

Notes for an Address

**Police and Politicians:
The Accountability / Independence Conundrum**

Canadian Police College Executive Seminar

**Check against delivery*

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We should begin the discussion of the dynamics in the police-politician relationship by reflecting on the issue of trust. Understanding the words as they relate to the key players in the relationship gets us a relatively fair bit down the road of understanding the different roles, specifically as they intersect with one another.

There are not many societies in this world where trust extends broadly to the police. In other words, when my wife and I were pulled over relatively late one evening on a deserted piece of road in Newfoundland, as we drove, a touch too enthusiastically from a theater in Trinity towards Saint John's, we worried only about whether we were over the speed limit and by how much. We did not worry about being harmed physically or shaken down financially for the officer's personal or political gain. We did not worry that he did not have a second officer with him. We understood implicitly that he could be trusted to do whatever the highway traffic act and his own legitimate discretion required.

We took his commitment to the law, the public interest in our safety and his uniform for granted. But I do not take the fact that one can do so in Canada for granted at all. Neither should any of us. There are many countries in the world, perhaps even some parts of our great ally to the south where taking that for granted might be more than just a touch optimistic.

What we expect from a police officer is very different from what we expect from a minister of the Crown or elected official at the municipal level. Elected politicians in pluralist societies must understand and embrace some level of compromise; they have a duty to weigh competing interests and assess what can be done in terms of the art of the possible. Their only real authority comes from their capacity to persuade. When they are not persuading in terms of what needs to be done on any issue, they are explaining what they tried to do, why it is working or why more needs to be done. Their contract with the public is temporary, always open to debate and criticism and subject to cancellation by the voters or serious dilution by the polls.

We call it democracy.

That is a very different relationship from that between the police and the public. The police are the front line on crime, and the final resort in terms of addressing public disorder. No aspect of our social infrastructure has the license to impose penalties as harsh or use as much force as the police, when circumstances require. Those circumstances are described by the criminal code, various memoranda of enforcement and the weight of judicial decisions—and made real by well-trained and armed police forces under various jurisdictions throughout the land.

The public understands viscerally the difference between their relationship with elected politicians and professional and disciplined police forces across the country. They have different expectations of each and different levels of trust.

They understand that politicians may make promises they believe in at the time but are unable to deliver. They understand the role-playing which often makes governing politicians overstate how good things are and opposition politicians overstate how bad things are. We understand that the truth is usually somewhere in the middle.

But the police are viewed in more dogmatic ways. Police will respect the law because they are paid to enforce it, with the use of force if necessary. Police are expected to view all citizens equally unless there is hard evidence of malfeasance. Police are expected to keep their emotions as human beings, taxpayers, citizens, voters utterly separate from their policing role. Some of these may well be excessive expectations but they are real and part of the larger mix.

These issues of trust, political and social dynamics and differing expectations have to inform the relationship...the working relationship with politicians.

Let me comment on what I think the worst part of that relationship is as we speak, and then move on to the more encouraging news.

Police leadership and political leadership make the same mistake, well-intentioned but potentially quite problematic. Very simply, there are few "non-crisis" regular contacts between police and politicians in the normal course of day to day policy development and debate. Post 9/11 engagement has been considerable at most levels. What was the level of engagement before?

Police Service Commissions, intended to be arm's-length buffers can be part of the problem. More than a Police Services Commission should hear police chiefs' regular assessment of lawlessness, criminal trends and threats and critical social/economic/criminal intersects in our society.

The broad issue of public security is larger than the police oversight and review community; it impacts and is impacted by vast areas of immigration, economic and social policy. Often, failures in systems as diverse as mental health treatment, housing, education and border drug interdiction force the police into difficult front line roles—for which they are usually under-staffed or under-resourced overall.

So the first dynamic to ensure and advance is that of regular contact. Any mayor, minister or premier who did not want a full report in person from senior police leadership on critical issues in law and order, changing dynamics in the world and practice of crime, and a refreshed assessment of the threat scenario should themselves be looking for another line of work. The primary role of the state is to assure citizens the right to go about their lives unintimidated by crime or violence. The criminal code and those who enforce it are vital instruments in ensuring that right.

It is important that this relationship not only be in private. While there are security reasons why that might be required on occasion, insulating the public as a whole or both sides of the legislature, or all of city council from these sorts of concerns is myopic and counterproductive. In the end, a politician's interaction with the police will depend on the sense of public support for and concern about preserving a lower crime rate society. So confidentiality here is an accessory to the crime of inertia or, an abdication, when it comes to crime prevention and social order.

Understand too that the politician's schedule, while crowded and intense, demands a level of choice about how time and resources can be used for police leadership. To earn the trust necessary during times of crisis—requires the depth of a non-crisis relationship of standing to begin with.

As a general rule, the arm's-length nature of the police will mean that few politicians will try to make regular contact unless they have real and direct personal jurisdiction or responsibilities. So classically, police chiefs relate to police commissioners, police commissions, solicitors general and perhaps attorneys general.

Which is all well and good-except that the truly key decisions being made about resources come from finance commissioners, budget committees, finance ministers, premiers and Prime Ministers.

So, common sense and advancing legitimate institutional interests should be as permissible for police leadership as it is for any other part of state activities dependant on allocative decisions made by duly elected leadership. Let me make the case as well for strong relationships at the working level with the bureaucracies that underpin those areas of decision-making outside the normal vertical chain of command in the police world.

Now none of these can be embraced without assessing the large issue of independence and accountability. Police forces and police leadership are independent and must be-with accountability to the law and the duly constituted civilian oversight organizations that exist.

Remember my reference to trust a few minutes ago. It is because police are not beholden to any group of politicians, any particular political party, any particular minister or prime minister for their authority, that they are trusted to act always in the public interest. This creates the need for distance in critical areas—who is under investigation, for example—rigid confidentiality until people are charged and the absolute preservation of police independence. Informal practices that afford people in power any warning at all about pending charges against the strongest, most prominent or weakest in our society are simply a mistake.

Any politician worth his or her salt would much rather find out about this at the precise time that the media and public at large do. That politician can then guide himself accordingly.

It is vitally important that police leadership in uniform do not make the mistake that much of our military leadership makes.

It is vital that uniformed leadership be able to speak out publicly when policy is being made relative to areas about which they have legitimate concerns. Saying that one is there to enforce the law rather than make it is quite legitimate after laws have been passed and signed by the Crown into effect. But when there is a parliamentary debate or a public discussion on issues like immigration, mental health facilities, legalization of certain substances, highway or housing issues, alcohol abuse and the rest, uniformed police leadership who have direct contact with street reality must not be excluded from the debate.

It is also a mistake to define one's accountability too narrowly—i.e., only to the law and the designated oversight organization.. because that leaves the initiative in everyone else's hands except yours, accusers',. politicians',.. those who are always feeling wronged by the police regardless of the facts, the media critics always have the initiative. Some of the above may be fair and some may not – that too is democracy. But police leadership can create their own constructive complimentary accountabilities through community groups, business, labour and volunteer

organizations, regular visits to universities to listen and explain before matters of crisis or controversy become fleetingly dominant in the news frame.

The most serious risk is that the politicians of any particular government, no matter how popular or well-meaning, become the perceived mouthpiece for the police, or, even worse, the police became the mouthpiece for that government. One's jurisdictional obligations in terms of responsibility to parliament, the legislature or city council through elected leadership is one part of accountability and an important part. But broader accountability actually helps to secure both the reality and impression of real accountability—which are both mutually dependent.

In other words, you may report to senior politicians—but you belong to all of us in the general public, and maintaining that distinction is absolutely vital to your own effectiveness and our common interest in public security, civil rights and liberties.

That being said, there is nothing to stop you from using your own expertise and that of others to influence constructive policy change and development. Asking always for more money and resources is not always helpful, however it may be unavoidable. Developing innovative public policy options that would be attractive to reasonable elected officials is not a bad tactic—especially when governments are shaping new budgets and throne speeches. Do not wait to be asked. I can assure you that your competitors for the public agenda have not, do not and will not.

The public interests you represent are as vital as any—and a lot more vital than many other issues on that public agenda.

I am delighted to take questions and comments.

Thank you.