SUPPORTING POLICE PROFESSIONALISM

International Municipal Lawyers Association
Canadian Department
Austin, Texas
22 October 2012

Neil Robertson, Q.C.

SUPPORTING POLICE PROFESSIONALISM

1. WHAT IS POLICE PROFESSIONALISM?
2. WHO WANTS POLICE TO BE PROFESSIONAL?
3. WHY IS POLICE PROFESIONALISM IMPORTANT?
4. WHY DOES UNPROFESSIONAL CONDUCT OCCUR?
5. HOW DO WE PROMOTE POLICE PROFESSIONALISM?

WHAT IS POLICE PROFESSIONALISM?

- **WHAT CONSTITUTES A PROFESSION?**

  - expertise, decision-making autonomy, public service orientation, sense of calling, unique culture, code of ethics, special status, and self-regulatory power

  - police satisfy criteria, except for fully self-regulating, but that is no longer true of most professions

- **PROFESSIONALISM**

  - competence, honour and duty, and wisdom

WHAT IS POLICE PROFESSIONALISM?

- **PROFESSIONAL STANDARDS**

  - accepted standards of work and ethical conduct against which professionals can be judged

  - codified in legislation, codes of ethics, discipline codes and police manuals, policies and standing orders

- **“high standards”** expected of police officers

WHO WANTS POLICE TO BE PROFESSIONAL?

- **POLICE & THE PUBLIC**
- the public expect professional service
- Police want to be respected and to think of themselves as professionals

WHY IS PROFESSIONALISM IMPORTANT FOR POLICE?

- **BOTH PHILOSOPHICAL AND PRACTICAL REASONS**

- **PEEL'S PRINCIPLES** of 1829:

  - foundation of Canada's police

  #2 "To recognize always that the power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions and behaviour, and on their ability to secure and maintain public respect."

  #7 "To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police;"

WHY IS PROFESSIONALISM IMPORTANT FOR POLICE?

- Police necessary to well-ordered civil society – alternatives unattractive
- Democratic policing requires consent of the public.
- Police effectiveness depends upon public cooperation.
- Public influenced by both personal encounters with police officers and by public perceptions of police.

PUBLIC IMAGES OF POLICE

REGINA, SASKATCHEWAN

LEADER-POST

BREAKING NEWS AT LEADERPOST.COM

WEDNESDAY, JULY 25, 2012 A DIVISION OF POSTMEDIA NETWORK INC. $1.43 + GST

REGINA TOPS CRIME AGAIN

Statistics Canada report

EMMA GRANEY
LEADER-POST

Regina has once again been given the dubious honour of highest total crime rate and severity in Canada.

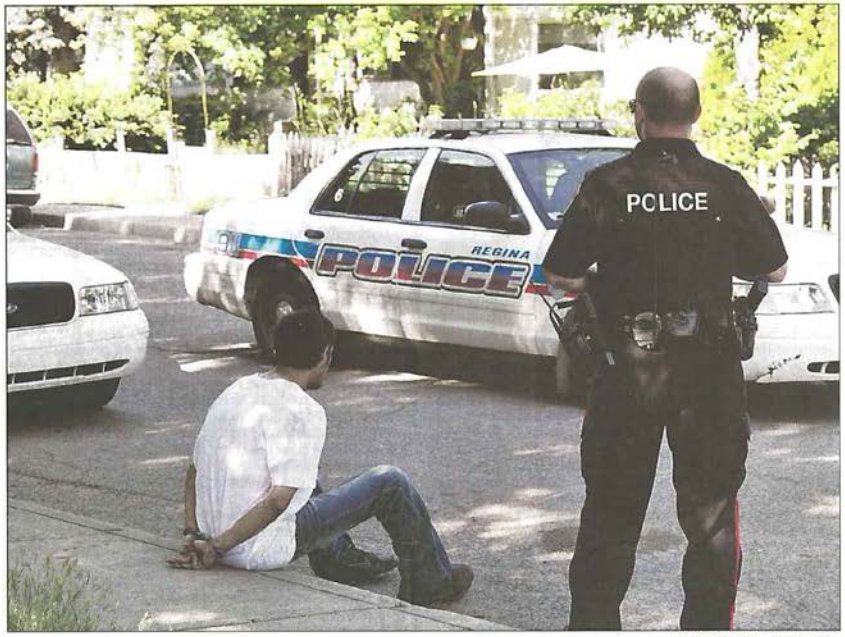
Statistics Canada released its 2011 police-reported crime numbers on Tuesday, which measures the total volume of crime per 100,000 people. It also measures the crime severity index (CSI), which takes into account the volume and seriousness of crime.

Regina Police Chief Troy Hagen acknowledged the city's place at the top of the ladder, but said it was important to note the downward trend in crime over the past decade.

See CRIME, A2

MORE INSIDE

North Battleford is statistically the most crime-ridden Canadian city. **Page A4**



DON HEALY/Leader-Post files

Regina once again topped the list with the highest crime rate and severity in Canada's big cities.

JAIL DRUG SMUGGLING

No word on changes

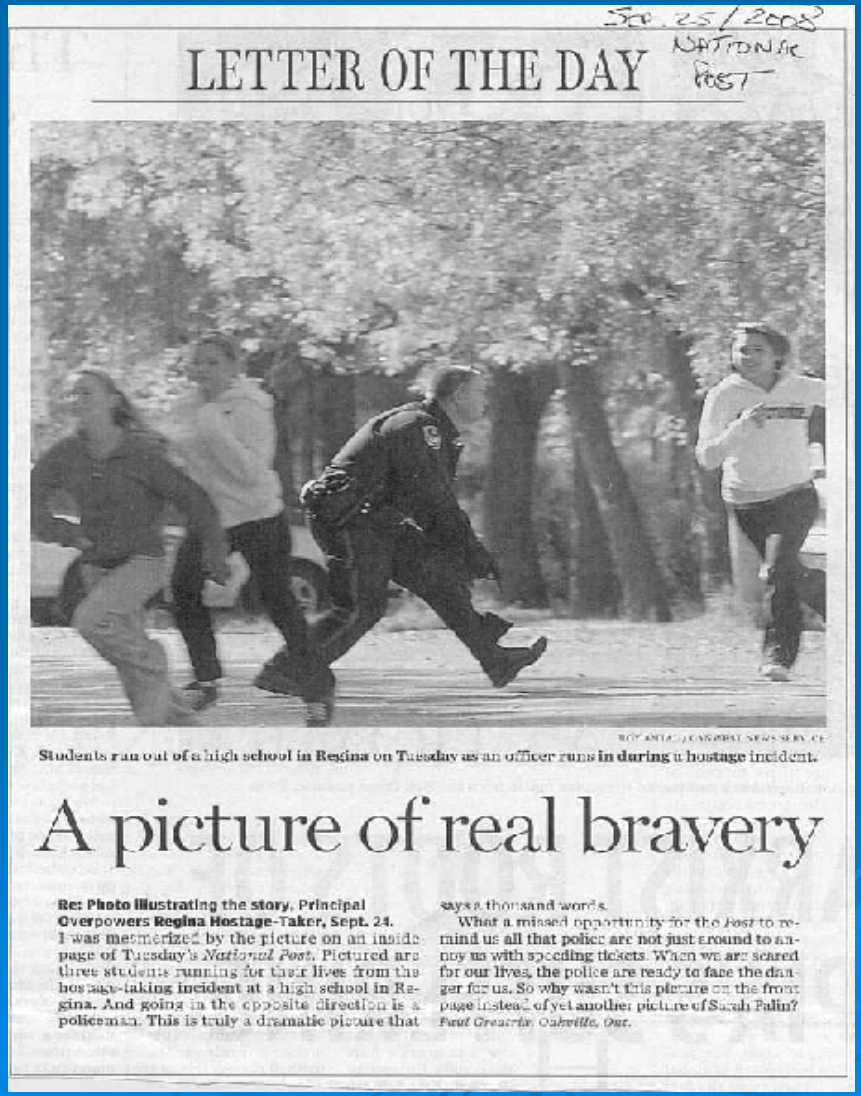
HEATHER POLISCHUK
LEADER-POST

The province won't say whether any changes have been made to security screening to prevent situations in which staff members can bring drugs into the Regina Correctional Centre.

Earlier this week, a longtime employee of the provincial jail became the second of two staff members to be handed a prison sentence after bringing a variety of illegal drugs into the facility for inmates. During the sentencing for Brent Miles Taylor, Regina Court of Queen's Bench Justice Eugene Scheibel referred to the fact the then-guard was in a perfect position to bring the contraband in.

"He was not only allowed free access to the prison, but free access to the inmates," Scheibel wrote in his sentencing decision. "Guards were not searched when

EVENTS INFLUENCE THE PUBLIC IMAGE OF POLICE AS PROFESSIONAL OR NOT



SEP. 25/2008
NATIONAL POST

LETTER OF THE DAY

Students run out of a high school in Regina on Tuesday as an officer runs in during a hostage incident.

A picture of real bravery

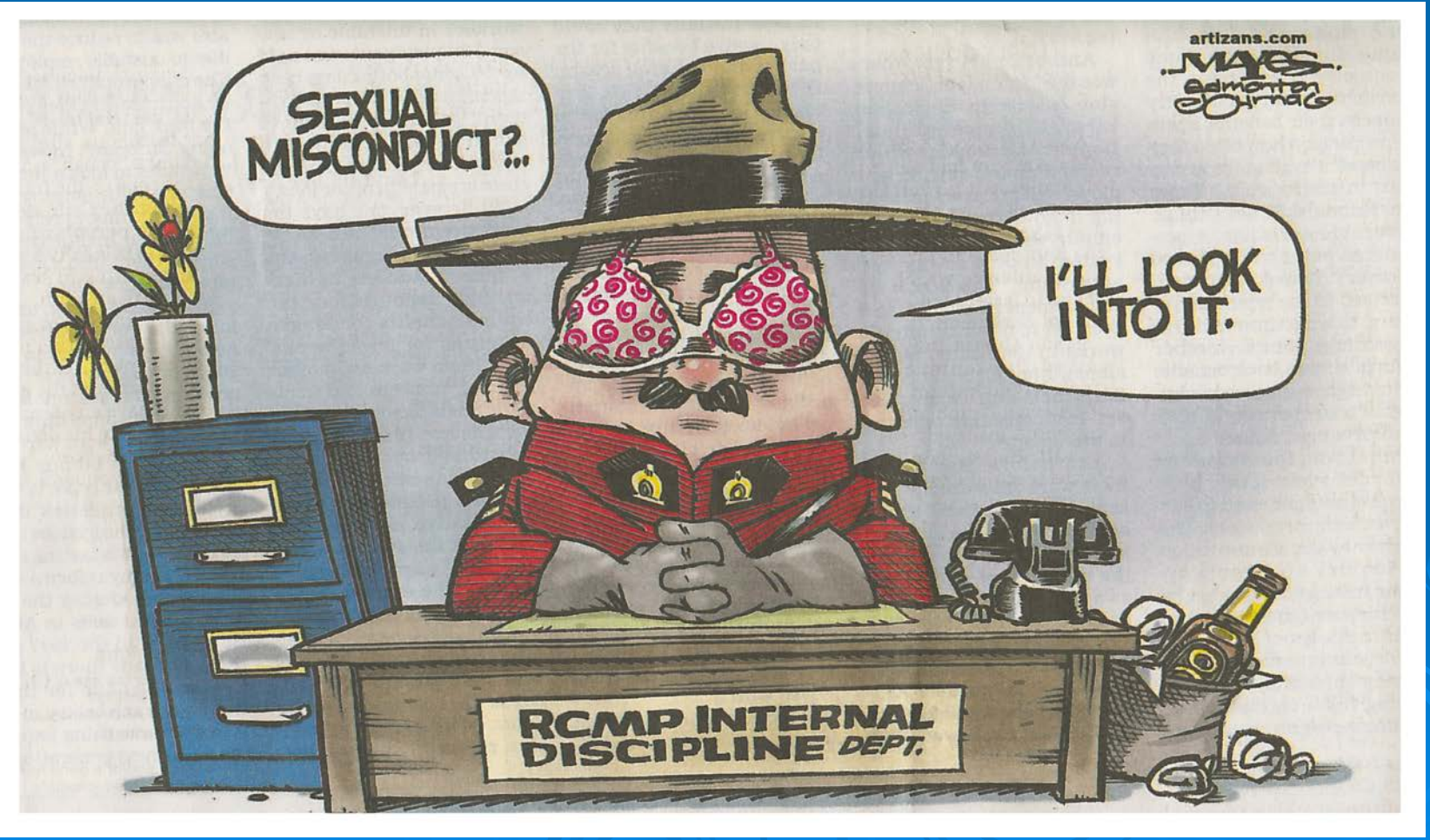
Re: Photo illustrating the story, Principal Overpowers Regina Hostage-Taker, Sept. 24.

I was mesmerized by the picture on an inside page of Tuesday's *National Post*. Pictured are three students running for their lives from the hostage-taking incident at a high school in Regina. And going in the opposite direction is a policeman. This is truly a dramatic picture that says a thousand words.

What a missed opportunity for the *Post* to remind us all that police are not just around to annoy us with speeding tickets. When we are scared for our lives, the police are ready to face the danger for us. So why wasn't this picture on the front page instead of yet another picture of Sarah Palin?

Paul Gruzelle, Oakville, Ont.

EVENTS INFLUENCE THE PUBLIC IMAGE OF POLICE AS PROFESSIONAL OR NOT



PUBLIC SCRUTINY OF POLICE

- **RECENT INQUIRIES INVOLVING POLICE ACTIONS**:

  - Quebec Corruption Inquiry by Justice Charbonneau now hearing testimony

  - Missing Women Commission Inquiry by Wally Oppal due to report by 31 October 2012

  - June 2012 Report into G20 in Toronto by John Morden

  - May 2012 Report into G8/G20 Inquiry ("Policing the Right to Protest") by Gerry McNeilly

  - September 2011 Report on 2009 Stanley Cup Riot by Vancouver Police Department

  - June 2009 and May 2010 Reports by Thomas Braidwood into Death of Robert Dziezinski at Vancouver Airport

  - February 2010 Liberal Senators Report on RCMP ("Towards a Red Serge Revival")

WHY DOES UNPROFESSIONAL CONDUCT OCCUR?

HISTORICAL PERSPECTIVE

- **London Metropolitan Police est. 1829**

  - half of first 3,247 dismissed for drunkenness, laziness, brutality, and insubordination

- **U.S. Police**

  - some recurring and serious police corruption

  - encouraged adoption of “Professional Model”

- **Canada’s police** generally regarded as professional by both public and internationally

  - but complacency is dangerous

  - vigilance required to preserve integrity and public confidence

WHY DOES UNPROFESSIONAL CONDUCT OCCUR?

- **INDIVIDUALS** responsible for their own conduct, but should also acknowledge other influences.

- **BAD APPLES** – dispositional
  - the individual and his/her character
- **BAD BARRELS** – situational
  - the environment, including group norms
- **BAD BARREL MAKERS** – systemic
  - those who create the environment, including leaders

- Philip Zimbardo *The Lucifer Effect: Understanding How Good People Turn Evil* (2007)

WHY DOES UNPROFESSIONAL CONDUCT OCCUR?

- “corrosive environment” of policing
- Police cultures prize loyalty

  - “Blue wall” of solidarity may tolerate misconduct, even if individuals do not condone
- “failure to be proactive about ethics has the same organizational consequences as unethical leadership.”

  - CACP Professionalism in Policing Research Project 2012

  “Every time you let something go, you set a new and lower standard.”

WHY DOES UNPROFESSIONAL CONDUCT OCCUR?

- Generational shift in Canada's police

  - "wave of new recruits has replaced a surge in retirements." – CACP 2012 Report by Maguire/Dyke
- both positive and negative implications

  - standards usually relax when hiring increases

  - typically, problems show up years later
- Relative inexperience of frontline and supervisors

  - training challenge

  - inexperience can result in mistakes

  - younger officers tend to be more aggressive

COMMON PERFORMANCE ISSUES

- poor note-taking and report writing practices, by both subject and witness officers.
- too quick to apply force;
- unsanctioned methods become accepted common practice;
- supervisory neglect, in failing to

  - detect or correct subordinates, even endorsing unprofessional conduct, and

  - failing to record defaults or accurately evaluate

CHALLENGES TO DISCIPLIINE

- **INSUFFICIENT INVESTIGATION OF ALLEGATIONS**

- **PROCEDURAL SAFEGUARDS CAN DELAY OR THWART EFFECTIVE DISCIPLINE**

  - RCMP Cst. Kevin Gregson

  "Gregson was on paid suspension for several years as he fought the RCMP's snail-like disciplinary system."

  - Regina Leader-Post 18 September 2010

  - Montreal Cst. Stefanie Trudeau

  "These incidents and several more are part of a disciplinary file and other court proceedings going back 16 years."

  - Globe and Mail 15 October 2012

HOW DO WE PROMOTE POLICE PROFESSIONALISM?

LEADERSHIP

- providing good model
- holding themselves and others accountable to the 'higher standards' expected of police
- making difficult decisions about discipline
- communication

"discretionary behaviour, manifest in management and leadership practices, is the strongest driver of sustaining front line commitment to professionalism. To a great degree, these management and leadership practices can be easily improved by more effective communication."

- *CACP Professionalism in Policing Research Project* February 2012, p. 1:

- supportive environment to mitigate stress
- support good pay and benefits

HOW DO WE PROMOTE POLICE PROFESSIONALISM?

SELECTION & PROMOTION

- skills can be taught, but character is formed
- we tend to hire in our own image, so who is doing the hiring is critical
- since the best indicator of future performance is past performance, solid background checks are critical

  - if resources are limited, contract with good retired officers to do background checks
- apply Chief's authority over assignment and promotion to avoid inappropriate selections

HOW DO WE PROMOTE POLICE PROFESSIONALISM?

TRAINING

- A great deal of professionalism is the product of good habits developed by training, practice and constant correction

  - focus on “keystone habits”, such as safety and standards of professionalism

  - basics: notebooks, reports, showing up at court
- Training should mirror Policy/best practices
- Not just skills training

  - incorporate philosophy into all training
- Field Training Officers should reinforce, not contradict formal training

HOW DO WE PROMOTE POLICE PROFESSIONALISM?

SUPERVISION

- Front-line supervision is key
- ensure properly trained before supervising
- Supervisors must do their duty
  - accountable for performance of subordinates
  - not a buddy, but a boss
  - supporting good work
  - detecting and correcting error
  - documenting to create record
- Managers should not accept inflated performance evaluations by supervisors

HOW DO WE PROMOTE POLICE PROFESSIONALISM?

PROFESSIONAL STANDARDS

- both external oversight and internal investigation
- supporting discipline to improve or remove officers who do not exemplify professionalism
- investigations going beyond allegations of misconduct to consider whether police actions met professional standards and identifying systemic problems
- computer program to document and detect patterns of misconduct to enable early intervention

  (but will only perform if information entered)

SUPPORTING POLICE PROFESSIONALISM

- NOT A MATTER OF CHANGING HOW POLICE DO BUSINESS, BUT REINFORCING PROFESSIONAL EXPECTATIONS AND PRACTICES

- IDENTIFYING ISSUES EARLY PROVIDES AN OPPORTUNITY TO ACT TO AVOID MORE SERIOUS PROBLEMS APPEARING LATER