

THE POLICE AND THE LAW

The protection of life and property is the basic function of all police forces. It is general knowledge among all men engaged in police work, in Saint John at least, that such duties have materially increased since the freeholders of the City were empowered by the Charter of the City of Saint John on March 7th, 1812, to elect one constable for each of the six wards annually. The work of these men, who were employed mostly at night, was to follow the ancient custom of crying the hours and the state of the weather. Today, the duties as originally outlined have been increased by innumerable statutes, regulations and by-laws. A police constable is called upon to perform the following duties, to name only a few: protection of life and property; the caring of the injured, ill, poor and distressed; of children, persons of unsound mind, missing persons, etc., everything that is concerned with the maintenance of public order and security; licensing and certification in various forms; acting as a helpmate in any emergency; traffic duties; reporting conditions of streets, supervision of school patrols, etc.

Most policemen want to see their job recognized as a profession. Many are handicapped, however, in that they do not have the advantage of having attended a specialized school for a long period of formal training and study. A policeman usually embarks upon his chosen career after a short period of training which, at best, can only provide him with some of the basic fundamentals of police work. A man joining the force is usually placed with an older man during his probationary period, given lectures and examinations from time to time. These in themselves are fairly good, but if he wishes to acquire proficiency in the skills of a policeman, he must learn by experience and by attending the police school, when the school is held. In a small department such as ours, it is not possible to conduct a permanent police school. For one thing, we have not the full facilities, and the strength of the Force will not allow it. So that he must obtain his police "education" through the school which is held of necessity during the winter months. This, along with experience gained by working with senior members of the department is one of the major ways he can acquire more knowledge of his work. From time to time it is possible to send other members of the department to advanced training schools conducted by the Royal Canadian Mounted Police, which are of great assistance. The effect of these courses will be seen in years to come.

Much harm often results from the non-observance of courtesy by a policeman. He must at all times, without exception, exercise sympathy, understanding and discretion, and, at the proper time, firmness. A police force does not make laws; policemen only enforce them. They are mainly concerned with bringing violators before the Courts and producing evidence in support of the action taken. Whether the person is convicted or not should be no concern of the policeman. His responsibility has ended when the accused is before the Court and he has given his evidence.

The system of British justice is such that the "burden of proof" rests entirely on the Crown. True, the burden shifts in some cases, but under our system full use may be made of legal argument. A policeman, no matter how long he has served, is more than likely to be faced with the best legal talent defending the accused; consequently knowledge, truthfulness, and correct deportment are necessary when a policeman takes the witness stand. Clarity of speech and firmness are also requisites.

Too often a young police constable, eager and full of the facts of the case, has elaborated on certain phases only to find from this eagerness that Counsel for the Defence has very cleverly turned part of the evidence, at least in favor of his client, or through adroit questioning nullified some very important Crown evidence.

A policeman is at all times in contact with the legal profession. In major cases the Crown attorney depends on the maximum helpfulness of the police investigator. He is the connecting link between the case and the Crown attorney. Clearly, the police, who are usually the first responsible officials to learn of a crime, can be of the greatest assistance to Crown Counsel.

On the other hand, although every endeavour should be made to obtain a conviction in a case, every opportunity should be afforded Defence Counsel to obtain all information relevant to the case in order that he can prepare a proper defence for his client.

Defence Counsel will usually take advantage of every opportunity afforded by cross examination of Crown witnesses, particularly policemen, but it has been found with very few exceptions, that the average policeman has nothing to fear, provided he gives his evidence in a clear-cut manner. The witness stand provides a peculiar challenge to policemen, some meet it adequately, others fail in some respects.

I often think of a definition of what it takes to be a cop, given by an American Chief of Police of other days. Here it is:

"HERE'S WHAT IT TAKES TO BE A COP"

"If you have the wisdom of Solomon, courage of Daniel, strength of Sampson and patience of Job; the leadership of Moses, kindness of the Samaritan, the strategy of Alexander, faith of David, diplomacy of Lincoln, tolerance of Confucius and a complete knowledge of criminal law and procedure, you are a police officer."

by J. J. Oakes,
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