972)

The enforcement policies, and officer evaluation procedures, of the Chief of Police may also affect an officer's interpretation of certain incidents (Wilson, 1968).

If the Chief, whether it be from pressure from the local government or on his own initiative, decides to place emphasis on certain crimes, or areas, it is incentive for

officers to go out and "find" or "forget" certain crimes (Levine et al., 1980), thereby artificially increasing, decreasing or altering crime statistics. This can be done by manipulating the description of a crime depending on the expected outcome, such as the probability of "clearing" the case by a charge. Whether the charge is changed, once it reaches the courts, is irrelevant to the statistics reported by the police; and it will have served its purpose. (Ahern, 1972) For example, the value of stolen goods can be manipulated up or down to effect a change in the charge.

The enforcement policies of the Chief may be changed by the social or political climate of the area leading to shifting emphasis on different areas of police work. (Hamilton, 1975)

On a larger scale, the police administration may wish to make it appear that crime is increasing so that they can justify a request for a larger budget; or may wish to show decreasing crime to garner public confidence and present an image of police efficiency. (Ahern, 1972; Giffen, 1976) Oddly enough, such tactics may actually hurt the police in one way even as it benefits them in another way.

Whatever the reasons, it is easy to see that the police can manipulate the statistics if they so desire, and thereby undermine the use of official statistics, and the overall purpose of the Criminal Justice System. This opportunity exists at all stages of the criminal process; and may allow

certain officials, in their own self-interests, to cause, or abet, distortion and concealment of facts (Levine et al., 1980) from the initial charge to the courts and, finally, to the published crime data.

Aside from the reporting errors, or deliberate distortions, in recording crime; there are also problems of obtaining enough evidence to "clear" a case. With the exception of "self-clearing" charges where the discovery of the crime is equivalent to the arrest of the suspect, such as impaired driving, less than 50% of complaints result in charges. (Giffen, 1976)

In Canadian studies, the highest rates of "clearance by charge" involve those crimes where there is sufficient interaction between the victim and the offender to allow for a better identification of the culprit. Examples of this are assaults and frauds, where the clearance rates in 1973 were 33.0% and 48.4% respectively. (Giffen, 1976)

Since police work is largely reactive, victims and witnesses are important in obtaining sufficient evidence for a charge. It has been estimated that only about 1% of crimes are discovered by police while the crime is still in progress. (Reiss, 1971)

When we consider the amount of crime that is undetected or unreported; and add to it the errors of victims and witnesses; one can see that it is difficult for an officer to get adequate information. If information is very scant,

police are virtually helpless to solve the crime. (Levine et al., 1980)

As well, in some cases, victims or witnesses are unwilling to co-operate with police in the investigation of a case, leaving the police with insufficient evidence to lay a charge. These cases often are "cleared otherwise" and never get to court. (Giffen, 1976)

Overall, the chances of an offender going to court is small, and even fewer cases result in convictions and imprisonment. (Canada, 1982) This attrition through the system can occur for many reasons, which are not reflected in the statistics and may make it appear that our Criminal Justice System is ineffective.

It is clear, at this point, that police statistics as they have been presented, provide a misleading picture of police performance. The usefulness of such data depends on accurate reporting and recording of all information, in comparable or uniform terms, at all levels of the Criminal Justice System. (Giffen, 1976)

Although the introduction of the Canadian Uniform Crime Reports, in 1962, have improved the quality and uniformity of reporting, increasing crime rates are now confounded with more reliable reporting, as police departments submit more, relatively accurate, statistics. (Giffen, 1976)

The only advantage, it seems, of reported crime data is that they are a convenient source of information.

Unfortunately, political and economic agencies place too much emphasis on statistics to show them whether or not police are using their resources productively. (Hamilton, 1975)

There are other suggestions that have been made, with regards to evaluating police efficiency and performance. Marx (1978) suggests one that that would take into account the quality of police-citizen encounters, charges and arrests. It was suggested that officers' conduct be individually evaluated in such areas as their use of force. Each officer would be examined for the number of charges he gives out for resisting arrest; and assaults on, or interfering with, an officer. Also, arrests involving the use of guns or batons would be noted, as well as any resulting injuries or homicides. (Marx, 1978)

Looking at these factors, an officer's use of force would be judged by looking at the nature of the arrest, the number of people arrested, the context and seriousness of the situation, as well as alternatives that were available to the officer. This is a more subjective evaluation of the officer, but the "quality" of the arrests can be corroborated, or refuted, by the actions of the prosecutors and courts. (Marx, 1978)

Marx (1978) also recommends the use of more citizen surveys with regards to the quality of emergency service,

the attitudes and behaviour of the police, and the public's feelings towards the police.

Furstenberg and Wellford (1973) also suggest more citizen involvement in police evaluation. Their "consumer approach" suggests that public emotion, as opposed to numbers, provide that basis for evaluation. This approach would reveal the reactions and concerns of the public, through the use of polls and surveys. Police efficiency would be considered in the light of "client satisfactions". In a one-month feasibility study, Furstenberg & Wellford (1973) found citizens to be very eager and co-operative with such surveys. This approach would also allow police to focus in on problem crimes and areas; and give direction to their attempts to fulfill public demands.

This approach to police evaluation seems to be the most logical one, since it is apparent that police work, by its altruistic nature, does not lend itself to statistical analysis. (Ahern, 1972; Bouza, 1978)

The same things which make police performance important can make it .

"hard to define, impossible to measure with precision, dangerous to measure with spurious precision, especially sensitive to the ebb and flow of social tides, and exquisitely difficult to translate into the basis for effective co-operation between City Hall and Police Headquarters."

(Hamilton, 1975, 11)

Since no one wants to see the "rebirth of the quota system" (Bouza, 1978), and statistics are misleading enough with reference to the false beliefs they foster about police efficiency (Ahern, 1972); it has been suggested that we find alternate ways of producing crime rates that will take some of the burden off of the police. It has been suggested that there be increased use of Victimization surveys (Canada, 1982); and that more information about victims and the crimes be included in the statistics, so that it would be more valuable to the general public in estimating the probability of their being victimized and to which crimes. (Giffen, 1976) Self-reports of criminals may be another approach. (Levine et al., 1980) However collected, we must always be aware that criminal statistics involve "evaluative, institutional processing of people's reports" (Waller & Okihiro, 1978); human fallibilities at virtually every stage (Levine et al., 1980); and that no method of crime measurement is free of reliability and validity problems. As long as these limitations are kept in mind, statistics may be used to measure some aspects of police performance (Hamilton, 1975).

Presently, the police are faced with the dilemma in that, under pressure to be more efficient, they uncover more crime and crime rates increase, which makes it appear that they are actually less efficient. In order to cope with this dilemma, police are virtually "pushed" towards

manipulating data so that they can make it appear that crime is increasing or decreasing, as the public demands. (Levine et al., 1980).

. . . . .

As well, the principles of the Criminal Justice System are related to difficulties in obtaining convictions.

Even if the police do a "great job"; possible punishment is meaningless if the probability of punishment is too low.

The police officer's "job (is) seen really as a prelude to 'law enforcement' since it's the courts that 'give the law it's force' by determining guilt or innocence and meting out punishment."  
(Ahern, 1972, 167).

For many cases, the courts cannot deliver this punishment; and it can be seen that few people actually end up in prison. In Canada, in 1967, only 29.7% of adults convicted of indictable offenses actually made it to prison; and only 11.1% made it to reformatories, penitentiaries, or training schools. (Giffen, 1976).

There are many reasons why the theory of deterrence falters here, at the stage of convictions. First of all, it is often difficult to obtain a conviction; and, secondly, even if a conviction is obtained, it will not necessarily result in the maximum punishment.

Convictions are difficult to obtain for a number of reasons that are related to the rules of evidence. The

first point to consider is what is necessary to prove guilt. The onus is on the prosecution, in virtually all court cases, to prove that the person in question committed the act that was deemed to be a crime, and did so purposely. Therefore, the prosecution must prove the identity of the person, that they committed the act, that the act was a crime, and that the person in question intended to commit that action (Sec. 24(1), Criminal Code of Canada (CCC)) and all this must be proven "beyond a reasonable doubt" through the use of evidence. Consequently, the accused must be presumed to be innocent until guilt is proven. (Sec. 2(f), Bill of Rights, Canada).

"Evidence means an assertion of fact, opinion, belief or knowledge whether material or not and whether admissible or not..." (Sec. 107, CCC)

Therefore, evidence is anything that furnishes grounds for a belief or opinion. (Clark, 1982). "Proof" is nothing more than "evidence sufficient to convince someone of the truth of a belief or opinion". (Clark, 1982, 106) This incorporates the concept of "reasonable doubt", which involves the extent to which a normal person would believe such evidence, and come to a decision with no reservations.

In the attempts to furnish adequate evidence in court, a sharp eye is kept on the admissibility of certain types of evidence, and on the legal technicalities which must be observed. To make matters worse, many criminals learn the

"loopholes" with which they can get charges dismissed on technicalities of "due process" and, therefore, may feel somewhat invincible to the Criminal Justice System. The threat of deterrence becomes an empty threat to them. (Levine et al., 1980)

Therefore, the greatest difficulties arise from the inherent incompatibility of "deterrence" and "due process". The theory of deterrence involves government suppression of an individual; whereas "due process" is the method by which the individual is protected from the government. One promotes the notion that it is better to convict an innocent person if it helps the crime problem; and the other says it is better to let a few guilty people go free than to wrongfully convict an innocent person. (Levine et al., 1980)

"Due process" involves a number of rules that the police are required to follow; the rules of charging and evidence which may actually impede the police. If the police cannot conduct an investigation and produce enough evidence for conviction, within the limits of these rules; cases are "quashed" in court, or dismissed before they even get there. The official statistics, previously mentioned, simply advertise the fact that this is a very difficult job for the police (Levine et al., 1980); and this can be very damaging to their credibility. Not only that, but a slip-up in following these rules, if it is deemed to have been deliberate or caused by careless disregard for a person's

rights, may result in formal charges against the officer in question. (Kelly, 1976) This is sometimes difficult for an officer to realize because he/she may be so intent on solving the crime. (Clark, 1982)

The rules of charging a person, and of producing evidence in court, begin with every person's "Civil Rights". Within Canadian Criminal Law, the accused has a number of rights. Even before an arrest or search is executed, the officer has a number of things which he must consider.

First, the officer must know which situations require warrants for arrest, and which do not. Sections 449 and 450 of the CCC provide the police officer with extensive powers of arrest. He may arrest, without a warrant, anyone found committing a crime, only needing "reasonable and probable" grounds for believing that the person is about to, or already has, committed an indictable offence. ("Reasonable and probable" grounds means that any reasonable person, given the same circumstances, would also believe in the validity of the arrest.) If the officer believes that he has these grounds, he is justified in making the arrest and is protected from any criminal or civil liability. (Kelly, 1976) However, he must be prepared to prove, in court, that such grounds existed. (Clark, 1982).

An officer may also arrest, without warrant, under other sections of the CCC. Section 31 allows for an officer to arrest anyone who has committed, or is about to commit, a

breach of the peace; and section 181(2) allows for the arrest of anyone found operating a gaming house, or any person found therein. There are other provisions also, under the Federal and Provincial Statutes, for arrests without warrants. However, the officer must keep in mind that the law imposes on him the duty not to arrest unless necessary. (Kelly, 1976)

There are also provisions made for cases where an officer may not arrest. Section 450(2) clearly states that an officer shall not arrest unless certain conditions are met - he shall not arrest for any offences under Section 483 of the CCC which come under the absolute jurisdiction of magistrates or provincial judges; he shall not arrest for offences which are dual offences, in that they may be prosecuted by Indictment or by Summary conviction; he may not arrest for summary conviction offences; or any case where he has "reasonable and probable" grounds to believe that the public interest may be equally served by not arresting the accused. (Kelly, 1976) However, the officer may arrest, without warrant, for any offence if he has reasonable grounds to believe that the accused will not appear in court. (Kelly, 1976)

If the officer decides not to arrest someone, he issues an "appearance notice" (S 451, CCC) or applies to a court to issue a summons to the alleged offender. Such notice or

summons will provide the date and place for the offender to appear in court.

These measures allow for the release of the offender upon agreement to appear in court. The officer must then "lay an information" (S 455.1, CCC) before a justice with regards to the details of the charge. Even if a person is detained in order to establish identity or secure certain evidence relating to the crime (S 450(d), CCC) he/she must be released as soon as possible (S 452(1) CCC) and cannot be fingerprinted at that time. A special time and place must be set for fingerprinting. Police voice concern over this issue as it allows for sufficient freedom, to the accused, to commit other offences while the police cannot even check for outstanding warrants in other areas, or for other offences, until after the fingerprinting. Therefore, there may be a "tendency on the part of the police to ignore the intent of this legislation". (Kelly, 1976, 150-1)

In cases where an arrest is made with a warrant, the police must have the warrant to arrest. A "warrant to apprehend" must be issued by a Justice of the Peace, after a charge has been laid, under oath, by a police officer or the aggrieved party before him. (Kelly, 1976)

Such warrants must be executed following certain conditions, and are only valid within that jurisdiction in question. There are only two exceptions. In the case of "fresh pursuit", a warrant may be executed anywhere in

Canada. In the case where a person named on a warrant is believed to be in another jurisdiction, the warrant may still be executed if a Justice of the Peace in that jurisdiction endorses it. (Kelly, 1976) Also, for execution of warrants in summary conviction offenses, the officer must also serve a copy of the warrant on the person. (Kelly, 1976)

In any arrest, with or without warrant, the officer must not forget to perform certain duties. He must inform the person immediately of the reason for the arrest (S 29(2), CCC; S2, Bill of Rights). Any failure to do so could result in civil action against the officer. (Kelly, 1976) The accused must also be informed of his right to remain silent. The controversial, "Miranda" decision indicates that, if this function is not performed, the case can be thrown out of court. This is because the accused must be aware of the fact that, from the moment of his arrest, the police may use any statements by him in court. This duty of the police is a protection of the accused's civil rights and is covered in the Canadian Bill of Rights (S 2(c)). The police are uncomfortable with this piece of legislation, feeling that it warns the accused and encourages evasive tactics. (Clark, 1982)

As well, police are authorized to use force in the arrest of a suspect, but only if he/she has "reasonable and probable" grounds to believe that the arrest could not be

effected in any other way without serious harm to the officer or other people under his protection. Guidelines for such a situation, as well as for situations where police may shoot at an offender, are strictly outlined in Section 25, CCC. Shootings are not usually considered "justified" in arrests where there is a warrant. (Kelly, 1976)

There is

"...no allowance in our system of law enforcement, unless death or serious injury is likely to occur to innocent people, for a policeman to act in the capacity of judge, jury and executioner. The police authorities recognize this and through operational policy provide guidance accordingly."  
(Kelly, 1976, 154)

However, should excessive force be used, the officers may be held criminally responsible for it. (Kelly, 1976) This authorized use of force is an area of grave concern for citizens, and police are often criticized for their excessive use of force; however, the guidelines are present in the Criminal Code of Canada, and officers are very aware of their implications. (Kelly, 1976)

Provisions are also made in the Criminal Code for searches of persons and buildings; as well as for the seizure of goods. Unreasonable searches and seizures are not allowed, and warrants are required for both; with the exception of the search of a person who has been arrested. In the case of an arrest, a person may be searched without warrant; and possessions that may be dangerous; have been

involved in the commission of an offense; or which might assist in a possible escape (e.g. money), may likewise be confiscated. (Kelly, 1976)

In any other case, a search warrant must be obtained from a Justice of the Peace; and, in order to obtain one, the officer must provide "reasonable" grounds, to satisfy the Justice, that a search of the premises or property is pertinent to the investigation of an offense that has been committed against the CCC. Only those premises, or properties, named on the warrant can be searched; and only by the person to whom the warrant is issued. As well, the warrant must include the case to which the search pertains, and the officer's reasons for belief that the goods to be searched for are on the premises or property. (Kelly, 1976) Certain conditions must also be met in effecting a search; however, the officer's right to "search" cannot be refused by the possessor of the property. (Kelly, 1976)

There are numerous other provisions for search and seizure under Federal and Provincial statutes, as well as under certain other acts such as the Narcotics Control Act, the Customs Act, and such. (Kelly, 1976).

Once a case goes to court, there are further civil rights and rules of evidence which must be followed.

The accused can never be forced to testify, and this right cannot be questioned or it will result in a mistrial. (Canada Evidence Act, Section 4(5)). Unfortunately, this

poses a tricky problem for prosecutors who cannot use an accused's prior record in court, unless it is introduced in the questioning of the accused. (S 593, CCC) There is a special exception to this, however, if there is a distinctive "modus operandi" involved, that can be related to previous offences of the accused.

Also, there exists the "exclusionary rule", which makes any illegally-obtained evidence inadmissible in court. Evidence must be "relevant, material and competent" to be acceptable in court. Logic and common sense guide our concepts of relevance and materiality; but "competence" is the key component, and it refers to the rules, that must be followed in obtaining evidence, and certain types of evidence. The "exclusionary" rule falls under this area; and is the component which makes it difficult for police to obtain enough evidence for a conviction. (Clark, 1982).

With the number of cases that are dismissed due to lack of evidence, it may tend to promote criminal behaviour of the police, such as eavesdropping, "forcing" confessions, or excessive use of force to get information; and may then cause them to perjure themselves when telling how they obtained the evidence. (Clark, 1982)

"Hearsay" is also inadmissible in court in that it is a statement, made out of court, that is offered as truth and yet cannot be verified by cross-examination in court. (Clark, 1982) Although there are exceptions to this also,

it further illustrates the strict rules of evidence which are applied.

Civil rights and laws of evidence arose from cases of abuse in the past. They are intended to make judicial proceedings and the police role more just; and were once thought necessary. However, they may actually be doing more harm than good to the operations of the Criminal Justice System. (Clark, 1982)

Strict adherence to these rules, are required by the courts and the government; yet many feel that the current rules of evidence need amending, or new methods for obtaining legal evidence need be found. (Clark, 1982; Kelly, 1976) The police themselves feel that the rules of evidence are the major reason that it is so difficult to provide proof "beyond a reasonable doubt", and is why so many criminals are free to walk around our cities. (Kelly, 1976)

Furthermore, the accused may resort to "plea bargaining". This refers to the practice of pleading guilty to a lesser or other charge, that is less serious, in order to avoid a finding of guilt to a primary offence with which the accused is charged. Section 534(4) of the Criminal Code of Canada states that:

"...where an accused pleads not guilty of the offence charged but guilty of an included or other offence, the court may in its discretion with the consent of the prosecutor accept such plea of

guilty and, if such plea is accepted, shall find the accused not guilty of the offence charged."

This route may be taken for a number of reasons - possibly to save court time and effort; or for a case where proof of the primary charge is uncertain but where the included, or other, offence is expected to be proven.

All of these rules and procedures distort the picture of convictions on charges. Even if a conviction is obtained, there is no guarantee of punishment. As well, there are a number of alternatives to incarceration which may "water down" the punishment effect.

Sections 662 to 667 of the Criminal Code of Canada provide for some of these alternatives. Section 662.1 pertains to "absolute" or "conditional" discharges. It basically means that there will be no criminal record of the conviction (Sheridan & Konrad, 1976) and is usually intended for first-time offenders. Sections 663 to 667 pertain to probation orders. In the making of a probation order, the court has three options: (1) Passing of a sentence may be suspended; (2) a fine or imprisonment, of not more than two years, may be imposed "followed by a period of probation" (Sheridan & Konrad, 1976, 260); or (3) an intermittent jail term may be served, which would allow the offender to attend work or school and maintain a family life, for a period of

up to 90 days and under a probation order when not in confinement. (Sheridan & Konrad, 1976)

There has been some criticism of the complexity of , and need for, probation orders; however, it is felt by some (Sheridan & Konrad, 1976) that it is no less appropriate than the indefinite sentences which are used. One aspect of indefinite sentencing is the use of parole. The Parole Act (originally in 1958; amended in 1969 and 1973) allows for an inmate to be released, with supervision, upon meeting eligibility requirements and personal criteria. Eligibility for parole normally occurs at 1/3 of the sentence or 7 years, whichever is less, in a prison term set in years. (Miller, 1976). For a "maximum-life" sentence, an inmate is eligible after 7 years of the sentence is served; and for a sentence of "minimum life", eligibility occurs at 10 years. (Miller, 1976)

Parole, however, is not a right but a privilege. In certain cases, the courts may indicate that an inmate never be considered for parole or that a certain amount of time be served. As well, the Parole Board may refuse parole to an inmate that it feels does not meet the personal criteria of improved character and efforts at rehabilitation. (Miller, 1976)

However, these alternatives which release offenders; either prior to serving any prison time, or before that prison sentence is completed; significantly damage the

threat of punishment and hence, the entire theory of deterrence. This, in turn, complicates the issue of police efficiency.

The hypothesis to be tested in this study states that

- the apparent abuse of power by the police is a circumvention of rules in order to be efficient.

The efficiency here is related to police behaviour and, consequently, the relevant efficiency is not an objective efficiency but a 'perceived' efficiency. More specifically, it is related to the police perception of their function.

Ericson (1982) describes the police role as one of "reproducing order"; wherein the police use the rules of law to return troublesome situations "back into a normal or efficient state whereby the ranks in society are preserved". (Ericson, 1982, 7)

The police have their own sense of order. Although police prefer to believe primarily in the "crime-fighting" concept of their role, the order that they are actually seeking to reproduce is "that of the status quo" (Ericson, 1982, 7); and the law, with its inherent need for police discretion, is the officer's power resource in handling situations as he deems to be appropriate. Therefore, the police do not really enforce the law, but use it to enforce their perception of how things should be. (Ericson, 1982)

In using these laws and other rules of enforcement, the police take into consideration how their actions will likely

be treated by the prosecutors and the courts. They see the work of the court as being a routine confirmation of their decisions and actions (Reiss, 1971) and often adapt in such a manner as to achieve this goal. (Ericson, 1976)

"Members of the occupational cultures, in response to bureaucratic demands, can be adaptive and creative in producing their own rules to achieve their needs."

(Ericson, 1982, 29)

Police beliefs in punishment also affect their use of the laws. Court sentencing procedures may vary, and the extent to which police believe in the usefulness, and effects, of punishment, as well as the sentencing practices of different courts, will directly affect their decisions. (Ericson, 1982)

The police concept of efficiency, then, is one where their (police) reactions, to an incident, will result in the prevention of further crime. The legality of their reactions does not appear to be of primary concern.

However, police attempts to provide this efficiency, and "justice", in their own ways, only serves to increase problems within the Criminal Justice System. These attempts are understandable when we consider that intimidation, and thus deterrence, is an empty threat without the ultimate punishment. Yet

"a spectacular arrest gained through illegal coercion, surveillance or search is a questionable

gain (one police goal is met by violating another)."

(Marx, 1978, 20)

Where does all this leave our police and their frustrated attempts to be efficient? We have official statistics that do not provide an accurate picture of police performance, and may make them appear unproductive and inefficient. We have a philosophy of deterrence that relies on the productivity and efficiency of the police to make the threat of punishment "real".

And we have rules of evidence which may serve more to hinder, than help, the police; and which may virtually push our "inefficient" police to become "corrupt" in order to appear to be "efficient".

Perhaps this situation can be corrected somewhat if we attempt to find better measures of police performance, and give them rules of evidence that would allow them to perform better. This is important because, in the end,

"the ultimate measure of efficiency of the Criminal Justice System is, above all, the esteem in which it is held by the community it serves and by the wider general public of the nation. A lawless police, or lawlessness in any other agent of the Criminal Justice System, is an anathema to everyone."

(Clark, 1982, 105)

### CHAPTER 3

#### THE STUDY

Different types of research have been conducted in attempting to investigate police corruption and complaints against the police.

According to Babbie (1979), social science research serves many purposes - three of which are general and basic. These are (1) the exploration of a phenomenon, (2) the description of a phenomenon, and (3) the explanation of the phenomenon. Thus, there are three basic types of research for investigating any topic - exposé studies, supposé studies, and imposé studies (Jayewardene, 1960) incorporating the three purposes in various combinations.

Exposé studies result in the description of some particular phenomenon. By using data, both empirical and descriptive, a researcher observes, explores, and describes the phenomenon in a number of ways. This form of study is used to provide basic information about the status of the phenomenon, and answers such questions as what happens, when, where, how, and by whom. (Babbie, 1979)

A supposé study involves hypothesis-testing. These studies attempt to link the real occurrence of the phenomenon with a conceptualized occurrence derived from an

explanatory theory, with the aid of 'if-then' propositions.  
(Babbie, 1979)

The theory itself is usually a result of an Impose study. Such research (impose) involves the observation and interpretation of data, such that it results in some insights into the occurrence of a phenomenon. Predictive relationships can be developed from these theoretical explanations, and tested in suppose studies to establish the validity of the theory. (Babbie, 1979)

No study, it should be pointed out, is a pure type. They contain elements of all three types to a lesser or greater degree; frequently, however, with the one type predominating to give it its character.

Many Canadian Royal Commission Reports, which investigate certain incidents, are forms of expose studies. They attempt to reveal what actually happened. Yet such reports usually contain conclusions as to why the events occurred as they did. They also contain recommendations for action. Nevertheless, they are primarily descriptive or expose studies. Their methodology involves the collection of data about the phenomenon to provide a clearer picture of its occurrence.

Such a methodology was used in the Morand Commission Report (1976), appointed to investigate allegations made against certain members of the Metropolitan Toronto Police Department. The allegations focused on the issue of police

corruption rather than on the use, or misuse, of police discretion. Cases were studied to determine whether the irregularity complained of was only a matter of discretion or whether it, as believed by some, involved corruption. (Morand, 1976)

The investigation did not limit itself to the allegations. It attempted, in addition, to determine the extent of police procedural problems, the actions that needed to be taken against the officers in question, and what should be done in the future to prevent a recurrence of the situation.

Maloney (1975) also studied complaints against the Metropolitan Toronto Police Department. This report focused on the procedures used to handle complaints and the resulting action. Unlike the Morand Commission (1976), which collected its data through court-like inquiry; Maloney collected his information through observation, and interviews with police officials in the "Complaints Bureau". Statistical data on complaints against the police was obtained from police records for the years 1969-1973. These statistics, however, were merely presented in the report without any real statistical analysis undertaken. There was a cursory examination made for visible trends. The charges listed had been broken down, by the police department, into type of complaint, degree of substantiation, and disposition.

An example of a suppose study, involving the testing of a specific hypothesis exists in the study of Jacobs and Britt (1979). They tested the hypothesis, derived from conflict definitions of violence and the nature of the state, which states basically that

"The more economically stratified a society becomes, the more it becomes necessary for dominant groups to enforce through coercion the norms of conduct that guarantee their supremacy."  
(Chambliss & Seidman, 1971, 33)

This statement suggests the existence of more coercive social control in areas where a society is most stratified. Following this suggestion, Jacobs and Britt (1979) hypothesized that the degree of violence by police, in the different parts of the United States, would be related to the degree of economic inequality in these parts.

Using differences in economic status as indicators of social stratification, and considering that the ultimate act of force is that which results in death, Jacobs and Britt (1979) examined the use of deadly force, by police, acting as agents of social control. The study was basically a cross-sectional one of homicides by police. In this study, data was also collected on seven other factors that could have provided alternative explanations for a relationship between police violence and social stratification. These factors included the levels of violence in various areas, the percentage of blacks in the population, and city size.

Border states and southern states were studied separately to control for unique regional cultures in these areas. (Jacobs & Britt, 1979)

Considering police-caused homicides as the dependent variable, multiple regression analysis was used to determine the strength of the relationships between the dependent variable and the alternative explanations as represented by the eight independent variables.

Product-moment correlations showed that the strongest predictive relationship (or zero order relationship) was the percentage of blacks in a given community. This was followed by the violence level of an area, economic inequality, and the peculiar regional culture. Overall, the regression analysis indicated that the relationships to violence levels and the percent change in populations were statistically significant, with or without, the regional controls. (Jacobs & Britt, 1979)

Several criticisms can be levelled at their methodology, but one general criticism of particular importance is that the statistics used were not for the same years for all variables; a number of statistics were inferred from previous years' data.

The methodology of impose studies involves the observation and interpretation of data about a certain phenomenon in order to provide some insight into its

manifestation. As a result, relationships and explanations may be suggested.

Barker and Roebuck (1973) utilised this technique in their attempt to develop an "empirical typology of police corruption"; a classification and delineation of corrupt police activities that would allow for systematic observation and recording of such events in field research.

Barker and Roebuck (1973) claimed that the police, in the course of their work, were exposed to three levels of norms which they identified as 1) formal norms (publicly acknowledged); 2) informal (operating) norms; and 3) the "problematic situational social meanings or rules which arise within a law enforcement officer's occupational milieu". (Barker & Roebuck, 1973, 1)

Police corruption should, then, involve the transgressions of these norms. However, contradictions arise between the different categories of norms. What may be normal operating procedure (informal norms), such as releasing offenders with warnings or ignoring certain lesser offences, may not exactly be legal; so that conformation to one set of norms may involve violation of another set. The authors consequently suggest:

"...police officers engage in certain types of corrupt police practices in accordance with a temporization process among 4 sets of uncomplimentary norms:

- 1) formal norms of the police organization;

- 2) informal norms of the police organization;
  - 3) legal norms;
  - 4) situational social norms and rules, including trans-situational meanings from past socialization."
- (Barker & Roebuck, 1913, 11)

The insights for this study came from the work experience of one of the authors, a 7-year veteran of an urban police force, and from the content analysis of literature on police (and corruption) from 1962 to 1972. The personal work experience of the one author, a form of naturalistic inquiry, involved introspective analysis of his own behaviour, and retrospective examination of corrupt acts and corrupt officers that he had observed. Though such analysis can provide a personal insight into events, one's analysis of his/her own reactions and behaviour raises questions of validity and objectivity. (Barker & Roebuck, 1973)

Despite the differences in these three forms of research; they are linked in researchers' attempts to understand a phenomenon. Theory formulation involves initial exploration of a topic, the development of tentative explanations, and the use of test results to further refine the theory. (Babbie, 1979)

This thesis attempts to test the hypothesis that the abuse of police power is, in reality, a necessary extension

of police power through the circumvention of rules, to ensure efficiency in police work.

There are a number of methods for testing hypotheses - using one or both of qualitative and quantitative data. Quantitative data is a product of an empirical approach to the investigation of a topic. There are three such approaches, that are common to Criminal Justice research.

The 'experimental' approach, preferred by those researchers whose interest is in crime itself, is often regarded as the most scientific approach. (Hilton, 1981) Theoretically, this method may be considered scientifically correct since the use of controls allows the scientist to be fairly confident in stating a causal relationship between the independent and dependent variables.

The Kansas City Preventive Patrol Experiment (Kelling et al., 1974) used such an approach in an attempt to determine a relationship between the amount, and type, of police activity and the incidence of crime. The experiment was based on two widely accepted hypotheses - that increased police patrols result in a) a decrease in crime and b) increased feelings of security within a community.

Kelling (1974) took the approach that police presence in itself will NOT affect crime rates and community feelings of security. It was suggested that the effectiveness of any police force depends upon good relations with, and assistance from, the community it serves. The hypothesis of

this study stated that an increase in police presence would have NO significant effect on either of the two areas (crime, security).

Using the experimental approach, Kansas City was divided into a number of zones. Some zones were designated for "Reactive" patrols, which meant no regular police patrols, only responses to calls. Other zones were designated "Proactive", which involved a saturation of regular police patrols (2 or 3 times the average). The remaining zones were "Control" zones and received the normal amount of police patrols. Over a period of one year, data was collected on the incidence of crime, police response time and citizens' attitudes towards police services and fear of crime. The data was collected by participant-observers, activity analysis, and police-citizen encounter surveys. (Kelling et al., 1974)

Analysis of the data supported the hypothesis and revealed no significant differences in crime rates or citizens' attitudes. As well, there was no apparent "spillover" of crime into non-patrolled areas. Police response times, as well, did not significantly differ. (Kelling et al., 1974)

Considering that greater than 80% of police time was spent on other than law enforcement, it was recommended that new deployment strategies could include more interaction

with the community and better use of police non-response time. (Kelling et al., 1974)

While this study appears to have achieved its purpose, it also illustrates some of the problems that may be inherent in the experimental approach. The primary concern is the ability to control the variables which are not of immediate interest, but may nevertheless have an impact on the dependent variables. While variables may be adequately controlled under laboratory conditions, it is extremely difficult to do so in the community, where most Criminal Justice research is conducted. Kelling (1974), in his report of the study, admitted that experimental boundaries were difficult to maintain and were, on a few occasions, crossed. As well, the experiment encountered problems of staff continuity over the one-year period.

Another problem in controlling such variables is that it may be necessary to "adopt socially or politically unacceptable policy for a period of time" (Hilton, 1981, 234). In the Kansas City Experiment, this meant leaving various zones of the city unpatrolled, which might have been unacceptable to some groups.

As well, experimental approaches in the community can be very time-consuming and expensive. (Hilton, 1981) The Kansas City Experiment required a great deal of planning, organization, training of a large staff, and time. Therefore, in this experiment, one might ask if the controls

were adequately implemented, and whether the experiment was worth the cost, and risks, for the results that it provided.

The second common empirical approach is the 'descriptive survey'. Unlike the experimental approach, which attempts to illustrate a causal relationship, a descriptive survey attempts to obtain more information on a subject in a relatively simple way. This collection of new data may imply that there is not enough data currently available, or that it is considered questionable. This method is more common for research into the social areas of a topic. (Hilton, 1981)

Sparks, Genn, and Dodd (1977) used this approach to satisfy two objectives. Primarily, they wished to examine the "dark figure" of unreported crime via victim surveys, but they were also interested in examining the feasibility of such surveys. Considering that official statistics may be incomplete and/or biased, Sparks (et al., 1977) saw victim surveys as providing an alternative picture of the incidence of crime.

The feasibility of the survey was also in question due to possible limitations such as victims' bias, 'telescoping' of remembered events, problems of recall, falsification of responses, and such. (Sparks et al., 1977) These are problems encountered in many questionnaires.

While Sparks (et al., 1977) allowed that there were some limitations, it was also clear to them that the surveys

could be much more than a measurement of actual crime. They could reveal a great deal about the victims and the crimes themselves. Such information could greatly impact upon public perceptions about crime.

Sparks (et al., 1977) interviewed a number of victims of reported crimes as well as random samples of non-victims. The known victims were interviewed regarding their experiences, and the non-victims were interviewed in order to obtain general statements about crime in the area.

The statements of the victims were also checked with police records in order to obtain some idea of the accuracy of their reports. It was noted that the results of these "reverse record checks" cannot be generalized to non-reported incidents since it is possible that reported crimes may be more easily recalled by the victim than non-reported crimes. (Sparks et al., 1977) This may be due to a deeper imprinting in one's memory of reported crimes, or the desire to forget a non-reported crime.

The study indicated a certain amount of unreported crime, and yielded additional information about the victims' themselves, their perceptions and definitions of crime, and some effect of the crimes on the community. (Sparks et al., 1977)

Aside from the limitations due to victim responses, there may be additional problems with the construction, administration, and response rates of the questionnaires.

Sparks (et al., 1977) had tested their questionnaires on preliminary samples, and had trained interviewers to administer the rather lengthy questionnaire. The average response rate was 40.9% (35.1% among victims, 45.0% among non-victims) however non-responses were mainly due to an inability to locate some respondents, and not from respondent refusal.

While Sparks (et al., 1977) concluded that victim surveys, on the whole, provided a reasonably accurate picture of the incidence and types of crimes; a number of qualifications were included (i.e. response rate, time since incident of crime). It was also pointed out that victim surveys "can at best produce inferential estimates of the differences between crimes which victims (say that they) reported to the police, and crimes which appear in the police statistics". (Sparks et al., 1977, 223)

This descriptive survey method can also be seen to be possibly time-consuming and expensive, when one considers the pre-testing of the questionnaires, training of the interviewers, and the time required to conduct all of the individual interviews.

The 'statistical analytical approach' is also referred to as the 'positive economic method' as it accepts current conditions, and attempts to explain an issue within these existing conditions. (Hilton, 1981, 342) Unlike the previous two approaches, which attempt to generate new

methods or new information, this approach attempts only to understand and, thereby, to "improve performance within current conditions" (Hilton, 1981, 234). Therefore, it is a relatively conservative approach and would appear to be very beneficial to those in management of the relevant areas. Hilton (1981), however, points out that a controversy exists within this approach which rests with the statistics and their use.

It is suggested that the statistical data used may be questionable in that it is collected by official institutions (in our case, the Criminal Justice System) for their own purposes. Consequently, such data may be naturally biased by the collection techniques or interests of the institution. (See also Chapter 2) It is argued, however, that even sketchy information about populations could provide some useful interpretations of population behaviour. While errors of measurement may exist, they would likely be countered by the statistical techniques used in their analysis. As well, analysis of the statistics and their relationships to other factors (i.e. time, new programs, etc.) may place a predictive value on the statistics. (Hilton, 1981)

Beyond the actual data itself, one must have faith in the sophisticated method of analysis (eg. multiple regression) and the series of analytical arguments which attempt to establish the legitimacy of the method and the

resulting statements. Unlike the other two empirical approaches, results of the analysis of statistical data may not be as readily observed. Hilton (1981) feels that, despite the statistical problems, the strength of this approach lies in the fact that it cannot be rationally refuted without the proposition of another testable alternative - one which would provide equally useful and predictive information.

Qualitative data may also be used in the research of Criminal Justice System issues. One use of qualitative data is in the method of 'Analytical Induction' which involves the support of a theorem by showing that the inductive argument involved in obtaining the hypothesis is valid. An inductive argument, leads to a conclusion, or hypothesis, that goes beyond the actual premises of the argument. Therefore, because the premises are true does not mean that their conclusion must be true. This is unlike a deductive argument in which the conclusion must be contained within the premises such that if the premises are true, so must the conclusion be. (Znaniecki, 1934)

The use of inductive reasoning thereby allows us to go beyond what we know to be true and generalize from specific cases. While one can never "prove" the truth of the inductive conclusion, or hypothesis, the probability of its truth can be estimated by the extent to which the logic, leading to the conclusion, is reasonable. (Znaniecki, 1934)

According to (Znaniiecki, 1934, 1968), in analytical induction -

"certain particular objects are determined by intensive study, and the problem is to define the logical classes which they represent."

(Znaniiecki, 1934, 249)

The method of analytical induction involves no prior classification of data, but results in it. Therefore, a generalized conclusion is obtained from cases. For this reason, analytical induction has also been referred to as the method of "types" or "typical cases" (Znaniiecki, 1934). In order to support the inductive conclusion, and thereby increase the probability that it is valid, cases can be examined and compared for matches in hypotheses.

As may be recognized, this method of analysis of qualitative data has a number of advantages. One can accept the premises and still deny the conclusion; therefore, it is flexible. One can predict based upon experience and logic, without a requirement to know the truth of all the steps leading to the conclusion. One can frequently arrive at true conclusions, which could not be reached through deductive reasoning. (Znaniiecki, 1934) However, with these advantages come disadvantages.

One disadvantage is that our reasoning is all relative to what we know and what we have experienced. However, knowledge and experiences differ among people, and what we

know to be 'true' may not be to another, leading to different courses of reasoning and different conclusions. Inductive reasoning also requires that we assume the "uniformity of nature" - that what has happened in the past is likely to happen in the future in the same way. Some scientists have difficulty with this assumption. (Barker, 1974)

However, the major problem with the use of inductive arguments, which Hume often pointed out, is that there is no good reason to trust them. They never really allow us to "know" anything. One can arrive at a true conclusion based on incorrect premises, or arrive at a false conclusion with good reasoning and premises. Consequently, one can only work on probability where inductive arguments are concerned, and they cannot be adequately justified for some scientists. However, it is still contended that many truths in the world could not be known without the use of induction. Deductive reasoning alone is not enough. (Barker, 1974)

Briefly summarized, the method of Analytical Induction, as outlined by Znaniecki (1934), involves the collection of cases about a specific topic, analysis of the cases and use of inductive reasoning to arrive at a system of classification, and subsequent testing and refinement of the classification, through the collection of more data. This classification, for our purposes, refers to a general

hypothesis or inductive conclusion, based upon the analysis of specific cases.

Recently, another qualitative method has been developed - that of 'Grounded Theory.' In simple terms, Grounded Theory involves the discovery of theory from data, through a systematic coding and analysis of qualitative data. (Glaser & Strauss, 1968)

Such analysis can provide relevant predictions, explanations, interpretations, and applications, as the theory is generated from past occurrences. As opposed to much of research, which attempts to verify theories, it is a method for generating theory. It is in contrast to theory generated by logical deduction in that it uses no "a priori" assumptions. (Glaser & Strauss, 1968)

In relation to the three types of studies already discussed, it may be considered to be a combination of sorts. While it cannot be considered a suppose study, since it is not testing a hypothesis, it incorporates elements of the expose and impose studies. There is some exploration of the topic and a search for explanations.

Theory, in social research, serves a number of purposes and is required to fulfill certain requirements to be of much use. Since theory provides a framework within which to interpret data, it should: a) provide clear categories and hypotheses for future verification; b) be easily operationalized in quantitative studies; c) fit the

situation such that categories are applicable and indicated by data; and d) be relevant and somewhat explanatory of the behaviour in question. (Glaser & Strauss, 1968)

Consequently, the best approach is to systematically discover the theory from the data. This way, data and theory are very closely linked and all desired requirements should be met. As well, Grounded Theory is not as easily questioned or over-generalized due to its connection with a specific body of data. (Glaser & Strauss, 1968)

Within Grounded Theory, the method often used is comparative analysis, one form of which is "constant comparison". It is a form of qualitative analysis which uses a number of the traditional research approaches. Qualitative data is used because it is rich in information for theorizing; however, there is also some amount of coding of qualitative data into a crude quantitative form. Since the focus here is on generating theory, or illustrating it, and not on verification; one can examine the data in more depth and yet provide some crude statistical data for some verification purposes. (Glaser & Strauss, 1968)

As well, the focus on qualitative information is best for revealing structural conditions and consequences, norms, deviances, and patterns in systems. It provides us with a more complete picture of a complex issue. However, it should be pointed out that even such qualitative data is somewhat limited due to its recorded nature. (Babbie, 1979)

Briefly summarized, the constant comparison method of Grounded Theory:

- compares and roughly categorizes a number of incidents
- codes material in fairly crude and general form
- allows for re-evaluation and changing of categories as the comparison continues
- allows for new ideas and properties to be noted and incorporated into the coding process at any stage
- integrates categories and their properties through notes made in previous steps
- gradually integrates properties of the categories such that incidents begin to be compared to the categories, and not to other incidents

As the data and analyses are gathered, the theory will solidify and the categories are clarified, such that the material is reduced to a manageable amount. This comes about as a result of eliminating irrelevant information, clarifying logic, and possibly eliminating or combining categories. (Glaser & Strauss, 1968)

Therefore, the theory become clear and reduced in terms of variables; and increases the generalizability of the theory to such events. The final goal is a "systematic substantive theory that is a reasonably accurate statement of the matters studied" (Glaser & Strauss, 1968, 113) - a

theory that has developed through constant comparison of data.

Grounded Theory is also in contrast to Analytic Induction, where the focus is on generating and illustrating a fairly specific cause of a certain behaviour. In Analytic Induction, a hypothesis (or a limited number of hypotheses) is tested using available data; and the theory or hypothesis is refined as various outcomes are encountered. Grounded Theory takes a more general approach, as it considers different properties, behaviours, approaches, and such. As well, it is not attempting to prove anything, but to further generate explanations. (Glaser & Strauss, 1968):

This study seeks to test a hypothesis, as opposed to generating one. The premises put forward thus far include

- that police occasionally break of "bend" rules in the course of their work
- that police work under certain constraints, both organizational and public, which may be restrictive to the progress of their work
- that official statistics on police performance do not provide an accurate picture of police efficiency

From these premises, one could conclude, as our hypothesis states, that

"the apparent abuse of power by the police is a circumvention of rules in order to (appear to) be efficient".

There are a number of methods by which this hypothesis could be tested. One method would involve a scrutiny of the incidence of such abuse of power, and the circumstances relating to these incidents, in order to see if it would support the hypothesis. Such a method would incorporate two kinds of data - qualitative and quantitative. Statistical data, on complaints against the police, could be presented in order to identify the extent of the problem and the types of abuses. This data could provide some indication of the problem, in the eyes of the public and the police, from the numbers, types, and dispositions of the complaints.

Such official data, on complaints against police, can be found in Maloney's report (1975) (Appendix A), the McDonald Commission Report (1981), and can be obtained from various police commissions (Appendix B).

Upon reviewing such statistics, one can see that such data is insufficient for the purposes of this study. While the statistics do indicate certain problem areas in the use of police power and privilege, the categories are not detailed enough. Types of complaints are broken down into only a few categories, under which the number of complaints were recorded. Statistics for investigation results and dispositions were also recorded, however these two areas were not broken down by the type of complaint. As well, one cannot tell, from the types of complaints, whether or not it

would be corrupt behaviour on the part of the police officer, or whether it was in the investigation of a case.

Since the specifics of the cases are not open to scrutiny, and possible re-categorization, the value of such data is limited. The reliability of categorization and the validity of the data cannot be determined. To attempt to interpret such data, beyond its own face value, would be very risky. Considering that official statistics are known to be biased and incomplete (Sparks et al., 1977), such interpretation would only be compounding the possible error and bias of the collection and categorization of the data.

In an area, such as one where corruption is involved, it is always difficult to justify actions. Statistics can point out those areas where laws, rules and guidelines may be ineffective or inadequate, however no amount of statistics can tell us why.

Qualitative data could also be presented in the form of content analyses of a selected number of cases, from the McDonald Commission Report (1981) on RCMP activities, and the Morand Commission Report (1976) on the activities of the Metropolitan Toronto Police Department. These reports, however, contain those cases which are considered to be more serious and brought to public attention. Analytical Induction and Grounded Theory could also be used with such data.

The abuse of power involves the interpretation of an act and, therefore, the opinion of the people who interpret an act, as an abuse/non-abuse is pertinent. Considering this, it was suggested (by some police officers) to conduct a survey in order to obtain police and public opinions on the issue. The method chosen to fulfill this goal was the questionnaire survey.

The questionnaire method of information gathering is widely used because of its ability to provide more information on a variety of topics. Unlike other methods, questionnaires can reveal not only factual information, but attitudes, beliefs, motives and experiences. The two major factors involved are that the questions be accurately and neutrally worded and that the respondent be in a position to be able to provide relevant responses. (Dirksen, Kroeger & Nicosia, 1977; Kinnear & Taylor, 1979)

There are three principal methods for administering questionnaires - the telephone survey, the mail survey, and the personal interview. The telephone survey, widely used by marketing groups, is becoming more common in recent years. (Landon & Banks, 1978) The telephone provides easy and relatively inexpensive access to a large number of people, who may not be willing to submit to a personal interview, or who cannot be reached for interview. This is especially true considering the modernization in telephone systems in recent years. (Landon & Banks, 1978). However,

with the increasing use of telephone interviews, it is difficult to obtain a respondent's co-operation. Not only do people become aggravated by the phone calls themselves, but it is difficult for the interviewer to develop a rapport with the respondent. (Dirksen et al., 1977)

As well, the sample for a telephone survey is limited in a number of ways. Telephone subscribers are a selective group, and may represent a very different population than those without telephones or with unlisted numbers. The costs of long distance calls often result in such surveys being confined to local urban areas. The questions in the survey must be kept relatively simple and non-confidential to enable the respondent to willingly and ably reply, thereby limiting the amount of information obtainable. (Dirksen et al., 1977)

The second method, the mail survey, has its own advantages and disadvantages. By using mail surveys, one can reach respondents covering a larger geographical area, even remote places, at a relatively low cost. An anonymous written questionnaire eliminates possible bias introduced by an interviewer, provides uniformity of questioning, and allows the respondent to provide well thought out and frank responses. (Kanuk & Berenson, 1978) However, only a small number may be returned, thereby resulting in a high cost per completed questionnaire. However, the inclusion of return envelopes appears to stimulate responding. (Ferris, 1951)

Not only is it difficult to obtain a mailing list that is representative of the desired population, the sample may be further distorted by the characteristics of the portion that tend to respond to such questionnaires. Time limits cannot be set since one does not know the length of time required for the return of the bulk of the questionnaires. As well, the responses to mail surveys are limited to the written word - no probing can be done, no further information can be elicited, nothing can be interpreted from a respondent's posture or tone of voice, and the respondent may simply leave questions unanswered. Questions cannot be ordered and lead into one another since respondents may not respond to the questions in sequence. (Dirksen et al., 1977)

While the advantages of the personal interview counter the disadvantages of the mail survey, it has its own disadvantages. Besides the presence of the interviewer, who may introduce bias or inhibit responding, (Bailar et al., 1978) the costs of personal interviews are high. Interviewers must be trained; travel to remote areas is expensive; and when respondents are not at home, extra costs may be incurred to return for a second or a third attempt, in order to ensure a representative sample. Such interviews also require the respondent to be present at a certain time for the duration of the interview. If the respondent is in a hurry or restless, it may result in inaccurate or very brief responses. (Dirksen et al., 1977)

Aside from the methods of administering the questionnaires, the preparation of them poses a formidable task. To ensure that the desired data is obtained, the right questions, properly worded, must be asked. Following this, questions, must not only be relevant, but be clear to the respondent, unbiased, concise, and arranged in the best possible sequence.

"Proper design of the questionnaire is a difficult art, and experience is more important than following any set of rules that might be listed."  
(Dirksen et al., 1977, 486)

Where possible, a questionnaire should be pre-tested to highlight any weaknesses for possible correction.

For this study, two questionnaires were designed regarding the areas of interest. These questionnaires attempted to delve into:

- police circumvention of rules in the investigation of cases,
- whether such transgressions are believed to increase efficiency, and
- whether the public wants a police system using the current definition of efficiency.

One questionnaire was designed for police officers (Appendix C) and deals with the type of rules that are found to be most restrictive in the resolution of a case, the types of rules believed to be most often transgressed, the

reasons for these transgressions, and police perceptions of what the public wants.

Another questionnaire was designed for the public. (Appendix D) The public questionnaire is slightly more limited in scope, focusing on public perceptions and opinions of police performance, as well as public expectations and satisfaction. Since the average citizen is not aware of the restrictions under which police operate, questions regarding these areas were presented in a more general manner.

In both cases, the questionnaires were kept relatively simple and short, attempting to focus on the areas of interest. It was felt that by limiting the length of the questionnaire, and the complexity of the questions, a greater number of people would complete the questionnaire. As well, the questions had to be kept fairly general in order to allow for some flexibility in responding and comment. While the questions asked are not focused directly on the hypothesis, they ask about relevant areas from which one can draw conclusions.

The questionnaires were subsequently examined by, and discussed with, a few senior law enforcement officials and social scientists in order to refine the wording and direction of the questions. This can be referred to as an "experience survey" wherein information or advice is

obtained from persons considered knowledgeable in the issues involved. (Green & Tull, 1966)

In obtaining a sample for a questionnaire, there are two necessary requirements - that the sample be representative of both the population in question, and that it be reliable. Both representativeness and reliability can be increased by using a large sample, however, too large a sample would increase costs without significantly increasing reliability. (Dirksen et al., 1977)

The samples for this study were taken from police and non-police (public) populations. Due to financial and time constraints for this study, the populations were limited geographically to Metropolitan Toronto and surrounding communities. Sample sizes of 200 each were believed to be appropriate for the purposes of this study.

The method of distribution of these questionnaires varied, by necessity, between the two samples. For the police questionnaire, the method required was a form of mail survey, except that the questionnaires were not mailed individually to police officers' homes but distributed, through the police departments, to those willing to complete them within relative time limits. While this method of distribution would encounter some of the disadvantages of the mail survey, it was felt to be the most effective method for this particular population. Personal interviews were not feasible due to time constraints, both

upon the interviewer and the police officers. As well, neither the telephone survey nor personal interviews would allow for the anonymity and time required in order to obtain frank responses on such a controversial topic.

Seven police forces were approached with the request to distribute the questionnaires, of which five accepted. (It was requested, by two of the police forces, that they not be identified. Consequently, none of them will be named and results will be pooled into one police category.)

Approval, to distribute the questionnaires, was received through formal channels in two cases, and informally (i.e. at a lower point in the chain of command) in the other three police forces. In total, 200 questionnaires were distributed between the five forces, in approximately equal amounts, depending on the number each department felt they could have completed. Included with the questionnaires were stamped, self-addressed envelopes, for convenient and anonymous returns. One police department returned their questionnaires 'en masse' in one large envelope. In all cases, it was stressed that completing the questionnaires was to be voluntary.

The public questionnaires were distributed at five shopping centres in the Toronto area. The shopping centres were selected by geographical area (North-east, NW, SE, SW, and central downtown) in order to access all sections of Metropolitan Toronto and nearby communities. On three

weekends in October and November of 1986, forty shoppers at each of the five malls were approached and asked to fill out the questionnaires. The major disadvantage of the shopping centre survey is that it involves a "self-selected" sample, and a form of cluster sampling (by malls and areas), therefore a "non-sample". (Cochran et al, 1954) However, it was felt to be more effective than a mail or telephone survey, also more similar to the method used for the police questionnaires.

Unlike the mail survey, it provided an effective time limit while not rushing the shoppers to complete it. (Of the shoppers who completed the questionnaire, most did not appear to be in any hurry. This was likely because it was done on weekends.)

Likewise, this method involved a few of the advantages of a personal interview. While the interviewer was present to explain questions where necessary, shoppers filled the questionnaires out themselves thereby retaining their anonymity and minimizing bias that might be introduced by the interviewer.

An additional support for such a method of collecting data is that many marketing, and other, surveys use this method (and on-the-spot interviews), and people appear to respond to them. It is the dominant form of data collection in current marketing research. (Kinnear & Taylor, 1979)

While questionnaires are open to many criticisms of validity and reliability; as qualitative research, their content and responses could be very revealing. It has already been pointed out, earlier in this chapter, that there are a number of problems with questionnaires themselves and other related aspects. They can be difficult to construct and administer, can be time-consuming and expensive. (Sparks et al., 1977)

Though they have not, and likely cannot, be rigorously tested for validity; they will provide information directly from the parties involved and, that alone, is a good reason for their use. Therefore, the results of this study should be considered in this light.

As well, Sparks (et al., 1977) sees no reason to revert to the traditional use of official statistics in formulating theories, when questionnaires or surveys can provide better data for explanation purposes. It may be easier to begin with the analysis of data already collected, but it is not necessarily relevant. Official statistics are often only descriptive, and offer little in the way of explaining the processes behind them. (Sparks et al., 1977) The major advantage of a questionnaire format is that it allows the respondent to comment on particular points. These comments could reveal their interpretation, reasons, and feelings on various issues. Briefly put, it can help to answer the "why" question.

The responses to the questionnaires and interpretation of those results can be found in the following chapter.

## CHAPTER 4

### THE RESULTS

Two hundred questionnaires were distributed to members of five police forces: 108 were returned completed - a response rate of 54%. Of the two hundred citizens (public) also asked to complete the questionnaire, 126 were returned completed for a response rate of 63%. These response rates are considered adequate to good, for such a self-administered questionnaire. This is particularly true for the police questionnaires, as they were distributed similar to a mail survey where response rates are traditionally low. (Dirksen, Kroeger & Nicosia, 1977) While there is a range of opinions on adequate response rates, Babbie (1979, 335) considers that, for self-administered questionnaires, 50% is adequate, 60% is good, and 70% is very good.

The police group was made up of 98 male (90.74%) and 10 female (9.26%) police officers. In terms of experience as a police officer, 14 (12.96%) respondents had 1 to 5 years experience; 39 (35.18%) had 6 to 10 years; 29 (26.85%) had 11 to 15 years; and 35 (32.41%) had more than 15 years of experience.

Marital status was also noted in the police questionnaires and revealed that the majority (57.41%) of

police officers were married with children; 17.89% were single, and 11.11% were separated or divorced. (Table 4.1) The married categories accounted for a total of 75.00% of respondents, with the single categories (single/separated/divorced) making up 25.00%.

The public group was made up of 83 male (65.87%) and 43 female (34.13%) citizens. The citizens' ages ranged from 18 to 61, with a group mean of 35.85 years. (Table 4.2) This compares well with the estimated mean age of 32.80 years for the general population of Canada, calculated from 1981 Canadian census data.

The public were also asked to indicate their marital status. This data revealed that, as in the public sample, the majority (46.83%) were married with children. Married with no children were 25.40%; single, 20.63%; and separated/divorced, 7.14%. The married categories accounted for a total of 72.22% of the sample; with the single categories accounting for 27.78%. This compares very favourably with the police sample, indicating some similarity between the two samples. In the general population, according to the 1981 census figures, 59.16% of Canadians over 15 years of age were married, and 40.84% were single/separated/divorced or widowed. Our police and public samples, therefore, reflect a somewhat larger married category than the general population.

Table 4.1

MARITAL STATUS OF POLICE AND PUBLIC SAMPLES  
AS COMPARED TO GENERAL POPULATION OF CANADA

	SINGLE	MARRIED NO FAMILY	MARRIED WITH FAMILY	SEPARATED/ DIVORCED.	TOTALS
POLICE - Male	10 9.259	15 13.889	62 57.407	11 10.185	98 90.741
- Female	5 4.630	4 3.704	0 0	1 0.926	10 9.259
- Total	15 (13.889%)	19 (17.593%)	62 (57.407%)	12 (11.111%)	108 (100.00%)
PUBLIC - Male	21 16.667	19 15.079	37 29.365	6 4.762	83 65.873
- Female	5 3.968	13 10.317	22 17.460	3 2.381	43 34.127
- Total	26 (20.635%)	32 (25.397%)	59 (46.825%)	9 (7.143%)	126 (100.00%)
GENERAL* - Male	SINGLE (>15yrs.) 17.942%	MARRIED 29.489%		DIVORCED 1.026%	
- Female	14.588%	29.671%		1.504%	
- Total	(32.530%)	(59.160%)		(2.530%)	

\* Population Data Taken for similar age groups, 1981 Census Data.  
(Quick Canadian Facts, 1983, CanExpo Publishers Inc., Surrey B.C.; pg. 176)

**TABLE 4.2**  
**AGE DISTRIBUTION OF PUBLIC SAMPLE**

Age Range	Total Frequency		Frequency By Sex of Respondent			
			Male		Female	
<20 yrs.	11	8.730%	4	3.175%	7	5.556%
21-30	34	26.984%	21	16.667%	13	10.317%
31-40	39	30.952%	31	24.603%	8	6.349%
41-50	28	22.222%	19	15.079%	5	3.968%
51-60	13	10.318%	8	6.348%	5	3.968%
>60	1	0.794%	0	0	1	0.794%
Totals	126	100.000%	83	65.873%	43	34.127%
Means	35.849		36.39		34.80	
Population Means*	32.796		36.39		33.68	

Total Age Range of Public Sample - 18 to 61 years

\*Population means calculated from 1981 Census figures in "Quick Canadian Facts" (1983).

In answering the questionnaires, only a few respondents completely rank-ordered the applicable responses. Consequently, the analysis of the results had to be limited to primary choices. Also, as all questions were not answered by all respondents, the number of respondents varies from question to question.

The public questionnaires revealed that the majority of citizens believe that police DO "bend" or break rules in order to solve cases, although perhaps not as a routine practice. The first question asked of the public was "Do you believe that police routinely break or bend rules in order to solve cases?". Of the 126 respondents, 66 (52.38%) believed this to be true, 31 (24.60%) disagreed, and 29 (23.02%) did not know. Many of the respondents (17 or 13.49%) added comments similar to "I believe they bend rules, but not routinely".

The police were not asked this question, directly. The questionnaire given them carried the assumption that some rules are broken and bent. However, some officers took exception to this assumption. Of the 108 police officers who responded to the questionnaires, 5 (4.63%) refused to acknowledge, in any way, wrongdoing on the part of police in the investigation of cases. In response to Question 3, "What do you feel are the most common reasons for "transgressions" of rules?", they wrote in:

- "Laws are broken by criminals!"
- "This question suggest(s) that all police officers lie, but to what extent. I professionally and personally find this offensive. To pervert and obstruct the course of justice would be bringing yourself down to the level of the accused. If a case is properly investigated it does not require any circumvention."
- "From my experience, rule breaking is negligible. The procedures are followed completely in this force, especially as our Crown Attorneys and judges are the best. There are too many risks involved, embarrassment to oneself and the force, to bother risking circumvention."

The public were also asked, (Question 2) what rules they thought police officers break or bend. They felt that Internal Regulations were most likely to be broken (53.03%); Federal Statutes (i.e. Criminal Code of Canada) (24.24%) and Municipal Bylaws (22.73%) were less likely. (Table 4.3)

Examples of this rule breaking and bending, by the public respondents who felt that police do break rules, included bargaining with offenders (12), obtaining information illegally (i.e. by force or by threats) (9), and "tapping" telephones illegally (5).

- "Quotas on tickets, "losing" specific files or neglecting information"
- "Offer to overlook an offense if person will testify against someone else, eg. marijuana cases"

TABLE 4.3

<u>PUBLIC</u>			<u>POLICE</u>	
Types of rules thought to be broken			Types of rules thought to be restrictive	
24.24%	(16)	Federal Statutes (CCC)	50.00%	(48)
0		Provincial Statutes	0	
22.73%	(15)	Municipal ByLaws	0	
53.03%	(35)	Internal Regulations	39.58%	(38)
0		Charter of Rights	10.42%	(10)
	n=66			n=96

- "Phone tapping, breaking into personal records and files"

The police, again, were not asked this question directly, but rather were asked the types of rules felt to be most restrictive for police work. The types of rules that may be circumvented can be inferred from this and related questions. The majority of police officers (50.00%) felt that Federal Statutes were most restrictive in their work, followed by Internal Regulations (39.58%). In addition to the preferred responses, 10 respondents (10.42%) wrote in the Charter of Rights as their first choice. (Table 4.3)

Asked to provide some examples, police officers, who felt that Federal Statutes could be most restrictive, cited the following areas - search warrants (16), Charter of Rights (7), Young Offenders Act (5), admissibility of statements (4), and driving offences (2).

"Information to obtain search warrants must be disclosed to anyone who asks. Witnesses who offered needed information in the past are now reluctant and in some instances even refuse to give such information."

"Extraordinary measures are required to obtain a search warrant; judges' rules."

"In order to obtain search warrant an officer must now know the property he is searching for is in the place to be searched instead of just having a reasonable belief."

"Impaired driving - sections 237, 238. The procedures have become too long, time-consuming

and in some aspects a deterrent to the police to prosecute."

"(It is difficult) obtaining statements from accused persons that are admissible in court particularly in accordance with the Young Offenders Act."

The interesting result of this question is the number of police officers who cited the Charter of Rights as a hindrance to their work. While the Charter protects individuals from the trespass on their freedoms, it may not be protecting citizens, as a group, from those individuals who have criminal or harmful tendencies. Police officers' comments about this included the following.

"The Charter (of Rights) has effectively aided the criminal in getting away with his activities. Ex. under Narcotics Control Act reverse onus out the window. Section 312 Criminal Code, Proceeds of Crime, person could be a millionaire and never have worked other than drug dealings, very hard to get his wealth and stop his dealings."

"Charter of Rights, Amendments, accused has more rights than the victim."

"The Charter is the most restrictive piece of legislation ever passed, at least from a police point of view."

"Too many loopholes, Charter of Rights has created more confusion and slowed the judicial system."

Only one public respondent commented on these areas.

"Too much protection for criminals. For example, the Charter of Rights and Young Offenders Act. The Young Offenders Act was recently changed and it's ridiculous - they should've left the ages as

they were. Those kids know what they're doing and they know they can get away with it, and they'll do it again. Makes me sick to read of crimes kids commit and then the police can't charge them. The Charter doesn't protect the victim."

It was also noted that the extent to which a rule is restrictive is partly a function of its interpretation. The interpretation of a rule may make it seem restrictive; however, misinterpretation may also be the cause of inadvertent rule breaking. (This issue was also addressed in the comments to Question 3 which inquired about reasons for rule-breaking.)

Police comments on this topic included the following.

"Different interpretation of rules of evidence and specific offences by different judges. Reference search and seizure."

"The rules of evidence are in themselves quite acceptable it is the subsequent judicial interpretations of those rules that may cause problems (e.g. search)."

"With the Charter of Rights being so new decisions affecting evidence collection are continually changing. Circumvention of rules therefore may not be willful."

"Rules of evidence are not circumvented but rather interpretations are dealt with by the courts."

"A police officer should not 'bend' or break the rules but rather be aware of the various judicial rulings involving situations and then select a course of action that reasonably abides by the various rulings."

Internal regulations were also found, by many police officers, to be restrictive for a myriad of reasons. One reason of note is the use of the Police Act, as well as the Criminal Code of Canada, in disciplinary action towards officers.

"I feel that the police do not require a separate set of laws - Police Act - to regulate the effective operation of the police. I would discontinue the use of the Police Act and if discipline of an officer is necessary the laws that govern Ontario and Canada would and should be utilized when applicable. General Orders ... should be used as GUIDELINES, not as law, to assist not intimidate an officers."

Other reasons are illustrated in the following police comments.

"(Name) police force has a very large amount of General Orders governing every aspect of policing. An example of one of many orders would be audio video statements. They request all investigations where statements are likely to be made must be video-taped. Some investigations require a little more effort to obtain the statement. Some courts would rule this as an inducement."

"Rules which pertain to ethical and moral issues often inhibit legal methods of investigating cases even though deemed questionable under these issues."

"The use of information obtained from juveniles. The most common offenders were juveniles and as such the tight restrictions on their use as informants made investigations difficult. (Keep in mind the age category for juveniles was raised!)"

"As a result of any complaints, I can refuse to answer on grounds for infractions of statutes, etc. or can call on protections of various Acts,

however, internal investigations can demand statements, answers can result in job loss or an appearance before a kangaroo court."

"Aftermath of McDonald Commission whereas everything must be done ultra-professional, with added paper commitments to justify actions."

"The most difficult aspect of conducting an investigation is in getting internal approval to utilize manpower or financial resources."

"Requests for equipment, manpower, time-hours, use of overtime all denied internally."

However, a few police officers felt that rules of evidence serve as guidelines, therefore are not restrictive; but, in the interests of justice, should be strictly adhered to.

"The rules of evidence have to (be) followed no matter what ones feelings of being restrictive. If crucial evidence is to be obtained and presented in court one doesn't want it to be prejudiced by wrongful seizure."

"Rules of evidence are guidelines for persons involved in the administration of justice. This includes judges, crown attorneys, defence counsel, and police officers. To state that any law is restrictive is a matter of opinion. Laws were made to be obeyed by all."

"There are no rules of evidence in By-laws and internal regulations that would or could affect investigations. Those in the Federal and Provincial Statutes are not restrictive, they act as guidelines for police."

The question of why rules may be circumvented was addressed, for both the public and the police, in asking

"What do you feel are the most common reasons for "transgressions" (or "bending") of rules?". Both the police (Question 3) and the public (Question 4) were provided with the same selection of responses. (Table 4.4) The most common reasons cited for possible transgressions by police were the same for both groups, with slightly varying emphasis. While the police and public both indicated the importance of "getting the job done", the police appeared to feel slightly more pressure in this area as it was their first choice (29.49%) and the public's second choice (18.48%).

Obtaining information that could not otherwise be obtained was the public's first choice (26.09%) though almost equally emphasized by police officers (25.64%). Getting the job done and obtaining evidence essentially go hand-in-hand, and either one may have been involved in the selection of the other. Considering this, it would appear that there is substantial agreement, between the police and the public, regarding the most common reasons for police transgressions.

TABLE 4.4  
REASONS FOR TRANSGRESSIONS OF RULES

	<u>POLICE</u>	<u>PUBLIC</u>
To get the job done	29.49% (23)	18.48% (17)
To obtain evidence that could not otherwise be obtained	25.64% (20)	26.09% (24)
To speed up the investigative process	0	5.44% (5)
For personal satisfaction in the resolution of a case	0	13.04% (12)
To circumvent what appears to be useless bureaucracy	23.08% (18)	14.13% (13)
To meet internally-generated demands	0	8.70% (8)
To prevent further crime by a person or group	15.38% (12)	10.87% (10)
For public perceptions of effectiveness	0	3.26% (3)
For public feelings of safety	0	0
Interpretations of rules	6.41% (5)	0
	(n = 78)	(n = 92)

However, the public's responses, on the whole, covered a wider range of possibilities than the officers' responses. A major difference appears to lie in the public's perception (13.04%) that police officers' feelings of personal satisfaction (in resolving a case) may be a factor. No police officers felt this to be a factor in how they do their work.

Comments by both groups were very limited; however, one police officer summed up the issue as follows.

"(Rules may be broken) When a police officer know a person is guilty of the crime and (the) only way to prove it is "bending" the rules a little. So much has been done) to protect the accused, the victim is completely forgotten."

When asked "Do you feel that police are under pressure to conclude cases by way of a charge?" (Question 5), the majority of the public felt that they were. Of 103 public respondents, 73 (70.87%) felt that police do experience such pressure, 18 (17.48%) disagreed, and 12 (11.65%) indicated that they did not know.

Police officers were asked "Do you feel pressure to conclude cases by way of a charge?" (Question 4). Unlike the public response, 74 (74.00%) police officers indicated that they did not feel such pressure, and 26 (26.00%) indicated that they did. This difference, between the public and police perceptions, was significant ( $\chi^2 = 56.09$ ,

**TABLE 4.5**  
**PRESSURE FELT BY POLICE TO**  
**LAY CHARGES**

		B1	B2	
		POLICE	PUBLIC	
A1	YES	O=26 E=51.83	O=73 E=47.17	$n_{A1}=99 \quad P_{A1} = 99/191 = .518$
A2	NO	O=74 E=48.17	O=18 E=43.83	

$n_{B1}=100$                        $n_{B2}=91$                        $n=191$   
 $P_{B1}=100/191$                    $P_{B2}=91/191$   
 $P_{B1}=.524$                        $P_{B2}=.476$

Computation of  $\chi^2$  :

$O_i$	$E_i$	$O_i - E_i$	$\frac{(O_i - E_i)^2}{E_i}$
26	51.83	-25.83	12.873
73	47.17	25.83	14.144
74	48.17	25.83	13.851
18	43.83	-25.83	15.222

$\chi^2 = 56.090$

$\chi^2_{.05, 1} = 3.841$  ∴ not independent variables

$\chi^2 = 56.090$  ,  $df = 1$  ,  $p < .001$

df=1,  $p < .001$ ). (Table 4.5) Police responses included the following.

"No, not especially in uniform patrol. However, I'm sure this is not the case in the Criminal Investigation Bureaus."

"No, pressure comes from caseload."

"No, although pressure exists to determine what happened."

"No, the only pressure could come from oneself."

"No, it is my option as to how to conclude a case, charges are (at) my discretion."

Although police officers, in general, did not feel pressure to lay charges in the resolution of a case; once a charge was laid, there was some evidence of pressure to "make it stick". When asked about feeling pressure to obtain convictions (Question 5), 33 (33.67%) police officers agreed that there was some pressure, while 65 (66.33%) disagreed. Therefore, more police officers felt pressure to obtain convictions once a charge was laid (33.67%) than to lay a charge in the first place (26.00%).

"I feel that I have let the victim down if the (rightly) accused person has not been convicted."

"If it gets to court you feel pressured to get a conviction."

"The bureaucracy of the force is more concerned with the statistical manipulation which in many cases permitted them to show a case as "solved otherwise" meaning most often no charges or conviction usually a confession."

Many police officers made it clear that they feel no pressure to obtain convictions because the ultimate finding of guilt is beyond their control and rests with the courts. All they can do is to provide the best possible evidence in the case.

"The outcome of trials is beyond the control of the police and rests with the courts. It is the police position to present a professional case."

"Not really. My job is to get (the) accused before the court and present a reasonable case. It is the court's job to convict. A conviction is always better than an acquittal."

"Convictions are always nice but we have no control over them. The rest of the Justice System has its way."

"Convictions are up to the courts, if we do our job properly that is the natural and logical end to the investigation as long as it is not unfounded."

"No. It is the police officer's job to present the evidence before the court in an honest forthright manner. It is totally up to the judge and jury to make a finding of guilt."

"Conclusion by way of a conviction is a function of the courts not the police."

The futility of "bending" rules, in order to get a conviction, was also pointed out.

"No, this is a self-defeating action - destroys credibility with court when your case comes to trial and investigation is open to public scrutiny and examination."

The public, again, perceived significantly more pressure than the officers actually feel (Question 6). ( $\chi^2 = 18.33, df=1, p<.001$ ) Fifty-nine (64.84%) of the public respondents felt police to be under pressure to obtain convictions, while 32 (35.16%) did not. (Table 4.6) The public made no mention of a court's decision being beyond police control, yet they perceived less pressure on police to obtain a conviction (64.84%) than to lay a charge (70.87%). Therefore, the public's responses appear to be more consistent with the police officers' claims of court responsibility.

In any case, the public appears to be under the impression that police officers are under a fair amount of pressure to solve cases, by laying a charge and obtaining a conviction, which may also be perceived as a cause of rule-breaking. Police officers, however, did not appear to consider this a major factor in their performance. This would seem to indicate that police transgressions are likely not a result of pressure to resolve cases, although the public may believe this to be the case.

Public expectations of the police were also examined. The public was asked "What do you want in a police officer?" (Question 7) and the police were asked what they believe the public to want (Question 6). Both groups of respondents were provided with the same choices. A fairly high degree of agreement was observed. (Table 4.7) The public expects

TABLE 4.6

PRESSURE FELT BY POLICE TO  
OBTAIN CONVICTION

	POLICE	PUBLIC	
YES	O=33 E=47.70	O=59 E=44.30	n=92
NO	O=65 E=50.30	O=32 E=46.70	n=97
	n=98	n=91	n=189

$\chi^2 = 18.331$  ,  $df = 1$  ,  $p < .001$

TABLE 4.7  
PUBLIC EXPECTATIONS OF POLICE  
AS PERCEIVED BY POLICE AND PUBLIC

Police Who:	Police	Public
Get the job done	31.48% (34)	33.33% (42)
Abide by all laws	12.04% (13)	26.19% (33)
Are pleasant	37.04% (40)	34.93% (44)
All of the above	19.44% (21)	5.56% (7)
	(n=108)	(n=126)

their police to, first, be pleasant and sincere with citizens (34.92%), second, to get the job done (33.33%) and, third, to abide by all laws (26.19%). Only 7 respondents (5.56%) indicated that a combination of all three was most desirable.

"To have the police hold a high position in society is important - respect for the law and respect for the police go hand in hand."

"There will always be a grey area of when one is following rules and when one is not (or cannot?)."

"While it's important to get along with citizens, I think they're (police) rated more by how safe people feel - and that means get the job done!"

"I feel that the officer should be polite to the public but not to the point that it hinders his performance in the solving or preventing of criminal acts."

"Pleasant is really inconsequential, we don't hire police for public relations."

"I think they should abide by all laws, get the job done, but they should be pleasant doing it. All three in that order."

"An officer who enforces the law (abides by it), not one who judges people - it's not his job."

Police officers indicated the same order of importance, with similar emphasis (37.04%, 31.48%, and 12.04% respectively). The major difference, between police and public responses, lay in the third and fourth choices - 26.19% of the public felt that it was important for police officers to abide by all laws, compared to 12.04% of

officers who perceived this to be a major expectation of the public. Police officers were more apt to believe that the public wants a combination of all three alternatives (19.44%) than the public actually does (5.56%).

The responses indicate that the police believe that the public tends to be more interested in themselves, and their community, than with the letter of the law. The officers' comments reveal an overwhelming theme of immediate (public) needs dictating what the public wants. In essence, the police officers feel that the public "wants it all".

"The public, when not involved in a case are apathetic. When they are involved in a case they either want blood or leniency, depending whether they are a victim or an accused. The public expect the 'perfect human', who always gets the job done no matter what."

"Citizens feel that serious offences require criminal convictions and will allow their sense of judgment to be changed to fit the crime."

"Criminals want law-abiding police and John Q Public wants cops to smile and give them a break on speeding tags."

"The general public want to feel safe and protected and generally don't care what methods the police use, unless it directly affects their own rights."

"A pleasant and sincere attitude generates positive communication with the public, which without, the police would have trouble completing

both 2 and 3 (getting the job done and abiding by the law)."

"Everyone hates to get stopped, but if (it's a pleasant officer, (it) can be accepted."

"I would have to say that #3 (pleasant and sincere) in conjunction with #1 (get the job done) would be ideal and, I believe, in most cases is possible."

"You must remember to deal with people as people, not always as a situation."

"Public is generally understanding of human nature and will support police "bending " of rules so long as bending is such (that) it is not abhorrent to populace at large, ignore high profile persons that are anti-authority."

"A professional officer who shows he is able to act appropriately in all situations."

"Obey all laws and regulations but at the same time put all the criminals behind bars. They want the ultimate."

"All of the above, however people seem to forget that in order to the job, you may have to circumvent the other two."

"They want it all, and when any one of these areas do not meet their expectations then some form of media...(brings it) to the officers' / public attention."

"In addition to all of the above, the public wants the police to be there when they need them."

"...politics has a large effect on the amount of charges laid - except in CC (Criminal Code) cases."

"I feel that the public has generally lost a great deal of faith in the ability of the police to prosecute and obtain a conviction. Many people

view the court system as a waste of time and are more concerned with the inconvenience."

"(Name) police recently completed a ...survey with 94% of the respondents indicating crime prevention programs as the most important role of the police."



"The public would like police officers to do everything. Very few of the public gets, or wants to get, involved. The public forgets that "any police force is only as good as persons from the public who assist by information supplied"."

The public was further asked about their tolerance for police rule-breaking in the investigation of a case. Question 14 of the public questionnaire asked "If you knew that a police officer broke a law or departmental rule in order to solve a case, would you complain?". Public tolerance for such behaviour was consistent with their expectations of police, in that 76 (60.32%) indicated that they would not complain of transgressions in the resolution of a case, and 19 (15.08%) indicated that it would depend on why the rule was broken and the nature of the crime being investigated.

"Depends, on my 'judgment' of the severity of the law or rule-breaking."

"Depends more on the crime it's broken for, than the severity of the actual rule broken."

"Depends on why they did it."



Only 31 (24.60%) public respondents indicated that they would complain, apparently regardless of the circumstances of the transgression.

"Police should NEVER break the law, for any reason - they ARE the law. We shouldn't have to police them, too."

The perceptions of the primary purpose of a police department were similarly consistent. (Table 4.8) The public (Question 8) felt that the main concern of the police should be protection of the public (49.21%) followed by crime prevention (20.63%). The police officers (Question 9) agreed with this to the extent that the majority (58.10%) selected protection of the public as their primary goal. While crime prevention was also indicated by officers (11.43%), a greater number (18.09%) felt that all aspects of the occupation were equally important. Interestingly, both the police and the public rated public satisfaction very low on the priority list (5.71% and 3.17% respectively).

TABLE 4.8  
 PERCEPTIONS OF THE PRIMARY PURPOSE  
 OF A POLICE DEPARTMENT

	Police	Public
To protect the public	58.10% (61)	33.33% (62)
To prevent crime	11.43% (12)	20.63% (26)
To solve crime	6.67% (7)	14.29% (18)
To keep dangerous people off of the streets	-	10.32% (13)
All of the above	18.09% (19)	2.38% (3)
	(n=105)	(n=126)

Some of the police officers commented as follows.

"To communicate with the public, gain trust and confidence."

"(To satisfy the public) You have to give them what they want even if it means backing off."

"A combination of all of the above plus be receptive to social changes and be able to adapt to environment quickly."

"To preserve the peace, detect and apprehend offenders (whether dangerous or not) and bring them before the courts to be dealt with according to law."

"...could include all of these categories and much more. The public expect 24-hour service that is free and immediate. The police fill a wide variety of functions that would be difficult to list in a term of total priority. A theft of a \$20.00 bicycle from a seven year old could be more traumatic on the victim than a \$45,000 theft from a thirty two year old businessman."

Public responses included the following.

"To become a source for society enrichment (eg. same as firefighters burn units)?"

"(To satisfy the public is an ) "impossible job" and it's up to the courts to keep dangerous people off of the streets."

"Whatever it takes to protect the public, that includes helping to prevent and solve crime. KEEPING dangerous people off the streets is unfortunately the courts' job. (I bet it'd be different if police decided who got parole and who didn't.)"

The results, to the questions concerning public expectations, and the purpose of the police, appear to indicate that police are working under the correct

assumptions of what the public wants. Therefore, it would appear that both the public and the police are using the same definition of what a "good" police department should do. If we consider this to be a definition of efficiency, then it follows that the police and public have the same definition.

The public was also asked a number of questions about their feelings on police performance, and satisfaction with their local police department. When asked what they believed to be the reasons for unsolved crimes, (Question 9), the majority cited a lack of evidence (34.96%). This was followed by the lack of, or unreliable, witnesses (17.89%), as well as a lack of police officers or other resources (15.45%) and a lack of community co-operation (13.82%). (Table 4.9)

While the majority of those responding to the question indicated a lack of evidence as being responsible for unsolved cases, there was also a strong indication that the public / community is also (at least partially) at fault. It appears that citizens themselves feel that they may not be contributing enough, as witnesses or in other forms of community co-operation. One respondent made this point in stating

"The public does not want to be involved in most cases."

TABLE 4.9  
PUBLIC PERCEPTIONS OF REASONS  
FOR UNSOLVED CRIME

Lack of Evidence	43	(34.959%)
Lack of, or Unreliable, Witnesses	22	(17.886%)
Lack of Police Officers or Other Resources	19	(15.447%)
Lack of Community Co-operation	17	(13.821%)
Criminals very cautious or smart	10	( 8.130%)
Bureaucratic Red.Tape	3	(2.439%)
Police Officer's Handling of Case	2	(1.626%)
Lack of Effort By Police	2	(1.626%)
Inadequate Attention Given to Case	2	(1.626%)
All of the Above	3	(2.439%)

n= 123

Other respondents wrote in "bureaucratic red tape" and "loopholes in the law itself" as contributing factors to unsolved crime.

Of the 126 respondents, 45 (35.71%) have been directly involved with a police investigation (Question 10), and of this smaller group, 8 expressed dissatisfaction with the manner in which the police handled the case (Question 11). Reasons given, for dissatisfaction, included a lack of police feedback on progress (or action taken) (5), a lack of effort by the police (2) and inadequate attention to the case (1) (Question 12).

None of the public respondents had ever lodged a complaint against a police officer (Question 13), although one respondent simply commented "No, but one time I would've liked to. They just weren't very nice about the whole thing."

When asked about their satisfaction with their local police departments (Question 15), an overwhelming majority of public respondents (119 or 94.44%) indicated that they were satisfied.

Considering the responses given regarding police performance and public satisfaction, it would appear that, on the whole, the police appear to be functioning in accordance with the public's desires. Further, this could be considered to provide further support for a common definition, among both groups, of police efficiency.

However, when the public was asked about their satisfaction with the judicial system, it was another story. The majority (88 or 69.84%) indicated that they were not satisfied and their comments reveal that the laws have "no teeth" because legislation and courts are too lenient and tend to protect the criminals. The public's comments, about the Canadian Judicial System, reveal a great deal about the current issues of concern to them.

"YOA (Young Offenders Act) HAS to be changed."

"Technicalities are leaving criminals on the street."

"Judicial system is not consistent in rulings of similar instances."

"Police work hard to solve cases and then are thwarted by the law (plea bargaining, etc.)"

"Particularly with technicalities in court eg. drunk drivers getting off."

"Too many criminals are released despite public and police outcry. Victims of crime suffer more than criminals."

"The limited resources of the police department and the judicial system only allow them to provide a certain level of service."

"The judicial system is more concerned with the rights of the criminals or suspected criminals than with justice and enforcing the law. The pendulum should swing back not to the 1930's but say the 1950's."

"I feel that there are many antiquated laws that police officers must "waste" their time on."

"I understand that courts and prisons are all clogged up, but it certainly can't help police at their jobs when the courts are lenient and the punishment doesn't get meted out. Makes them (police) think they've wasted their time - witnesses probably feel the same."

As well, a number of respondents (14, 11.11%) took the opportunity to put in a vote for the return of capital punishment.

Both the police (Question 11) and the public (Question 18) were asked to indicate their degree of agreement to the following quote.

"Police have been placed in the position of having to uncover and deal with major crime under inadequate laws."

The gist of this quote was taken from a police source. The original statement was toned down as it was stated quite strongly. Both groups tended to agree with this statement, with public response showing significantly stronger agreement. ( $t=2.388$ ,  $df=214$ ,  $p < .05$ ) (Table 4.10) Graph 4.11 illustrates the frequency of responses to the various levels of agreement. This response from both groups, along with the numerous comments to be found at the end of the questionnaires, suggests that there are serious problems to be addressed in this area.

**TABLE 4.10**  
**EXTENT OF AGREEMENT TO QUOTE**  
**(QUESTIONS 11 /18)**

To what extent do you AGREE /DISAGREE with the following statement?

"Police have been placed in the position of having to uncover and deal with major crime under inadequate laws."

1 \_\_\_\_\_ 2 \_\_\_\_\_ 3 \_\_\_\_\_ 4 \_\_\_\_\_ 5  
 Agree \_\_\_\_\_ Disagree

Extent of Agreement		Police	(%)	Public	(%)
Agree	1	31	30.69	61	53.04
	2	41	40.60	18	15.65
	3	6	5.94	26	22.61
	4	15	14.85	6	5.22
Disagree	5	8	7.92	4	3.48

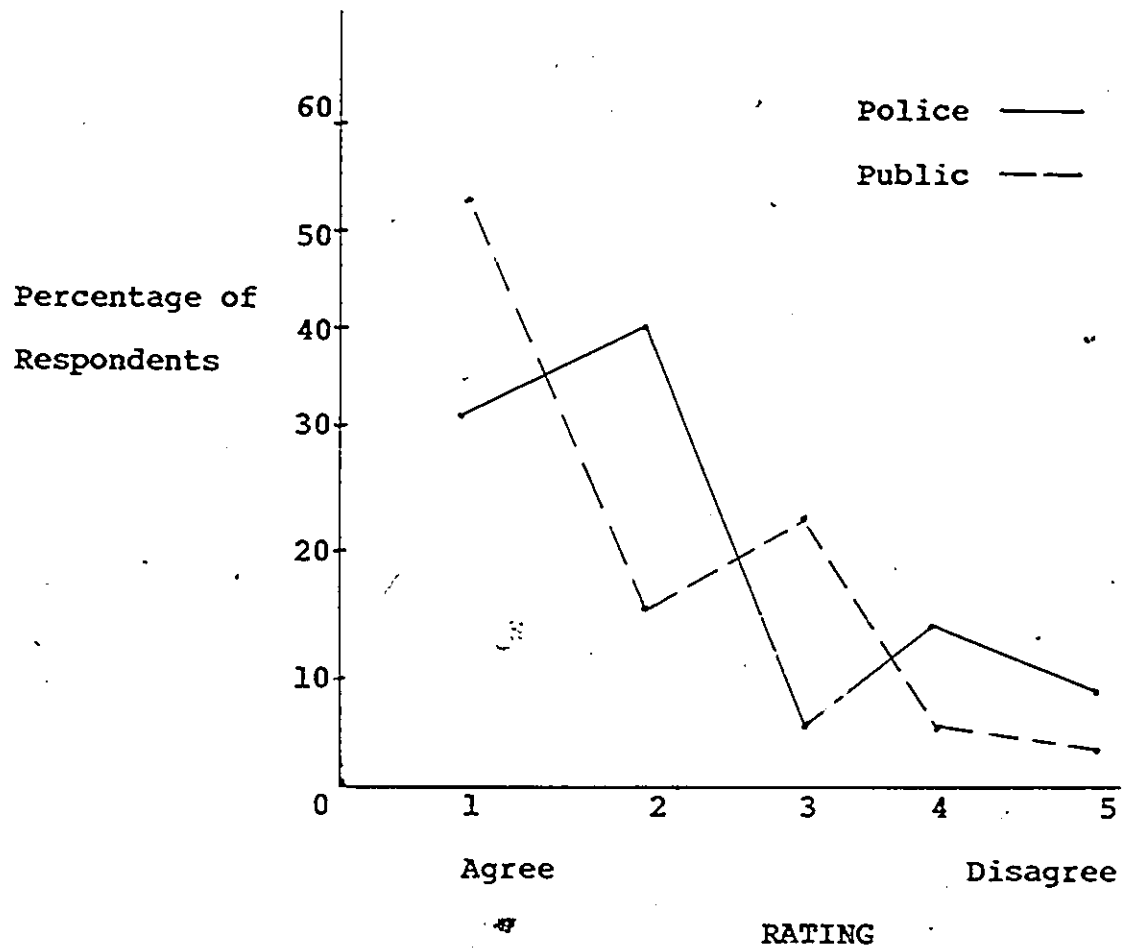
n = 101 100.00 115 100.00

$\bar{x}$  = 2.29 1.90

t = 2.388, df = 214, p < .05

GRAPH 4.11

EXTENT OF AGREEMENT TO QUOTE



Unfortunately, many police officers feel that they have little input into legislative changes regarding their area of work. When asked directly if they feel that police officers "have a voice in legislative changes regarding police" (Question 8), a large majority of police officers (73.08%) indicated that they did not, while some felt that they had at least a small voice (6.73%).

"No, it is a well known fact that there was NO police input in the Charter (of Rights)."

"No, we are worse off than "Joe Citizen"."

"No. Person making laws very seldom see victims of crime at the time or shortly after the crime is committed and sometimes law makers never get in contact with victims. All laws and justice system is for the protection of the accused rights and no one seems to care about victim of crime."

"Not really. Look at public feeling for return to punishment."

"Not entirely, although in some cases police input has been considered and acted upon."

"Rarely, legislative changes are effected by lawyers to benefit their profession and political careers."

"To some degree, the biggest problem lies with the government afraid of making changes that might cause them to lose votes thus delaying changes for long periods of time Ex. death penalty and the present free vote."

Of those police officers who indicated that they do have a voice in legislative changes, the most common reasons

cited involved strong police associations and the professionalization of police work.

"Yes, the police are being more professional and organized with lobbyists in Parliament to address our concerns."

"Yes - but only if proper representations are made in a competent and professional manner."

"Yes, as a group (police force). Communications between law enforcement agencies and the law makers continue to be harmonious. This allows for identification and corrective action in a changing society."

One respondent felt that police do not require a voice in these matters.

"The police should abide by the law and not control it."

A larger percentage of the public (45.38%) felt that police could effect some changes in legislation, and some (24.37%) felt that the police had, at least, some input (Question 17).

"I am not sure if they do but they should have some input into such changes as they are continually working their profession and therefore could shed an objective point of view into the changes from where they are coming from."

"Yes, but so does everyone who wants it."

"I feel that as a lobby group they probably have less effect on politicians than some other interest groups."

On the whole, the public believes, significantly more so than the officers themselves, that police officers have a

voice in legislation relating to their work. ( $\chi^2 = 28.57$ ,  $df=1$ ,  $p<.001$ ) (Table 4.12)

Police officers indicated that they had greater input, and were more likely to have an effect on, departmental or operational guidelines (64.42%) than on legislation concerning them (20.19%) (Question 9). This was largely attributed to the quality of their superior officers. Where good lines of communication exist between all levels in the department, police officers apparently feel that their voices do not go unheard or ignored.

"Yes, management are always open to receive responsible suggestions for change aimed at making us more efficient and effective."

"Yes. As much as you want to vocalize an opinion. You have to be political to really get a point across."

"Any good suggestions would be considered by the department. Like any other business, the administration runs the force."

"Yes, our department's supervisors and administrators are willing to listen and act upon suggestions to improve policy."

However, a significant minority of police officers (35.58%) still feel that they do not have an effect on departmental guidelines.

"In my junior years no, but the higher the rank the greater the voice you have."

TABLE 4.12  
 POLICE VOICE IN LEGISLATIVE CHANGE  
 REGARDING POLICE ROLE

	Police	Public	
Yes	O=21 E=38.90	O=42 E=36.10	n=75
No	O=76 E=58.10	O=36 E=53.90	n=112
	n=97	n=90	n=187

$$\chi^2 = 28.57, df = 1, p < .001$$

"A minor one."

"Very little. A lot of changes are made by persons who do not have the proper experience in the field, and thus they overkill their objectives."

"Has to be a majority to be heard at all."

"No, the people who make policy for the police very likely have never worked the street, their policies are unrealistic."

"NO! Management changes operational procedures after political and public pressure groups have their say street officers have no (if any) voice in this process."

Further to these comments, police officers had a number of recommendations for changes that would improve their ability to do their work (Question 10). Many of the recommendations involved allowing police officers a greater role in changes that affect them and/or allowing Police Chiefs more control over the operations of their departments.

"Let the Chief of Police make the final decision. No pressure on the Chief or his staff from the Police Commission(s) or the town council(s)."

"To lessen the restrictive accountability to 'buréaucrats' who may not know, or be totally familiar with, local or field or operational situations. Give that accountability and responsibility to people "in the know" and let them do the job."

"Allow police to run for political office. (Name) police is a very progressive management with a constant re-evaluation process taking place."

"Chiefs of police must exert more pressure on law makers to pass realistic legislation."

"Simplification of the written law. Laws should be able to be understood by all, without the need for lawyers to continually interfere as to the intent versus the letter of the law. There should be no difference. Basically, all laws boil down to the idea that no one has the right to harm another person in any way or to take that which is not his, by whatever method."

"A more consistent approach to sentencing and application of all statutes by the judiciary. Enactment of Canadian version of U.S. 'RICO' statutes."

"Better equipment, more manpower, better training in certain areas (i.e. surveillance) and less bureaucracy."

"The hiring of further personnel. The use of better equipment such as computers. I do appreciate the economic restraints involved."

"Find a way to eliminate the report writing and note taking facets of police work. A study should be done to analyze how many hours a day are spent by well-paid police officers to perform tasks that any stenographer could do. I estimate that officers assigned to investigative functions spend at least 50% of their time pounding typewriters with one or two finger typing. Keeping up with the paperwork is a constant source of frustration for many officers."

"No immediate changes are recommended which would allow one to best do the job, although a reduction in the amount of paperwork would be welcomed with increased computerization."

"Removal of much of the upper level (off street) management. We are far too "top heavy" in the ranks. More street cops. More preventive policing."

"At the present time, none (recommendations). We have a forward thinking administration, with a

positive approach to its personnel, the public and the law."

"Just because I don't have a voice doesn't mean I don't have any ideas."

"To meet the demands of the job (need) more time away from the job. Days off being your days off, (and) not having to attend court on a day off. I feel that a large percentage of officers love their job and would be able to perform it better if they had an equal balance of time off to time at work."

The final question of each questionnaire allowed for any comments relevant to the issues involved, including about the questionnaire itself. The comments were many and diverse.

#### Public Comments

"Police officers, generally speaking, are not to blame for the state of crime in our cities. The law itself is working against the prevention of crime, and the punishment of criminals."

"I don't know whether the laws covering cocaine and hookers, for example, are inadequate or whether the manpower is insufficient. Probably both."

"I feel the bail systems are abused. Magistrates are too lenient and lawyers seem to control the system. Plea bargaining which is popular in the U.S.A. seems to be getting popular here. I think a person should be either guilty or not guilty and sentenced accordingly."

"I feel on the most part police officers are not corrupt and you could not accuse them of flagrant abuse but I do believe there are transgressions or rule bending but I disagree that it is routine behaviour."

"Parole and early release make the cops job tougher. The whole population is put at risk and something usually happens. Whatever they're doing to rehabilitate them (criminals) isn't working. I don't blame the cops if they find ways to put guys like that back in jail."

"I don't approve of police breaking the law or bending the rules, but as long as it's to help an innocent victim I can understand it. I would hope it would only happen when all proper methods have been exhausted."

#### Police Comments

On legislation and the courts:

"Let's face it present laws in general protect the criminals serving them with a shield against the law."

"In many cases, it is a problem of a law being written by lawyers, for lawyers or by those thinking of themselves as social workers and not law makers. Write simple and easily understood laws, then leave it up to follow-through by courts, probation, etc. to get social services involved if need be."

"The laws are very adequate, however the complexity of some crimes make it difficult to recognize and prosecute them."

"To add to my response, I feel that the problems faced by police are not in the area of major crime i.e. murder, rape, robbery, but rather in the everyday crime of B&E, theft, willful damage, etc. These crimes are the ones most often encountered by the general public and the inability of the police to deal with them due to inadequate legislation leads to general dissatisfaction on the part of the public. It seems that the management of a police force respond to the direction of the politicians both local and federal. These same politicians are unwilling to put forward legislation which would put them in an unfavourable political position. By maintaining a

politically safe position, the politicians place the police in a buffer position between themselves and public criticism."

"We need legislation to take effect while the need is there. There is too much contemplating while the legislation is thought through. All during the time, the criminal element can change.(i.e. seizure of assets in the Grand Caymans, laundering of monies in Canadian banks.)"

"You should have added the question - "Do you feel that the rules of evidence were more effective 25 years ago (prior to the Charter or Rights, Canadian Bill of Rights, Youthful Offenders Act, Family Reform Act, Abolishment of Capital Punishment), rather than today, for the effective administration of justice?"

"The laws themselves are not the problem. It is the wide ranging interpretations of those laws by the courts which create the problem."

"The laws are well-based, but rather the interpretations and abuse of process create the imbalance."

"I do not appreciate and comprehend the myth still perpetuated in our law schools that Canadian Police, in particular Ontario-based officers, that police NEED to circumvent the law and proceedings in order to satisfy a) themselves, b) the hierarchy and c) the public. We are not stupid nor are the public, they are well-informed by the media of any wrongdoing within the Police service. As previously mentioned the problem lies within the court system and its total lack of respect for the feelings and beliefs of the citizens of this country."

"A lot of good police officers have lost all ambition because of the system. We no longer look for crime and often turn our backs on it. When an accused can go to court and bring several friends as witnesses and then they all perjure themselves against the sworn evidence of one police officer, the judge finds him not guilty and indirectly accuses the officer of perjury. Police officers are only human and they can take only so much of

this. As a result fewer charges are laid, victims of crime suffer and offenders become repeat offenders."

"Reference penalties received. E.g. Male party sentenced to 3 months likely released in 2-3 weeks under provincial system. Under federal system the accused party after sentencing is eligible for parole after serving 1/6 of his sentence. Due to cost of housing prisoners and over-crowding in jails, criminals are being released early."

"Next to the paperwork the most frustrating part of police work is the amount of time wasted waiting around in courtroom corridors. The court system is a total farce. Oftentimes an accused's trial does not take place until a year after he is charged and then sometimes the Judge throws the case out because his right to a speedy trial guaranteed by the Charter of Rights and Freedoms has been infringed."

**On personal and/or departmental factors:**

"The success of police work in many instances lies with the motivation of the officer involved. In many instances, he spends more time crying about the inadequate laws than he does in attempting to work within the parameters of the existing legislation. Yes - I agree there are instances of inadequate legislation, and police officers have a frustrating time, however they must accept society as it is now. We have evolved through the permissive and liberal society of the 60's and 70's. Now things are being more conservative and as things tend to go full cycle, it will be some time before Canada gets straightened out. As it is now in the United States - so it shall be in Canada - in 20 years, as they are returning to the conservative ideals. (P.S. Hang the murderers, too.)"

"During my 22 years of police work, the single most important factor in my doing my job well was good leadership by senior NCO's. With it, poor legislation, bureaucracy, poor location can all be overcome. Without it, your best efforts can sometimes be in vain. Life can be very miserable

if your NCO lacks common sense and (has) a half ass knowledge of your work area."

"It is my belief that a policeman's desire to bend rules changes throughout his career. During the first few years on the job it has been my observation that a policeman wouldn't think of bending the rules i.e. illegal search. After a few more years at the job, because of frustration, they will start to bend the rules to get the job done. Senior policemen that haven't had successful careers become very apathetic and will not even attempt a different approach if they are restricted by law or policy. They are "burnt out", become lazy and just don't care anymore."

"You must realize that what is stated in OPS manuals and how the street policeman operate(s) are two different procedures. If you want to rise in the ranks you must be seen to adhere rigidly to the manual and obtain results. If you want to be an effective policeman you must work outside the rulebook and ensure that things don't backfire. This is an unfortunate situation, but it is accurate. As the saying goes "If you're not in shit, then you aren't working." Also, it's a basic rule of thumb that the good street policeman rarely goes above Sgt."

#### General Police Comments:

"(It is a) suggestion that we have to break or bend the law in order to apply it. Our job is to prosecute the law breakers not break the laws to prosecute."

"The police are expected to be every profession rolled into one. Doctors, marriage counsellors, debt collectors, etc. hard or soft with the general public depending if you're a victim or an accused. General public believes that if they are personally "caught" breaking the law the policeman will give (them) a "break". On the other hand if someone is caught committing a crime on their family and/or property it is then expected the full weight of the law will apply."

"...What do you mean by "major crime"? To a child, the simple theft of his bike is a "major crime". Likewise, a pensioner who loses his or her allowance cheque would consider it pretty major. Does an assault have to be a murder to qualify as 'major' in your definition. Is the death of a family of four not considered 'major' just because the culprit was an impaired driver?"

"We still have statutes which are unjust and totally inadequate for the 1980's. As a police supervisor, beliefs of circumventing rules of evidence and the law in order to "get the job done", I honestly believe are without foundation in this day and age. I would agree that 20 years ago, the suggestions may have foundation. Today, the Police service is the most professional and educated body within the judicial system. The judges are constrained by fiscal reductions, and working with case law which has been continually circumvented by lawyers to their own ends, not to the betterment of the law and the unknowing public. The court system is clogged with 'not guilty' pleas by lawyers. Their reasons, to protect their clients. I disagree, there are so many defence lawyers who are incompetent and unprofessional that in order to survive, will have their clients plead 'not guilty' and then line their pockets with silver."

#### Comments on the questionnaire:

"I'm glad someone finally asked us what we think. Many people don't care."

"You have obviously never worked as a police officer. This questionnaire is completely insulting and degrading. This survey is bias(ed) and one sided. The side, being your side."

"Questions 1 through 3 should be reworded. It should read "You cops are all corrupt, please indicate to what degree."."

"Excellent questionnaire, very concise and to the point. You should keep in mind that police officers from different departments i.e. RCMP (Federal), Metro Toronto (large city), OPP (rural)

and regional police forces may differ in response to your questions."

"I think you worded the answers to your questions in a biased fashion. It leads me to believe that you feel somewhat sympathetic towards police and that their job is being made more difficult by bureaucracy, legislative, departmental, and otherwise. Either that, or you are trying to show that police perceive themselves in that way."

"This questionnaire has taken the unfounded basis, the police will use "transgressions" or "bending" and that this is an acceptable practice. This is totally wrong and can only promote the myth that a little lie is alright. If the general public were to agree with your posture, the respect and honesty of the populace would be seriously undermined."

"You probably could have gotten into a little more detail. Specifics are difficult to really deal with but I'm sure 40 questions wouldn't have been too many."

In looking at all of these comments, it is clear that the major concerns, for both groups, centre around the courts, and the statutes and policies that are considered to protect the offender. The primary role of the police is commonly agreed to be the protection of the public, which is considered to be hampered by the problems with our courts. Lawyers and politics are also blamed to a certain extent.

The public, while feeling that police are under a fair amount of pressure to perform their duties, seem to believe that police have more control over how their work is defined and accomplished than the police officers actually experience. Therefore, while police officers do not appear

to feel great pressure to obtain certain results, they do appear to feel somewhat helpless to change (or control) those who do have this power.

The results of these questionnaires seem to support, and further explain, the key points made earlier in this chapter.

- Rules are being circumvented.
- The types of rules being circumvented involve mostly federal statutes and internal regulations which are, or appear to be, restrictive for the performance of police duties.
- Rules are being circumvented in order to get the job done and, therefore, to be efficient.
- This definition of efficiency is agreed upon by both the public and the police.

CHAPTER 5  
DISCUSSION

For a peaceful and harmonious society, it is important that certain individuals not behave in ways that would interfere with other people's enjoyment of life. To this end, certain rules and regulations have been developed to govern human behaviour. Through adherence to these rules and regulations, it is believed that citizens' individual rights (such as right to life, right to property, right to privacy, etc.) will be preserved. The need to ensure that these rules and regulations are observed, and adhered to, led to the development of a system of law enforcement and a group of people, constituting various law enforcement agencies.

From time to time, citizens have complained that, in attempting to uphold our laws, these law enforcement agencies have occasionally stepped outside of the law and themselves encroached upon people's rights. A number of commissions set up in the 1970's and 1980's have delved into aspects of police work, and have publicly revealed police wrongdoing in the course of investigations. As well, there has been increased emphasis on the problem of police abuse of power, in the studies of social scientists.

These studies and commissions have suggested a number of theories to explain why such abuse occurs. The Class Conflict Theory suggests that the police mandate to maintain social order has been erroneously interpreted in terms of the consensual model of society. This consensual model assumes that the masses are in agreement regarding the role of the police to protect them. However, as society is not homogeneous, but heterogeneous - the police are seen to be instrumental agents of social control for the more powerful and dominant segment of society. (Cain, 1973) A number of studies have supported this idea, in observing that more force is used, and it is less objectionable, against minority groups, the economically depressed, and radicals. (Gamson & McEnvoy, 1972; Kania & Mackey, 1977; Lee, 1981; Stark, 1972) Therefore, policing becomes repressive and accentuates differences in society; wherein police may require more power to deal with the circumstances. They not only are given more power, by the dominant sector; but are more likely to use those powers illegally. (Ericson, 1982)

The Organizational Theory focuses on the dilemma of the police organization in attempting to fulfill a "full enforcement mandate" and also provide "full effectiveness within the law" (Watchorn, 1966). Society, and the mandate, expects high production and efficiency from the police, while requiring strict adherence to legal and formal procedures. It is suggested that this creates an impossible

situation. The police are under pressure to perform and protect society, which is the common goal. Therefore, production is a high visibility goal for the police - however, adherence to rules is of relatively low visibility. (Barker & Roebuck, 1973; Cain, 1973) It becomes a case of the "ends" justifying the "means", since the "means" may not be as easily observed. This may be especially true when some other aspect of the Criminal Justice System fails or is inadequate; then illegal or questionable methods may become the "unofficial system of (social) control". (Wiseman, 1970)

The Occupational Norms Theory suggests that, faced with these contradictory demands, the police attitude becomes a cynical one, thereby making corruption and abuse of power inherent to the job. (Skolnick, 1966; Niederhoffer, 1967) Feeling in conflict with the rest of society, the police become a minority of their own - a police subculture. (Westley, 1970) Internal norms are developed, some of which may be contradictory to departmental policy. (Kania & Mackey, 1977) However, any deviance is protected through the "norm of secrecy" and group solidarity. (Westley, 1970) Therefore, through the opportunity structure for rule violations, socialization into the subculture through occupational experiences, and the reinforcement and encouragement from peers, (Barker, 1978) the deviance is entrenched into the police occupation and attitude. Shearing (1981) notes that, while the police subculture does

not appear to affect efficiency, it does facilitate police misconduct.

The Environment Theory proposes that police corruption and brutality are a result of interaction with a political and criminal environment. (Sherman, 1977) Because of the expectations of various segments of society (Sherman, 1977) and exposure to violence (Kania & Mackey, 1977), the police learn to be violent and corrupt. Most police violence was found by one study, to be associated with the general levels of violence and homicide of a given area (Kania & Mackey, 1977), thereby indicating cultural determinants in the abuse of police power.

There is also the possibility that the police selection system fails resulting in the "Rotten Apple" theory (Parsons, 1973). This theory focuses on the corrupt officer as an individual, as opposed to the organizational deviance of a corrupt department (Sherman, 1978). There are variations to this theory which propose that corrupt officers are a result of socialization into the department (Lee, 1981) and with other "rotten apples" who were not screened out (Barker & Roebuck, 1973); or that certain personalities are attracted to policing and their negative characteristics may not be revealed in the screening process (Kania & Mackey, 1977).

One possible explanation, therefore, is that rules are bent or broken due to a desire to be efficient. This is

possible for a number of reasons. Changes in the Criminal Justice System, in the rules and regulations governing behaviour, and an increased awareness and concern for human rights may be making law enforcement more difficult. Also, an apparently increasing crime rate (or perhaps an increased exposure to crime via advanced media services) has increased public demand for greater police efficiency. The police and law enforcement agencies may also be imposing more pressure upon themselves, to be more efficient, as they become more professionalized.

This study seeks to see if this hypothesis has any support in the thinking of the police and the public. Therefore, a questionnaire was distributed to police officers and the public. The main questions addressed in the questionnaire were:

- o Are rules circumvented (in police work)?
- o What types of rules are circumvented?
- o Why are these rules circumvented? (Is it in order to increase efficiency?)
- o If it is done to increase efficiency, whose definition of efficiency is being used?

The assertion that rules are broken or bent by police officers was established from the literature review; however, the public was asked if they felt that police officers broke rules. The majority of public respondents

(52.38%) believed this to be true, though a number of respondents (13.49%) did not feel that it was a routine practice. The police officers were not directly asked this question. However, only 5 officers (4.63%) adamantly denied the assumption that police wrongdoing occurs. Therefore, it would appear safe to say that some rules are broken or bent by police officers in the investigation of cases.

The public felt that the type of rules which were broken were mostly Internal Regulations (53.03%), followed by Federal Statutes (24.24%). While they could not provide many examples of these, the public did cite transgressions such as bargaining with offenders for information, obtaining information illegally (by force or threats), and illegal telephone intercepts.

The police officers were asked to indicate the types of rules found to be most restrictive in the performance of their duties. It was considered that restrictive rules would be most likely to be broken since it may be difficult to work within them. Police officers indicated Federal Statutes (Criminal Code of Canada) as being most restrictive (50.00%), followed by Internal Regulations (39.58%). Their examples cited problems with legislation pertaining to search warrants, young offenders, admissibility of statements, and driving offences. Also, it became clear, in this question and other comments, that the Charter of Rights

may be a major impediment for police officers as it may be used to protect the offender more than the victim.

These questions did not yield a clear-cut picture of the types of rules that are, or are thought to be, broken; but did raise some problems with certain pieces of legislation. The public is, undoubtedly, influenced by the types of police wrongdoing exposed by the media. However, the police comments emphasize problems that have also been raised by the media. The recent changes in the Young Offenders Act have precipitated much angry debate and the Charter of Rights, while protecting the individual, may not be protecting society. These, as well as the others mentioned, appear to be making the police officer's job more difficult.

While police officers did indicate that certain regulations could be restrictive, it also became clear that a judges' interpretation, of those rules, was also important. Consequently, it was suggested that not all police wrongdoing is intentional. Where police wrongdoing could be considered intentional, both groups selected "getting the job done" and "obtaining information that could not otherwise be obtained" as the primary reasons.

The public also perceived a great deal of pressure on police to lay charges and obtain convictions, more so than the police officers. The majority of police officers (75.00%) indicated no pressure to lay charges or to obtain

convictions (66.33%), although there was some indication that, once a charge was laid, officers felt some pressure to "make it stick." Many officers also noted that the conviction of offenders was the duty of the courts. Considering that the officers themselves do not appear to feel a lot of pressure to resolve cases, this does not seem to be a major reason for the transgression of rules except in the eyes of the public.

When asked to indicate their level of agreement to the quote "Police have been placed in the position of having to uncover and deal with major crime under inadequate laws," both groups indicated strong agreement to the quote - the public sample more so than the police sample. This agreement along with the previous comments on restrictive legislations, suggests that (in certain areas) legislation may be inadequate or inappropriate for the enforcement of such legislation. This, along with the fact that most of the police officers felt that they had no voice in legislative changes relating to police and that laws are written by those who are not in a position to understand their implications, could result in a certain feeling of frustration among police officers. The public, however, perceived police officers to have an adequate voice in these legislative changes.

When asked about the traits desired in a police officer, the public indicated a desire for police officers

who were, first, pleasant (34.92%) and, second, get the job done (33.33%). Interestingly, the police officers' perceptions, of what the public wants, were almost identical to the public response. Similarly, when questioned about the primary purpose of a police department, both groups agreed that protection of the public was of paramount importance. Therefore, it would seem that the police and public substantially agree that the true measure of a police department's worth is their relationship with the public and the extent to which the public feels safe. It could also be argued that this is the preferred measure of efficiency.

These responses revealed some support for the hypothesis that rules are circumvented in order to get the job done and, therefore, to be efficient. This definition of efficiency appears to be agreed upon by both the public and the police. It is not known, however, if this is the same definition used by those who evaluate police performance on a regular basis.

It would appear, therefore, that in fulfilling the goal of protecting the public, it may occasionally be considered necessary to consider the victim and the crime before the law. It is not intended to suggest that police officers should be allowed to bend rules, or be beyond the law, for this would undermine the entire concept of law, and make the police a law unto themselves furthering a gap between the police and the public. Neither should rules for police be

relaxed for this might invite further abuse of power and infringement of citizens' rights. In considering the context of police work, there exists a dilemma of where individual rights should take a back seat to the collective good. The police officers are currently encountering such difficulties in working within the new Charter of Rights.

Ideally, legislation, and police guidelines would be written to best serve the interests of all concerned and no circumvention would be necessary. However, this may not always be the case, and police officers tend to feel that they, who must work within the relevant legislation, are not consulted in changes to such legislation.

Both groups strongly criticized the courts as the weak link in the Criminal Justice System, in that the courts are not upholding their role in the protection of people. This was commented upon by a large amount of police officers and may indicate a further source of frustration which may contribute to overzealousness or indifference in handling cases, when police officers feel that they must have a very strong case or none at all.

It is also not suggested that police should be allowed to be less efficient. It is doubtful that either the police or the public would agree to this. What is required, however, is a new definition of what "efficiency" is in police work. Less emphasis should be placed on official statistics in determining the 'success' of police forces and

subsequent deployment of resources and programs. Statistics provide only a superficial picture of what police departments do and provide no meaning beyond that. The effectiveness and efficiency of police should be measured more in terms of public satisfaction and surveys should be done for this, as previously suggested by Furstenberg and Wellford (1973) and Marx (1978).

The major recommendation, which came from police officers, is to allow for more input, in the process of designing or amending criminal legislation, by police officers or police organizations. Many officers also suggested that Police Chiefs should have more say and control in the operational activities of their departments. This may assist in reducing some of the frustration with the rules and regulations if officers feel that they are partly responsible for the written law.

The comments on Canadian criminal legislation also indicate a strong need for updating in order to adapt to current times. This is not to say that such changes would eliminate all police wrongdoing, however it would hopefully improve the situation to where some officers would feel that expectations of results are realistic within the existent conditions. It was also suggested that there should be more public input into legislative amendments.

While this study did not directly ask officers if they bend rules in order to be efficient, it does provide some

evidence that this may be the case. It is apparent that where rules are broken, it is usually to 'get the job done', this 'job' being defined as protection of the public. If one assumes that the fulfillment of this common goal is equivalent to being efficient, then this study supports its hypothesis. After all, as Clark (1982) states "The ultimate measure of efficiency of the Criminal Justice System is, above all, the esteem in which it is held by the community it serves and by the wider general public of the nation." (Clark, 1982, 105)

However, as with any study, there are certain shortcomings which could be addressed in future studies of a similar nature. While the questionnaire method provides the opportunity for more detailed and descriptive responses, it can be fraught with difficulties. One of the difficulties encountered, with this study, involved the wording and content of the questions. Thinking that a direct approach to the topic would drastically reduce the amount of questionnaires completed by the police officer, the questions were worded in more of a hypothetical manner. While this did allow for a reasonable response rate, inferences must be made from the responses which automatically compounds the possibility of error and misinterpretation. Logical inferences may be made but are clearly not as valid as obtaining direct responses.

Perhaps a questionnaire directly addressing the issue (inquiring about the incidence of rule-breaking, the types of rules that an officer has violated, and why), distributed to a large enough sample, could provide an adequate number of responses even if the response rate was very low.

As well, one officer suggested that more questions could be used in order to deal with specifics. As this was an introductory type of study, enough specifics were not known that would allow for detailed questions. On the other hand, more use of open-ended questions could also have elicited a greater variety of responses and ideas. While multiple choice responses can be, and were, used to lead respondents to interpret questions in the desired manner; they may also distract respondents from their own responses which may not be on the list. However, it is felt that, for such a topic, the questionnaire method is the most appropriate. It is unlikely that personal interviews or telephone surveys would elicit such a response.

The police sample<sup>3</sup> was, of course, dependent upon the willingness, of the departments approached, to distribute the questionnaires. Because the questionnaires were distributed by the departments themselves, some control was lost and it is likely that the sample of respondents would have been influenced by the manner in which they were distributed. Considering the nature of the questionnaire, and the kindness of the departments who agreed to

participate, the departments were not hard pressed to distribute them in a specific manner although it was noted that the questionnaires should be voluntarily completed. In any future studies of this nature, it may be advisable to distribute the questionnaires, to randomly selected samples of police officers, in a group briefing format. In this way, the experimenter could address a group of officers at the various departments, distribute the questionnaires, answer questions, and thereby control the manner in which the questionnaire is presented. This may also increase the response rate.

The public questionnaires followed the same format as the police questionnaires. The general public's lesser knowledge of police operations was apparent in the lack of comments to open-ended questions. The distribution of the public questionnaires, as noted in the methodology section of this study, could not be identical to the method used for the police. The shopping mall approach, while not considered likely to produce a representative sample, was used due to resource limitations. This approach is popular with market research but is likely to produce a relatively middle-class sample. Resources permitting a large random mail survey may be preferable in producing a representative sample and an adequate number of responses. With greater resources, the public sample problems could have been

minimized; as well, both samples could have been expanded beyond the Southern Ontario region.

Since no previous research could be found, addressing the issue of police abuse of power in this manner; it was difficult to formulate a questionnaire. The problems of content and wording can only be minimized through experience. As well, the desire for anonymity on the part of two of the police forces places limitations on analysis of responses. As noted by one police respondent, an officer's experiences would likely be a function of the type of police force and the area of policing. These factors could be further analyzed in future studies.

This study was only a beginning - only crudely scratching the surface of an issue. Further attempts should be made to understand the complex nature of police abuse of power in the investigation of cases, and ways to deal with it. There is still much that police officers could contribute to our knowledge of it; and this should be pursued.



ONTARIO  
COMPLAINTS SUMMARY

## APPENDIX B

1978-1979

<u>TYPE OF COMPLAINT</u>	<u>1978</u>	<u>1979</u>
- Use of Force	849	881
- Harrassment	136	133
- Improper Conduct	1,049	1,179
- Inadequate Service	651	685
- Other	310	261
Resolved		2,008
<b>INVESTIGATION RESULT</b>		
- Unfounded	-	702
- Exonerated	-	565
- Not Sustained	-	665
- Sustained	-	405
- Sustained in Part	-	-
- Pending	-	85
<b>DISPOSITION IF SUSTAINED</b>		
- Charged CC	130	103
- Police Act (Major)	37	48
- Police Act (Minor)		
- Disciplined	102	243
<b>TOTAL COMPLAINTS</b>	<b>2,995</b>	<b>3,139</b>

Source: Ottawa Police Department

## OTTAWA POLICE DEPARTMENT

## APPENDIX B

## COMPLAINTS SUMMARY

1979-1982

<u>TYPE OF COMPLAINT</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>
- Use of Force	21	27	54	26
- Harrasment	12	11	12	8
- Improper Conduct	35	55	55	55
- Inadequate Service	9	12	23	17
- Other	2	2	-	2
Resolved	1	1	2	1
<b>INVESTIGATION RESULT</b>				
- Unfounded	22	67	31	8
- Exonerated	13	4	82	64
- Not Sustained	13	3	2	5
- Sustained	30	12	19	8
- Sustained in Part	-	11	4	15
- Pending	-	8	6	7
<b>DISPOSITION IF SUSTAINED</b>				
- Charged CC	-	-	1	-
- Police Act (Major)	-	1	4	-
- Police Act (Minor)	2	3	-	1
- Disciplined	28	19	19	22
<b>TOTAL COMPLAINTS</b>	<b>79</b>	<b>107</b>	<b>144</b>	<b>108</b>

Source: Ottawa Police Department

## APPENDIX C

NOTE: The following questions deal with transgressions, or "bending", of rules, laws, or operational guidelines in the course of a police investigation. They do NOT refer to police corruption or flagrant abuse of position.

1. Which type of rules do you find to be most restrictive in the investigation of cases? (If more than one choice, please rank order by placing a '1' next to the 'most' restrictive.)

Federal Statutes (CCC) \_\_\_\_\_

Provincial Statutes \_\_\_\_\_

Municipal Bylaws \_\_\_\_\_

Internal Regulations \_\_\_\_\_

2. Could you provide any specific examples for Question 1?

3. What do you feel are the most common reasons for "transgressions" of rules? (If more than one choice, please rank order placing a '1' next to the most common, etc.)

\_\_\_\_\_ To get the job done.

\_\_\_\_\_ To obtain evidence that could not otherwise be obtained.

\_\_\_\_\_ To speed up the investigative process.

\_\_\_\_\_ For personal satisfaction in the resolution of a case.

\_\_\_\_\_ To circumvent what appears to be useless bureaucracy.

\_\_\_\_\_ To meet internally-generated (organizational) demands.

\_\_\_\_\_ To prevent further crime by a person or group.

\_\_\_\_\_ For public perceptions of effectiveness.

\_\_\_\_\_ For public feelings of safety.

\_\_\_\_\_ Other (please specify) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Do you feel pressure to conclude cases by way of a charge?

5. Do you feel pressure to conclude cases by way of a conviction?

6. What do you think the public wants in a police officer?

- \_\_\_\_\_ Officers who get the job done (high % of resolved cases)?
- \_\_\_\_\_ Officers who abide by all laws and regulations regardless of cases solved?
- \_\_\_\_\_ Officers who are pleasant and sincere with citizens? (Regardless of other two alternatives)

Comments? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. What do you see as the primary purpose of a police department?

- \_\_\_\_\_ To protect the public.
- \_\_\_\_\_ To prevent crime.
- \_\_\_\_\_ To solve crime.
- \_\_\_\_\_ To keep dangerous people off of the streets.
- \_\_\_\_\_ To satisfy the public.
- \_\_\_\_\_ Other (Please specify) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

8. Do you feel that you have a voice in legislative changes regarding police?

9. Do you feel that you have a voice in operational or departmental changes?

10. If you answered yes to Question 9 or 10, what changes would you recommend to allow you to best do your job?

11. To what extent do you AGREE / DISAGREE with the following statement?

"Police have been placed in the position of having to uncover and deal with major crime under inadequate laws."

1 ----- 2 ----- 3 ----- 4 ----- 5  
 Agree Disagree

12. Do you have any further comments on the topic of this questionnaire, or about the questionnaire itself? Please feel free to comment.

13. For comparison purposes, could you please fill in the following.
- |                 |        |                        |                     |                        |
|-----------------|--------|------------------------|---------------------|------------------------|
| Sex,            | M      | F                      |                     |                        |
| Marital Status, | Single | Married<br>(no family) | Married<br>(family) | Separated/<br>Divorced |
| Years Service:  | 1-5    | 6-10                   | 11-15               | Over 15                |

THANK YOU FOR YOUR ASSISTANCE!

## APPENDIX D

NOTE: The following questions deal with transgressions, or "bending", of rules, laws, or operational guidelines in the course of a police investigation. They do NOT refer to police corruption or flagrant abuse of position.

1. Do you believe that police routinely break or "bend" rules in order to solve cases?
 

Yes	No	Don't know
-----	----	------------
  
2. If yes, what types of rules do you think that police officers break or "bend"? (If you have more than one choice, please rank order by placing a '1' next to your first choice, '2' next to second choice, etc.)
 

_____	Minor infractions of Federal Statutes
_____	Minor infractions of Provincial Statutes .
_____	Minor infractions of Municipal Bylaws
_____	Minor infractions of Internal (Departmental) Regulations
_____	Major infractions of Federal Statutes
_____	Major infractions of Provincial Statutes
_____	Major infractions of Municipal Bylaws
_____	Major infractions of Internal Regulations
  
3. Could you provide any specific examples for Question 2?
  
4. If yes to Question 1, what do you feel are the most common reasons for "transgressions" or "bending" of rules? (If more than one choice, please rank order by placing a '1' next to the most common, etc.)
 

_____	To get the job done.
_____	To obtain evidence that could not otherwise be obtained.
_____	To speed up the investigative process.
_____	For personal satisfaction in the resolution of a case.
_____	To circumvent what appears to be useless bureaucracy.
_____	To meet internally-generated (organizational) demands.
_____	To prevent further crime by a person or group.

(Question 4 continues on next page.)

- \_\_\_\_\_ For public perceptions of effectiveness.
- \_\_\_\_\_ For public feelings of safety.
- \_\_\_\_\_ Other (Please specify) \_\_\_\_\_

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5. Do you feel that police are under pressure to conclude cases by way of a charge?

6. Do you feel that police are under pressure to conclude cases by way of a conviction?

7. What do you want in a police officer? (Rank order if desired)

- \_\_\_\_\_ Officers who get the job done (high % of resolved cases)?
- \_\_\_\_\_ Officers who abide by all laws and regulations regardless of cases solved?
- \_\_\_\_\_ Officers who are pleasant and sincere with citizens? (Regardless of other two alternatives)

Comments \_\_\_\_\_

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8. What do you see as the primary purpose of a police department?

- \_\_\_\_\_ To protect the public. (Rank order if desired)
- \_\_\_\_\_ To prevent crime.
- \_\_\_\_\_ To solve crime.
- \_\_\_\_\_ To keep dangerous people off of the streets.
- \_\_\_\_\_ To satisfy the public.
- \_\_\_\_\_ Other (Please specify) \_\_\_\_\_

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9. When you see or hear of reported crimes not being solved, who/what do you believe is the problem? (If more than one choice, please rank order by placing '1' next to first choice, etc.)

Police officer's handling of the case?  
 Lack of evidence?  
 Lack of, or unreliable, witnesses?  
 Criminal(s) very cautious or smart?  
 Lack of police officers or other resources?  
 Lack of community co-operation?  
 Lack of effort on the part of the police?  
 Inadequate attention given to a case?  
 Other (Please specify) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

10. Have you ever been directly involved with a police investigation?

Yes No

11. If yes, were you satisfied with the way that the case was handled?

Yes No Don't know

12. If no, was this because of

police attitude  
 lack of effort  
 tactics used  
 inadequate attention to case  
 lack of feedback on progress or actions  
 police approach to case  
 Other (Please specify) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

13. Have you ever lodged a complaint about a police officer?

Yes No

If yes, type of complaint \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

14. If you knew that a police officer broke a law or departmental rule in order to solve a case, would you complain?

Yes No

15. In general, are you satisfied with your police department?

Yes No

16. In general, are you satisfied with our judicial system?

Yes No

Comments (on Question 15 and/or 16)? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

17. Do you feel that the police have a voice in legislative changes regarding them?

18. To what extent do you AGREE / DISAGREE with the following statement?

"Police have been placed in the position of having to uncover and deal with major crime under inadequate laws."

1 ----- 2 ----- 3 ----- 4 ----- 5  
 Agree Disagree

19. Do you have any further comments on the topic of this questionnaire, or about the questionnaire itself? Please feel free to comment.

20. For comparison purposes, could you please fill in the following.

Sex, M F  
 Marital Status, Single Married Married Separated/  
 (no family) (family) Divorced

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