

Whistleblowing and Moral Dilemmas in Policing: An Analysis of Police Culture
and the 'Blue Code of Silence'

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Abstract

This thesis explores police officers' moral experience with the 'blue code of silence' and whistleblowing relating to corruption, misconduct and abuses of civilians. The interview responses of five (5) Canadian police officers is presented and examined using a meta-analytical approach of symbolic interactionism and critical discourse analysis to explain the perspectives, experiences and decisions of the officers interviewed. The thesis seeks to understand the tension between proactive policing which contributes to abuses, misconduct and moral conflicts with respect to the right of the civilians to effect democratic control of police. The thesis examines the narratives of interviewees sustained by the assumptions that: a) the state monopolizes the legitimate use of force; b) bureaucracies thrive on secrecy, the protection of their members and the exclusion of 'outsiders'; and c) discretionary authority and power tends to corrupt. Sustained by the assertion that all organizations are hierarchical, the thesis draws on Howard Becker (1967), Alvin Gouldner (1968) and Alexander Liazos (1972) to critically assess how the administrative, disciplinary and policy-makers (the "top dogs") reflect on factors involved in abuse, misconduct, the 'blue code of silence' and whistleblowing. The major findings from the interviews with current and former police officers range from tactics of dissociation and denial, 'neutralization' techniques, rejection of policing, moral objection to covert and overt abuses and corruption in policing and enforcement of minor drug laws. Of requests for interviews with nine (9) "top dogs" (political, administrative and investigative bodies) that set policy and hold police organizations accountable, only Mr. Gerry McNeilly, director of the Office of the Independent Police Review Board (OIPRD), agreed to be interviewed. In general, "top dogs" deflected, avoided scrutiny and visibility or were contradictory and evasive about the realities of the 'blue code of silence'. This thesis aspires to increase public understanding of policing and to facilitate

strengthening accountability and democratic restraints on the institution of policing.

Key Words: blue code of silence; whistleblowing; moral dilemmas; police misconduct; police abuse

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Chapter 1: Introduction

According to *R. v. Darteh* (2013), in September 2010, civilian Ohene Darteh was stopped by three Toronto Police officers, Correa, Uher and Roy, for violating the *Highway Traffic Act* by riding his bicycle in a pedestrian-only area. Correa told officers Uher and Roy to stand on either side of Darteh and hold up his arms while Correa pulled down his shorts and underpants which rendered him naked below the waist. All three officers laughed at him. Darteh was forced to the ground, assaulted, arrested, and then searched twice before being placed into the back of the police cruiser to await an ambulance. Upon his transfer to the ambulance, Correa checked the backseat of the cruiser and “found” a plastic bag containing cocaine that had been stashed. Officer Correa denied knowing Darteh’s identity until the ambulance arrived and claimed that the escalated incident was a result of Darteh’s failure to identify himself, however, the search database present in the police vehicle was used to search Darteh’s name prior to the escalated incident which occurred well before the ambulance arrived. B.P. O’Marra J., the presiding judge in the case, ultimately found Correa to be untruthful and unreliable and questions the legitimacy of Correa finding the drugs in the backseat of the vehicle. For these reasons, B.P. O’Marra J. concluded that this stop was essentially a concealed drug investigation from the outset and the recovered drugs were removed from evidence.

In *R. v. Osbourne* (2008), officers Grant and Correa stopped Fitzroy Osbourne and a friend to hand out a Toronto Anti-Violence Intervention Strategy (TAVIS) card, which resulted in Osbourne yelling and swearing at the officers. Osbourne told the officers to leave him alone and began walking away from the interaction which caused officers Grant and Correa to exit their vehicle, follow the men, and accuse them of jaywalking and causing a disturbance. During the interaction, Osbourne became increasingly upset and was flailing his arms when a cellphone

he was holding hit officer Grant in the chest. He was subsequently charged with causing a disturbance and assaulting an officer. Osbourne later explained that he became upset when initially stopped because he was resentful of the fact that two black men were being “checked out” while they were walking home from a soccer game, which happens to them everyday. Justice Carol Brewer, the presiding judge in the case, determined that Osbourne was within his rights to ask to be left alone, regardless of how rudely he expressed it, and concluded that the disturbance and ‘assault’ would not have occurred if the officers left Osbourne alone when asked to. For these reasons, Justice Brewer dismissed all charges against Osbourne.

Lastly, in *R. v. Singh* (2012), Neil Singh was convicted of armed robbery with a firearm and forcible confinement of Mohammad Kamran Sheikh when he broke into Crane Supply, where Sheikh was working, and stole over \$344,000 worth of copper. A masked assailant ordered Sheikh to the ground at gunpoint and bound his hands and legs together with zip ties and duct tape. Singh was arrested and his seized cell phone implicated Randy Maharaj as an accomplice. Singh was assaulted three times by Detective Clark during questioning, including being hit, slammed against a wall and kned in the ribs. Detective Watts was present for the assaults. The co-accused, Maharaj, was also assaulted by Detective Clark in a similar manner, and both Singh and Maharaj were instructed to respond “no” when asked during their video statements if they wanted a lawyer. Upon release, Maharaj immediately sought medical attention and was advised that he had a fractured rib, though Singh’s physical injuries were not as severe. As a result of these events, Justice Thorburn advised that Singh’s sentence should be reduced.

The purpose of describing the above-mentioned cases is to demonstrate specific instances of police misconduct and abuse that have occurred in Ontario in recent history. It is important to understand that these are not isolated incidents by any means, but that these three cases are

particularly rare because the police officers in question were found to be responsible for some degree of wrongdoing and the civilian was believed by the court. This is not the case in the large majority of complaints against police or investigations into police abuse, misconduct and corruption. It is tempting to read through the above-mentioned cases and explain the misbehaviour of these officers as ‘bad apples’ that exist in every career, including policing, and that these individuals are not representative of their police force and other officers. This thesis will address the misconception of ‘bad apples’ to demonstrate that the issues present in policing are not the fault of ‘bad apples’ when institutions of policing actively *create* these ‘bad apples’, conceal their behaviour and allow them to stay employed. Furthermore, is it really ‘bad apple’ behaviour when even the ‘good’ police officers are participants in some form? It is apparent that we, as civilians, need to change our thinking from attributing incidents of police abuse, misconduct and corruption to individual shortcomings, when in fact these individual incidents together make up the foundation of policing. Developing what will be referred to as a “sociological imagination” in the following section can help us make this connection.

A Sociological Imagination

For those without a sociological background (and even many of those with one) it can be difficult to recognize the connection between the actions of individuals and the greater picture of what is going on in the world. Massive phenomena such as poverty, environmental degradation, racism and sexism can be daunting to make sense of and many struggle to understand the complexities inherent in the foundation of these matters. How do we even begin to address these issues? C. Wright Mills (1959) coined the term “the sociological imagination” as he encourages sociologists and citizens alike to understand the life of individuals and the history of social structures together, rather than separately. Mills (1959) makes a valuable distinction between

‘the personal troubles of milieu’ and ‘the public issues of social structure’ and how these two are intimately intertwined. *Troubles*, Mills argues, “occur within the character of the individual and within the range of his immediate relations with others” (1959:8), whereas *issues* are “the organization of many milieux into the institutions of an historical society as a whole... to form the larger structure of social and historical life” (1959:8). Troubles are essentially private and personal matters, with issues being of a public nature. To possess the sociological imagination, Mills (1959) argues that we must understand that our experiences in specific milieux are caused by structural changes, and conversely, that structural changes are made up of many similarly functioning experiences of milieux.

The sociological imagination is relevant to this thesis for two reasons. First, I hope that you, the reader, will come to see that I have done my best attempt at engaging with a sociological imagination throughout this thesis, and second, I hope to encourage readers to do the same in their everyday lives. While the *issues* of policing to be discussed throughout this thesis are structural and systemic in nature, I have made an effort to demonstrate how these issues are connected to *troubles* that will be explained by the experiences and voices of individual police officers. The issues of abuse, misconduct and corruption at the core of policing are ultimately made up of the many individual actions of officers – the actions of who are influenced, and at times determined, by the very institution they work for. This is precisely why developing a sociological imagination is necessary to adequately address abuse, misconduct and corruption in policing with the goal of resolving or preventing these instances from occurring.

Research Motivation

For my grade 10 “Careers and Civics” course we were told to prepare a presentation about the career we saw ourselves pursuing in post-secondary school with pictures and facts

about that profession. We were instructed to include a description of the career, why we were interested in that field of work, what we intended to study in college or university to reach said career, as well as why we think we would be a good fit. For my presentation, I chose the Ontario Provincial Police (OPP) and showcased how police officers are unsung heroes that should be credited with “keeping our streets safe”. I think back to this presentation often.

Policing has always been on my short list of career possibilities for as long as I can remember and for this reason I chose to present on the OPP for that grade 10 presentation. When it came to applying for university, my long-standing interest in the field of criminal justice made applying to criminology programs an easy decision. Fast forward to the end of my undergraduate degree and I still had no idea what career I wanted to pursue. Policing was always at the back of my mind but slowly my understanding of policing came to change. I was raised with the greatest respect towards police officers and always believed that they belonged to the special “hero” category that few professions fall within. I truly felt as if police officers existed to protect me and my family. With the knowledge and education I obtained through my undergraduate education, I came to understand on a more complex level that this experience and outlook came from a place of deep privilege.

As with all research, my decision to focus this study on policing comes from a profoundly personal place. As I was contemplating my next steps after my undergraduate degree, I found myself questioning whether policing was still a viable career option for me. Largely due to the Black Lives Matter movement, I was exposed to what some may call the “dark side of policing”. Through protests and media coverage, I heard stories of a “code of silence” and “brotherhood” in policing that protected officers at the cost of civilian safety and humane treatment. These concerns were compounded by my job at the time (and still currently) which

involves working directly alongside many retired police officers in a law/rule enforcing environment that allowed me to recognize a distinct culture both within and outside of the office. As I watched many of my fellow classmates and coworkers move on to careers in law enforcement, I found myself still contemplating whether policing was the career for me.

From those I know in the policing world, it seems that many of my personal traits seemingly do not align with a career in policing. My morals and conscience drive my actions and behaviours and I would consider myself very socially conscious or “sensitive”, as my coworkers like to say. This had lead me to wonder how police officers with similar values and traits survive in this seemingly hyper-masculine occupation. While literature on the topic of moral dilemmas in policing is available, it is scarce, and additionally nothing seems to fully make the connection between “the code of silence”, abuse and misconduct, and whistleblowing. This project seeks to understand how police make sense, of, define and relate to misconduct and abuses of authority relative to the norms of a fraternal order. I wanted to learn about these things from police officers themselves and understand from their perspective how the “code of silence” among police works to conceal and normalize misconduct and violence towards citizens.

Standpoint

As a researcher, it is essential that I make my standpoint known. I understand that my experiences with police as a white, middle-class woman living in the Niagara region is vastly different than many other people. I have never had to call for police assistance outside of my job and I have never been pulled over, stopped, searched or questioned by police about any matter whatsoever. While I have witnessed a few negative police-civilian interactions, I have never myself been on the receiving end of a negative interaction with police. It is also important to note

as I have mentioned that many of my former classmates and coworkers have moved into policing careers so I do have a few valued relationships with both current and retired officers.

Project Summary

This project explores police officers moral experience with whistleblowing and the “blue code” of silence relating to misconduct and abuses of civilians. Current and historical patterns of police assaults and killings of unarmed civilians in Canada and the United States, including Indigenous men (“Starlight Tours”), African Canadian and American men, and the emotionally disturbed, have gained mainstream attention resulting in the widespread scrutiny of policing. Less well-known, however, is the susceptibility of Indigenous and women of African descent, both in Canada and the United States to sexual assault, physical assault and murder by police officers (CBC News 2013; Curtis 2016). The notion of police brutality, use of force and the obvious racial disparity of police violence has occupied much of the discussion. Similarly in Canada, the 2010 G20 Summit held in Toronto, Ontario resulted in the mass incarceration of over a thousand peaceful protestors as well as widespread physical and psychological abuse at the hands of the Toronto Police force (Kassam 2016). During the mass incarceration of protestors, one of the officers told a group of detained individuals, “What do they think this is, Auschwitz?”. He made the comment in reference to the treatment and holding conditions of those detained. It then becomes clear that we, as civilians, need to ask *why* this officer chose not to publicly denounce this treatment. The Canadian public's perception of police violence is often presumed to be characteristic of the United States. Instances like the G20 summit or the 2007 North American leaders summit in Montebello, Quebec (Curry 2009) help illustrate the scope and prominence of such treatment in Canada. It is not limited to individuals, forces or specific to any geographical region. This is an *institutional* norm that will be discussed throughout this

thesis, begging the question of how some police officers respond to norms contrary to the discourse that police ‘serve and protect’ (the public). This thesis seeks to answer three main research questions: 1) How does the “blue code” of silence operate to normalize misconduct, promote police abuses of authority, and reinforce dominant neoliberal social values while simultaneously creating moral dilemmas for officers? 2) To what extent is there tension between proactive policing practices and the right of civilians to effect democratic control of police? 3) How do regulators and administrative agencies undertake the ideological task of maintaining manufactured public confidence in police?

Overview

This thesis explores police officers’ moral experience with the “blue code” of silence and whistleblowing relating to corruption, misconduct and abuses of civilians. The interview responses of five (5) Canadian police officers will be presented and examined using a meta-analytical approach of symbolic interactionism and critical discourse analysis to explain the perspectives, experiences and decisions of the officers in question. Furthermore, interviews with nine (9) “top dogs” (political, administrative and investigative bodies) were requested with only Gerry McNeilly, director of the Office of the Independent Police Review Board (OIPRD), agreeing to be interviewed. The main purpose of this research is to gain a better understanding of the institution of policing, the role of police officers, and the reasoning behind their decision making.

Chapter 2 will outline the two sample groups for this thesis: 1) politicians and the directors of various policy, administrative and investigative bodies, and 2) active, retired, and resigned police officers. It will outline the recruitment process, interview method, ethical considerations and limitations of the research project. Chapter 3 is a thematic overview of the

various literature pertaining to policing, the “blue code”, whistleblowing, moral dilemmas, and abuse, misconduct and corruption. The foundation of secrecy in policing will be discussed, followed by the role of police and the connection between social control and transformations of capitalism. Literature on police culture is presented, followed by literature on the “blue code” of silence and the social psychology of whistleblowing. Lastly, a brief summary of two autobiographical exposés from former police officers will be discussed, followed by some cases of police abuse, misconduct and corruption that will be cited to demonstrate the prominence of misbehaviour in Canadian policing. Chapter 4 will present the work of various sociological theorists to argue that as a researcher, my allegiance is to values instead of “sides”. Gouldner (1968) is instrumental in distinguishing between top dogs, middle dogs and underdogs and Liazos’ (1972) work supports one of the driving factors of this thesis – the belief that the ‘covert institutional violence’ of the top dogs *must* be explored if we are to truly understand police abuse, misconduct and corruption. I discuss critical criminology under the framework of conflict theory and demonstrate how symbolic interactionism and critical discourse analysis will be used together as the primary means of analyzing the research data. Lastly, by way of Foucault (1979) and Mbembé (2003) I put forth an argument for the merging of bio-power and necropolitics in order to recognize that where they intersect is where the state intervenes and chooses who lives and who dies through the police.

In Chapter 5, I explain the responses of the nine (9) top dogs that were contacted for interview for this thesis. Eight (8) rejection responses will be outlined, followed by an in-depth account of the one (1) interview with Mr. Gerry McNeilly, director of the Office of the Independent Police Review Board (OIPRD). Both the rejection responses and the interview will be discussed and analyzed through a symbolic interactionist framework combined with critical

discourse analysis. Chapter 6 examines the competing narratives of five (5) active, resigned and retired police officers that were interviewed for this thesis. The responses of these officers will again be discussed and analyzed through a symbolic interactionist framework combined with critical discourse analysis. Lastly, I conclude Chapter 7 with a) an account of the recently elected Ontario government of Doug Ford which seeks to water down civilian oversight, and b) recommendations to more effectively control police tendency towards abuse, misconduct and corruption and to enhance whistleblowing.

Chapter 2: Methods

The main purpose of this research is to gain a better understanding of the institution of policing, the role of police officers, and the reasoning behind their decision making. As I will discuss in the theoretical framework chapter, this thesis is neither inherently pro-police or anti-police. It is designed to be critical of the role of policing in our society with the hope of illuminating how citizens can successfully hold officers accountable for their actions. Additionally, another aim of this study is to educate the public about policing in a liberal democratic order and how, as I will demonstrate throughout the remainder of this thesis, policing practices are directly incompatible with the freedom and security of citizens. For this reason, I have chosen a qualitative project because I am not attempting to prove the existence of the “blue code” – the literature already does this. I am instead attempting to understand the lived experiences and reality of police officers. In order to critically analyze the actions of another, we must identify and understand the circumstances surrounding the action. This is precisely why I have decided to give police officers the opportunity to explain the decision-making process and the circumstances that they must consider before taking action (or not) in any given situation. Furthermore, police officers do not work for themselves and they certainly do not create the laws that they enforce. To get a comprehensive picture of policing to understand the repressive nature of this state apparatus, I have deemed it necessary to also request interviews with politicians and administrative and investigative bodies responsible for the creation of policing policy and the oversight of bodies of policing. These bodies will be referred to as “top dogs” throughout this thesis.

Two Sample Groups

The decision to include politicians and policy, administrative and investigative officials

alongside police officers in the research sample was largely informed by the guidance of my supervisor, Dr. Kitossa. We decided that in order to fully understand the experiences and/or perceptions of the “blue code” and the ways in which the code influences abuses of power and the creation of moral dilemmas, I needed to understand instances of wrongdoing from the perspective of both the officers carrying out these actions and the administrators supposedly responsible for addressing them. For this reason, we recruited two separate groups of individuals to be interviewed: 1) politicians and the directors of various policy, administrative and investigative bodies and 2) active, retired and resigned police officers.

Due to the virtually non-existent data on this topic in Canada, Dr. Kitossa advised me early on in the research process to interview all willing participants. The goal, however, was to interview approximately six (6) police officers using a semi-structured interview format that would last a period of approximately one to two hours. I did not make a significant effort to achieve gender parity, however, as I was intent not to refuse any interviewee given the difficulty of the topic. By way of discussion with Dr. Kitossa, I also decided to pursue interviews with politicians or police administrators and again decided that every official that was willing to speak to me would be interviewed. My goal was that all interviews would be conducted in-person and all will be tape-recorded.

When initially conceiving of this research project I had only wanted to interview police officers. As the introduction explained, this project was motivated by my desire to understand the complexity of the “blue code” and how officers navigate moral dilemmas, if any, arising from the conflict between rhetoric and practice. Dr. Kitossa advised me to use this research opportunity to broaden my scope of understanding and to look at the institution of policing with a more critical lens. The purpose of including politicians and policy, administrative and

investigative officials in this study is well explained by Alexander Liazos (1972). I will discuss his work at greater length in the theoretical framework chapter, but to briefly summarize, he argues that violence from the everyday workings of institutions of state negatively affect and harm significantly more citizens more than acts of ‘deviance’ or ‘crime’ by individuals, either singly or in aggregate. He argues that researchers often make the mistake of emphasizing low-level agents of social control without ever really exploring the role of powerful classes and policy makers who structure the rules enforced by police and other subordinates (Liazos 1972).

We cannot automatically assume, however, that such ‘mistakes’ are innocent. For as borrowing from Marx, Alvin Gouldner demonstrates that academics, as much as others, reproduce dominant mythologies and mystifications because ruling class ideology *are* the dominant ideologies. But more than this, to ensure career advancement and to maintain their privileged access into the halls of power and its remunerations, academics willingly propagate theoretical error (1968). To this end, Liazos (1972) challenges researchers and citizens alike to direct critical attention to the classes and fractions that create the laws and policies that require the use of force, whether in reserve or upfront, to maintain order. To the extent the police were created and have continued to be a buffer between the rulers and the ruled, to focus attention exclusively on them, the “middle dogs”, is to precisely mystify the role of the powerful who created the police and whose interests, in the immediate, are served by their continued existence.

Thus Liazos asserts:

It must be stressed that the police, like all agents of social control, are doing someone else's work. Sometimes they enforce laws and prejudices of “society,” the much maligned middle class (on sex, marijuana, etc.); but at other times it is not “society” which gives them their directives, but specific interested groups, even though, often, “society” is manipulated to express its approval of such actions (1972:117).

If I were to only interview police officers in this study I would be making the critical mistake of focusing on the low-level agents of control without even attempting to make sense of the truly powerful agents who give content and meaning to their functions. By including politicians and policy, administrative and investigative officials in this study, I have done due diligence as a researcher and citizen to expose and understand the power dynamics inherent in policing and how critical reflection is an act of politics that aims to equip citizens with the consciousness to act to restrain the abuses of the police, and, in the final analysis, to hold accountable the elites who are the chief beneficiaries of their ordering maintaining role.

Recruitment

The first step in the recruitment process was to draft a “Letter of Invitation” for respondents. There were two separate letters drafted, one for the politicians and policy, administrative and investigative officials (see appendix A) and another for the active/retired/resigned police officers (see appendix B). Once cleared by the Brock University Ethics Board, Dr. Kitossa began to compile a list of politicians and policy, administrative and investigative officials that he believed would be beneficial for us to interview for this project. I gathered contact information for these individuals and offices online through their professional websites and slightly modified each “Letter of Invitation” to reflect the person we were addressing and their specific contact information. All interview requests for these politicians, police administrators, and policy, administrative and investigative officials were sent via e-mail.

The recruitment process for the active/retired/resigned officers was more structured than the recruitment for the politicians and policy, administrative and investigative officials. Robinson (2014) explains four stages in the sampling process for interview-based qualitative research. The first stage involves defining a ‘sample universe’ which includes setting inclusion and exclusion

criteria for participants to determine the parameters of the sample pool. For this thesis, the sample universe included any individual that was an active, retired or resigned police officer from any Canadian police force. The second stage of the sampling process is deciding on a sample size (Robinson 2014). While the goal was to interview six (6) police officers for the second round of interviews, due to the scope and time frame of the project only five (5) officers were interviewed. In addition to scope and time frame reasons, Dr. Kitossa and I only wanted to interview a small number of officers because we wanted a sample size that allowed each participant to have a locatable voice within the study, as well giving me the ability to conduct intensive analysis of each interview (Robinson 2014). Robinson (2014) notes that the third stage involves selecting a sample strategy. Dr. Kitossa and I chose to use a purposive sampling strategy, largely convenience sampling, to ensure that there was some degree of representation in the final sample (Robinson 2014). To this end, Dr. Kitossa was able to recruit participants that were diverse in their policing status which resulted in having two active officers, two resigned officers, and one retired officer in our sample. The fourth and final stage, according to Robinson (2014), is 'sourcing sample' which is the process of actually reaching out to obtain participants from the real world. All five of the respondents were obtained through Dr. Kitossa reaching into his personal and professional networks. Four of these respondents he contacted himself and were unrelated to one another, and the fifth respondent was obtained through snowball sampling. Snowball sampling, the process of asking participants for recommendations of acquaintances who may qualify and may be interested in participating in the research (Robinson 2014), was attempted with each participant we interviewed, but ultimately only lead us to one of the participants. Dr. Kitossa arranged interviews with four of the respondents, while I was able to contact the fifth one via e-mail who also agreed to be interviewed.

Interview Method

In the simplest of terms, a qualitative interview is “an interaction between an interviewer and a respondent in which the interviewer has a general plan of inquiry but not a rigid set of questions that must be asked in particular words and in a particular order” (Babbie and Benaquisto 2002:332). In other words, an interview is a guided conversation between two individuals with the purpose of gaining specific details or understanding of a topic. I chose qualitative interviews as the sole means to collect data because I am looking to pursue the issues of the “blue code” and whistleblowing in as great a depth as possible. I have chosen to focus on the in-depth interview format because the goal is to understand the lived experiences of police officers with regard to police violence and misconduct beyond legal necessity and reasonableness. I had hoped that by investing significant time into each interview that perceptions, perspectives and issues would emerge that may not have in a more structured interview (Babbie and Benaquisto 2002).

I went into each police interview with a set of questions that had been cleared by the ethics department at Brock University to use as a guideline. These questions were relatively standard and they had been designed to obtain relevant information from respondents about the “blue code”, whistleblowing and moral dilemmas they may have experienced. These questions were only part of the interview, however, because the remainder of the interview was determined based on the responses of the participants. I chose to retain some level of flexibility by using the semi-structured approach because this gave me the opportunity to redirect the conversation based on the experiences shared during the initial questions. I knew that I could not possibly account for every response that would be provided and therefore I wanted to be able to prompt respondents to elaborate on stories, experiences or perspectives that will offer insight into this

topic. An important aspect of the semi-structured interview format is the ability of the researcher to actively *listen* while minimally speaking in order to encourage the participants to carry the conversation and expand on their points (Babbie and Benaquisto 2002). Delaney (2007) notes that being prepared, having well-crafted primary and secondary questions, being a good listener and asking an appropriate number of questions are all important components of interviewing, regardless of who is being interviewed.

The interview technique for the “top dog” politicians and policy, administrative and investigative officials had to differ slightly than the approach taken when interviewing the police officers because as Liazos (1972) notes, one group are low-level agents of control while the other are powerful agents of control. Delaney (2007) makes a valuable distinction between different types of “elites”, asserting that academic elites differ from philanthropic elites which differ from organizational (economic and political) elites. For the purposes of this project, the “top dog” directors and officials would be classified as organizational elites as Delaney argues they are elite as “... a direct consequence of holding a particular position in an organization... [they] have institutional positions that are readily ascertainable” (2007:210). Delaney (2007) explains that different interview challenges arise depending on the type of “elite” and that for organizational elites, researchers may face the “spokesperson” problem as well as the “shared colleague problem”. The spokesperson problem refers to an elite responding to interview questions as if they are representing their organization and the shared colleague problem refers to elites attempting to uncover more about your research and then framing their responses to help assist you with your work (Delaney 2007). To combat these issues, Delaney (2007) suggests using conversational cues to pause the interview and return to points that may allow for more reflection and discussion about how the interviewee arrived at certain positions. He also suggests keeping

the introduction portion of the interview succinct and to gently allude that the analysis and conclusions comes much later in the research process (Delaney 2007).

One of the first concerns I had when preparing to interview politicians and administrative and investigative directors was how to maintain control of the interview. Oftentimes in research the position of power that the researcher holds over participants is emphasized. What would this dynamic look like when my interviewees hold higher social status positions than I? Delaney (2007) argues that the status difference is compounded when researchers are attending the elite's office in the high-rise of a busy city with an administrative assistant being the liaison between the researcher and the elite being interviewed. Delaney (2007) argues that it may be tempting to label yourself the 'status subordinate' when in fact many organizational elites view university researchers with a high regard. He acknowledges that some issues of control could arise during the interview process but implores researchers to view this as a sort of "jiu-jitsu" where it may take the interviewer some strategizing to take the interview in a direction that is advantageous to the research (Delaney 2007).

The last challenge that Delaney (2007) cautions researchers to be aware of is what he calls "the dilemma of seduction". He argues that oftentimes when researchers are interviewing elites, particularly inexperienced researchers, that they may view the elite admirably to the extent that they envision themselves in a similar position of wealth, power, and success (Delaney 2007). Delaney (2007) argues that researchers must be careful not to lose 'objectivity' by identifying with, defending, or justifying the elite person. He proposes mitigating this issue with increased experience interviewing elites and by remembering that organizational elites are presenting a 'worldview' based on their position and therefore the data is reflective of their position and experiences (Delaney 2007). Precisely for many of the reasons stated above with regard to my

experience, power and status when confronted with both police officers and elites, it was vital that my supervisor, Dr. Kitossa, attend each interview to ensure the discussion remained centered on individual and organizational practice and the social and political context of policy-making and police compliance to due process and human rights. Furthermore, the decision to have Dr. Kitossa present for each interview was my attempt at “leveling the playing field” and was intended to even the power dynamic between researcher and participant.

Political, Administrative and Investigative Bodies

In September 2017 I began the process of inviting various political, administrative and investigative bodies to be interviewed for this thesis. I sent the invitations in two rounds. Of those invited in the first round were the Ontario Civilian Police Commission (OCPC), the Office of the Independent Police Review Director (OIPRD), the Special Investigation Unit (SIU), the Ministry of the Attorney General, the Office of the Ombudsman of Ontario, and the Crown Attorney’s Office of Hamilton. All of these organizations were contacted through e-mail where a formal letter of invitation asked for their assistance with this research project and outlined the requirements of participation. Almost immediately the OCPC declined to be interviewed about this topic. The SIU took a few weeks to reply as they stated they “took time” to consider the request but ultimately declined participation. The Ministry of the Attorney general replied two months later and informed me that my interview request was forwarded to the Agency and Tribunal Relations Division of the ministry for response. They advised me to contact the SIU, OIPRD and The Ministry of Community Safety and Correctional Services (MCSCS) with my request in the meantime. They ultimately never responded to the request.

The OIPRD immediately agreed to be interviewed and the Office of the Ombudsman of Ontario offered to try and arrange a meeting depending on scheduling availability. In October

2017 an interview was successfully arranged with both offices. The Ombudsman requested the list of interview questions ahead of time and upon receiving them they revoked their willingness to be interviewed. The OIPRD also requested the list of interview questions ahead of time, but still agreed to the scheduled interview. In November 2017, Dr. Kitossa and I both travelled to their office in Toronto where we had an in-person interview with the director, Gerry McNeilly, and his Manager of Communications and Outreach, Rosemary Parker.

In January 2018 the second round of invitations were sent out. Of those invited in the second round was the Premier of Ontario Kathleen Wynne, Toronto Mayor John Tory, the Ontario Human Rights Commission (OHRC), and the Toronto Police Services Board (TPSB). As before, all of these organizations were contacted through e-mail where a formal letter of invitation asked for their assistance with this research project and outlined the requirements of participation. The office of the Premier gave an automated response that said they would get back to us when they were able to review our e-mail. We received no such response. The office of Mayor John Tory responded that they were not able to accommodate the interview request due to the volume of similar requests. Both the OHRC and the TPSB never responded to the interview request.

Of these ten interview requests, only the OIPRD were interviewed.¹

Active, Retired and Resigned Officers

In the early stages of this project, I intended to interview only active police officers of one Ontario police service. My rationale was that these officers' experiences would be relevant and consequently reflective of the current organization of police services and modern day police practices and principles. What I came to find, however, was that it was much more valuable to

¹ See appendices, page 164

compare the experiences of an assortment of officers from various police services across Canada. I also found it valuable to include both retired and resigned officers in addition to active officers. While researching for the literature review and theoretical framework chapters it became clear that the way the “blue code” and police culture operate make it difficult, if not impossible, for officers to break free from the ‘brotherhood’ – even for a two hour interview. It could be assumed that a retired or resigned officer would have a different outlook on their policing career once they had the physical, psychological, social and emotional distance from the job and quite frankly may be more willing to be interviewed. Additionally, retired or resigned officers may be more willing to disclose otherwise “secret” issues or information presumably because they determine there is no career risk associated with doing so.

Once it became clear that I would only be able to interview the OIPRD for the policy, administrative and investigative portion of the interview process, Dr. Kitossa and I decided to begin our outreach to active, retired and resigned police officers in May 2018. In total, we interviewed five (5) individuals from various police services across Canada. The first two interviews occurred in May 2018, the third and fourth in June 2018 and the fifth in July 2018. Four of the interviews were conducted in person and one was conducted via Skype. Dr. Kitossa was present for all interviews and each interview lasted between one to two hours.

Ethical Considerations

In August 2017, this research project received clearance from the Brock University Research Ethics Board (REB). We renewed our ethics clearance again in August 2018 in case additional interviewees came forward. There were some necessary considerations regarding participant recruitment, confidentiality and potential risks that both the REB and we, the primary researchers, accounted for. We decided to forgo selective interviewing and instead decided to

interview all willing participants regardless of sex, ethnicity, age, rank etc. We did not take any additional steps to specifically ensure racial diversity due in part to the fact that we can confidently expect that racial diversity will be reflected in our study. Dr. Kitossa's social networks are diverse, and it is through them that we accessed participants, therefore we did not access a representative sample of police officers. Similarly, we did not take any additional steps to ensure we had an equal number of male and female participants. We made a vested effort to cast our letter of invitation as widely as possible but ultimately it was beyond our control whom responded to our invitation.

We recognize confidentiality as being of the utmost importance when conducting research. Due to the nature of this topic and the potentially sensitive material being discussed, it was necessary that the identity of the participants be concealed. As stated above, we interviewed two groups of people: 1) politicians and administrative or investigative officials that were willing to be interviewed, and 2) active, retired or resigned officers. The administrative and investigative bodies that were contacted for interview were all public officials or members of government. For this reason, their identity will not remain confidential in this thesis because they are speaking on behalf of their committee or organization. For the interviews involving active, retired or resigned officers, we took care to ensure strict confidentiality of these participants through the use of pseudonyms. Additionally, no identifying information will be discussed throughout the thesis.

The next biggest confidentiality concern was transcription. Transcription was an ongoing process that began immediately following the first interview. I personally transcribed every interview by replaying the recorded interaction as many times as necessary. Upon transcribing each interview under a pseudonym, the voice recording was deleted from the recording device and any and all computers used for transcription. The transcribed interviews were downloaded

on two USB's: one that was stored in a locked filing cabinet in Dr. Kitossa's office, and the second was stored in a locked filing cabinet in my personal office at home. Once all interviews were transcribed, I organized the mass of data through coding. Babbie and Benaquisto (2002) largely informed the two stages of coding I used. First, I used the "open coding" technique where I sifted through the data and categorized it based on themes, events or actions. I closely examined the data and grouped information into categories based on both similarities and differences. Once I organized the information into these broad categories, I then used "focused coding" to critically evaluate these themes and combine or eliminate categories based on relevance and the research focus. Throughout the "focused coding" process I found that overarching ideas and themes began to emerge and situate themselves as the central focal points of analysis, just as Babbie and Benaquisto (2002) argued they would.

Confidentiality was further ensured due to the fact that our potential participant pool includes over 36,401 active officers from across seven municipal police services, the Ontario Provincial Police (OPP) and the Royal Canadian Mounted Police (RCMP). The actual number of prospective participants available is much higher due to the inclusion of retired and resigned officers. Given the span of the geographic region, number of police services under consideration and the inclusion of retirees and those resigned within the sampling population, the risk exposure to any one officer from so small a sample of interviewees (5), is remote at best.

While risks always exist when conducting research involving human subjects, my committee and I believed the risks associated with this particular project were minimal. There are two potential risk areas related to this project, 1) social risks and 2) psychological risks. Pertaining to social risks, there exists the potential that participants could be correctly identified by peers or superiors which could result in negative repercussions in the officer's career and/or

relationships. While this risk is never fully avoidable, we believe that by using pseudonyms in this thesis and including a sample pool of well over 36,401 interviewees, this risk is successfully mitigated.

In addition to social risks, there was also the risk that respondents could have become upset during the interviews. This psychological risk was mitigated by the fact that these individuals were self-selected and chose to participate in this research. They were aware of the nature of the topic in the letter of invitation and consent forms and we can presume they are open to discussing potentially emotional and/or embarrassing things. In fact, this is the data we wanted from participants – we wanted them to talk about their moral dilemmas and morally troubling situations. While we recognize that we are not qualified to offer therapeutic services, participants may well have benefitted from having the opportunity to work through and assess their moral compass, obligation to their oath of office and to citizens. If an instance presented itself where a participant became emotionally upset during the interview they would have been reminded of their right to end the interview at any point. We also would have offered contact information for counselling services as the situation pertained or upon request. Fortunately, no such instance occurred, though one participant did repeatedly stress the importance of maintaining their confidentiality.

Limitations

There are limitations to every form of research that have the potential to affect the research process in some way. Because qualitative in-depth interviewing is the sole means of collecting data for this thesis, one of the main limitations are the questions themselves. I knew that I needed to ask the right questions, in the right order, to elicit responses relevant to the inquiries this thesis aims to address. Babbie and Benaquisto (2002:332) state that “wording

questions is a tricky business” and describe the importance of limiting any subtle biases that may come across during the questioning. When forming the questions for interview I followed the basic principles of interviewing such as starting with more broad and general questions before delving into the specific and/or potentially sensitive questions. I reviewed the questions numerous times to ensure that the wording did not favour one response over another.

One could argue that a second limitation of this research is that the scope of validity from a small sample (5) of police officers will be limited relative to over 36,401 uniformed officers and a large but unknown number of retirees and resignations. Based on our recruitment process, the obtained data technically cannot be generalized beyond the sample group. However, the focus of this thesis makes it so that it is not the quantity but the quality and depth of interviews which can tell us about the true nature of policing in Canada. For positivist projects generalizability is a widespread concern, however for qualitative research generalizability is not the goal (Schwartz-Shea and Yanow 2012). For this reason, validity is not relevant to this topic. Qualitative researchers are instead more interested in *context*, and therefore contextuality and transferability are the main foci (Schwartz-Shea and Yanow 2012). While the data obtained from the five officers cannot be representative of all officers in all forces we do believe that the findings will give researchers and citizens a glimpse into some of the situations and dilemmas that many officers are faced with.

Lastly, another potential limitation that could have been encountered is social desirability bias. Social desirability is a response bias where respondents may choose to answer questions in a manner that will be viewed favourably by others and the researcher. This limitation was also accounted for by carefully framing the research topic and associated questions, as well as developing some level of rapport with respondents early in the interview process.

Chapter 3: Literature Review

In the present chapter I review exposés by police officers and the work of sociological theorists of organization, secrecy, whistleblowing and policing to develop a theoretical outline of contexts, practices and pressures which promote and normalize police abuses, corruption and misconduct. I summarize and expand on this literature to give context and to identify gaps in the study of policing in Canada.

I begin this chapter by exploring the foundation of secrecy in policing and demonstrate throughout the following sections that secrecy is a fundamental aspect of modern policing, especially because it affirms the right of the state to both kill and to grant the necessary conditions for social reproduction. The role of police is examined at length, followed by a discussion of the connections between social control and the transformation of capitalism. Various aspects of police culture are discussed, including hyper-masculinity, socialization, and the concept of “dangerous policing”. As the literature will demonstrate, the “blue code” of silence not only exists but promotes, supports and conceals misconduct, abuse and corruption. The social psychology of whistleblowing will be examined to give some insight into what distinguishes whistleblowers from those who remain silent. Some cases of police misconduct, assault and corruption will be discussed to demonstrate the prominence of misbehaviour in Canadian policing, and lastly, I will briefly summarize two autobiographical exposés from former police officers which give an in-depth look at how all of the above mentioned characteristics work together to create what is known, and all too often tolerated by the vast majority of citizens as but a necessary evil to the supposed greater good of policing.

Policing an (Open) Secret Society

“Secrecy secures, so to speak, the possibility of a second world alongside of the obvious

world, and the latter is most strenuously affected by the former” (Simmel, 1906:462). The second world that Simmel (1906) speaks of will be used in this case to make sense of the openly secret society of policing. This thesis builds on, but rethinks Georg Simmel’s 1906 theoretical account of the sociology of secret organizations to account for a professional culture in policing that claims experience, expertise and knowledge as the basis to foreclose on the intervention of “outsiders” constituted by citizens who demand accountability. He argues that every relationship, whether between individuals or between groups, has a necessary component of secrecy (Simmel 1906). Secrecy does not need to be identified or even noticed for it to significantly affect the entirety of the relationship. In complex societies, Simmel (1906) argues that lies are not easily traceable and therefore things are often accepted upon faith. Some of our most serious decisions are tied up with complex conceptions that rely on us assuming, often incorrectly, that we are not being deceived. Simmel (1906) states that the individual or the institution that benefits from a lie is always the minority. The rest of us, the large majority, are disadvantaged by the lie. In the world of policing, secrecy is a professional right and mark of their expertise which often works to their advantage to obscure corruption and the abuse of citizens.

An intrinsic part of our capitalist system includes one’s occupation being intimately tied to their conception of self and their identity and William Westley (1970) argues that there are few occupations that can be compared to policing in this regard. Policing requires rigorous shift work, long hours and, often, overtime. Policing can be physically exhausting and emotionally taxing. Westley (1970) notes that components of secrecy in policing leads to intense isolation that is not present in most other occupations. There is no ‘off duty’ for police officers due to their recognizable police uniform and cruisers, as well as the knowledge from neighbours, friends and family of the position they hold. Westley (1970) argues that when police officers feel that the

public is hostile towards them, that they are misunderstood or wrongly perceived, it affects them on a deep personal level due to the degree of self-identification with their occupation. This results in the police supporting one another, sticking together through “hard times” and fosters a “respect the badge” mentality which at times promotes and incites police violence (Westley 1970). Vitale (2017) argues that police departments are defensive and insular and that their status as legitimate users of force creates the “us versus them” mentality which reinforces a culture of secrecy.

Simmel (1906) believes that the very act of excluding individuals and groups from access to certain forms of knowledge has the reverse psychological effect of making the withheld information seem particularly “special”. The fact that others are excluded from knowing is the sole basis of this belief. Secrecy, he argues, is the means of building higher the wall of separation thereby reinforcing the aristocratic nature of the group – in the case, the police (Simmel 1906). The fact that secrecy is so highly valuable results in included persons or members being thrust into an exceptional position (Simmel 1906). As I will argue throughout the thesis, the secret society of policing reinforces, legitimizes and reproduces the notion that police officers constitute a morally superior membership in society. The closeness of police officers and their overwhelming desire to protect one another is the perfect recipe for secrecy. From his study, Westley (1970) concludes that being outcast among the group is the worst possible punishment for an officer that breaks the code of trust. Not only do they risk social isolation but they also risk losing protection and backup when dealing with potentially dangerous and life threatening situations (Westley 1970), e.g. Frank Serpico of the New York Police Department, and the Chicago Police Department whistleblowers. Solidarity and secrecy is one and the same and each informs the other. Simmel (1906) also argues that an important component of secrecy lies in

knowing that the secrets could, at any time, be exposed. Secrets are so unstable that betrayal is tempting to most people. Simmel (1906) goes on to argue that socialization, rewards and threats constitute the principal factors, quite obviously in relation to authority and power, to ensure individuals do not act on the temptation to betray. By way of discussion with Dr. Kitossa I would take this a step further by including indoctrination in that list. Here the point is not merely to protect knowledge as privileged property, but more substantively the prerogative of authority, the right to command, to exercise power to ensure compliance according to the diktats of 'bureaucracies', 'organizations', 'institutions' and 'states'.

The formal socializing process for police begins in the classrooms of their college police foundation programs and continues into training at the police college. Westley (1970) notes that secrecy and silence are some of the first things police officers learn upon their recruitment and training. Secrecy does not apply to achievements and accomplishments, but instead applies only to mistakes, oversights, irresponsible behaviour, illegal actions and anything that may tarnish the character of another officer, department, or the occupation as a whole (Westley 1970).

Creation of Police in Canada

The role of police in modern day policing has been linked to the development of the capitalist order by many scholars alike. However, as Gordon (2006) notes, the purpose of policing does not only extend to repression but also to the "fabrication of order". He states, "Policing has evolved historically into the key means by which the state produces the working class and responds to its day-to-day struggles against the social order" (Gordon 2006:39). Vitale (2017) reinforces this notion by arguing that police are the primary means through which the social order is fabricated and that this order is rooted in systems of exploitation. He states, "At root, [reformers] fail to appreciate that the basic nature of the law and the police, since its earliest

origins, is to be a tool for managing inequality and maintaining the status quo. Police reforms that fail to directly address this reality are doomed to reproduce it” (Vitale 2017:15). For this reason, it is essential that the history and creation of police in Canada be understood before modern day policing can be examined in the later portion of this thesis.

While police enforcement of social regulations can be traced back to the earliest states, much of modern policing in Canada can be traced back to England. In 1066, William, the Duke of Normandy, invaded England and centralized government which resulted in the creation of a separate system of enforcement (Kappeler, Sluder and Alpert 1998). Enforcement continued to change and develop over the next few centuries but ultimately the power of the ruling elite continued to expand. In 1285, King Edward I enacted the Statute of Winchester which implemented a watch and ward system that included all men between the ages of sixteen and fifty keeping a weapon in their house to ensure social order at night (Kappeler, Sluder and Alpert 1998). The Statute of Winchester was also responsible for the creation of the parish constable system which continued to be the primary system of policing in England for the next six hundred years (Kappeler, Sluder and Alpert 1998). The eighteenth century saw the rise of the Industrial Revolution which brought with it rapid population growth and a rise in what was considered “crime” and “disorder”. What was previously considered a public service obligation became a burden, and wealthy constables began paying others to perform their duties – leaving only those constables unable to afford to pay a substitute working as law enforcers (Kappeler, Sluder and Alpert 1998).

The suggestion of a permanent civilian police force was initially rejected by the gentry because of the belief that it would undermine their personal authority (Humphries and Greenberg 1984). When elites determined their industries were threatened, magistrates used personal

authority to socially control these groups. The gentry was able to sustain its personal domination of law enforcement by pardoning criminals which would win popular gratitude (Humphries and Greenberg 1984). However as capitalist social relations grew, labour militancy and radicalism grew as well. Kappeler, Sluder and Alpert (1998) explain how the population growth combined with the growth in mechanization meant more people looking for work with fewer jobs available. Resentment was already beginning to form against the industrialists when gin was introduced to English society. Drunkenness was previously only the domain of the wealthiest who could afford brandy, but now hard liquor was available to the masses. Rioting and disorder became a more frequent problem for the rich, and the fear of revolution resulted in landowners accepting that the enforcement system needed to change. Attempts were made to adjust the current system by expanding the number of constables and using the military to control mob riots, but when that failed the rich demanded the creation of a police force, as they believed it was the only way to contain the labourers dissent over the current system and to protect their interests (Kappeler, Sluder and Alpert 1998; Humphries and Greenberg 1984).

Humphries and Greenberg (1984) explain that initially there was hesitancy to strengthen the enforcement powers of police and it was not until the intervention of Sir Robert Peel that bureaucratic policing was established. Sir Robert Peel was a Tory politician and a landowner and son of a large textile manufacturer, and as Humphries and Greenberg explain, “[he] was perfectly positioned to weld the alliance of landowners, manufacturers, and fractions of the petty bourgeoisie that finally succeeded in establishing a bureaucratic police force in England” (1984:192). In 1829 the Metropolitan Police Act was passed and the previous constable-watchman system in London was replaced with a full-time, centralized, preventative police force: The Metropolitan Police Force (Kappeler, Sluder and Alpert 1998).

Bureaucratized policing was necessary for many reasons, one of the most important being to prevent landowners from being too easily identified as benefitting from the interests being protected. Enforcement that purportedly defended general interests rather than specific class interests was required to increase both legitimacy and efficiency (Humphries and Greenberg 1984). It was here that proactive policing was developed and encouraged, and those that resisted too strongly the ideology of capitalism were labelled as inherently ‘criminal’ and in need of being controlled by the police. In Britain indigence was problematic and something to be policed because it included those wage labourers who refused to participate in the market economy. Gordon (2006) explains that wage labourers were compelled to be dependent on the wage and market for survival to force them into capitalist social relations of production; for this to happen other means of obtaining material reproduction had to be stopped. Begging, gaming, sex work and “selling” materials or goods on the street was effectively criminalized which required the use of police as a strategy to eliminate alternatives to wage labour (Gordon 2006). These once modest sized forces were eventually expanded in the third quarter of the 19th Century by increasing taxes, which was less than ideal for the capitalist structure, but altogether necessary to safeguard the interests of capitalists (Humphries and Greenberg 1984).

The importance of Humphries and Greenberg’s (1984) work is their ability to draw connections between social control and transformations of capitalism. The point is not to directly link certain forms of social control with specific stages of capitalism but instead to recognize that the character of the state, popular ideologies, class consciousness and the mobilization of classes are all influenced by the forces and relations of material production. However, it is important to note that police in Canada are still used to “police the streets” to maintain social order. Gordon (2006) notes that many street activities that could “disturb the peace” are controlled and

participation in the formal labour market is still used to measure the success and rehabilitation of a “criminal”. In fact, it not only seems to be true that the creation of a “criminal class” is essential to maintaining a working class but also that the entire working class is viewed as potentially criminal (Gordon 2006). In this regard, Gordon (2006) argues that certain behaviours and appearances are policed more so than actual criminal activities.

Organization of Canadian Police

Canadian policing is comprised of federal, provincial and municipal police forces. Depending on where one resides they may be covered predominantly by one force or by multiple forces layered onto each other. In Canada, the Royal Canadian Mounted Police (RCMP) represent the federal police force. As Caroline and Lorne Brown (1978) note, however, the RCMP predominates in the prairie and western provinces and northern territories, in large measure owing to their paramilitary role to manage settler colonialism and the dispossession of the Indigenous peoples. The first federal police force in Canada was established in 1873 and coined the North West Mounted Police (NWMP) which merged in 1920 with the old Dominion Police to form the modern RCMP (Brown 1978). Both the original NWMP and the modern RCMP were designed to be paramilitary in nature, a fact which continues into present day policing through recruitment and the training process, rank structure and day-to-day realities of the force (Brown 1978).

In order to facilitate resource extraction, settler colonialism, and regional political-economic dependency on commercial and industrial interests in Ontario and Quebec, the federal government of Sir John A. MacDonalld needed to pacify the Indigenous peoples of the prairies until the nation-building project that rested upon building the trans-continental railway was complete (Brown 1978). The Browns (1978) discuss how the inhabitants of these areas were not

informed of the change in sovereignty, particularly the Metis in the Red River vicinity, which resulted in widespread objection and ultimately the creation of the Manitoba Act of 1870 under the leadership of Louis Riel. This “protection” order did not last long, however, since in the process of the continued colonization of the West, the NWMP were created as a quasi-military force to facilitate the transfer of territory from the Indian tribes to the federal government. During this process, the government established reservations as a tool for displacement and social control of the Indigenous nations (Brown 1978).

The inception of the NWMP was not a smooth transition and many officers were unhappy with the lack of food, poor living conditions, and delay in receiving pay (Brown 1978). The desertion rate was incredibly high, which resulted in strict sanctions being placed on officers who disobeyed orders. The Browns (1978) explain that this created a “system of terrorism” which fostered silence among officers who became too afraid to voice their grievances. Officers’ primary role was to move Indians to reserves and ensure they remained there because as the Browns state, “Most police officials knew whose interests they served and knew that to be ‘too soft on Indians’ endangered their career in the force” (1978:19). Through this historical account of the creation and implementation of Canada’s federal police force it becomes apparent that their modus operandi was to further capitalist economic and settler political interests through colonialization. As most Canadians are painfully aware, this was only the beginning of a tumultuous relationship between Indigenous Canadian populations and the police in Canada.

“Modern policing” is only a development of the past 150 years. We have seen a shift in policing in terms of both size and resources over the past few decades, and specially in Ontario, we have seen larger, more bureaucratic and centralized police forces become the norm which has resulted in regional forces instead of smaller, more local divisions (Ericson 1982). In addition to

this reorganization, there have been major transformations in staffing, weaponry and technological resources being used which many authors have coined the “militarization of police” (Balko 2013; Bittner 1995; Ericson 1982; Vitale 2017). Between the years 1962-1977, Ericson (1982) notes that police personnel increased by 65 percent. Some may argue that this increase in manpower reflects the increase in crime rates, but as I will discuss in later chapters, the notion of increased crime is an illusion. With the increased police presence many would assume our streets are “safer”, however, Ericson (1982) argues that over 85 percent of police time is spent alone in their patrol cars instead of engaging with the community. Most importantly, police increasingly have wide discretionary authority to enforce an ever expanding suite of criminal law, while administrative oversight bodies are either toothless, their directors complacent, or they are understaffed. This means that increased contact between police and the public ensures greater opportunity for the expansion of abuses, corruption and misconduct.

Militarization of Police

While the 1950s and 1960s saw the professionalization of policing shift its organization to mirror that of bureaucratic-military institutions, Egon Bittner (1995) argues that the mere introduction of military discipline did not produce an exact military environment. One of the main purposes of the introduction of military discipline into policing was to ensure compliance with organizational rules and to secure internal discipline (Bittner 1995). This proved to be an issue, however, because to ensure ‘a job well done’ there must be standardized and regulated criteria to which officers can be held accountable. Bittner (1995) argues that individual officers are tasked with producing results that legitimize their work. Regardless of the existence of quotas, the fact still remains that officers are expected and required to meet the expectations imposed by superiors regarding the number of arrests and citations. In the pursuit of meeting this

expectation, Bittner (1995) notes that it is possible that an officer may come in direct conflict with a bureaucratic rule imposed on them. In these instances, an officer may choose to use discretion to avoid violating the rule and escaping discipline.

In recent decades, the ‘militarization of the police’ has become increasingly more advanced and encompassing. Balko (2013) describes the current state of policing in the United States – which mirrors many Canadian police forces – when he describes the soldiers attire, military-grade weapons and vehicles and intense military training drills that are a part of modern policing. Balko (2013) notes the prominence of SWAT (special weapons and tactics) teams, which as the name implies, are specialized branches of police forces that are responsible for attending “high-risk” and particularly “dangerous” calls. SWAT teams violently raid more than one hundred homes a day in America, the overwhelmingly majority of these calls for consensual crimes (ie. drugs), and often leaves family members and animals injured or killed and lines shattered in the process (Balko 2013).

The militarization of police is problematic for citizenry in numerous and complex ways. The continued militarization of policing practices ensures that officers are compliant with organizational rules which promote a culture of policing that demonstrates the productivity of police and justifies the need for their existence through the enforcement of laws. Vitale (2017) notes that militarization of policing also affects officers’ orientation. He argues that officers develop a “warrior mentality” and think of themselves as soldiers in battle with citizens instead of guarantors of ‘public safety’ (Vitale 2017). As will be discussed in the data presentation section of this thesis, the meeting of quotas for arrests and citations, implicit or explicit, is a necessary condition for promotion and demonstration of competence and membership in the ‘brotherhood’. When faced with arrest or citation quotas, officers often resort to areas of “easy

fishing” for “crime”, which oftentimes are the slums or ghettos. While it will be discussed in more detail in the following chapter, it is worth noting that impoverished and negatively racialized citizens in slums and ghettos lack the economic and political resources to make abuses of authority costly to the state, thus ensuring they bear the burden of abuse, corruption and misconduct. When officers over-police these areas to meet their quotas it results in heightened police-civilian interactions which leads to abuse of authority and excessive use of force.

Discretion

In terms of breadth, discretion is a characteristic unique to the policing profession and it informs many of their decisions while on duty. It is precisely for this reason that police discretionary decision-making is worth understanding in the pursuit of this study. Unless dispatched to a specific call, police officers can decide whom to stop, question, investigate, charge, ticket or arrest. Indeed, the problem of discretion is that the lower one descends the police hierarchy, the greater the range of unaccountable decision-making. As outlined by Brooks (1989), discretion is a multi-faceted phenomenon that is one of the defining features of policing. While there is some discussion over the exact definition of discretion, most scholars agree that discretion could be defined as the component of policing that allows individual officers decision-making ability to determine whether or not to apply the rules, or laws, to certain situations (Brooks 1989). Brooks (1989) notes that while all officers are afforded discretion, how they choose to use it is very individual and is influenced by many factors. However, as this thesis will attempt to demonstrate, discretion is in fact not ‘individual’ when all police officers are making similar discretionary decisions.

Brooks (1989) discusses her examination of relevant literature that emphasizes five dimensions that influence police discretionary behaviour. These dimensions include

organizational, environmental, officer, situational and attitudinal. Discretion does not just include the actions police officers take in handling calls, but also includes where they choose to patrol and whom they choose to interact with – as demonstrated in *R. v. Darteh* (2013) and *R. v. Osbourne* (2008). Every police officer has a ‘style’ or policing ‘orientation’ that is individualized but also influenced by varying factors. To enact discretion, numerous judgements and evaluations must be made by police about the specific situation, the victim(s) and suspects which often comes from that officer’s belief system (Brooks 1989).

The organizational component of discretion includes the hierarchal structure of the department as well as the size of the force. Larger forces, Brooks (1989) argues, are likely to be more impersonal and have morale issues and officers do not feel as personally connected to their department and fellow officers. Environmental factors such as the racial composition or socioeconomic status of the neighbourhood being policed also affects officers’ perceptions and responses to crime. Brooks (1989) argues that police tend to be more suspicious of those in lower-class neighbourhoods and often have more positive interactions with ‘well-to-do’ people due to the belief that middle-class people have a higher moral threshold than lower-class people and can be more easily reasoned with. This is intrinsically problematic for citizens of low-income areas for reasons including but not limited to their increased criminalization (Brooks 1989).

Situationally based factors include the characteristics of the suspects and complainants, their demeanor, socio-economic status, race, age, gender, relational distance and arrest preference of the complainant – all of which affect police discretionary decision (Brooks 1989). Additionally, the type of offence/call for service, the level of visibility when handling an encounter, how the encounter was initiated, as well as the presence of others are also factors.

Officers respond to cues within the interaction and these cues all influence officers' responses (Brooks 1989).

The last two sets of variables that affect police behaviour are those of the officer and overall police attitude. Brooks (1989) argues that newer officers are more likely to be eager to do 'police work' including stopping people more often, issuing more tickets and arresting more frequently (Brooks 1989). Brooks (1989) also argues throughout her research that the officer's level of education, their race and their rank are all contributing factors as well. Police officers tend to believe that the public, specifically certain members of the public, are not supportive of the police because they do not show respect for officers (Brooks 1989). Police officers also develop attitudes and opinions while on the job that are likely to affect how they behave in future situations involving citizenry. The variables surrounding the individual officer and the overall police attitude in addition to organizational, environmental, and situational dimensions, all make up the multi-faceted phenomenon that is known as discretion.

The discussion of discretion is useful here because there are a range of factors, both intrinsic to the personality of each officer and the extrinsic context of the situation that influence officers and their decision-making processes. While it is important to understand the interrelated factors that can possibly influence an officer's discretion, it is essential to note that discretion is a small part of a much larger picture. There are noticeable trends that point towards low-income Black and Indigenous populations being the most consistently targeted by police (Gittens et al. 1995; McNeilly 2018) which means that there is more to be examined than the five dimensional factors that Brooks (1989) outlined. Why are the same groups of people continuously abused, assaulted and mistreated by police officers – regardless of the specific region or police force – if discretion is based on so many individual officer characteristics and experiences? In the

following section, I present relevant literature on how the role of policing is intimately bound up with social control in an attempt to demonstrate a more structural and systematic dimension to police actions.

The Role of Police

Before any in-depth discussion of police can be undertaken, the role of police must be determined. What is their purpose? How do we determine their success? Their “productivity”? How do we justify their existence? As with any form of labour, the policing profession must produce evidence of their production that demonstrates that they are, in fact, doing their job effectively (or not). Whether this is justified is up for further debate, but the fact remains true that the effectiveness of policing is measured by call volume, response rates, tickets issued, arrests made, and ‘crimes’ solved (Ericson 1982). It is therefore crime control oriented and not service oriented. One major component distinct to policing that directly determines whether these measures are carried out is discretion – as was discussed in the previous section. Brooks (1989), however, asserts that the role of police goes far beyond ‘law’ enforcement and includes many situations where no crime has occurred. For example, community engagement, transportation, suicide response, animal control, acting as a counsellor or social worker during disputes, and medical response are among some of these roles taken by police (Brooks 1989). Todd Gordon (2006) notes that police maintain a close relationship with other institutions also tasked with maintaining social order – such as social workers and welfare agencies – and that very little of police work actually has anything to do with criminal law enforcement (Gordon 2006). Vitale (2017), however, argues that police having such a prominent role in the community is not fostering positive relationships with citizens. Community policing expands police power and presence but does nothing to address the over-policing of negatively racialized groups and

the poor (Vitale 2017).

The undeniable truth about policing is that its principal functions are neither to prevent or solve ‘crime’. Instead, the reproduction of order is their *raison d’être*. Police are not making our ‘streets safer’ because that is not their purpose. Ericson (1982) argues that patrol police are merely a vehicle in the reproduction of order, thus it is not their job to produce a new order but rather to maintain the already existing order. The existing order they are to maintain is the status quo, and the very term ‘reproduction’ reflects how this is a process of conflict, negotiation, and subjection (Ericson 1982). According to Ericson (1982), police do not want to do their work so well as to suggest that they do not need more resources or that they are not needed altogether. Ultimately, Ericson (1982) argues that police have both an ideological function and a repressive function that requires them to exercise both authority and power over citizens in the pursuit of the reproduction of order.

Van Maanen (1978) states that nobody believes in the work of police as much as the police themselves. He argues that police officers in America, as a whole, truly believe in their role as law enforcers and the importance of their position in maintaining order in society. In reality, however, the majority of situations that police encounter are “service” oriented and do not constitute “real police work” to the dismay of officers. Van Maanen (1978) argues that police categorize citizens as either “suspicious persons”, “know nothings” (ie. average citizens), or “assholes”. “Assholes” are labelled based on their interaction with the police and are stigmatized due to their failure to meet the expectations of police. The “assholes” failure to recognize or abide by the authority of the police is often viewed as a personal attack from officers and therefore makes the “asshole” prone to “street justice” – a physical attack to re-establish dominance (Van Maanen 1978). Van Maanen states that “To the patrolman... the authority of

the state is also his personal authority, and is, of necessity, a matter of some concern to him” (1978:316).

There are three stages of the stigmatization of assholes including an affront (challenge), clarification (confrontation), and remedy (solution) (Van Maanen 1978). The officer must determine 1) whether the individual could have acted differently, and 2) if the person was aware of the consequences of their actions. Upon answering these questions, the officer is able to separate the “assholes” from the “suspicious persons” or “know nothings” (Van Maanen 1978). If labelled an “asshole”, the individual is considered blameworthy and will be dealt with by street justice. The construction of the “asshole” reaffirms the belief on behalf of police officers that the work they carry out is necessary and important. Ultimately, Van Maanen (1978) argues that the stigmatization and labelling of “assholes” serves a very logical and beneficial purpose in policing. It allows officers to create distance between themselves and the public, it explains and justifies the actions of other officers, it operates as an expressive outlet for officers, and lastly the “assholes” of the community symbolically represent all those who question the control and authority of police.

The Culture of Police

Police culture, sociologically speaking, refers to the “beliefs, morals, customs, and other characteristics that set them apart from other groups” (Kappeler, Sluder and Alpert 1998:88). Culture is learned through the process of socialization and it is passed down through generations, effectively maintaining the core beliefs and teachings. On top of general culture, in every facet of society there also exists various subcultures each with certain values that set them apart from the other subcultures. Kappeler, Sluder and Alpert (1998) note that the social character of police officers begins to change when they assimilate into the distinct occupational culture of policing.

The hyper-masculinity of policing, the socialization process, and the concept of “danger” will be discussed below to demonstrate some important aspects of the policing culture.

Hyper-Masculinity

Sex is one of the most prominent organizing principles in policing, and due to the predominance of men in policing and the status elevation of the position, policing is often regarded as the ultimate “man’s job”. With the development of modern policing, we have seen policing organizations boast about how they have transitioned from reactive policing practices to proactive policing practices (Herbert 2001). In simple terms, reactive policing entails responding to calls for service as the primary function of the policing role, whereas proactive policing includes “community-oriented” policing strategies which requires officers to “engage” with community members and establish “positive” relationships (Herbert 2001). Herbert (2001) argues that interacting with citizens and establishing ‘positive’ relationships directly contradicts the culture of policing that these individuals have been socialized into. Herbert (2001) notes that masculinist ideology, including aggression and violence, are central to police work and often emerge when civilians challenge the authority of police and threaten their status (Conti 2009). As a result, the requirements of the community-policing model are largely rejected by officers because of the “feminine” characteristics associated with it. Additionally, female officers are not readily accepted into the culture of policing because they threaten the masculinist ideology. Police officers who avoid risky and dangerous calls drop to the bottom of the status hierarchy, whereas officers who are able to demonstrate their physical abilities and uphold the “crime fighter” image are praised and celebrated (Herbert 2001).

Many men do not display the hegemonic hyper-masculine characteristics in policing and we cannot assume that all men that pursue a career in policing aspire to these characteristics.

Similarly, many police women *do* demonstrate the characteristics representative of the masculinist ideology and participate fully in the culture of toxic masculinity. Conti states, “While it is unreasonable to assume that all police officers are the same and only recognize one way of doing things or possess a single working personality, there must still be a number of cultural elements that transcend difference and unite the whole” (2009:412). Aggression and violence are not only accepted as part of police work, but *required* of officers to prove their worthiness. Intense processes of socialization allow abuse of authority and misconduct to flourish and remain concealed, which will be explained next.

Socialization

Kappeler, Sluder and Alpert (1998) note that many studies have favoured a group socialization model to explain police behaviour. We often hear of these “bad apples” or “rogue officers” in policing which could be explained as an individual behaviour and socialization process. However, as this chapter demonstrates, police (mis)behaviour is systematic and structural which can only be explained through a group socialization model. Upon hire, police are exposed to their work through the training academy, in-service training and field experience – all of which shape their occupational character. Additionally, as Kappeler, Sluder and Alpert (1998) note, new officers rely heavily on other officers which results in their behaviours and thinking emerging from shared experiences with these officers.

Adorno et al. (1950) argues that a theory of the total personality must be established if we are to understand the structure of an individual’s ideology. Personality, he claims, “is the enduring organization of forces within the individual” (Adorno et al. 1950:5). These forces will determine how an individual will respond to various situations. Adorno et al. (1950) claims that personality is the driving force behind behaviour and a determinant of ideological preferences.

While he does stress the role of personality he also asserts that personality evolves and changes depending on the social environment (Adorno et al. 1950). Personality is our structure, our foundation, but different environmental and social factors have the ability to determine how we choose to act in a given situation. This is where Adorno et al. (1950) argues that membership in social groups is a very influential social factor that guides our actions. Likely those who get involved in a policing career already have a personality structure that enables them to readily conform to the authoritarian nature of the policing ideology. It must be considered that whether: some individuals bring a ready-formed authoritarian personality to policing that enables them to engage in abuses; the regime of police culture and its hyper-construction of danger and us/them enables unaccountability; ‘power corrupts and absolute power corrupts absolutely’; abuse, corruption and misconduct are incentivized as a stipend beyond the salaries of police officers; or a complex alchemy of all these and other factors. Whatever the case may be, it is incontrovertible that obedience to authority (especially paramilitary authority) and group pressure are demonstrated in the laboratory and in history to enable ‘ordinary’ people to do extra-ordinary evil (Arendt 2003; Browning 1992; Milgram 1975).

The question of organizational socialization is vital to understanding the formalization of the attitude and culture of policing. Indeed, the very inception of a formal constabulary in 1829 in England created a formal separation of police from the citizenry for purposes of establishing a sensibility that police ought to imagine and experience themselves in a world apart from ‘civilians’ (Humphries and Greenberg 1984). Socialization begins the moment individuals are recruited and begin their academy training, as the police academy is the most significant process of formal socialization that police officers undergo. After the hiring process, the academy acts as a secondary filter to weed out the individuals that do not align with the paramilitary training and

police worldview necessary to uphold the occupational culture (Kappeler, Sluder and Alpert 1998).

Through observation, Conti (2009) examines recruit training at the Rockport Police Department from 1999-2000 and argues that both shame and honour are used in the socialization of police recruits. His findings outline how recruits are excommunicated based on their trainee status and then reintegrated through shaming techniques (Conti 2009). Police recruits are put into an environment where they are stripped of their civilian status and must successfully complete training in order to achieve their police status. Conti (2009) recounts how the police academy used both degradation and reintegration, including disapproval, degradation and ultimately inclusion to shift recruits through the process of excommunication and then eventual reintegration. Conti (2009) argues that “deviance” must be met with ritualized sanction in order to evoke the intended behaviour from the recruit in question, but also to emphasize the appropriate behaviour for the group. Arguably one of the most shame-worthy things an officer could do would be to betray another officer and break the bond of loyalty and trust between police. This deeply ingrained fear of degradation and shame, obtained through recruit training and socialization, is likely one of the most influential factors that deters officers from reporting the abuse of authority and misconduct of other officers. Additionally, Conti (2009) describes how the “honour” of being a police officer and the “honour” that comes with “doing the job well”, whatever that entails, is continually emphasized throughout training. The theme of honour is used to condition police officers to obedience and to respond in a certain way to remind the recruits that the misconduct, which will result in the most shame, is that of betraying the brotherhood.

Policing and Danger

One of the most distinct characteristics of a policing career is the danger associated with the job – or so we are led to think. The notion of danger, Kappeler, Sluder and Alpert (1998) note, is essential to the development of the police working personality. Not only do police officers perceive their work as dangerous, but most citizens believe that police work is one of the most dangerous occupations in their communities. Statistically speaking however, the number of police officers that are killed and injured while on duty remains relatively small compared to the many other occupations not viewed as dangerous (Kappeler, Sluder and Alpert 1998). According to the U.S. Department of Labor (2018), fishers, loggers, pilots, roofers, recycle collectors, steel workers, truck drivers, and farmers are a few of many other occupations where workers are more likely to be killed than police officers while on the job. The reason that officers and civilians alike perceive police work as dangerous comes as no surprise when we look at the disproportionate amount of time and resources attributed to training officers for life and death situations, including firearms training and officer survival. All of this training contributes to an “us versus them” mentality in the police worldview which produces the viewpoint that citizens are “symbolic assailants” to the police officer (Kappeler, Sluder and Alpert 1998:93). Furthermore, the emphasis on danger and the legal right to use as much force as necessary to control or eliminate perceived “threats” directly leads to abuse of authority, excessive use of force, and increasingly civilian death in police-civilian interactions. As discussed earlier in this chapter, the reality of police work is much different than this exaggerated sense of danger and instead commonly constitutes community “engagement”, transportation, suicide response, animal control and counselling, among other various roles (Brooks 1989).

Blue Code of Silence

The “blue code” of silence is a common theme throughout the culture of policing. It is where officers refrain from reporting the disreputable, illegal or immoral actions of other officers for a variety of reasons including the belief that the infraction was insignificant, belief that the punishment is too severe, or for fear of backlash (Johnson 2005; Shockey-Eckles 2011; Westmarland 2005). Johnson (2005) examines how the ideological construction of danger in policing creates a bond and level of loyalty among fellow officers which maintains the “blue code”. She details how it is the expectation that force will be used to control situations and this expectation from fellow officers most informs an officers decision to do so. Overwhelmingly, the police officers that were interviewed in her study responded that better supervision was needed to minimize the influence of the “blue code”. However, Johnson (2005) notes that relying upon supervision to reduce abuse means that there are fundamental issues with the training and organization of policing structures.

Johnson (2005) claims that many officers recognize the regular misuse of force among their peers, yet still reporting these instances are rare occurrences. Reporting is not often viewed as an option because retaliation for whistleblowers are harsh and the full force of the agency is brought on the “snitcher” who is often excluded, harassed and shunned (Johnson 2005). The “blue code” also operates to protect officers who *are* found to engage in misconduct. Officers who commit misconduct are able to maintain their employment by being moved across jurisdictions or departments, a term Shockey-Eckles (2011) refers to as the “officer shuffle”. She conducted a study in St. Louis that included 31 semi-structured interviews with police officers to explore the experiences of those who must work alongside “rogue” officers who have been moved into their department. The general consensus was resentment towards these officers for

tainting the public perception of policing (Shockey-Eckles 2011). The “officer shuffle”, she argues, is another avenue by which police departments protect their own (Shockey-Eckles 2011).

Social Psychology of Whistleblowing

Whistleblowing can be described as an individual, or occasionally a group of individuals, publically revealing specifics of their organization that could be considered abusive, corrupt, dangerous or illegal. Johnson (2005) argues in her paper “Whistleblowing and the Police” that whistleblowing has various implications regardless of occupation, but that the character of policing makes whistleblowing less likely to occur. To this end, she argues that whistleblowing is even more necessary in policing (Johnson 2005). Of course, the risk of Johnson’s view is that it may induce an uncritical acceptance that the law in its present manifestation is not already abusive and corrupt, even though it is legal (Chambliss 1993; Itty and van Schendel 2005). Nevertheless, while whistleblowers are generally received well by the public depending on the revelation and the organization being exposed – which may well signal the limits of order maintaining ideology – they typically face massive reprisals from their organizations (Johnson 2005).

Johnson (2005) argues that because loyalty is the hallmark of police work, the “blue code” is one of the most influential norms that ensures officers maintain the “code of honour” that is so prominent in policing. She argues that the “blue code” makes whistleblowing very difficult for officers and in fact lessens the chance that an officer will report any wrongdoings of their peers or organization. Oftentimes, in cases of corruption and abuse, fellow officers are the only witnesses whose testimony carries any merit. Johnson (2005) maintains that the culture of silence is of paramount importance in policing and that officers are expected to remain silent. It is an unspoken rule. Johnson (2005) refers to a *Washington Post* article where five police officers

explain the harsh retaliation they experienced due to their whistleblowing. They describe being shunned, harassed and excluded, as well as being placed on a “hit list” where officers receive unwanted transfers, a dock in pay, and unfavourable assignments (Johnson 2005).

Johnson (2005) argues that the retaliation against whistleblowers negatively impacts society because corrupt and abusive practices are able to continue for extensive lengths of time. She states, “It leaves the wrongdoers unchanged and unchecked” (Johnson 2005:82). Not only does this affect citizens, but police forces as well. Johnson (2005) argues that it is in the best interest of police forces to encourage and support whistleblowing because these issues can be addressed in-house before they are exposed to the public. Regardless of the knowledge that whistleblowing can ultimately cost them their lives, why do some officers override the cultural imperative to remain silent? What separates the few who choose to expose misconduct versus the majority who choose to remain silent?

Dungan, Waytz and Young (2015) examine the psychology behind whistleblowing and argue that the decision to blow the whistle is dependent on the trade-off between fairness and loyalty. They refer to moral foundations theory which outlines that five basic moral criteria determine whether an individual will view a behaviour as right or wrong – harm, fairness, loyalty, authority, and purity (Dungan, Waytz and Young 2015). The dilemma of whether or not to blow the whistle comes into play when fairness and loyalty do not align. In five studies, Dungan, Waytz and Young (2015) concluded that people who endorsed fairness over loyalty were more willing to blow the whistle, whereas people who endorsed loyalty over fairness were less likely to blow the whistle.

In addition to the fairness and loyalty trade-off that drives the whistleblowing decision, Dungan, Waytz and Young (2015) state that personal, situational and cultural factors also drive

the decision. Personal factors include such things as occupational power and personality traits. People who identify as male with higher positions, pay and education are more likely to blow the whistle, as well as people who are extroverted, proactive and seek to influence and control their environment (Dungan, Waytz and Young 2015). Situational factors include such things as the worker's organizational support, exposure to the incident and psychological closeness. Dungan, Waytz and Young (2015) assert that workers are more likely to consider whistleblowing if whistleblowing is encouraged by their organization. Organizations are said to encourage whistleblowing by ensuring members know the process of reporting, as well as ensuring safety from retaliation when members choose to report. Whether the incident came about abruptly or escalated over time is also an influential factor, as well as the whether the individual is *actually* faced with a whistleblowing dilemma or if they are merely discussing how they would respond in theory (Dungan, Waytz and Young 2015). Cultural factors are the third set of factors that drive the decision to blow the whistle. Dungan, Waytz and Young (2015) argue that the more collectivist a culture is, the more negatively whistleblowing is viewed. Policing has its own distinct culture that is highly interdependent which Dungan, Waytz and Young (2015) argue means that loyalty trumps the moral dilemma one may face to report misconduct, abuse or corruption.

Despite the above-mentioned risks associated with whistleblowing, particularly when dealing with institutions of policing, Vitale (2017) notes that some are beginning to speak out. He refers to the NYPD Twelve who spoke out against their department for its use of illegal quotas (Vitale 2017). The fact remains that whistleblowers in policing are still few and far between but there is hope that as conditions of policing transform and public awareness continues to increase that we may see more whistleblowers in the near future.

Autobiographical Exposés

In addition to scholarly examinations of whistleblowing, police socialization and the practical realities of the “blue code”, there exists a small body of police autobiographical exposés that criticize how police culture promotes and protects the normalization of abuses and misconduct. One such exposé is by a former Chicago police officer, Juan Juarez, who entered policing with the hopes of making his neighbourhood a better place in the face of gang violence. Juarez’s autobiography describes the sense of brotherhood he felt in policing and the protection he experienced from other officers. In addition to protection, he received numerous “perks” of the job, including free meals, car detailing, concert tickets, and a free pass on any activity that would otherwise get him in trouble with the law. For example, he recounts the dozens of times he was pulled over for speeding or drunk driving – sometimes while on duty. He stated that he merely had to show his police badge to whichever officer pulled him over and was sent on his way without any further questioning (Juarez 2004). Of course, we know that the alternative decision to arrest a drunk officer would result in massive reprisal for the arresting officer, as will be discussed in the following section by Poisson and McLean (2015).

Juarez (2004) recounts his early years of policing and how he was initially shocked and incredibly bothered by the countless acts of brutal violence and derogatory name-calling he witnessed when his partners were confronting civilians. As time progressed, however, and as his socialization into policing increased, Juarez (2004) began to enjoy these encounters and selectively participated in routine beatings. Upon his promotion into the drug unit, Juarez (2004) describes an instance where the drug unit found over \$25,000 in drug money. They inventoried only \$3,500 of this money and split the remainder between the members of the unit. Juarez

(2004) emphasizes that this is not only a regular occurrence, but the norm. Being a cop in the drug unit was a *very* well-paid position. Juarez (2004:118) states that:

It was absolutely imperative that we maintain our code of silence. The code is something all cops are asked to uphold but it seemed all the more vital here. It was clear to all coppers in Narcotics that what happened on the second floor of 3540 *stayed* on the second floor. Failure to follow this basic tenet could result in expulsion from the Unit.

Institutions of policing will go to great lengths to vehemently deny the existence of a code of silence, as is outlined by Kalven (2016) when he discusses a whistleblower lawsuit in Chicago where lawyers attempted to remove the term “code of silence” from the trial proceedings.

Chicago officers Shannon Spalding and her partner Danny Echeverria filed a whistleblower suit after they suffered retaliation for investigating, and ultimately uncovering extensive criminal activity within the department (Kalven 2016). Spalding and Echeverria discovered that a tactical team assigned to the “gang” unit received money from drug dealers to protect them against any interference from police. Additionally, this tactical team was also actively targeting these drug dealer’s competitors (Kalven 2016). Upon breaking the case, Spalding and Echeverria experienced relentless ostracism and retaliation ordered by high-ranking officials as punishment for breaking the code of silence. They were forced to switch units, denied meaningful work and set up for failure which ultimately resulted in Spalding resigning from the force (Kalven 2016). These exposés reveal that the routinization of abuses of authority and misconduct are a tolerable condition of “[t]he state...protect[ing] its protectors” (Reasons 1974:270). Policing in a social order riven by conflict and competing interests makes policing an institution authorized to solely protect the interests of the powerful.

Police Misconduct in Canada

The majority of scholarly research on policing, police studies, police violence and the “blue code” are out of the United States. As demonstrated throughout the literature above, however, excessive use of force by police officers is an institutional norm. It is not a condition of only the United States but it can be observed in the everyday activities of police in Canada as well. While there is limited scholarly research on Canadian police, there exists a vast array of media and investigative journalism that documents instances of abuse, corruption and the “blue code” of silence. These reports will be presented in the following sections: abuse and sexual assault of women, corruption, and drunk driving.

Abuse and Sexual Assault of Women

Following accusations of misconduct at the hands of the RCMP, a report was filed by the Human Rights Watch where fifty aboriginal women and young girls in British Columbia were interviewed and shared their stories of being strip-searched by male officers, pepper-sprayed and tased (CBC News 2013). Additionally, there were eight accounts of police assault against girls under 18 years of age. There was also a report of sexual abuse where the victim claims her life was threatened by police if she reported the abuse (CBC News 2013).

In 2015, 12 Indigenous Canadian women claimed that Val-d’Or police officers physically and sexually assaulted them. The women initially reported these instances to Montreal police, but it was not until Radio-Canada published a report that an investigation was launched (Curtis 2016). Of the twenty-eight officers investigated, only two officers were charged. After reviewing the evidence the Crown determined there was not enough evidence to substantiate many of the accusations. However, three of the prosecutors claimed that their decision was based entirely on what would hold up in court and does not reflect the credibility of the women (Curtis 2016).

Instances such as these compound the already tense relationship between Indigenous Canadians and the police, and further discourages Indigenous women from reporting instances of abuse.

In September 2015, the Special Investigation Unit (SIU) investigated an allegation that Toronto police officer Christopher Heard picked up a 27-year-old woman and sexually assaulted her while driving her home in his police vehicle (Hasham 2017). A second complainant, a 25-year-old woman, came forward with a similar account of sexual assault by Heard that occurred within a month of the first assault. Heard was ultimately charged with sexual assault and the trial is currently underway (Hasham 2017).

Corruption

Hamilton police officer Robert Hansen, who planted a gun in a suspect's home, was regarded as serving "vigilante justice" by the sentencing judge, Justice Braid (Bennett 2016). Evidence shows that Hansen wanted to "put away" a suspected drug dealer and concocted a plan with another individual to plant a gun in the suspect's house. During the duration of the trial Hansen was suspended with full pay and ultimately sentenced to five years in jail. He was a high-ranking detective of the guns-and-gangs unit at the time of the offence (Bennett 2016). During sentencing it was repeatedly emphasized how much the five year sentence would affect Hansen's family and career and Hansen himself stated that he intended to appeal the decision (Bennett 2016).

In 2005, corruption charges against six members of Toronto's Drug Squad Team 3 were filed. Staff Sergeant John Schertzer and Constables Steve Correia, Joseph Miched, Ray Pollard, Ned Maodus and Richard Benoit were charged with conspiracy to obstruct justice, perjury, extortion, assault causing bodily harm and theft over \$5000, as well as lying to obtain search warrants, using those warrants to rob drug dealers, falsifying notes and then lying under oath in

court to cover everything up (Dimatteo 2008). During the course of the investigation, additional evidence was uncovered alleging that these six officers as well as four others were stealing money from a police fund used to pay informants. When asked to speak on the case, then-chief of Toronto Police, Julian Fantino, stated that this was a case of “a few bad apples” (Dimatteo 2008). The charges were stayed by Justice Ian Nordheimer due to the Crown’s extreme delay in disclosing evidence. Due to the magnitude of the case and the copious amount of evidence readily available, it has been widely speculated that political interference was the cause of the delay which ultimately led to the failure to indict the officers (Dimatteo 2008).

In 2015, Hamilton police officer Craig Ruthowsky was charged with participating in a criminal organization when Toronto police arrested sixty people in their Project Pharaoh investigation (Bennett 2017). The investigation focused on a Toronto gang, the Monstarz, and yielded \$3.8 million in drugs. Ruthowsky is a 17-year veteran of the Hamilton Police Service who previously worked in the guns-and-gangs unit (Bennett 2017). Following the arrest by Toronto police, the Hamilton Police Service conducted its own investigation into Ruthowsky and sixteen new charges were added – bribery, robbery, perjury, weapons trafficking, and cocaine trafficking among the charges (Bennett 2017). Ruthowsky’s case is currently being tried.

Drunk Driving

Since 2010, over sixty police officers from the Ontario Provincial Police, Toronto Police, Peel Police, Durham Police, York Regional Police and Halton Police have gone before their internal police tribunals and received discipline for drinking and driving (Poisson and McLean 2015). In more than one incident a police officer under the influence of alcohol has been the cause of a major motor vehicle accident that resulted in serious injury. While many of the impaired officers received criminal charges that resulted in licence suspension, there have been

no other known employment repercussions and these officers were back to performing their full duties in due time (Poisson and McLean 2015). Of all the recorded incidents, there seems to be only one case where an officer was forced to resign or be fired – though it is often stated that drinking and driving will not be tolerated and penalties may include dismissal (Poisson and McLean 2015). The staggering rate at which police officers are facing charges for drinking and driving has led to various Ontario police chiefs speaking about the seriousness of the issue and how seriously they address it within their forces. To this day, however, the number of impaired driving incidents involving police officers has remained unchanged for over a decade (Poisson and McLean 2015).

Another equally troubling issue is the various accounts of officers trying to negotiate their arrest with the officer(s) that pulled them over. There are at least a dozen recent accounts of officers identifying themselves as police, showing their badges and/or attempting to dissuade their fellow officers from arresting them (Poisson and McLean 2015). Of course, these are only the reported accounts and it is unknown how many similar incidents occur on a regular basis. Not only are the repercussions for these offending officers minimal or nonexistent, but it seems that the repercussions fall onto the arresting officers. In 2009 Constable Breton Berthiaume, an off-duty Halton officer, was arrested by rookie Constable Andrew Vanderburgh for drunk driving. Vanderburgh's partner refused to participate in the arrest that night and Vanderburgh was harassed, berated, targeted and isolated by fellow officers for his decision to arrest Berthiaume (Poisson and McLean 2015).

Conclusion

I began this chapter by discussing the foundation of secrecy in policing and demonstrating how secrecy continues to be a fundamental aspect of modern policing that affirms

the right of the state to both kill and grant the necessary conditions for social reproduction. The role of police was then explored at length which outlines the connections between social control and transformations of capitalism. I discussed various and diverse aspects unique to police culture including hyper-masculinity, socialization and the concept of “dangerous policing” that reinforces the “us versus them” mentality present among officers. Scholarly literature was presented on the “blue code” of silence which outlined how the “blue code” promotes, supports and conceals misconduct, abuse and corruption among police. I undertook a discussion of the social psychology of whistleblowing to better understand what factors are considered when deciding whether to blow the whistle (or not). Lastly, I briefly summarized two autobiographical exposés from former police officers and concluded by discussing some cases of police misconduct, assault and corruption in recent Canadian history.

The literature presented in this chapter succeeds in laying a solid foundation of research required for more intensive and complex studies of police abuse, misconduct and corruption from the perspective of officers themselves. As demonstrated throughout the chapter, while there does exist some literature on all areas of this research topic, no single work attempts to draw a specific connection between the “blue code” of silence, moral dilemmas and whistleblowing. One explanation for the lack of research into the realm of police perspective may be barriers to access. All of my police participants were contacted through the personal connections of my academic supervisor and likely many other researchers do not have the same degree of policing connections. The data that was collected for this thesis, to be presented in upcoming chapters, contributes to all three realms of literature that this thesis aims to connect: the “blue code” of silence, moral dilemmas and whistleblowing. It is my hope that connecting all three areas of this study will produce an original contribution to the academic community that offers an account for

how the “blue code” of silence leads to instances of moral dilemma in police officers, and whether (and how) this could lead to instances of whistleblowing in the future.

Chapter 4: Theoretical Framework

Framing the Research

In the following section I will discuss two articles. The first is by Howard Becker published in 1967, and the second is Alvin Gouldner's analysis and response to Becker, published in 1968. Becker's article "Whose Side Are We On?" (1967) poses the question of whether or not social scientists are able to do research that is value-free and, therefore, free of bias. Becker (1967) argues that it is not possible to do value-free research, and claims that researchers must decide whose side they will take during their research – the superordinates or the subordinates. He claims that researchers fall into deep sympathy with the people they study and therefore must choose a side in order to take the necessary precautions against bias in their research. The *superordinate* parties are often the professional or official authorities that oversee an institution – the ones that represent 'morality', whereas the *subordinate* parties are those who make use of the services of that institution, or the ones who violate the 'morality' defined by the superordinate parties (Becker 1967). Following this distinction, it would seem that police officers would be the superordinates and civilians would be subordinates. As I will discuss throughout this section, this distinction does not accurately depict the three-tiered relationship between police administrators, police officers, and civilians. If we were to follow Becker's superordinate and subordinate distinction, it would be more accurate to label the police administrators as the superordinates and civilians as the subordinates. But, where does this leave police officers?

After making the distinction between the superordinates and the subordinates, Becker (1967) explains that the "hierarchy of credibility" is when those with the highest status in any given hierarchical order are responsible for defining the way things are. Becker explains that "We are, if we are proper members of the group, morally bound to accept the definition imposed

on reality by a superordinate group in preference to the definitions espoused by subordinates” (1967:241). Superordinates should not be trusted, however, as Becker (1967) claims that officials develop ways of denying and explaining failures of the institution when it does not perform as it should. Becker argues that not only can researchers never avoid taking sides, but the side of the subordinate should always be chosen over the superordinate.

One of the major issues with Becker’s (1967) superordinate/subordinate distinction is the assumption that there is always an identifiable subordinate or “underdog” in every relationship. Again, if police administrators (the “top dogs”) are the superordinates and civilians (the “underdogs”) the subordinates, where do police fit into this relationship? Gouldner (1968) responds to, and, ultimately disagrees with Becker’s conception of the partisan sociologist by challenging his standpoint that researchers should always side with the underdog.

Gouldner (1968) argues that Becker’s allegiance to the subordinate (the “underdog”) is implied at best, and questions why Becker never explicitly states his underdog standpoint. Gouldner (1968) refers to Becker’s other academic works on deviance and his view that the making of a deviant is a social process that cannot be understood without the understanding the rule-making and rule-enforcing persons and procedures. Becker’s own specific theory of deviance positions him to study the rule-makers and rule-enforcers, yet he is sentimentally inclined to the view deviance from the perspective of the ‘deviants’ themselves (Gouldner 1968). Gouldner (1968) claims that Becker is experiencing a conflict between his theories and sentiments, his sentiments and interests, and within his sentiments – which is why, he argues, Becker does not explicitly state his allegiance to underdogs. Furthermore, Gouldner (1968) claims there are more practical reasons for Becker’s unwillingness to boldly state his position,

such as his desire to protect future access to rule-enforcers, if necessary, as well as access to research funding.

Perhaps the most trenchant critique of Becker (1967) that Gouldner (1968) presents is his argument that Becker's underdog standpoint only rejects "low level officialdom" (the "middle dogs"), while "high level officialdom" (the "top dogs"), who shape the social institutions that generate suffering among underdogs, is virtually left untouched. Gouldner (1968) argues that Becker refuses to adopt the standpoint of the "middle dog" because he claims that this would only lead to infinite regression. Becker (1967) explains the issue of 'infinite regress' as every subordinate having a superordinate, and every superordinate having a higher superior that they must answer to. This means that Becker (1967) would have to repeatedly look to 'higher' positions of authority during research until he reached the 'top'. Gouldner (1968:110) accuses Becker of creating a "convenient combination of properties" that enables sociologists to befriend underdogs, reject middle dogs, while remaining friendly with the top dogs.

Gouldner (1968) explicitly states that while he does not necessarily agree with Becker's approach, he does share his underdog sympathies. One of the major takeaways from Gouldner (1968) is that while he does generally align with underdogs, he argues that our greatest allegiance as researchers should be to *values*, rather than *sides*. This point is particularly relevant for the framing of this research, as my goal is not to make this thesis pro-police or anti-police. Instead, I have chosen to align with values, particularly the belief that every citizen should be guaranteed the right to live. The following section will discuss middle dogs and top dogs in greater depth.

Middle Dogs and Top Dogs

Policing is a complex and dynamic institution that is fraught with power dynamics which

is why it cannot be simply categorized as superordinate. Many individual police officers are themselves playing a subordinate role in certain relationships by enforcing the law and carrying out the orders of their superiors. This is where the work of Alexander Liazos (1972) becomes useful in distinguishing between what Becker (1967) and Gouldner (1968) have labelled as the underdogs, middle dogs, and top dogs. These terms will be used throughout the remainder of this thesis. While in the previous section I referred to civilians as the underdogs, it is important to emphasize that only *certain* civilians are truly the underdogs – the poor and racially marginalized. This will be explained in greater detail towards the end of this chapter, but for now I will focus on the distinction between middle dogs and top dogs.

Liazos (1972) spends a significant portion of his article critiquing the common sense sociological beliefs and biases surrounding deviance and consequently who gets labelled as “deviant”. Liazos (1972) explains that “violence” refers to harm done to a person but that physical force is only one way that violence is carried out. A much more encompassing form of violence is *covert institutional violence* which is carried out by economic and political structures that enable exploitation, poverty, racism and sexism. These forms of violence do not receive the same level of attention from deviance scholars, yet they result from the everyday workings of institutions and affect significantly more people than individual acts of violence (Liazos 1972). Liazos (1972) explains how studies of deviance have undergone many changes throughout the years, yet disagrees with Becker (1964) that the labelling perspective has expanded to include and evaluate other people and groups involved in processes of deviance. Similar to Gouldner, Liazos (1972) argues that any expansion has only included low-level agents of social control, not the powerful ones. Liazos explains, “... the emphasis is more on the *subculture* and *identity* of the ‘deviants’ themselves rather than on their oppressors and persecutors” (1972:108). He later

explains that this results in the misplaced emphasis on the middle-level agents of social control, the middle dogs, when instead researchers need to focus on the top dogs.

Liazos (1972) is similar to Gouldner (1968) in that he is calling for attention and research into the workings of the top dogs. He argues that certain individuals and groups have more power over others and it is our job as researchers to uncover this hierarchy, understand its operations and explore its consequences (Liazos 1972). The top dogs are responsible for creating laws and administrative policies that maintain and enforce the very institutions that produce covert institutional violence. As Liazos asks, “Do the police enforce their own laws?” (1972:115). Liazos’ (1972) work helps to illuminate that police officers are carrying out the work of specific interested groups and therefore they are being used as agents of social control to protect the status quo. This means that police officers are in fact middle dogs after all, with politicians, administrators and investigative officials being the top dogs. While the initial focus of this thesis was to understand policing from the perspective of officers themselves, it is clear from a critical engagement with Becker (1967), Gouldner (1968) and Liazos (1972) that any study on police abuse, corruption and misconduct must, of necessity, include top dogs. Even then to be sure, the top dogs we were able interview are not in fact those who make policy. Those who ultimately do – the premier, the attorney general and mayor of Toronto (and the economic interests to which they are beholden) – refused our invitation for interviews.

Critical Criminology

Because this project specifically addresses state repressive power through the actions of the police, this research project will be supported by the theoretical framework of conflict theory, and, quite specifically critical criminology. Conflict theorists maintain that those in power have the ability to define the norms of the social order, whether this power is economic, political or

social (Goar 2017). Those in power have control over crime and deviance because they are able to define the social world to advance their own interests while simultaneously oppressing less powerful groups (Goar 2017). The police, therefore, both constitute and represent the fundamental means for maintaining social order consistent with ensuring the maintenance of dominant economic, cultural and social interests (Hall et al. 1978; Kitossa 2016; Spitzer 1993). In other words, the dominant class goes to great lengths to ensure their ongoing power, which includes minimizing threats by those deemed “dangerous” (Spitzer 1975) – oftentimes minorities and the poor (Petrocelli, Piquero and Smith 2003). Economic power is intimately tied up with social and political power which gives those with economic power the ability to shape the legal order (Jacobs 1979; Chambliss 1993).

With the dominant economic class being the driving force behind which legislation is in place, and with the institution of policing being the main mechanism through which stability and order is maintained, Jacobs (1979) argues that the police both directly and indirectly protect the elites. Goar (2017) notes that traits such as individualism and competition are necessary to maintain the capitalist economic system, explaining why economic elites have such a vested interest in maintaining the status quo by defining social norms to ensure individualism and capitalism are reinforced. Following this argument, it becomes clear that the economic, social and political elites (including police administrators) are among the top dogs, while police officers tasked with upholding law and order are the middle dogs.

Critical criminology moves beyond positivist² approaches to crime and control by considering in whose interests “law and order” serves. My research interest and questions are located in the field of critical criminology. Critical criminology traditionally challenges

² Positivism: All knowledge and truth can be verified through sensory observations and logic

mainstream explanations and understandings of law breaking, law making and societal reaction (Sutherland 1955) and instead recognizes their connection to the maintenance of social inequality. The central question of this subfield of criminology asks in whose interests are laws made and enforced and how ruling class ideology shapes public opinion. Additionally, the critical criminology I will undertake incorporates the theory of conflict, where powerful groups exercise power to further their own interests. This is done through the use of police as a semi-autonomous political force, even at the expense of individuals within their own class. My discussion of the “blue code” will demonstrate how this is reproduced and maintained across institutions of policing.

Analysis

The analytical tools for this thesis will be consistent with its theoretical framework. The analytical methods for this thesis are symbolic interactionism and critical discourse analysis. Symbolic interactionism is considered an interpretivist approach which is similar to social constructionism in that it views all social reality as being constructed or created. It is a framework which offers assumptions about the social world, social actions and how they relate and interact. Symbolic interactionism is based on the premise that things have different meanings to different people and social actors act towards things based on those meanings (Esterberg 2001). However, it is important to note that meaning is derived from and is reproduced through relationships, socialization and hegemonic ways of knowing (Gramsci 1999). We are not free from power relations that have structured prior modes of thought and language. The social world is interactive and therefore each individual is connected to others in various dynamic ways. Symbolic interactionism will be used as a form of analysis because each officer has a different interpretation of their role as police, as well as different justifications for their decision-making

depending on their career experience. Factors such as their current status in policing (active, retired or resigned), the geographical area they police, and the length of their career likely all affect their interpretation of their role. Symbolic interactionism is inherently non-positivist³ and will be used to explain the social complexity of policing. Symbolic interactionism as an analytical method is mainly concerned with interpreting these constructions of social reality and identifying how they are produced. The main limitation of using symbolic interactionism, however, is its ambiguous examination of power which appears to avoid engaging with “grand narratives”.

When applying symbolic interactionism to studies of policing, Kitossa (2016) argues that the state must be recognized in terms of class and race oppression as opposed to being a neutral political entity. Police and the policing of crime are the media through which the state enacts its power to maintain the macro social. Thus, there is more at stake than just how police make sense of situations involving abuses of authority. To this end, I mobilize a meta-analytical approach that is essential to account for how research participants use discourse for purposes of: a) managing their identities and roles in the highly charged context of police fraternalism, and b) making sense of situations in which there are abuses of power. As a meta-analysis, critical discourse analysis (van Dijk 1993) will be used to identify and assess not only the possibility of moral dilemmas but also the possibility of exposing “neutralization techniques”⁴ that maintain moral equilibrium in situations where police officers use excessive force (Van Maanen 1978). Critical discourse analysis will also be used to explore factors that inform the decision to blow the whistle on abuse, misconduct and corruption, as well as to explore how whistleblowers are

³ Non-positivist: multiple interpretations dependent on one’s ideological position

⁴ The act of neutralizing values that would ordinarily prevent one from participating in an act or behaviour

viewed by others.

Critical Discourse Analysis

The critical discourse analysis (CDA) that will be used in the analysis of this thesis is largely based upon van Dijk and his article titled “Principles of Critical Discourse Analysis” (1993). CDA is a broad field of analysis, but generally it is concerned with identifying and examining the structures and strategies of talk, text and communicative events that contribute to the reproduction of dominance over marginalized groups (van Dijk 1993). The reproduction of dominance is not often a top-down approach, but rather the result of complex and interrelated relations of power. The discourse used to foster the reproduction of dominance and power can come in many forms – from subtle to very overt expressions. Van Dijk’s form of CDA is motivated by current social issues and focuses on elites and how social inequality is maintained through various forms of discourse.

Understanding social power and dominance are some of the most important aspects of the work of CDA. Van Dijk (1993) describes how “social power” such as wealth, status, income, and knowledge are the foundation for elite groups to obtain and maintain power over others. Included in the framework of power is control, and control can be enacted through either action or cognition. Control via cognition is a more effective form of power that includes influencing the mind of others in the interests of one’s self (van Dijk 1993) – a sort of “manufactured consent”. As previously mentioned CDA analyzes talk, text and verbal interactions, which are the main avenues through which cognitive control is exercised.

The goal of CDA is not only to examine power structures and discourse, but to provide meaningful analysis that can help explain the conditions necessary for discourse to perpetuate dominance and inequality. Van Dijk (1993) argues that power elites are often able to control who

has access to communicative events (meetings, conferences, speeches), thereby limiting the rights of others in specific contexts. Additionally, and less directly, by limiting who has access to communicative events, they are able to manage the “public mind” to ensure that social cognition remains focused on the interests of dominant groups (van Dijk 1993). It is this description and explanation of the dominant discourses that allows CDA to make sense of how dominant discourses shape socially shared knowledge, attitudes and ideologies.

While there are many avenues of power that can be studied, CDA is primarily concerned with abuses of power. Individuals or groups that are influenced by cognitive control can be influenced so dramatically that they themselves willingly act in the interests of the powerful – which van Dijk (1993) describes as hegemony. It is important to understand that power and dominance operate on a structural level. Various institutions including law enforcement, the topic of this thesis, support, legitimate and enforce the hierarchy of power which reproduces dominance (van Dijk 1993). The exercise of power and domination by police are not limited to individual instances. The extent and frequency of these acts represent a larger function of police, which is to maintain and reproduce the conditions that benefit the interests of the power elites.

Control of the Body

According to Foucault (1975), there has been a shift in punishment over the years from operating as a brutal public spectacle, attacking and dismembering the body of the accused, to punishment acting as a form “soul” or psychological control. During this transition, Foucault (1975) notes that we have seen a significant reduction in the use of the body as a means of punishment. With the reduction of torture as a public spectacle, punishment is oftentimes now hidden from public view. Instead of physical punishment being the mark of retribution, it is now the trial process and conviction that draws spectators (Foucault 1975). Foucault (1975) argues

that when direct physical punishment is deemed necessary, such as with the death penalty, it is done without pain and from a distance, effectively removing the brutalization of the act.

While Foucault (1975) claims that the physical body is no longer punished directly, he argues that the body is used as a kind of instrument to punishment. For example, the act of imprisoning someone places constraints on their bodily movements. Instead of subjecting the offender to physical pain, a suspension of rights has become the normalized form of punishment. Foucault notes however, that the loss of liberty does not function without some form of bodily punishment included within it such as the “rationing of food, sexual deprivation, corporal punishment, solitary confinement” (1975:16). Again, this is demonstrated in our prison system. Regardless of these less brutal forms of physical punishment, it still remains that there is some level of torture being imposed in our modern criminal legal system. Foucault (1975) claims that this reflects a change of objective from bodily punishment to condemnation of the soul.

While Foucault (1975) is correct that bodily punishment still exists in some form in our modern criminal legal system, he does not make the connection that the physical body is still tortured, daily, through interactions with police. *R. v. Singh* (2012) demonstrates how police still use torture behind “closed doors” to elicit information and confessions, whether true or false, from “criminals”. What *R. v. Singh* does not demonstrate, however, and what Foucault (1975) fails to acknowledge, is that torture is also still used in public. There are countless recorded videos and personal accounts of police officers dragging, beating, choking, tasing, and shooting people in the pursuit of “justice”. Instead of pain and torture being disseminated as a form of punishment after the “criminal” act occurs, it is happening before any individual is charged or proven guilty in court. Furthermore, not all civilians are equally at risk of being subjected to this torture. In the following section, I will demonstrate how being poor and/or racially marginalized

are the criteria by which police determine whether or not one will be subjected to torture.

The Merging of Bio-Power and Necropolitics

This thesis presents findings from interviews that explore a) how police officers make sense of misconduct and whistleblowing and b) how regulators and administrative agencies undertake the ideological task of maintaining manufactured public confidence in police. As a result of conversations with my supervisor, I merge Foucault's 1979 concept of bio-power with Mbembé's 2003 concept of necropolitics to outline an Interactionist-Marxian approach to examine and make sense of police misconduct and whistleblowing in Canada. In the simplest of terms, biopower is defined as "that domain of life over which power has taken control" (Mbembé 2003:12) and necropolitics is defined as "the power to dictate who may live and who must die" (Mbembé 2003:11). From these definitions alone we can see how biopower and necropolitics can work together to create and maintain a form of "benevolent totalitarianism" that meshes the power to kill with the right to provide the necessities of life.

Bio-power and Necropolitics

Biopower, by definition, means "the domain of life over which power has taken control" (Mbembé 2003:12). Foucault (1975) argues that sovereignty has been expressed as the right to kill and that while this is still a primary function of the modern state, it was much more explicit in the pre-European Enlightenment. Mbembé (2003), however, argues that biopower does not adequately account for present forms of domination over life and the power of death. Mbembé (2003) instead argues that Foucault's conception of biopower functions by distinguishing between people that have the right to live and those who must die. By creating these two categories and assigning individuals to these "groups", the state effectively creates a group of "others". This group of "others" is predominantly organized by race and through the concept of

biopower we are able to account for how racism is being used to regulate and justify systematic state killing of these “others” (Mbembé 2003).

Mbembé (2003) connects Foucault’s concept of biopower to: 1) the state of exception and 2) the state of siege. He argues that power has repeatedly appealed to exception, emergency, and a fictionalized notion of the enemy and that biopower cannot account for present forms of domination. Mbembé (2003) argues that to justify the routinized killing of poor and racially marginalized groups, the existence of the “other” must be framed as threatening or dangerous to convince other groups that the elimination of the “others” are beneficial to life and security. Mbembé (2003) goes on to argue that the Nazi state is not the only example of the state exercising the right to kill, but that colonial imperialism and slavery are others. Slavery, Mbembé (2003) argues, results in absolute domination, alienation and social death. While the slave is kept alive they are kept in a *state of injury* where they are essentially a living form of death. As Mbembé states, “In this case, sovereignty means the capacity to define who matters and who does not, who is *disposable* and who is not” (2003:27). Mbembé (2003) explains how instances of late-modern colonial occupation include regulating certain groups of people to certain areas. In a local context, we can see this happening in our everyday lives with the designation of “ghettos” in our communities. Slums and ghettos were created as an economic barrier to cordon off those who are considered disposable from other areas of the community. The objective of this process, he argues, is to limit and control the movement of bodies and to implement separation (Mbembé 2003). With colonized groups being allocated to one geographical area it allows the state to easily control this population through means of surveillance and the exercise of power (Mbembé 2003). Additionally, with high-tech tools of late-modern terror (war machines) absolute domination of entire populations is made possible. These weapons are deployed with

the intent of maximum destruction of selected persons, which in the overwhelming majority of cases, are poor and negatively racialized (Mbembé 2003).

Functioning Together

Foucault's conception of biopower does not adequately enable us to understand that biopower and necropolitics function together. Foucault argues that biopower is used as a weapon to control the "disposable" through means of reliance on state benefits and that ultimately violence and control no longer work on the body, but rather the mind (soul) (Foucault 1975). Mbembé (2003), however, criticizes Foucault's conception of biopower by arguing that power can only go so far to control the population without the threat of death (ie. necropolitics). By claiming that control is no longer exercised against bodies, Foucault's work effectively silences the continued killing of African people and completely ignores slavery and colonial oppression. With biopower at one end of the spectrum of control with necropolitics at the other, the state transparently reserves the right to kill, particularly members of racially disfavoured and economically oppressed groups, and continues to do so through the police (Kitossa 2018, personal communication; see Figure 1). The people that are the object of biopower are the same people that are also the object of necropolitics. Where they intersect is where the state intervenes and chooses who lives and who dies (see Figure 2).

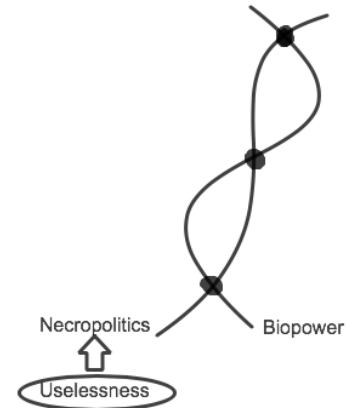
Drawing on Sidney Willhelm's *Who Needs the Negro* (1971), the concept of "uselessness" is useful to demonstrate the dynamic interaction between biopower and necropolitics. The work of Karl Marx outlines the capitalist economic system that operates through generating surplus labour, but he does not account for individuals and groups of people that do not fit into this structure. To compensate for the reality that in late-stage capitalism there

Figure 1: Static view of state power



(by permission of Tamari Kitossa, 2018)

Figure 2: Dynamic view of state power



(by permission of Tamari Kitossa, 2018)

are swathes of people literally beyond the pale of the standard Marxist conception of class, Willhelm demonstrates that the ‘lumpen’ are not simply a byproduct of surplus labour, but a category of persons whose race and inherited relationship to production establishes their functional disutility save as a commodity for the criminal legal system and the political elite who capitalize on their existence as internal enemies used to manufacture consent (Kitossa 2018, personal communication). This group of people marked by their historical and racial particularities, often engaged in the illicit and survival economies structured by hegemonic capitalism (Itty and van Schendel 2005) contribute nothing to the state. They are, in short, more likely imagined as threats to the status quo and a constituency that is conscientized and organized that might well challenge the very foundation of extant capitalist and colonialist social relations (Itty and van Schendel 2005). As previously explored in the literature review, Gordon (2006) discusses that other means of obtaining payment such as begging, gaming, sex work and “selling” materials or goods in the illicit economy are criminalized to compel formal wage labour

participation. The state tries to force these people back into the surplus labour market via their main mechanism of state control – the police. The police are required as a regime to eliminate alternatives to wage labour to ensure that the capitalist economic system is supported, though of course formal capitalism also depends on informalized labour (e.g., sweat shops and undocumented migrants) to maximize surplus extraction. Gordon (2006) argues that the creation of a criminalized class is essential to maintaining a working class but also that the entire working class is viewed as potentially criminal which is why race and class are often policed more so than so-called criminal activities. The police ultimately retain the right to decide who lives and who dies through discretionary power and the use of force model that justifies force + 1. When issues of abuse, corruption and misconduct arise in policing, addressing these are secondary to the state function of controlling labour and regulating the capitalist economic structure. The primary concern is maintaining the existing order and if addressing instances of abuse, corruption and misconduct threaten to disrupt this order and control, then these conditions of policing will be actively ignored, if not legitimized (Kitossa 2018, personal communication). To the extent the state establishes both a zone of illegality for itself, which Biko Agozino calls “executive lawlessness” (Agozino 2003:113), and one in which it can legally break the law to uphold it (Kitossa 2016), abuse, corruption and misconduct are normative conditions of policing.

Beyond domestic illicit activities that take profit away from the state and prevent ‘criminals’ from participating in the formal labour market, this is also occurring on an international level. The work of James Sheptycki (2003) addresses how both illicit and licit trade exist in the globalizing community, yet only certain illicit practices get the attention of law enforcement. Sheptycki (2003) argues that the physical power capabilities of the state, their protection racket, is being extended up to the transnational level where global institutions are

now governing crime. Law enforcement at the transnational level is referred to as transnational policing, which is the international cooperation between national policing agencies and includes such organizations as The International Criminal Police Organization (INTERPOL).

Transnational policing is aimed at addressing transnational organized crime (TOC), which is broad and includes many avenues of illicit trade, including drugs, weapons, human beings, endangered species, and toxic waste, among many others (Sheptycki 2003). Sheptycki (2003) argues that transnational policing does not address all of these activities equally and does not prioritize activities that cause the most social harm. Instead, as intelligence-led policing (ILP) has developed, 'strategic' policing has led to the increase in policing targeted at specific groups or activities. ILP has contributed to enforcement strategies shifting from the 'criminals' towards the proceeds of crime (Sheptycki 2003). Sheptycki (2003) explains that by targeting criminal assets and interrupting their profit, it is argued that it will deprive criminal groups, undermine the criminal opportunity structure and deter crime — none of which prove to be true. The confiscated assets and profits are then absorbed by police into a system of resource extraction which financially benefits INTERPOL while simultaneously policing alternatives to wage labour (Sheptycki 2003).

The Creation of Slums

Blaming poor, marginalized and oppressed people for their circumstances is a very common discourse useful for keeping the attention and responsibility off state apparatuses. Davis (2006) refers to the surplus population that work in the unskilled, unprotected and low-wage informal service industries. While this global informal working class is different than the slum population, it is worth noting that those involved in the informal employment sector have no job security or bargaining power and oftentimes competition has become deadly (Davis 2006). Davis

explains, “Those engaged in informal-sector competition under conditions of infinite labor supply usually stop short of a total war of all against all; conflict, instead, is usually transmuted into ethnoreligious or racial violence” (2006:185). The informal sector becomes ‘a museum of exploitation’ and those who fall victim to the system, the large majority, are labelled as responsible for their poor and marginalized position (Davis 2006). As this section will outline, the perception of slums and ghettos and those who reside within its confines are similar to the global informal working class. The purpose of this account is to mobilize the dynamic theory of the necropolitical state presented in figure 2. I aim to demonstrate how late-modern forms of capitalist and colonial occupation regulate negatively racialized people’s bodies to particular geographic areas for the purpose of limiting and controlling the movement of these bodies so they are more easily controlled by the police.

When discussing slums, a recurring theme is that slum dwellers are somehow responsible for their conditions. It is a widespread belief that slum tenants ruin their own property through destruction, carelessness and poor housekeeping, however, Ryan (1971) claims that in a mere 180 buildings over 1,244 housing code violations were recorded – at *least* 85% of which could not be the fault of the tenants. When violations are discovered, landlords are ordered to fix the issue immediately or receive a fine, however, there is zero enforcement or follow up which results in the landlords ignoring the orders (Ryan 1971). Conditions remain unchanged for years in many instances. Ryan sums this up perfectly by saying, “No, slum tenants don’t ruin good housing. The buildings are worn out and used up first, then the slum is ready for the poor and the black to move in” (1971:182). Eliminating low income housing is not a solution to this problem, as it does not remove low income people from cities. It instead funnels them into condensed and poorly maintained slums.

Crichlow (2014) offers a similar perspective on slums while studying disenfranchised young black men living in the Toronto Community Housing Corporation (TCHC). He argues that black men are subjected to numerous forms of structural violence and stigmatization that cause trauma and leave these men to find meaningful existence in any way possible (Crichlow 2014). The repressive living conditions of the TCHC prepare black men for prison and creates exaggerated masculinities that include the use of weapons. He states, “Transition to prison does not require adaption, because TCHC living conditions mentally, physically and emotionally prepare youth for life in prisons” (Crichlow 2014:7).

It is essential to understand that slums are used as a tool to maintain the status quo and the interests of the top dogs because as Gordon (2006) argues, the entire working class is viewed as potentially criminal, which is why race and class must be easily accessible to police. Mbembé (2003) outlines that it is necessary to frame the existence of these “others” as threatening and dangerous: a fact that justifies the routinized control, abuse and killing of members from these groups. To put it simply, slums and ghettos are merely concentrated zones of property where the poor and the useless are corralled and quarantined (Baldwin 1966; Crichlow 2014; Davis 2006; Wacquant 2001; Willhelm 1971).

Blaming the Victim

We have likely all heard the term “victim blaming” which implies placing any level of blame on an individual that has been victimized – in this case, by crime. But who is the real victim when the very definition of crime itself is socially constructed in a manner that victimizes the supposed “criminal”? Who is the real victim when the “criminal” is defined as a criminal before they even commit an illegal act? In order to make sense of this phenomenon, Ryan (1971) argues that we need to recognize the reality that there are two classes of law violators, the poor

and oftentimes Black people, and everyone else. In other terms, Ryan states “There are law violators and there are law violators; one kind gets arrested, the other kind is usually left alone” (1971:212).

Because police officers almost exclusively prosecute “street crime”, the public and police alike believe that crime is manifested in slums. Ryan states that, “Even if they tried very hard to tell it like it is, the police could not do so accurately because they do not see it like it is” (1971:209). Ryan (1971) argues that the purpose of police is to arrest both Black people and poor people, oftentimes one in the same. To this end, abuse, corruption and misconduct are constitutive of policing, since as he notes:

We must judge why we hire policemen by the evidence. Presumably we hire them to what they, in fact, do: arrest black people and poor people. In functional terms, it would be hard to evade the conclusion that the major task we give to our police is to control potentially disruptive or trouble-some groups in the population (Ryan 1971:215).

This candid assertion is more recently corroborated by judicial obiter. In an Indianapolis wrongful death civil trial, the judge, weighing on the side of the police officer opined, “The police officer always causes the trouble. But it is trouble which the police officer is sworn to cause, which society pays him to cause and which, if kept within constitutional limits, society praises the officer for causing” (Plakas v. Drinski 1994). Both before Ryan (1971) and Plakas v. Drinkinski (1994), James Baldwin, in his reflection on the police as an occupying force in ghetto communities, makes a similar argument.

Baldwin (1966) says that it should be of no surprise that a Negro may choose to remain where they are, given the incredible lack of choice. He explains that ‘opportunity’ is a façade that gives nothing but a false sense of hope to Negro’s attempting to achieve the unachievable. Baldwin (1966) argues that no nation claiming to be free can operate at

such a deficit and he draws attention to the stark contrast between the newly rebuilt Albany and the deplorable conditions of Harlem – two opposite sides of New York City, one where the rich live, and the other where the poor live. Both areas of the city are the responsibility of the state and neither could exist as it stands without the consent of the government.

Baldwin (1966) refers to the police as “the hired enemies” of Negro populations, and just as Ryan (1971) and Plakas v. Drinkinski (1994) have also argued, he asserts that the police exist solely to keep the Negro population in their place – the slums and the ghettos – and to protect the interests of white businesses. He compares this to occupied territory because any act of resistance is met with the full weight of the occupying forces – in this case, the police. Baldwin (1966) argues that the police must be made to answer to the community that pays it and that Negroes continue to fight to be recognized as part of this community. He states, “The law is meant to be my servant and not my master, still less my torturer and my murderer. To respect the law, in the context in which the American Negro finds himself, is simply to surrender his self-respect” (Baldwin 1966:n.p.).

To reiterate a point made earlier in this thesis, criminalized poor Black men are seen as “useless” to the dominant political and economic structure, thereby posing a threat to the status quo. The police are required as a regime to eliminate alternatives to wage labour (often violently) and ensure that the capitalist economic system is supported. Corraling and quarantining the poor and the useless in slums or ghettos make these groups readily accessible to police. Beyond this, the functional disutility of the poor and racially marginalized secures their use as a commodity for the criminal legal system and

the political elite who capitalize on their existence as internal enemies used to manufacture consent (Kitossa 2018, personal communication). Their “uselessness” (Willhelm 1971) is, in fact, not useless at all, and serves a necessary role in political and economic elites maintaining their power and status.

Conclusion

I began the theoretical framework chapter by discussing the work of Becker (1967) and Gouldner (1968) and whether my research was positioned on the side of superordinates or subordinates. While I do agree with Gouldner that as researchers our allegiance is to values instead of “sides”, the work of Liazos (1972) is equally instrumental in distinguishing between the top dogs, middle dogs and underdogs of the policing dynamic. Liazos’s (1972) work supported one of the driving factors of this thesis – the belief that the ‘covert institutional violence’ of the top dogs *must* be explored if we are to truly understand police abuse, misconduct and corruption. I discussed critical criminology under the framework of conflict theory and demonstrated how symbolic interactionism and critical discourse analysis will be used together as the primary means of analyzing the research data. Lastly, by way of Mbembé (2003) and his discussion of Foucault, I put forth an argument for the merging of bio-power and necropolitics in order to recognize that where they intersect is where the state intervenes and chooses who lives and who dies through the police. I concluded this chapter by outlining the historical creation of slums and ghettos for the purpose of regulating, limiting and controlling negatively racialized people’s bodies in order to maintain the status quo and protect the interests of the top dogs. In chapter 5, I explore the narrative of a top dog police administrator. Chapter 6 examines the competing narratives of active, resigned and retired police officers. Finally, I conclude with a) an account of the recently elected Ontario government of Doug Ford which seeks to water down

civilian oversight, and b) recommendations to more effectively control police tendency towards abuse, misconduct and corruption and to enhance whistleblowing.

Chapter 5: Top Dogs

In the previous chapter, I used both Gouldner (1968) and Liazos (1972) to distinguish between top dogs, middle dogs and underdogs in research. I will take a moment here to briefly summarize my use of the term “top dogs” to refer to the politicians, administrators and investigators that create law and oversee police forces. Becker (1967) made the original distinction between the superordinates (professional authorities that oversee an institution) and the subordinates (those whose actions are controlled by the institution). Gouldner (1968) and Liazos (1972) critique Becker’s (1967) distinction by arguing that police cannot simply be categorized as superordinate given that police officers are carrying out orders and enforcing laws created by others. Liazos (1972) argues that sociological studies often address low-level agents of social control – here, the police – instead of addressing the ‘covert institutionalized violence’ perpetuated by bio and necropolitical agencies – here, politicians, administrators and investigators that oversee policing. Liazos’ (1972) work helps to illuminate that police officers are carrying out the work of specific interested groups and therefore they are being used (though, they are complicit to some extent by way of qualified immunity⁵) as agents of social control to protect the status quo. Though heavily invested from the vantage of their material interests (eg., income) and surplus benefits (eg., abuse, misconduct and corruption), police officers are in fact middle dogs, with politicians, administrators and investigators acting as semi-autonomous albeit dependent top dogs.

The current chapter will outline the top dogs that were contacted for interview between September 2017 and January 2018. Despite requesting interviews with nine (9) top dogs, only

⁵ Legal immunity reserved for government employees for use of discretion in the exercise of their duties

one (1) interview request was accepted, and in November 2017 an interview was conducted with Gerry McNeilly of the Office of the Independent Police Review Director (OIPRD). In the following section I will discuss the various and diverse responses that accompanied our eight (8) interview rejections from the top dogs, followed by a discussion of the major findings from the interview with Mr. McNeilly.

Non-response

Ministry of the Attorney General

The Attorney General's role is that of a Cabinet Minister, however, the role of the Attorney General is unlike any other Cabinet member. The role is described as being "judicial-like" and as the "guardian of the public interest" (Ministry of the Attorney General 2019a). The Attorney General is the chief law officer of the Executive Council and has "unique responsibilities to the Crown, the courts, the Legislature and the executive branch of government" (Ministry of the Attorney General 2019a). They are responsible for seeing that the administration of public affairs is in accordance with the law, they superintend all matters connected with the administration of justice in Ontario, they advise the government on matters of law connected with legislative enactments, among many other functions (Ministry of the Attorney General 2019a). The Attorney General's powers and duties are outlined in section 5 of the Ministry of the Attorney General Act.

When the Ministry of the Attorney General was contacted, it took approximately six weeks for us to get a response. They explained that "the responsibility for policing services throughout Ontario, including the OPP, falls under the Ministry of Community Safety and Correctional Services (MCSCS)" and that the MCSCS is responsible for ensuring "effective policing, correctional services and emergency services programs" (see appendix C). The

Attorney General's office, however, is responsible for prosecutions and crafting use of force guidelines. Thus, the Minister's rationale is dubious. We were advised that our interview request was forwarded to the Agency and Tribunal Relations Division of the ministry for response and that in the meantime we could contact the MCSCS, SIU or OIPRD. We, ultimately, never received any further contact or response to our interview request.

Office of the Premier for Kathleen Wynne

At the time of our outreach, Kathleen Wynne was the Premier of Ontario. Each of Canada's ten provinces and three territories are headed by a premier, and the premier is often the leader of the political party in power of that province or territory (ThoughtCo 2018). The cabinet is the major decision-making body in the provincial government and the premier is responsible for making critical decisions about the composition of the cabinet (ThoughtCo 2018). Some of the main responsibilities of the premier include the development and implementation of policies, the preparation of legislation, and ensuring provincial laws and policies are carried out, among other duties (ThoughtCo 2018).

When the Office of the Premier for Kathleen Wynne was contacted, we immediately received an automated response. We were thanked for our email and informed that "every email and letter I receive is carefully read and reviewed" and that my email may be shared with a Cabinet minister or other government official for more information (see appendix D). The response advised that it may take several business days to receive a reply. We ultimately never received a follow-up email or response to the interview request.

Ontario Human Rights Commission

The Ontario Human Rights Commission (OHRC) is one of the major pillars of the Ontario human rights system. They were established in 1961 as an arm's length agency for the

purposes of preventing discrimination and promoting human rights (Ontario Human Rights Commission 2019). The OHRC can intervene at tribunals and all levels of court on human rights issues when there is broad public interest and/or concern. The OHRC does not deal with individual cases of discrimination, but instead works with the Government of Ontario to promote organizational change – often through the development of policy (Ontario Human Rights Commission 2019). The OHRC’s powers and duties are outlined in the Ontario Human Rights Code.

When the Ontario Human Rights Commission was contacted with an interview request, we received no response whatsoever. Interestingly, the OHRC announced in 2017 that it would conduct its own inquiry into racial profiling by the Toronto Police Service – certainly a form of legalized abuse (Ontario Human Rights Commission 2017). Its report was released in November 2018.

Qualified Response

Ontario Civilian Police Commission

The Ontario Civilian Police Commission (OCPC) is an ‘independent’, quasi-judicial civilian police oversight agency that mainly hears appeals of disciplinary matters on police, but also oversees policing services and other functions (Ontario Civilian Police Commission 2019). In addition to hearing appeals, it also adjudicates applications, conducts investigations and resolves disputes regarding the oversight and provision of policing services (Ontario Civilian Police Commission 2019). It has two divisions: 1) adjudicative, and 2) investigative. The adjudicative division deals with appeals of disciplinary matters, whereas the investigative divisions deals with investigations, inquiries and public complaints (Ontario Civilian Police Commission 2019). The OCPC’s powers and duties are outlined in section 22(1) of the Police

Services Act.

The OCPC replied to our interview request immediately (see appendix E). They stated that “as an independent tribunal it would be inappropriate for the OCPC to participate in the policy and investigative matters you have identified”, and therefore they “respectfully declined” our request for interview. However, they directed us to three resources that they said may be helpful for our research: 1) OCPC website, 2) Police Services Act, and 3) Available OCPC decisions.

Special Investigations Unit

The Special Investigations Unit (SIU) is an independent civilian law enforcement agency that is responsible for investigating cases of serious injury, death, or allegations of sexual assault involving a police officer (Special Investigations Unit 2019). The SIU covers all municipal, regional and provincial officers across Ontario, and incidents that fall under its mandate must be reported to the SIU by the police force involved (Special Investigations Unit 2019). Based on evidence collected by the SIU, the Director will determine whether there is reasonable belief of a criminal offence. If there is, charges will be laid against the officer(s) that will then be prosecuted by the Crown Attorney (Special Investigations Unit 2019). The SIU’s powers and duties are outlined in section 113 of the Police Services Act.

The Special Investigations Unit (SIU) took nearly two weeks to reply to our interview request (see appendix F). They apologized for the delay and stated that they had “taken some time to consider it carefully” but ultimately decided not to participate. In their rejection email, they briefly explained the role of the SIU and the process for investigating cases through their agency. They gave somewhat of a rationale for their rejection decision, claiming that “asking SIU investigators to offer comment on potential police misconduct outside their official duties”

risks comprising the “independence and neutrality” of their office. It must be noted that Dr. Kitossa and I did not ask to speak to investigators. Accordingly, they said they must “politely decline” the request while wishing us well with this “important work”.

Crown Attorney Office of Hamilton

There are various Crown Attorney offices (C.A.O) located throughout Ontario and each office is responsible for prosecuting criminal offences, from summary convictions to indictable offences, in support of the Attorney General (Ministry of the Attorney General 2019b). As per the SIU mandate, cases of serious injury, death, or allegations of sexual assault involving a police officer gets forwarded to the Crown Attorney for criminal prosecution.

The C.A.O of Hamilton took ten days to reply to our interview request and stated that they would not be able to assist us with an interview (see appendix G). They did not include any rationale for this decision but instead directed me to the new Crown Prosecution Manual that was to be published in November 2017. They recommended that we review this document and offered to refer us to the direct policies that apply to this project once the document becomes available to the public. They wished us luck with the project.

Office of the Mayor for John Tory

Toronto City Council is comprised of the Mayor and 25 Councillors that are responsible for overseeing city services and agencies, including the Toronto Police Service (City of Toronto 2019). John Tory, the Mayor of Toronto, acts as the chief executive officer of City Council. He is also a member of the Toronto Police Services Board (City of Toronto 2019). The Mayor’s powers and duties are outlined in The City of Toronto Act, 2006.

When the Office of John Tory was contacted for an interview, we immediately received an automated response that thanked us for the email and advised us that the office would try to

reply with the specific information and services required. A little over two weeks later we received a follow-up email that stated that “due to the large number of similar requests to our office, we are unable to accommodate your request at this time” (see appendix H). The response thanked us for taking the time to write the Mayor and wished us well with the project. It should be noted that if the mayor’s office received a high volume of similar requests it should have prepared a note of “Frequency Asked Questions” in response to this deluge of inquiry.

Revoked Acceptance

Ombudsman

The Ombudsman is an officer of the Ontario Legislative Assembly who is ‘independent’ of government and oversees and investigates more than 1000 provincial government and broader public sector bodies (including the OCPC, OHRC, SIU, Attorney General, and Ontario Provincial Police) (Ombudsman Ontario 2019). When the office of the Ombudsman receives a complaint about any of the tribunals, agencies, boards, or ministries they oversee, they will assess the complaint and attempt to resolve the issue individually without a formal investigation (Ombudsman Ontario 2019). Where a formal investigation is required, the Ombudsman informs the relevant agency/ministry under review, conducts an investigation, and drafts a report that includes the findings and recommendations (Ombudsman Ontario 2019). The Ombudsman’s powers and duties are outlined in the Ombudsman Act.

The office of the Ombudsman of Ontario responded immediately to our request for an interview (see appendix I). They asked for a few more details surrounding our request, most notably requesting a list of interview questions. They stated that “This is an extremely busy time of year for us and it might be a challenge to find one to two hours for an interview, but we’ll try to assist”. They also referred us to a few of their reports they said we may find instructive. Once

I agreed to provide them with the list of interview questions prior to the interview, the office of the Ombudsman agreed to an interview and we were able to schedule a date, time and location. They also included some information about the Ombudsman, just so we were aware of their role within policing (see appendix J). They stated, “Our office does not have jurisdiction over municipal police (although we do oversee the Ontario Provincial Police). We do oversee the government’s training of police, though, as well as the Special Investigations Unit”. They also informed us that we would be speaking to the current Ombudsman, Paul Dubé, who has called for oversight of all police oversight bodies in Ontario.

Leading up to the interview date, I provided the list of interview questions to the office of the Ombudsman. A few days later (and one day prior to our interview) I received an e-mail stating that “The Ombudsman and several members of our senior team reviewed your questions. Unfortunately, we found that most touch on matters that are outside the scope of our office’s work and ask that the Ombudsman comment or give opinions on these matters” (see appendix K). For this reason, they said they had chosen to decline our request for an interview. They continued to state that the role of the Ombudsman is impartial and independent of the Legislature and he does not have jurisdiction over police misconduct. They stated that “He does not comment or speculate on matters that he has not investigated” and that it is great that we took the time to review their reports but that these “reports speak for themselves” and therefore an interview would not be “practical”. They concluded by hoping that we could understand their office’s position and wished us well with the project. Additionally, however, they sent back our list of interview questions with some response and feedback which will be discussed next (see appendix L).

The Ombudsman asserted he was unwilling to comment on matter that he has not

investigated and therefore does not have evidence on. With the aim of soliciting a broader commentary on how top dogs viewed their role vis-à-vis state power, some of the questions formulated by Dr. Kitossa and I were speculative in nature (e.g., Do you expect this trend to continue in the future? What are your thoughts?), however, these questions were based on the findings of the 2013 Ombudsman report titled “The Code” which investigated provincial correctional institutions. It seems the Ombudsman was unwilling to draw parallels between correctional officers and police officers. The organization claimed that “Complaints about police conduct are not within the Ombudsman’s mandate” but did inform us that they received 271 complaints about municipal police services and 121 about the Ontario Provincial Police (OPP) during the 2016-2017 year that they were unable to investigate due to police conduct being outside their mandate (Office of the Ombudsman of Ontario 2017:18).

When asked again about their 2013 report titled “The Code” and its discussion of reasonable versus excessive force for prison guards, the Ombudsman’s office responded by saying that these questions are beyond their scope and that we should contact the Ministry of Community Safety and Correctional Services (MCSCS) for more information. The questions asked were surrounding recommendations published in the report, such as the screening process for prospective guards, discretion, and how consistency is ensured when determining use of force guidelines. All of these questions *are* within their mandate. The Ombuds office was also asked about their stance on body-worn cameras for police officers, since “The Code” reported that surveillance footage was critical in holding correctional staff accountable for their actions. They deferred our question to their report “A Matter of Life and Death” (pp.75-76) where the direction provided by the province to police forces for de-escalation of conflict situations was investigated. They noted that the previous Ombudsman recommended that: “The Ministry of Community

Safety and Correctional Services should actively monitor ongoing police pilot projects in the use of body-worn video to assess its values as an accountability and de-escalation tool” and that the Ombudsman will report on the Ministry’s progress in implementing this recommendation in the forthcoming Annual Reports.

The topic of de-escalation was further broached when the organization was asked about the recommendation made by the previous Ombudsman that correctional staff should have periodic training on de-escalation, yet only 3% of front-line correctional staff in Ontario received this training. The organization was asked how important this training is to their office and how compliance will be monitored. The office stated that the MCSCS accepted all 45 of the recommendations in the 2013 report and that the Ombudsman receives regular updates on the status of these recommendations. They also note that their 2016 report titled “A Matter of Life and Death” examines the direction provided by the MCSCS in police training with specific focus on de-escalation techniques.

The Ombudsman was asked at what point their organization determines the difference between individual acts of misconduct and structural violence. They were also asked if frequency of complaints is an effective way to measure this. The organization responded by saying that “Several factors can contribute to a decision to launch a systematic investigation. These include complaint trends and volume, the nature of the problem and whether efforts at informal resolution have failed, and the urgency of or public interest in the matter”. They also noted that an investigation can be launched by just a single complaint or may be launched by the Ombudsman on his “own motion” without the need of a complaint. The organization, noted, however, that the Ombudsman is a last resort and “generally refers complainants to existing complaint mechanisms prior to becoming involved”. They stated further that “Most complaints

to our Office are resolved without need for formal investigation”, which is why they have given the MCSCS many opportunities to correct their own policies and procedures following complaints prior to launching their own investigation.

When asked various questions about the “code of silence” or “brotherhood”, the organization again referred us to their published reports. They stated that “The Ombudsman is not in a position to comment or speculate beyond what is in these reports”. When reviewing their report titled “The Code” (2013), the Ombudsman directly defines and acknowledges the existence of a blue code of silence in *both policing and corrections*, so why was discussing these findings with researchers outside of the Ombuds scope? The report states:

As the stories featured in this report show, the “code of silence” is a persistent, recurring factor in cases of excessive use of force. It is essentially an unwritten social incentive for staff to conceal information that might have negative consequences for a co-worker. As in policing, in the world of correctional services, where personal safety and security often depends on the support of other officers, the pressure to keep silent and even lie to protect colleagues can be prevailing and pernicious (Marin 2013:64).

When asked about Ombudsman Paul Dubé’s call for oversight of all police oversight bodies in Ontario, the Ombuds office explained that they oversees the administrative functions of the OPP, but not policing operations, and that the same goes for municipal police services. They do oversee the Special Investigations Unit and note that their office would have jurisdiction over the OIPRD and the OCPC if the *Safer Ontario Act, 2017* is passed (it was). They informed us that these changes would allow the Ombudsman to take public complaints about these bodies but not about police services themselves. The organization was also asked about their stance on whether oversight and investigative bodies should be comprised of civilians, police, or a combination of both. They stated that their 2008 report “Oversight Unseen” recommended that

former police officers do not wear pins, rings or ties to show their former police affiliation but that the report did not recommend an “ideal system” and said that they would not comment on this.

Lastly, the Ombudsman was asked how important whistleblowers are to exposing issues of misconduct and abuse, as well as how we can support the breaking of the “code of silence”. The organization responded by saying that they are unable to answer these questions because “they ask for opinion and speculation”, and also stated that “...with regard to whistleblowers, confidentiality of complaints is one of the hallmarks of the Ombudsman’s office, enshrined in the *Ombudsman Act*”. They explained that the Ombudsman is independent of the government and therefore conducts investigations in private which maintains the confidentiality of whistleblowers.

Confirmed and Interviewed

Office of the Independent Police Review Director

The Office of the Independent Police Review Director (OIPRD) is an ‘independent’ civilian oversight agency that receives non-criminal complaints about municipal, regional and provincial police in Ontario (Office of the Independent Police Review Director 2019). The OIPRD is an arm’s-length agency of the Attorney General that is responsible for the oversight, review, investigation and resolution of public complaints against police in a manner that they consider fair to both public and the police (Office of the Independent Police Review 2019). The Office of the Independent Police Review (2019) website states that, “The OIPRD’s vision is to enhance confidence in the public complaints system through excellence in the independent and impartial oversight of police. Our mission is to provide effective management and oversight of public complaints, promote accountability of police services across Ontario and increase

confidence in the public complaints system”. The OIPRD’s powers and duties are outlined in The Independent Police Review Act 2007.

Out of our nine top dog interview requests, the only agency that agreed to be interviewed was the OIPRD. Once I sent our letter of invitation to their office, I immediately received an e-mail that stated they would be happy to try to accommodate an interview. The original date we had agreed on needed to be rescheduled for a month later and the office was incredibly gracious with their flexibility. In November 2017, an interview was held with the Director, Gerry McNeilly, and his Manager of Communications and Outreach, Rosemary Parker, in their office in downtown Toronto. As the only public official who would speak to Dr. Kitossa and me about this grave issue of concern to the public, Mr. McNeilly is to be commended. Dr. Kitossa and I attended this interview together and we were received warmly by Mr. McNeilly and Ms. Parker. We were praised for our research and desire to educate the public about the oversight of police forces, and Mr. McNeilly was open and candid with us throughout our interactions. We asked a series of questions specific to our understanding of the role of the OIPRD, as well as the various OIPRD reports published over recent years. Eleven (11) of the most prominent findings will be discussed in the following section.

OIPRD investigators

One of the first questions we asked Mr. McNeilly was about his view on whether police officers should be allowed to conduct investigations with the OIPRD or other organizations. Mr. McNeilly explained that when he was first appointed as the Director of the OIPRD, he believed that a 50/50 balance of civilian and police investigators would be the appropriate balance. He acknowledges that he is not a police officer and was not overly familiar with all the nuances of policing and neither were the other civilian investigators. However, as the years have gone by

and they have processed and investigated numerous complaints, the civilian investigators understanding of the policing perspective has increased. Accordingly, he no longer finds it necessary to have a 50/50 balance but he does believe there still needs to be a percentage of ex-police officers for more practical purposes, such as conducting systemic reviews that may include cases of homicide. Ultimately, Mr. McNeilly says that “I’m not of the 50 percent anymore, so I have changed my perspective, my views. I think it’s between, for me, somewhere between 25 and 30 percent”.

“Clubhouse” mentality not unique to policing

Another theme emerged when Mr. McNeilly was asked about his endorsement of Justice LeSage’s claim that police officers are no more likely to engage in misconduct than any other group of professionals (LeSage 2005). This claim comes from LeSage’s 2005 report on the police complaints system in Ontario where LeSage reviews a range of police oversight bodies and makes various recommendations regarding potential changes to the system of reporting complaints involving police (LeSage 2005). Mr. McNeilly said that he has no empirical data to back up the claim that police officers are no more likely to engage in misconduct than any other group of professionals, but Mr. McNeilly made the assumption by considering other similar “disciplinary-type areas” of work, such as “the college of nurses, physicians and surgeons, and teachers” as examples. He said of the approximate 25,000 sworn police officers in Ontario, his office receives roughly 3,200 complaints a year and that this percentage has remained relatively stable since the inception of the OIPRD. He states:

Look... is there a culture? Sure, there’s a culture in policing. There’s a policing culture that we’re all aware of. There’s a culture in lawyering, doctoring... it’s all the same, the different cultures, right? And is there a police culture? Yeah. I was just at the Ontario Police College and there was a police culture... Police officers [are] mindful of the role that they play... just like it’s difficult to find a doctor to testify against another doctor, or a

lawyer against another lawyer... you want to be respectful of the culture and I think that's the same thing of those in policing to some extent.

While Mr. McNeilly does attempt to draw parallels between the policing culture and other professional cultures, he also notes that police "have specialized powers and extraordinary powers" that other civilians do not possess and that "you're right – that makes them different and it makes the public view of policing very different".

Central Government Registry

When a civilian wants to file a report against an officer or even merely look up certain policing statistics, it can be a confusing process. Understanding the differences between the different oversight bodies may seem simple to those involved in these organizations but many civilians have expressed their frustration with the various levels of oversight and investigation of police. We asked Mr. McNeilly what he thought of simplifying the oversight process by creating a central registry to collect data from all oversight bodies, including the OIPRD. He answered with a swift "no" and stated that "I don't think it would be beneficial. I don't think it would really add anything to it... I just think it's duplicated work and I'm not a believer in work duplication". Ms. Parker then brought up the issue of cost and stated that "There isn't a public appetite for more layers of oversight over police... It's not fiscally responsible of any government to do that". She goes on to note that all of this information is already accessible through the SIU, OIPRD and OCPC annual reports, as well as the professional standards branch reports of select forces (each force can decide whether or not to publish these reports). Her argument does not take into account the inaccessibility of these reports, however. Oftentimes they are littered with complex terminology and legal jargon that is hard to follow for even the most literate. While these reports are readily accessible online, one must know what exactly they are looking for

which is often not the case. In any case, it is not apparent to us why Mr. McNeilly and Ms. Parker were so immediate and emphatic in their assertion that a centralized database would not be in the public interest.

The Blue Code

The OIRPD have a close working relationship with police chiefs, according to Mr. McNeilly. When asked whether chiefs are committed to transforming the culture of the “blue code”, both Mr. McNeilly and Ms. Parker laughed. “Do you want to start by discussing the prospect of a “blue code”? Those are your words – not his”, said Ms. Parker. Both Mr. McNeilly and Ms. Parker were familiar with the term the “blue code” and both were defensive and disparaged it. Ms. Parker made it clear that she did not want their office or Mr. McNeilly to be associated with it. Mr. McNeilly then stated that he does believe chiefs are committed to bettering their forces, however, because of his independent position he does not refer to things such as the “blue code” because he sees it as a “media term”.

Many times throughout the interview he referred to the SIU as his sister organization and claims that the SIU has been less successful with having forces and officers comply with investigations.⁶ He explains that this is because the SIU investigates criminal matters while the OIPRD investigates non-criminal complaints. Mr. McNeilly claims that officers comply with OIPRD investigations around 95 percent of the time, whereas the SIU has had many more public struggles with compliance from officers.

Misconduct

When asked about the definition of misconduct according to the OIPRD, Mr. McNeilly

⁶ Police officers can and have refused to talk to the SIU despite it having authority to lay criminal charges, which raises serious questions about its capacity to fully serve the public interest

explains that the OIPRD follows the definition of misconduct that has been laid out in the Police Services Act 25 years ago. He said there have been few changes to the definition of misconduct, discreditable conduct and use of force over the years, even with the introduction of Bill 175.⁷

While discussing the topic of misconduct, Mr. McNeilly drew our attention to the OIPRD recommendation following the G20 summit that police officers *should* report if they see another officer doing wrong. The 2010 G20 summit was a meeting of the world's top economic leaders held in Toronto, Ontario. Thousands of civilians protested the summit which resulted in the largest mass incarceration of civilians in Canada's history. There were numerous accounts of violent interactions with police and even instances of officers removing or covering their uniform numbers to avoid being identified. While discussing the OIPRD investigation of the G20, Mr. McNeilly says, "We saw some of that culture you talk about in the G20... we made a specific recommendation that police officers... should report it [abuse and misconduct]. They should take responsibility for that. Either say, you know, 'You shouldn't be doing that' or at least report it up." It is essential to note here, however, that *if* misconduct and discreditable conduct have been laid out in the PSA for over 25 years, should officers a) not have known their conduct violated the PSA, and b) that there should be PSA disciplinary hearings for many officers and police officials.

Mr. McNeilly notes that an OIPRD recommendation makes specific mention that senior officers especially should not condone misconduct of subordinates and colleagues because "inappropriate behaviour brings great disrespect to police and policing and weakens the confidence that the public has in the police". The OIPRD still stands by this claim and promotes

⁷ Bill 175: The Safer Ontario Act (2017) repeals and makes changes to the PSA that aim to improve accountability and oversight of police.

this belief, according to Mr. McNeilly.

Incivility

“Incivility” is a subcategory of misconduct that falls under discreditable conduct. Ms. Parker says, that “... it can be subjective. I can feel like the police have been uncivil to me, but in fact it might not be so”. Mr. McNeilly adds by saying that the incivility category constitutes a large portion of the complaints that the OIPRD deals with. Their office screens these complaints for validity and then tries to resolve the issue before launching an investigation. He states that “...sometimes it’s a communication problem, sometimes it’s a learning problem, so part of what we do is try to teach both complainants and police officers how to better communicate”. Mr. McNeilly acknowledges that it is important for civilians to have pleasant interactions with police but does not expand on his reason for this assertion.

Whistleblowing

When asked specifically about his stance on whistleblowing, Mr. McNeilly stated that he supports whistleblowing, however, he says that he would not call it “whistleblowing” but instead “a responsibility to report misdeeds or misconduct of colleagues or senior officers”. He claimed that his biggest goal as the Director of the OIPRD is “to ensure that there’s trust [and] confidence in policing”. The use of the word ‘trust’ is problematic here because those oppressed by the police – the poor and racially marginalized – will never ‘trust’ police because the nature of the role of police is the repression of these groups. Mr. McNeilly states that “I support the concept of officers being able to bring those things [disclosure of abuse and misconduct] without fear, without having any concerns internally that it may hamper them personally or their careers”. He makes note of the fact that the function of this stipulation cannot be guaranteed and compliance will be difficult to measure.

Use of Force

When asked about the issue of force+1, Mr. McNeilly brought up the use of force model. The use of force model (Figure 3) is a circular diagram that is supposed to show officers how they should respond in any given situation. The idea of the model is that an officer should always respond up to one level of force higher than the individual they are interacting with for the purposes of maintaining control over the situation. Mr. McNeilly explains that he does not believe the model works because it is not followed most times. According to the model, when it is necessary to increase the level of force, the officer is supposed to bring the force level back down when possible. He states that oftentimes when situations are escalated, the officers stay escalated and fail to bring the force back down to a lower level.

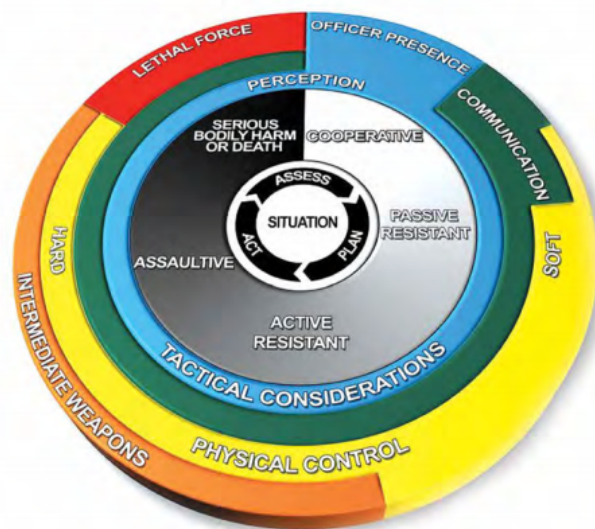


Figure 3 (McNeilly 2017)

Mr. McNeilly says that often de-escalation tactics are discussed when instead we should be addressing how to avoid escalation in the first place. He states that the use of force model

needs to be changed from a circular model to a more linear model. He says “The model doesn’t work in my mind because officers don’t know how to get back, but if you have a straight line they can walk that straight line a lot easier in my opinion because you can get back very quickly. I don’t have to start thinking about going through different sections to get back”. Another issue that Mr. McNeilly addresses is that it can be difficult for officers to hold each other accountable under escalated conditions. He claims that if you question your colleague’s actions or level of aggression that “...it seems as if I’m not supporting my colleague and that’s the issue, you talk about culture”. Here he acknowledges that police culture can prevent or limit an officer from intervening in situations involving another officer.

Recording of interactions

When Mr. McNeilly and Ms. Parker were asked about the increase in media recordings of civilian-police interactions and whether the OIPRD has seen an increase in complaint filings, Mr. McNeilly said they have seen instances of in-car recordings as well as videotaped interactions. He stated that he does believe there has been an increase over the years and he encourages the public to do so. He said, “Look if you’re having an interaction with the police or you see an interaction, you know, videotape it. Audio record it. And then if you’re gonna file a complaint, provide it. Because it helps with the evidence”.

Body-worn cameras

Mr. McNeilly is upfront about his support of body-worn cameras for police officers. He refers briefly to a conference at which he presented where a young police officer told the audience that body-worn cameras changed her approach in dealing with civilians because she knows all her interactions are being recorded. Mr. McNeilly cites this anecdote, rather than empirical evidence, as one of the reasons he is a proponent of body-worn cameras. He states that

“If we need that aid to make us behave better, make us interact better, I’m all for it”. This begs the question, should police officers require constant monitoring in order to ‘behave better’?

When asked if police officers and police chiefs are as receptive to the idea as he is, he claims that chiefs are generally supportive but the problem for them is the budget. He notes that individual police officers have more of a mixed opinion on body-worn cameras. Some officers that he has spoken to are supportive and others are not because they do not want their everyday interactions monitored. He explains that “If you know you’re recorded you try to be on the best behaviour” and that “some people just don’t like that”.

Carding

The issue of carding was the last theme that emerged from the interview with Mr. McNeilly. Since January 2017, carding has been referred to as “street checks” and there are parameters surrounding the stopping and questioning of civilians such as when it should take place and the obligation of the police officer. Mr. McNeilly states that “you have to tell the person that you don’t have to answer my questions unless they’re investigating a crime but they have to tell you ‘I’m investigating a crime’ unless there’s some reason why they can’t... so they [the police] have a bit of an escape”. According to Mr. McNeilly, officers have been instructed during street checks to hand out an information form and inform the civilian that they can file a complaint with the OIPRD if they believe the officer did not follow the law. Mr. McNeilly says “So it’s right there that the officer is obligated to do it and if they don’t that’s misconduct”.

When asked if the Attorney General has been receptive to his efforts to modify the practice of carding – especially as it gives way to racial profiling – Mr. McNeilly explains that they have been receptive largely due to how vocal he has been about how “discriminatory” and “racist” the carding process is. He claims that the abovementioned changes made to the street check process

is evidence of the Attorney Generals being receptive to the OIPRD. He claims that because they were receptive and regulations were changed, that it has created a difference and that the OIPRD receives fewer complaints about street checks as a result. According to Mr. McNeilly, “I mean for this year I’ve only had like sixteen or seventeen [complaints]... last year I had in the thirties or forties. So, its made a difference”.

Discussion and Analysis

So far throughout this thesis, I have argued that the police exist (and have always existed) to reproduce the existing order – the status quo – and that they have an ideological function and a repressive function that requires them to exercise both authority and power over citizens in the pursuit of the reproduction of that order (Ericson 1982). Beyond police officers themselves, the organizations, agencies and governmental bodies that assist police in their function are inherently repressive themselves, which includes the top dogs discussed throughout this chapter. It is important to emphasize that administrative and oversight bodies, such as the OIPRD, have their terms of reference established by government. While these agencies are top dogs, it is necessary to understand that they are not the ultimate top dogs – politicians are. One could argue (as these agencies and organizations often do) that oversight bodies exist to assist the citizenry in holding institutions of policing accountable for their repressive or abusive actions, but symbolic interactionism would challenge us to closely examine the relationships of these bodies. The top dogs have three primary relationships that they need to maintain: citizens, economic elites, and police forces. Not only do the top dogs *need* policing to exist, but they also need police abuse and misconduct to occur or their existence becomes unjustified and illegitimate. The top dogs need citizens to believe that they are adequately addressing and resolving issues of abuse, misconduct and corruption so institutions of policing can continue to operate without intense

civilian oversight. If citizens believe these organizations do not serve their interests then their credibility is compromised, the true role of policing comes into question and the status quo becomes threatened. Top dogs, therefore, are necessary to the process of manufacturing the consent of citizens. Similarly, institutions of policing equally rely on top dogs to address *some* issues of abuse, misconduct and corruption to give the illusion that police are not free to do as they please with their power.

While it may appear that police officers are being arrested, charged and tried for misconduct all the time, the fact remains that a) very few officers are found guilty, and b) when they are found guilty, their punishments are disproportionate to what a non-officer would get for the same behaviour. Top dog organizations attempt to find the balance between addressing the concerns of the public without compromising their relationship with policing organizations. As we are seeing with policing of Black Lives Matter and other anti-police violence organizations, groups that expose the true nature of policing are threatening to the capitalist structure because they recognize policing as state-sanctioned enforcement of class and race oppression. The problem of course is that all too often these groups direct their attention at the police, the middle dogs, which are well-resourced to absorb their criticisms and protests. As Gouldner (1968) and Liazos (1972) have argued, directly identifying how top dogs make and ensure laws that enable police corruption, violence and secrecy are of equal, if not greater, importance. I would argue that my attempt to interview top dogs was seen as an attack on the administration of policing which compares to ‘outsiders’ attempting to gain access to the workings of these institutions of secrecy (Simmel 1906). In the following section I will apply the foundations of critical discourse analysis to our responses from the top dogs in order to understand how social power and dominance are enacted by these administrative and investigative bodies.

Critical Discourse Analysis

Loyalty to Police Services

Many times in their rejection responses, top dogs claimed that their participation would be inappropriate due to their independent and neutral position. The OCPC stated they were an “independent tribunal” and claimed that it would be inappropriate for them to participate. The SIU stated that asking investigators to comment on misconduct would compromise the “independence and neutrality” of their office, and the office of the Ombudsman stated that they were “impartial and independent” of the Legislature.

In reneging to participate the Office of the Ombudsman referred us to the Crown Prosecution Manual that was to be published in November 2017. The large majority of the manual mentioned police only when discussing the various roles police have in assisting the Office of the Attorney General in carrying out its duties. The only section specifically dedicated to police is from page 113-116 and the first sentence of this section claims that public safety and effective prosecution are dependent on prosecutors and the police recognizing each other’s independence (Ministry of the Attorney General 2017). It also states that the mutual co-operation of both organizations is paramount for investigation and court proceedings as both organizations require the expertise of the other for successfully carrying out their duties (Ministry of the Attorney General 2017).

The manual discusses scenarios where there are allegations of dishonesty or misconduct by police officers. In cases of suspected dishonesty, prosecutors are obligated to “take action” by directing the matter to the Crown Attorney which will then be directed to the Director of Crown Operations of that region within 30 days. In instances where the Director of Crown Operations determines that the matter needs further investigation, it will then be passed on to the Chief of

Police of the relevant police force (Ministry of the Attorney General 2017). The same procedure is followed in instances of misconduct, such as excessive use of force, where the Director of Crown Operations may instead refer the matter to the SIU for further investigation. Additionally, the manual outlines that when an instance of misconduct is being investigated, police must provide any relevant information regarding other instances of misconduct involving the accused to the prosecutor (Ministry of the Attorney General 2017).

There are two aspects of the manual worth mentioning here, the first being the positive perspective towards police, and the second being the practice of police investigating police. Many times the manual emphasizes “the mutual respect and professionalism” inherent in the relationship between the Crown Attorney’s office and police. When discussing the potential of police dishonesty, the manual begins the section by stating, “The vast majority of police officers testify in an honest and straightforward manner and it is rare for judges to make negative comments about the truthfulness of a police officer’s testimony” (Ministry of the Attorney General 2017:114). This, of course, cannot be supported by any data which makes it merely an assumption and an attempt at assuring citizens that police dishonesty is rare. It is also necessary to be aware that when an individual police officer is suspected of misconduct, their investigation will be passed through various channels of oversight until landing back in the hands of that officers force to investigate their own officer. This is unmistakably a massive conflict of interest and it is reasonable to assume these cases are not free from bias. It is in the best interest of the force in question to do everything in their power to conceal problematic behaviours from public scrutiny. The structure of these oversight bodies allowing forces to investigate their own officers and, unsurprisingly, rarely finding them guilty of accusations, is an example of how social dominance is supported and condoned by courts and legitimated by law and policy (van Dijk

1993).

That the Ombuds directed us to a document from the Crown Attorney's Office which reveals exactly how compromised the Crown Attorney's Office is, is either a case of 'passing the buck' or alerting us to a contradiction in policy that the Ombuds was not himself able to declare.

Deflection To Other Organizations

Another discourse that emerged through the interview request process was deflection. Many offices claimed that they were not able to assist with the project but they were more than happy to point me in the right direction of a published document or another office that could better address my concerns. The OCPC directed me to three sources that they said they hoped would help: 1) OCPC website, 2) Police Services Act, 3) Available OCPC decisions. The Crown Attorney's Office of Hamilton directed me to the new Crown Prosecution Manual and recommended that I review this document pertaining to my research concerns, as discussed in the above section. The Ministry of the Attorney General directed me to the Ministry of Community Safety and Correctional Services (MCSCS) because the MCSCS is responsible for ensuring "effective policing, correctional services and emergency service programs". The Attorney General's response informed me that my request was forwarded to the Agency and Tribunal Relations Division of the ministry for response but in the meantime advised me to contact the MCSCS, SIU and the OIPRD.

After agreeing to be interviewed face-to-face and then reneging, the office of the Ombudsman referred me to a few of their reports which they claimed I might find "instructive" since these reports "speak for themselves". When responding to the questions we had provided, oftentimes the office of the Ombudsman would say that they cannot answer these questions because it was not within their mandate. Following the principles of CDA it becomes clear that

deflecting citizens and researchers to published knowledge is another form of discourse control. When reviewing various oversight reports in preparation for the top dog interviews, it became apparent how difficult these reports were to comprehend. The documents are delicately crafted to present statistics, findings, and recommendations that further justify the existence of these organizations without compromising the credibility and legitimacy of police. To the average citizen, these documents are virtually inaccessible due to the needlessly abstruse and difficult language, as well as being hard to locate on the organizations' websites.

Access to discourse and communication is privileged, and the level of access one has to this information is a strategy used by the top dogs to control narratives and reinforce the power of their groups and institutions. The top dogs have access to the available information and statistics on police practices – including abuse, misconduct and corruption – that the general public does not have access to. These organizations have the power to choose which pieces of information to disseminate to the public and which pieces to forgo disclosing to their advantage. They also have exclusive access to meetings, documents, decision-making, and other top dog members such as governmental bodies. The only resources citizens have to understanding the role and investigative process of any of these organizations and agencies is through accessing their published reports.

Interview Preparation

A third theme that emerged was respondents' condition that to speak with us they be provided with our list of interview questions ahead of time. The rationale for this request was "preparation", but principles of CDA would likely attribute this to the top dogs attempting to maintain control over the interview scenario. The office of the Ombudsman received a list of interview questions composed by Dr. Kitossa and I and a few days later they revoked their

agreement to be interviewed. The OIPRD also requested the list of interview questions ahead of time, but still agreed to be interviewed after receiving the questions. Mr. McNeilly claimed that he agreed to the interview because as a public servant both he and his office have a mandate to ensure that journalists, researchers and others play an important part in ensuring public accountability. Even still, Mr. McNeilly and his office had time to review the questions ahead of time and formulate responses or approaches to questions that they may find problematic or controversial.

It is important to note also the presence of the Manager of Communications and Outreach for the OIPRD, Rosemary Parker. Similarly, when scheduling the initial interview with the Ombudsman which was later cancelled, I was informed that the Director of the Special Ombudsman Response Team, Gareth Jones, would be accompanying the Ombudsman for the interview. I do not believe that having two individuals present representing the organization being interviewed was coincidental. Van Dijk (1993) explains that it is not uncommon for access to discourse to be further organized and protected by the implementation of press officers, press releases, press conferences, and PR departments. While the OIPRD claimed that their office has a mandate to play their part in ensuring public accountability of police, they have an even bigger mandate to ensure that they do not compromise their relationship with police forces. Van Dijk (1993) argues that the management of representation is essential in the manufacture of consent needed to reproduce hegemony. Mr. McNeilly responded to the majority of our questions himself— from notes on a piece of paper he was holding throughout the interview — and Ms. Parker only chose to join the conversation at specific points. The most notable contribution from Ms. Parker was when we asked a question about the “blue code” and she jumped in to say “Do you want to start by discussing the prospect of a “blue code”? Those are your words — not his”.

Mr. McNeilly agreed with her statement and further explained that he does not talk about the “blue code”. He says, “It’s a kinda media term. I’m independent of the government, the police, the public, and I have to be neutral so I don’t refer to those things... as the ‘blue wall’[code]”.

During the interview, Mr. McNeilly acknowledges police culture and how this culture potentially prevents officers from speaking negatively about one another. He does not, however, move beyond this acknowledgement to draw connections to abuse, misconduct and corruption. Mr. McNeilly is unwilling to discuss the reality of the “blue code”, yet he specifically makes a recommendation in the Thunder Bay report that states, “TBPS [Thunder Bay Police Services] should, through policy, impose and reinforce a positive duty on all officer[s] to disclose potential evidence of police misconduct” (McNeilly 2018:11). If this policy and duty does not already exist, then does the “blue code” not currently flourish in the day-to-day operations of police? The fact that Mr. McNeilly makes a recommendation that specifically addresses the “blue code” directly contradicts his statements during our interview claiming that police abuse and misconduct is not a prominent issue and that police are not particularly susceptible to abuses of authority compared to other professions. Why was Mr. McNeilly willing to address the “blue code” and its problematic nature in the Thunder Bay report, but unwilling to discuss the concept with us during the interview?

It became apparent that Mr. McNeilly and Ms. Parker were aware that they had little control over the interview scenario and how their responses were analyzed and therefore avoided addressing the topic altogether. Terminology also seems to be important to them which could again be explained by their relationship with police forces. While they must appear to be ‘neutral’ and independent from government, police, and civilians, symbolic interactionism allows us to see beyond appearances to understand that these top dog organizations do not work

on behalf of the citizenry at all. If they were to readily identify and label the “blue code” and allow it to be explained and applied to other scenarios, the OIPRD would essentially be admitting that the concealment of abuses of authority are embedded in the foundation of policing which would call the credibility of the entire institution of policing into question. It is in their best interest and that of the police to instead justify, conceal, deny and manipulate our understanding of these scenarios. By attempting to avoid the “blue code” label, the OIPRD is walking the ‘balance’ of being an ally to police forces since the top dogs *need* police forces to continue to function on their behalf, but also attempting to superficially acknowledge and support what citizens and individual officers have been claiming for decades has been happening within forces. Top dogs such as the OIPRD need citizens to believe that they are adequately addressing and resolving issues of abuse, misconduct and corruption so institutions of policing can continue to function with public consent. The OIPRD strategically manipulates the form of discourse used to maintain this ‘neutrality’ without harming their relationship with the police.

This chapter outlined the top dogs that were contacted for interview between September 2017 and January 2018. Despite requesting interviews with nine (9) top dogs, only one (1) interview request was accepted. In November 2017 an interview was conducted with Gerry McNeilly of the Office of the Independent Police Review Director (OIPRD). I discussed the various and diverse responses that accompanied our eight (8) interview rejections, and organized them based on response type: non-response, qualified response, and revoked acceptance. I discuss the interview with the OIPRD and organized the major findings into eleven themes. The following section was used to discuss how top dogs and their responses can be explained through a symbolic interactionist framework combined with critical discourse analysis. Lastly, I explained how loyalty to police forces, deflection to other organizations and interview

preparation were three prominent themes that emerged during the course of analysis. In the next chapter I will discuss the major findings from our five (5) middle dog interviews with active, retired and resigned police officers. I will again organize the interviews thematically, followed by a discussion and analysis rooted in symbolic interactionism and critical discourse analysis.

Chapter 6: Police Interviews

This chapter describes and analyzes five (5) police interviews conducted between May 2018 and July 2018. Of the five interviews, two (2) officers are active, two (2) are resigned, and one (1) is retired. The participants are a mix of men and women and they each come from different levels and police forces within Canada. For confidentiality purposes, the forces to which interviewees are or were currently employed will not be disclosed. The participant pool includes municipal forces, the Ontario Provincial Police (OPP) and the Royal Canadian Mounted Police (RCMP) and were drawn from different regions of Canada. Four of five participants are White, one is Black, and one of the five is female. Table 1 shows a breakdown of the participants including their status at the time of the interview and the length of their policing career. In the following section I will discuss the major findings from these interviews, including the similarities and differences between the respondents.

Identity	Status	Length of Career
Ashton Marwick	Active	Moderate (5- 15 years)
Jeff Ronson	Resigned	Short (0- 5 years)
Peter Ricci	Retired	Long (15 years +)
Hilary Munn	Resigned	Short (0- 5 years)
Brent Medeiros	Active	Moderate (5- 15 years)

Table 1

Police Culture

Purpose of the Police

Each of the respondents were asked what they believe the role of police are in society. There were an array of responses, some claiming that police exist to ‘serve and protect’ while others claimed that police are strictly a repressive force. Jeff Ronson (resigned) argues that policing exists strictly for repressive purposes. He claims that policing is “the right arm of the government to impose their measures and make sure that people are docile”. He argues that

police officers are over-armed, over-staffed and take on too many roles in society and that “we should be aiming for more community workers... that should be the solution because putting more police officers [on the street] is just going to fill up our prisons”. He says that a more community based approach should be implemented because police officers have proven that they only police the racialized, the marginalized and the poor. Similarly, when asked her thoughts on the role of police in society, Hilary Munn (resigned) said that police officers serve as a reactive body most of the time and that over the years policing has become about “statistics and performance and crime control – justifying their existence versus actually making relationships with the community”.

Peter Ricci (retired) stated that the role of police in our society is for safety measures. He claims that “there has to be some rule of order and I guess unfortunately the biggest part of it falls on the police to enforce laws and try to keep people within the norm as much as possible”. He perceived Canadian policing to be much better than policing in the U.S. and believed that police in Canada have “compassion, understanding, they talk first”. As an example, he cited the instance in Toronto where a man drove a van into a group of pedestrians and then imitated pulling out a gun on the responding officer (Scuffham 2018). The police officer did not shoot but instead negotiated, de-escalated, approached and arrested the individual. “That’s my idea of good police work, you know”, Peter says of the Toronto incident, compared to the U.S. where he believes officers will shoot anyone. Brent Medeiros (active) stated simply that he believes police exist to serve and protect because that is what his force represents.

The Blue Code of Silence

The “blue code” of silence can be described as the phenomenon where officers refrain from reporting the illegal and immoral actions of other officers for reasons including the belief

that the infraction was insignificant, belief that the punishment is too severe, or are silent for fear of backlash (Johnson 2015; Shockey-Eckles 2011; Westmarland 2005). All five interviewees were asked if they were familiar with the term the “blue code” and whether they believe it exists within policing.

Jeff (resigned) is very familiar with the term and believes quite passionately that the “blue code” does exist within policing. He says he saw it when he was in policing and that he continues to see it since he left policing. He claims that police “have a gang mentality... you work, you cover a turf, you protect each other, you have common enemies” and that “even if a police officer is witness [to a] situation that was some misconduct from another police officer – they will never say anything against that police officer because they don’t want to be pushed aside from the police force and that’s what happened quite often”. He says that the senior officers and his colleagues made it known that if you speak out against another officer you are ruining his life and hurting his family because you are making sure that he will lose his job.

Jeff (resigned) tells a story of a female police officer that was pulled in for questioning after she was on scene for a call where a fellow officer shot a civilian. During questioning she stated that she personally did not fear for her life in that situation, while the shooting officer told investigators that he did and that was why he fired his gun. Jeff stated that this female officer later told him that “she felt like she had been cast away from the police force for mentioning something that she felt at that time” and that “she was portrayed as not standing up with another police officer and ‘cause of that she had some consequences”.

Jeff (resigned) also notes that if an officer sees misconduct or abuse take place and seeks to report it, it is incredibly difficult for their complaint to be taken seriously. Due to the chain of command for reporting, Jeff claims that at each level “they’re gonna probably shut you down” to

try to silence the complainant. He says that “you feel like you have no power when you’re a police officer in changing the structure” and that “people from higher up the hierarchy... you don’t have strong confidence that they will address these issues, so you just shut yourself down and you don’t do anything – you just remain quiet”. Jeff claims that civilians rarely hear stories of abuse, misconduct and corruption of police officers because the system of policing is built to conceal these behaviours. Jeff says, “So that’s why I don’t really believe in good police officers because the structure is making sure that even if you’re a good police officer, you’re just gonna shut yourself down and the bad police officers, or I should say the force, is blocking these different changes that could come from somebody on the police force”.

When discussing problem officers with Hilary (resigned) and contemplating the reasons that nothing is ever done about these officers, she claims that fear is the largest motivator. She states, “You *cannot* be a snitch. You cannot. You cannot... Nobody wants to work with somebody that they feel like they have to watch their back. If you can tell on an officer for anything then you are not to be trusted”. She claims that this is an unwritten rule that never has to be discussed because everyone just knows that is how policing works. “You get that message really early on... that is social and career suicide”, she says, and if an officer experiences a moral conflict either with the job or the behaviours of their peers, she says “you either leave, you assimilate or you just keep your mouth shut and do the best you can within it”.

When asked about his perception of the “blue code” and whether or not he believes it exists, Peter (retired) stated that he does believe it exists but based on his understanding of the code, he did not believe he had any significant experience with it. Later in the interview, however, he tells us a story that actually presents as a case of breaking the “blue code” of silence when he attended a call. Peter tells the story of charging the son of his commanding officer with

possession of an offensive weapon and assault. The next day Peter says that he was called into his supervisors office and was severely reprimanded. According to Peter, his commander was friendly with a provincial court judge and all the charges were dropped. Peter says that “It hung over here like you would not believe. The old man hated me so much that he wouldn’t even speak to me unless he was yelling or screaming about something or other”.

Ashton (active) was not as familiar with the “blue code” as the other officers and needed some clarification before confirming that he believes it exists. He stated that he has heard stories in the media of corruption and misconduct and finds it hard to believe that other officers didn’t know or suspect something was going on. He did not have much to say regarding his own experience with the code. Brent (active) jokingly mocked our fascination with the “blue code” when we asked his experience with it. When asked if he believes the blue code exists, he claims that policing is taking on a corporate culture and that “there is no thin blue line anymore”, yet when asked about “rat” culture, Brent (active) reinforces what both Jeff (resigned) and Hilary (resigned) told us by saying, “You don’t want to rat somebody out”. Brent makes light of the “blue code” because in his view oversight, accountability and transparency are so stringent that there often is nothing to conceal. Paradoxically, he states that there are “maybe two people” that he trusts fully in his police service and that “every single other person would throw me under the bus in a ‘New York minute’ if it meant something bad for them”. While “ratting” is not accepted among police officers, he says that he would rat out anyone if it meant going to prison or losing his job.

All five participants claimed that they never learned about the “blue code” during training and that there is no ongoing training regarding reporting the misconduct of fellow officers. None of the officers, retired, resigned or active, knew the proper procedures for filing a complaint

against a fellow officer. Instead, all five claimed they would just report the behaviour to their immediate supervisor.

Abuse, Misconduct and Corruption

Abuse, misconduct and corruption cover a wide variety of actions, ranging from improper conduct to illegal acts. It includes any action or behaviour that could be constituted as an abuse of authority, and it can be verbal, physical, sexual or psychological in nature. When we asked the five respondents about abuse, misconduct and corruption, most claimed that they had not witnessed anything worth mentioning. It was explained that misconduct and abuse exists on a continuum: one end being major abuses such as sexual assault or battery, whereas the other end could be racial slurs and ‘micro-aggressions.’ In response to this explanation, Ashton (active) stated that not only does he witness these on a regular occurrence but he also participates in this behaviour. He says:

You’re gonna treat me like an asshole, I’ll treat you like an asshole. I have ways like the handcuffs or being more hands on with you... I think we’ve kind of just seen it so much maybe that we kind of, ‘Yes he was being a bit heavy with him. And just – it is what it is’. It’s like he was being an asshole to me so I just, you know, threw him in the car. Or open handed slapped him or whatever... We don’t even think about it anymore just because it’s become part of the job maybe.

Jeff (resigned) remembers having to pursue two Indigenous Canadian youth who were evading arrest. He was working with another force at the time, and happened to be the fastest runner of the responding officers. He chased down the first youth, handcuffed them, and left them with the other officers while he chased down the second youth. When he brought the second youth back to the other officers, he witnessed the officers shove a police dog in the youths face to scare him, while another police officer slapped the handcuffed youth across his face. Jeff claims that he was shocked by the sudden aggression but felt as if he couldn’t say anything because the officers all belonged to this other force and he was by himself. He says that

“I was watching and I’m like ‘This is not acceptable, this is something that should not be taking place’ but I also saw the solidarity between them so I felt like if I [said] or mention[ed] anything, they’re probably gonna cast me away... I won’t be part of the group”. Jeff claims he took very detailed notes and “wished like crazy” that these youths would file a complaint against the arresting officers so he would have reason to show his notes to superiors. He says,

But I could not push myself... and you know ‘til this day I feel very bad myself for not doing anything about it, for what I’ve watched. I was just hoping that the kids filed a complaint but I was not strong or courageous enough to do it myself... because I felt I was gonna be outcast because of it.

Beyond witnessing abuse and misconduct, Peter (retired) said that at times he has found himself engaging in forms of aggressive behaviour. In his early days as an officer, Peter was punched in the face requiring stitches. He decided at that point no one would ever lay a hand on him again and told us that no one ever did. He states that, “Sometimes pain can be a useful tool. And really tight handcuffs can be very, very painful and it eventually leads to submission and cooperation”. He also recalls a time where he hit a man in the forehead with his large metal flashlight and it left him unconscious and on the ground. He explains that this individual had just hit an 84-year-old man over the head with a rifle so he felt it was justified recompense. Peter justified this sort of behaviour under the guise that policing is a dangerous job and if anyone is making it out alive – it will be him.

Peter (retired) also divulged a story about another officer in his force that was caught threatening women into performing sexual acts on him. An Indigenous Canadian woman came into the detachment to report that an officer had stopped her and demanded she perform oral sex on him to avoid receiving a ticket. Peter claimed that no one believed her and sent her on her way. About a month later, their detachment received a letter from the Crown Attorney’s office

about a judge whose sister had been stopped by an officer who threatened a ticket if the woman did not perform oral sex on him. The judge's sister refused and the officer gave her a ticket. It was at this point that the detachment addressed the issue and fired the officer. Peter said that he does find it important to note that this officer was not well liked in the detachment and many were happy to see him go. It is apparent from the first complaint that things would have been dealt with differently if not for the second woman being the sister of a judge. But also, it cannot be precluded that because the officer was not well-liked that he lacked the protection of the brotherhood.

Hilary (resigned) claims that “we’re past the point of arguing whether these things [abuse, misconduct, corruption] happen or not. I think the media helps make that clear”. Instead we need to turn our focus towards questioning why nothing is being done about it. She speculates that “What you’re seeing here is fear. Fear by police leaders including union leaders of knowing change is coming whether they want it or not. Feeling like it’s getting ahead of a place where they can control it”. Controlling their image and their narrative is incredibly important to police superiors and the instant they begin to feel their control slipping away, Hilary claims they become “defensive”. She says that this is the effect that the media and increased citizen recordings of officer misconduct is having on the institution. Hilary also expressed frustration with the “good” image of Canadian policing. She states that, “I think that people get hung up on the aspect of police and black youth or black people in the U.S. but everyone ignores the police and the Indigenous communities in this country. And I would argue that police violence with the Indigenous communities in this country is *very* bad”.

Hilary (resigned) also notes we do not have any viable numbers about police use of force. She states that the major incidents are recorded by the SIU including shootings, assaults and

sexual assaults, but that many of the minor incidents are overlooked or never reported. She claims that, “It’s a slippery slope because even if you were just a little heavy handed with an arrest but don’t actually create physical injury, you still have created a psychological issue and you’re still communicating to that community that you’re not to be trusted”. She expresses her frustration that significant physical injury is the only force that is recorded and discussed. She says that “If it’s abuse of force, it’s abuse of force, and it all has consequences in terms of public perception”. Hilary goes further in depth about other forms of misconduct she witnessed on a regular basis that constituted the norm in policing and were never reported. She cites racial slurs, homophobic slurs, sexism, use of force issues, officers encouraging others not to write reports to avoid paperwork, inappropriate language and sexual harassment as everyday occurrences.

Hilary (resigned) also claims that the culture of abuse, misconduct and corruption is contingent on all officers being involved in the culture in some capacity. She states:

And the problem with that kind of culture is it’s not enough just for you to not say anything... you also have to participate on some level. Because if you don’t then you’re not really one of them. Everybody is a lot more comfortable with each other if everybody has something on somebody. So there were times in that year that I’m ashamed to say that I did definitely abuse my authority. Definitely. Things like being too rough. Things like being too rough with handcuffs. Things like, you know, not being super careful putting someone in the car. I became a lot more cynical, I became a lot more just aggressive even in how I talked to people which is not who I am at all. I started getting in more fights which was ridiculous. That’s not me at all either. I succumbed to the pressure for a little while and then it lasted for not too long ‘cause I hated it. And then I pulled myself out... but not everybody can do that, for different reasons.

Brent’s (active) response differed quite significantly than the other officers. When asked about abuse, misconduct and corruption he claims that the only corruption he has been exposed to is police administrators trying to “screw over” uniform officers. Misconduct is more commonplace but he says that he believes that Canada is no where near as bad as the U.S.

The Brotherhood (Us versus Them)

The workplace culture and ideology of policing creates an “us versus them” mentality that binds police officers together. This “brotherhood” fosters an environment that reinforces and supports the “blue code” of silence. Ashton (active) brought up how much police officers rely on their partners for back up and protection. He states that “...if I have an issue with you but when I go to a call, I have to rely on you. I have to depend on you. You have to have my back. And that’s part of the job”. Not only on “dangerous” calls or in serious situations, but he also mentions when it’s nearing the end of a shift and one officer has multiple reports or calls, they help each other out when possible. Ashton also notes that this brotherhood between officers extends past their shift. He explains that by working in a smaller district he is very close to his colleagues, to the point where they have regular barbecues with each other’s families, meals together on night shifts and breakfasts together. When asked whether there could be any negative aspects to this bond, he claims that it has only positive implications. He says, “You see these people so much that it is like another sibling. So you would do anything for them”. He also feels connected to other police officers that are not part of his district or even his force. Ashton explains “When you hear about situations that happen... a shooting, this officer dies over here, and then you just start thinking ‘cause a lot of us have been probably in the same situation and that could happen here, that could have been me”.

Jeff (resigned) echoes the sentiments of Ashton (active) by claiming that the brotherhood is a strong force to be reckoned with in policing. He says, “People from the police force [are] people that you spend... whole days [with]... they protect each other, so it’s really like a family... really like a brotherhood”. While Peter (retired) agrees that police fraternity does exist and operate in various unique ways, he believes it has limitations. He claims that “eventually it

comes crashing in down around their ears because it gets too big and they start talking too much”.

Peter (retired) claims that the distinct policing culture and brotherhood is most prevalent among young officers when they first start. He states:

There’s this ‘we against them’ mentality. You’re with your buddies that are all in uniform, you’re all doing the same thing, so there’s a tendency to forget about your civilian friends or to withdraw from and stick with your police buddies. You party with them, you go on holidays with them and you do whatever. And you sort of withdraw from the life you lived before.

He says, however, that there comes a point in your career when this mindset changes and you begin to become more involved with friends and family outside of the police force. For this reason, he believes the brotherhood is the strongest during the beginning of an officers career.

Hilary (resigned) believes that the brotherhood in policing and the “us versus them” mentality is perhaps stronger than ever. With police officers experiencing increased media scrutiny she believes that officers are banding together more than ever before and states that:

I actually think things will get worse before they get better. I do. I think it’s a dangerous time. I do. I really think it’s a dangerous time particularly, for example, for young Black males. Because you have this group [young Black men] feeling enough and starting to try to push back, right? And push their rights or whatever it is that’s happening. Exposing what’s happening to their community, and rightfully so! ...And then you have an officer feeling defensive and heightened already feeling like all young Black males hate the police. That’s where they’re both coming from to start that interaction. So that worries me.

She goes on to discuss the emphasis on officer safety throughout recruitment training and while on the job. Hilary says that she understands the necessity of training but that the degree they teach officer safety is creating an “us versus them” mentality. She explains, “When you’re teaching officer safety to that severity, you’re creating a culture from the get-go that nobody is to be trusted... every traffic stop is a potential death threat for you”. She explains that this is almost

the sole focus of training without including any information on social issues, implicit bias, or mental health. “It starts with who you hire”, Hilary argues. She says,

If you continue to keep hiring the same personality or the same kind of officers over and over and then you take them with those personality traits and you put them in an environment like a boot camp for three months and you push them to their absolute limits psychologically, physically, in every way... that’s military training and that’s breaking them down and building them back up the way you want them to be.

Hilary (resigned) argues that “when they [the police] see something in the media, say critiquing somebody for use of force issues, it is an attack on the group”. She says that at first “there’s an acknowledgement that it’s not right but that’s quickly followed up by a justification that it’s easy for other people on the outside to critique if you haven’t done the job”. She argues that the police become defensive of policing and resort to thinking that “nobody appreciates us, nobody understands us”. Hilary understands how easy it is to get caught up in the “us versus them” mentality because officers experience a lot of abuse from the public. She recalls that “people say awful things to you, they spit on you, they hit you” because they may have had some other negative interaction with police that has carried over into her interaction with them. Hilary claims that she understands how the police ideology that was created in training could start to become entrenched in the minds of officers.

From his perspective, Brent (active) claims that there is clearly a divide in policing between constables and senior/administrative staff. From the other police interviews it seemed that senior staff members were also included in the brotherhood and entrenched in police culture. Brent, however, states that, “The chief is no friend of mine. As soon as you go higher than staff sergeant – you’re no friend of mine, because you’re management”. Consistent with Gouldner’s (1968) and Liazos’s (1972) discussion of a tripartite power regime, Brent explained the

difference between 'blue shirts' and 'white shirts'. Blue shirts are uniformed officers whereas white shirts are higher ranking senior officers. He claims that blue shirts can be trusted, although he stated earlier that there are only a few he trusts, but he is very suspicious of white shirts – even his friends that are white shirts. In Brent's experience most white shirts, including the chief, are actively trying to catch officers doing something wrong so they can "hang you out to dry" and make themselves look good. It seems that the role of the chief and other administrative staff is in direct opposition to the "brotherhood" which does not sit well with uniformed officers.

Drinking Culture

A sub-category of fraternalism that is essential to policing is the drinking culture. Many of our participants referred to instances involving alcohol throughout their interviews but there were a few points in particular where drinking was discussed in more detail. Hilary (resigned) informed us that there was a bar at the police college when she was training there. She heard that at one point it was shut down but it has since been reopened. She recalled that when she was at the college, "you were encouraged to go there every night and drink with your friends... so they break you down all day and they get you to join social activities at night to bond." Hilary explains that if you chose not to go to the bar and drink then you were already starting at a disadvantage because you were not to be trusted. Drinking, she says, "is how you gain the trust of your peers". Brent (active) similarly discussed the drinking culture in his force when he talks about a peer of his that is Muslim and does not drink alcohol. He says, "A lot of the guys drink. Some are alcoholics but most just drink... so he probably will never fit in because he will never drink". He also makes another comment further on in the interview where he is criticizing millennial recruits by saying that they "do everything by the book and don't have a beer with us" and he made frequent affirming reference to "the beer drinking crowd".

Ashton (active) briefly mentions a fellow officer on his force that spent time educating students about drinking and driving, only for this officer to later drink and drive himself and cause an accident. Hilary (resigned) described how her police peers and bosses would drive drunk all the time. She says, “Your staff sergeant is hammered, gets in his car and drives home and nobody says anything”. Lastly, Peter (retired) tells the story of drinking one night with his police peers and supervisor. His supervisor got drunk and suggested they all set fire to the home of a family who often caused trouble for the police. Peter explained that he got angry at his supervisor’s suggestion and so they never did anything, but he did not report the conspiracy.

Respect the Uniform

Part of police culture and the brotherhood is the belief that civilians should respect police officers because of the ‘important’ work they do. When discussing police-civilian interactions, Ashton (active) states that “You be nice to us, we’ll be nice to you. If you react negative towards us, we’ll react back the way you’re treating me – I’ll treat you the same way”. When asked about abuse and misconduct, he explains that officers often take out their aggressions on civilians that do not comply with their demands. He claims that police officers are in a position of authority and have been given power to use physical force to control a situation if needed and said that, “I think a lot of it is just the respect of the uniform and respect of our position that we’re doing our job”.

Hilary (resigned) says that in her experience most instances of misconduct are motivated by emotion. She said that fights between civilians and police are oftentimes a “pissing match”, or power struggle, where the officer demands a civilian submit to their authority and the civilian does not comply. If they do not willingly submit to the officers’ authority, then officers take it upon themselves to force that civilian to comply. She describes how minor scenarios can escalate

quickly by saying, “Maybe [you] stop this person because they weren’t hearing a helmet and now you’re in it [a conflict] because that person... didn’t pass the attitude test”.

Challenges of Policing

“Bad Apples”

One of the most prominent themes that emerged during the interviews was the notion of “bad apples” in the police force. “Bad apples” refer to individuals that are bad or corrupt and whose actions do not represent the entirety of the group. The actions and decisions of the “bad apples” reflect poorly on the group they represent – here, the police – and members of the group firmly believe these actions are isolated to the “bad” individuals. Ashton (active) states that he and his fellow co-workers take their job as police officers very seriously and find themselves disappointed when they hear stories of abuse, misconduct or corruption. He says, “That one person makes that whole service... and actually not just the service [but] our occupation look bad”. Peter (retired) had a similar viewpoint when asked if he thought instances of abuse, misconduct and corruption were isolated instances. He said that “There’s crooked guys in every occupation. Unfortunately, it rears its ugly head in police work every now and again”.

Hilary (resigned) refers to the increased recordings of police-citizen interactions and how this is having the opposite effect on officers and binding them closer together. She claims that more now than ever, police officers are “feeling attacked and feeling under-appreciated and feeling over critiqued” which causes them to rebel against the public and instill more of an “us versus them” mentality. She argues that officers justify the behaviour of fellow officers when possible. When they are unable to, she argues they think “well this is just one or two bad apples” which also has the effect of bringing other police officers (the ‘good’ police officers) together.

When asked about his thought process when viewing videos of police abuse and

misconduct, Brent (active) says “I think that there’s almost always parts of the story that have not been told. I think that the media already has it in their mind what they want to say and it’s usually not positive towards the police and there’s usually a reason why things will look bad on the police”. Contradicting earlier statements that disparaged the concept of the “blue code”, he adds that there are “exceptional situations where there’s a corrupt police officer or a bad apple that needs to be dealt with”.

Problem officers

During the interviews, it emerged that many police forces have what will be referred to as ‘problem officers’. Problem officers are police officers that are known to be problematic by the entire detachment or division. These officers consistently conduct themselves inappropriately or some may even engage in abusive and corrupt behaviours, yet they continue to remain active members of their police force. Jeff (resigned) outlines his experience with a problem officer in his force:

We always knew that this police officer, whenever you’re working with him, the chance of being in a situation where you as a police officer, your life will be threatened, is more likely because he was always somebody that was eager to be more violent with his mouth, provoking people... I can say police brutality was always coming from these different actions. So, we all knew that but nobody filed a complaint and it put everybody at risk cause we all knew this police officer, that’s the way he did it, with whoever he was interacting with.

Hilary (resigned) shares a similar experience with problem officers:

Everybody knows that there’s some officers that are like this. Everybody knows that there’s some officers that will chase down somebody and beat them up for running away cause ‘that’s the cost for running from the cops’. Everybody knows that there’s some officers that will hit someone’s head off the car with handcuffs on... What I’m trying to say is everybody knows! For decades!

She asserts that there is a universal understanding among peers and administrators alike that

those officers are essentially ‘just the way they are’ and nobody says anything because the solution is to just wait for them to retire.

Brent (active) also acknowledged the role of ‘problem officers’ on his force and claims that everyone knows about a specific officer being particularly aggressive. In this instance, however, people were reporting his behaviour and he had a very thick file of complaints. Brent cannot recall the specific complaint that caused his suspension but this ‘problem officer’ is currently on suspension with pay.

Fear of Criticism

Ashton (active) and Brent (active) both stated that they find themselves hesitant to act in certain situations due to the public’s hyper-focus on police officers and their actions. Ashton states that “We think about everything now” which he notes is not necessarily a good thing when police are in a position where they have to act quickly. He explains that even if they do not see someone recording them, it is always assumed that every interaction is being recorded which causes him to second guess how his actions will reflect on himself, his force, and on policing as a whole. He also finds himself hesitant to act out of fear of being recorded doing something wrong which could get him in trouble with supervisors. Ashton claims that this is a negative thing because it affects his ability to do his job effectively and compromises his safety. “They’re not letting us police anymore” he states. As a result, he claims that the public’s hyper-focus on police has changed policing to be more reactive in nature instead of proactive.

When discussing increased citizen recording of police-civilian interactions, Brent (active) stated that it has had a negative effect on police officers. He claims that while he believes civilian oversight is good, “it’s gone way too far... it’s to the point now where I think police [are] afraid to do their job”. He says, “They’re afraid to do what they’re trained to do. Not just what they

think is a good idea to do, but what we've actually been trained to do – tactically, communication wise, investigative wise, physically – afraid". Brent says that he thinks civilian oversight of police should be incredibly high due to the power the police possess, however, he believes that where it stands currently is too high.

Discretion

When asked whether he views police discretion as positive or negative, Jeff (resigned) explains that discretion does not work the same for everybody. He claims that discretion is a very valuable tool if you are a White male because officers will often exercise discretion in your favour. He says that "It depends what race you are from, or from what racialized communities and from what sex that you are from. You're never going to get that same treatment, so discretion is only something that is going to benefit one group of people and most of the time it's White males".

When discussing his stance on body-worn cameras, Brent (active) states that he believes officer discretion will be eliminated with body-worn cameras. He claims that discretion is one of the most important aspects of policing and if complete oversight comes into place through the use of body-worn cameras, then more civilians will be going to jail when they may not have otherwise because the extenuating circumstances are not being taken into account. He discusses domestic violence calls in particular and how "with a lot of domestic stuff, you do have to lie unless you want to break up families". He argues that if discretion were to be reduced by introducing body-worn cameras then officers will be forced to criminalize more people.

Moral Conflicts

When asked if they experienced moral conflicts with enforcing particular laws, respondents unanimously objected to drug laws; especially minor possession enforcement.

Ashton (active) states that by law he has to arrest people for being in possession of drugs but that he does not feel that he is helping resolve the true nature of the problem. He says that “It won’t help having the police involved. Me arresting you, me putting you in jail... it’s not gonna get you off drugs... I think if you want to use it, it’s just like drinking alcohol, smoking cigarettes. That’s on you”.

Jeff (resigned) stated that he never felt obligated to enforce certain aspects of the law but instead he felt obligated to act according to his personal values. When enforcing the law aligned with his values, such as for impaired drivers, he had no qualms about making arrests. However, when his job did not align with his personal values, he did not make arrests. He uses youth smoking weed as an example and explains that criminalizing them and putting them in the system for something so minor was never worth it for him. He states, “You know I put my values first and not the Criminal Code first”. He did explain, however, that he suffered constant and frequent moral conflicts in every aspect of the job. “I think every day [was] a moral conflict for me. Just having a gun was a moral conflict”, Jeff explained, because he knew he had the means and qualified immunity to end someone’s life if he deemed it necessary.

Jeff (resigned) similarly considers himself to have a strong moral compass so he felt that he could never simply carry out the duties of his job without reflecting on the impact of the life of the person that he was arresting. When he had to work in an Indigenous Canadian community, he says that he understood that they had no social services or resources which was really conflicting for him as a police officer. He says:

The only services that we had was the police. And I knew, I knew I had nothing else to help [them] with. And you have tons of cases like that... the lack of social services is something that we see all the time. But there’s lots of people, police officers, that don’t even think about that. For them it’s just normal, that’s their job, that’s what they do.

Peter (retired) told a story of pulling over a speeding driver who tried to hand him a \$20 bill alongside his driver's license. Peter explains that he tried to hand the bill back to the driver but the driver refused to take it, claiming that he didn't know where it came from and that it was not his. Peter said that he ripped up the bill and threw it on the driver's windshield and then wrote him a ticket. "He was some kind of upset", he says, "If you thought you could buy me for 20 bucks... Sad, but I'm sure he got away with that a number of times in different places or he wouldn't have done it". When asked if he believed this personal ethical and moral compass aligned with this job, he responded "no". He claimed that for the most part he just did what he wanted and what he thought was right, which often did not impress his colleagues and superiors. He said that drug laws in particular bothered him as he did not think they were worth criminalizing someone for. He said that, "I worked with a couple of guys that would crawl through broken glass up to their arm pits to charge somebody with a joint [of marijuana]. I don't think I ever charged anybody for possession of marijuana".

Hilary (resigned) stated that her personal ethical and moral compass did not align with most aspects of her policing career. She claims that she felt pressure to submit to the culture of policing because being on the outside of the 'brotherhood' was a dangerous place to be. She recalled, "When I was in police college I remember clearly writing a lot of emails to friends and family saying that I didn't think this was for me... I was pretty distressed at some of the things that were being taught, or, you know, informally taught. I didn't necessarily like the people around me".

Brent (active) tells a story of himself and his training officer coming across a man in possession of a small amount of marijuana. Brent was approaching the end of his training period

and he had not yet made an arrest for drugs. “He forced me to charge the guy for the drugs. Was the guy breaking the law? Yes, he was breaking the law. Did he need to be charged for the marijuana? No, he didn’t. But I didn’t have an option”. Brent refers to himself a “marijuana advocate” and expressed that he is pleased that legalization would occur in October 2018.

Many of these officers acknowledge that policing of marijuana was not for the best interests of the citizens but instead criminalizes individuals for something they deem relatively insignificant. Jeff and Peter even go so far to say that they did not arrest for drugs for this reason. Both of the active officers, Ashton and Brent, express moral conflict with drug laws yet these were the two officers that believed police exist to serve and protect citizens and keep them safe from harm.

Whistleblowing

Whistleblowing can be defined as publicly exposing the unethical or illegal actions of a company or organization. Oftentimes whistleblowers are employees that have chosen to ‘blow the whistle’ on their employers. All of the participants claimed that they view whistleblowers as brave and courageous and also incredibly necessary if the structure of policing is to ever change. In fact, Peter (retired) claims that everybody has an obligation to blow the whistle on misbehaviour when they know about it. Jeff (resigned) claimed that while he does support whistleblowers and views them as incredibly brave, he also says that if you choose to be a whistleblower you are giving up everything. He says that, “the system is more powerful than the whistleblower [and] at the end of the day the whistleblower is gonna be the one that’s gonna be suffering mostly from his or her actions”. It seems that while he does respect the move to report abuse, misconduct or corruption, it is essentially career and social suicide.

Peter (retired) also explains that whistleblowing is perceived differently depending on who blows the whistle and what they are reporting on. He believes that if the infraction is something significant and serious, then reporting is important because it needs to be dealt with. He seems to think that most other officers would view it similarly. He notes, however, that if it is a minor offence and the officer gets disciplined then he could see how other officers could view the situation and the reporting officer negatively. All of this depends then on what one views as “serious” and “minor” offences and how an officer makes this determination.

Hilary (resigned) argued that the term ‘whistleblowing’ is problematic because it has a negative connotation to it. She says, “If you want cops to partake in reporting misconduct, I think you have to stop using the term whistleblowing”. She goes on to say that she does not believe that we will ever get to a point where officers are able to freely disclose misconduct without consequence. She claims that there might be some success with anonymous reporting programs but she believes that very rarely, if ever, will an officer be comfortable attaching their name to a report on another officer. When a rare instance of whistleblowing comes out, Hilary claims that “...everybody is meeting for coffee talking about it. ‘What are we going to say? If they come and talk to us, what are we going to say? Everybody has to say the same thing!’”. She argues that the “blue code” of silence takes over and officers begin to organize themselves and match their stories in case they are called in for questioning. She believes the reason for such conspiring is equally for protecting themselves and protecting one another.

On whistleblowing, Brent (active) states that if one officer was to blow the whistle on another officer, that the ‘old school’ officers would never talk to the whistleblower again. He says, “They would never do any favours for you. They would never associate with you socially”. Once again, Brent was either indifferent or unaware he was contradicting his denial of the “blue

code”.

Supervision of Police

Confidence in Supervisors

Following the discussion of how concrete the brotherhood in policing is, the participants were asked if they ever had to file a report against another officer for their actions. Ashton (active) claimed he has never been in that situation, but when asked if he thought he would struggle if he were, he states, “For me personally there would be a struggle. If I report it, I’m going to lose your support, your help, when I need it”. Ashton also says the decision to report to a supervisor would be a difficult one, however, he believes that there are other officers that would help you in the event you did something wrong. He states:

There are some officers that will help you... When I say help you I mean like, say you did something wrong, they’ll try to help you cover it up or resolve the situation I guess. And that’s kind of the position like with the uniform that you are in this position of authority that ‘yes, you’ve now fucked up and now we gotta figure out how we’re gonna get out of this’.

Ashton claims that if any form of misconduct or abuse occurred that bothered him, his first step would be to address the individual carrying out the behaviour. If the behaviour became significant or he noticed it being repeated, he states that he would then report it to his immediate supervisor. Only if nothing was being done to address the issue would he consider going to his sergeant or staff sergeant. Peter (retired) similarly responded that he would speak to the individual carrying out the behaviour first and would only consider reporting it further if the action continued. If he did have to file a report, however, Ashton says he would have confidence that his supervisors would handle it accordingly, whereas Peter said he did not have confidence in his organization investigating their own officers.

Jeff's (resigned) response directly opposed that of Ashton and Peter. Jeff argues that policing is fraught with misconduct, so much so that he felt he could never report a colleague. He claims:

You feel like you have no power when you're a police officer in changing the structure because you see lots of wrongdoings in the police force whether it's systematic, whether it's structural... it doesn't have to be individual. But you feel that you are powerless to make these decisions. And people from higher up the hierarchy, you don't have strong confidence that they will address these issues, so you just shut yourself down and you don't do anything... you just remain quiet.

Jeff (resigned) and Peter (retired) both stated that they never once received any information or training on reporting the misconduct or abuse of other officers. When asked if he ever had to file a complaint against another officer, Peter said "No, but I probably should have". He said he never did because "If I'd have filed a complaint, they'd have hung me out to dry".

Hilary (resigned) explained at one point she tried to report on some behaviours she witnessed from other officers but that it "very quickly turned into a disaster" for her "personally and professionally". From other officers that she knows of that have filed complaints against fellow officers, she tells us that no one thinks it went well. Others felt it had professional implications for them such as being passed over for transfers and becoming the target of bogus investigations against them. She also claims that police forces are notorious for gossip so the second you choose to report on another officer you must be aware that everyone will know about it. She says, "so unless you're willing to take the gamble of how that's going to be perceived by people you work with, that's gonna be a big, big part of your decision as to whether you report or not".

Written/Unwritten Quotas

When asked whether officers have any issues with enforcing administrative expectations to meet quotas, Ashton (active) claims that because he works in a more rural area with low call

volume that administrators understand that quotas cannot be applied to their district. Previously when he worked in a more populated district, he states that he never had an issue with meeting quotas because the call volume was so high that he usually unintentionally met the quotas just by responding to calls. When he was unable to meet quotas, Ashton stated that it never bothered him. He said that his superiors never mentioned it to him because he had a long list of incidents that occupied his time.

Jeff (resigned) responded that his personal moral and ethical compass never aligned with quotas, so much so that during his entire time in policing he only gave out one speeding ticket. Peter (retired) was much the same in that he claimed that quotas never affected him because he just would not do what they told him to do. He did give out tickets when he believed the situation warranted it but he would not hand them out for the sake of handing them out. He does, however, believe this prevented him from getting promotions.

Hilary (resigned) explains that everybody knew quotas existed without them ever having to be discussed. She says they were unwritten “because technically it wouldn’t be appropriate [to have quotas] but everybody knew that you go to your shift... you’re supposed to get a street check every shift, you’re supposed to get a ticket... perhaps an arrest if you can”. She states that, “If you’re an officer who has aspirations for internal movement to another unit, or special training, or promotion, or you just want your sergeant off your ass... you’re going to do that”. She said if someone starts bugging you about not producing enough ‘results’ then officers often resort to ‘easy fishing’ which, she asserts, “is in the poor communities which also equals racialized communities”.

When Brent (active) was asked about administrative expectations to meet arrest, charge or citation quotas he immediately responded that quotas did not exist at all within his force.

When asked whether there were unwritten and informal quotas he again responded with a resounding “no”. He later corrected himself and said that if you want to be considered for promotion then you must give out a certain amount of tickets. When asked if people ‘fish’ for them he stated that “there are watering holes”, but ultimately if you excessively focus on meeting quotas then “you’ll be fucking over the guys in blue because you’ll take yourself out of service and just do 20 tickets in a day, where I’m pumping calls all day”.

Body-worn Cameras

When asked their opinion on the possible implementation of body-worn cameras in the future, Ashton (active) was relatively neutral to the idea. He was able to see how it could both hurt and help police officers but ultimately stated that he would have no objection to it and would wear one without issue. He says that, “I would think that it’s gonna make you second guess or stop and think about what your next move is gonna be”, but he also believes it will be beneficial for ‘he-said/she-said’ situations when civilians file complaints against officers. Peter (retired) also has a positive view of body-worn cameras and stated that he believes they will deter instances of abuse, misconduct and corruption. He says that body-cameras will give a clear account of what happened – as long as they are left on. He does not allude to officers shutting off the camera intentionally, but he said they could be hit or shot while dealing with a situation. Overall though, he is of the opinion that they are a good idea.

Jeff (resigned) likes the idea behind implementing body-cameras but does not have confidence in how they will be used in practice. He says that “What happens most of the time when you see abuses is that they either disconnect these cameras, either remove them or [we] don’t have access to these cameras as citizens”. He claims that the images will be controlled and used to criminalize select populations while choosing specific footage to show the public that

glorifies or legitimizes police officers and police work. While far removed from policing at the time of the interview, Jeff does not anticipate that many officers will be happy to wear cameras. Hilary (resigned) has a similar outlook to Jeff: where she does not agree that they will be effective if the videos and images are controlled by the police force. She also does not have confidence that police officers will not find a way around using the cameras. She uses the G20 as an example to explain how police officers can just take off their name tags to commit their abuses anonymously and also refers to street checks and how officers are just more careful about how they code their “stops”.

Brent (active) is more apprehensive about body-worn cameras because he believes that there is very little of benefit to police officers. He can see how it would be beneficial if a civilian makes an allegation against an officer to have the video recording of the interaction but he fears that police will be increasingly criticized if every scenario is recorded. Brent notes that most officers already act as if they are being recorded in every situation so it will not take much adjusting on his part. He fears that officers will lose their discretionary abilities which he claims will only negatively affect civilians. He states, “Complete oversight and complete video recording and audio recording is gonna eliminate discretion. So if people are good with that, then I’m good with that.” He also says that he suspects wearing a camera would add an extra layer of stress to him on top of an already stressful job.

Discussion and Analysis

When attempting to study the role of police in the ruling power structure, Liazos asks the question, “Do the police enforce their own laws?” (1972:115). This is an essential question we must ask ourselves to understand that police officers are being used to carry out the work of specific interested grouped in protecting the status quo. While there is a large structural element

to policing, we are still dealing with *individuals* that may interpret their role as police differently depending on various factors that will be discussed. This, however, does not mean that police should not be held accountable for their own actions and decisions, but rather provides the framework for understanding the true role of police and why they do what they do. Police undergo a rigorous socialization process once recruited into a force that begins the day they are hired. Kappeler, Sluder and Alpert (1998) argue that the training academy acts as a secondary filter to weed out individuals who do not align with the police worldview necessary to uphold the occupational culture. Conti (2009) argues that the socialization process for police is complex and uses techniques of both shame and honour to socialize police recruits. Recruits are shunned based on their trainee status and slowly reintegrated at the end of training through techniques of shaming (Conti 2009). He explains it is paramount that recruits are stripped of the civilian status before transitioning into the all-encompassing police identity (Conti 2009). I would argue that the socialization process serves two purposes: 1) to create officers that will successfully advance the interests of top dogs, and 2) to convince officers of the importance of their role in ‘serving and protecting’ the ‘safety’ and rights of civilians.

Police officers’ primary day-to-day interactions are with the underdogs, not top dogs, therefore it is feasible that police officers could believe that they work for the public, not politicians or administrative and investigative officials. This is an important factor to emphasize because officers need to believe they are serving the interests of civilians by ‘protecting’ them so they do not realize the true extent of the order maintenance and oppressive nature of their role. Additionally, police officers need to believe that there is ‘crime’ and ‘criminals’ that need to be controlled by police in order to protect the ‘good’ of the community. The top dogs cannot allow police to sympathize with the people they are designed to police – negatively racialized people

and the poor – because this would compromise their true function.

While three of the five officers did believe that the work of police officers should be admired and spoke positively about their role as police, two of the officers did not share these opinions. These two officers were both the ‘resigned’ officers. While the top dogs make an effort to ensure that police officers will protect their interests by maintaining the status quo, once officers break free of police culture and the intense ongoing socialization practices that come with it, it appears they have a different perspective. Through the process of resigning from careers in policing, both Jeff and Hilary appear to have developed critical insight and the ability to reflect on the processes of deceit and manipulation at the hands of the top dogs that the other officers did not have. I would argue that the forces of socialization are so strong that most officers do not see abuse, misconduct and corruption for what they are until they have the necessary critical distance from the career. In instances when officers do begin to recognize their true role in the reproduction of social order, it is impossible to sustain themselves in their career due to the depth of moral conflict – hence, resignation.

Critical Discourse Analysis

Legitimation and Justification

According to Dictionary.com (2019a), legitimation can be described as the process of defending the purpose of something, whereas justification can be described as showing that something is good, right or reasonable (Dictionary.com 2019b). During the interviews, I found that various forms of legitimation were used by officers to manage their identities and make sense of their role as police. The reasons for this could vary, but I would argue that officers can only make sense of their role and the often violent and racist actions that they participate in by believing that certain people and groups of people are inherently dangerous and ‘criminal’ and

that police forces serve to protect the rest of society from ‘these’ people. When officers believe this as truth, they also will try to convince citizens of these ‘dangerous’ and ‘criminal’ groups through various avenues of discourse. An example of this is when we asked the participants what they believe the role of police to be. Peter (retired) claimed that the role of police in our society is for safety measures, whereas Brent (active) believed that police exist to ‘serve and protect’ because that is what his police force represents.

The interviews also revealed other forms of legitimation. Ashton (active) believes that police deserve respect because they are entrusted with a position of authority and the power to use physical force when they deem necessary. A similar thought is brought up by Brent (active) when discussing discretion. He believes that officer discretion is an important tool used by officers to take into account extenuating circumstances *to the benefit of the citizen*. He claims that if discretion were removed we would see increased criminalization of the ‘non-criminals’ but he does not address those currently being criminalized when discretion is available for officer use. With a wider range of discretion comes more autonomy and more proactive policing. Not only does increased discretion lead to less oversight and accountability, but proactive principles of policing increase the probability of contact with civilians which opens up more opportunity for negative interactions with police. Another relevant concept is the perception of danger in policing. If the citizens that police officers are dealing with on a regular basis have the potential to threaten the lives of officers or make their job inherently ‘dangerous’ then the necessity of policing is legitimized. Ashton (active) talks about the importance of the ‘brotherhood’ in policing because officers need to be able to trust each other when attending dangerous calls and Hilary (resigned) explains that the perception of danger in policing is deeply instilled in officers during training. If officers believe that their job entails ‘serving’ and ‘protecting’ citizens and

they believe that in doing so they are risking their lives, the ‘respect the uniform’ mentality would likely come naturally to most officers.

In addition to legitimation, I also found that various forms of justification were used by officers to defend their actions and the actions of their peers. One form of justification that emerged was the notion of ‘bad apples’. Ashton (active) stated that he and his fellow officers are disappointed when they hear stories of misconduct and abuse because it makes all police officers look bad. Peter (retired) claimed that misconduct and abuse were isolated instances and that there are crooked guys in every occupation, and Brent (active) justified cases of ‘bad apples’ by claiming that he believes the only side of the story told is the side that makes police officers look bad. Kappeler, Sluder and Alpert (1998) note that officers believe individual behaviour and socialization is to blame for these actions as demonstrated by the responses of Ashton, Peter and Brent. Police (mis)behaviour, however, is systematic and structural and Adorno et al. (1950) can assist us in understanding how regardless of our personality, different environmental and social factors have the ability to determine how we choose to act in a given situation. Undoubtedly, these environmental and social factors are very important when these incidences are critiqued by fellow officers and can be used to justify even the most abusive behaviours, as explained by Hilary and demonstrated in Brent’s responses.

When asked about moral conflicts that officers experience, all respondents stated that drug laws were problematic for them. Jeff (resigned), Peter (retired) and Brent (active) similarly responded that because drug laws bothered them, they simply did not arrest for drugs. All three of these respondents alluded to their strong moral compass and justified their roles by essentially claiming that they were ‘good cops’ and did not perform tasks that they did not agree with. As much as these officer’s use justification as a form of discourse to convince citizens that police

officers are not inherently bad, oppressive or violent, I believe these are just as much justifications for the officers themselves. Van Dijk states, “If the minds of the dominated can be influenced in such a way that they accept dominance, and act in the interest of the powerful out of their own free will, we use the term *hegemony*” (1993:255). While this certainly applies to citizens and the intent of the top dogs to justify, conceal and legitimize their dominance, I believe it could also be used to make sense of how officers consent and accept the dominance imposed on them by the top dogs and consent and accept their role of imposing dominance on the underdogs.

Dissociation and Denial

According to Dictionary.com (2019c) dissociation can be defined as the state of being disconnected or separated from something, whereas denial is the expression of something being false even when experiences and facts point to it being true (Dictionary.com 2019d).

Dissociation and denial are forms of discourse that emerged during the interview process which explain how police officers manage their identities and make sense of situations where there are abuses of power. In the most basic sense, van Dijk (1993) argues that directive speech, such as commands, are a way of enacting power to produce dominance. Police officers have the authority over civilians to command them to respond to their requests (ie. pull over, step out of the car, empty your pockets, put your hands behind your back) which is a direct form of dominance.

Perhaps the most prominent account of dissociation was surrounding the discussion of abuse, misconduct and corruption. As stated in the previous section, Ashton (active) explained that he and fellow officers are disappointed when they hear stories of misconduct and abuse because “it makes all police look bad”. Similarly, Peter (retired) claimed misconduct and abuse

were isolated incidents and Brent (active) also subscribes to the ‘bad apple’ narrative. When all participants were asked about their experience with misconduct and abuse, Ashton (active), Peter (retired), and Hilary (resigned) admitted to slapping, hitting, beating or other forms of physical aggression and violence for no reason other than frustration or retribution. Many of these officers subscribed to the ‘bad apple’ or ‘problem officer’ narrative, yet freely admitted that abuse is a normalized part of their everyday job and something that they themselves have participated in.

In addition to dissociation, denial is another form of cognitive control that emerged throughout the interviews. When asked about the prominence of quotas, we were met with denial by both of the active officers – Ashton (active) and Brent (active). Ashton claimed that due to his district’s small population, quotas cannot be applied, and even when he was working in a more populated district quotas were irrelevant because the call volume was so high that officers unintentionally met quotas already. Brent (active) immediately rejected any notion of quotas, and did so quite sternly, before ultimately acknowledging that a certain number of tickets must be handed out if an officer wants to be considered for promotion. One of the most notable points of denial throughout the interviews was regarding the “blue code” of silence. All respondents were familiar with the term, but neither of the active officers nor the retired officer believed that they had any experience with it. Comparatively, both resigned officers, Jeff and Hilary, expressed a deep understanding of the “blue code” and explained what it looked like and how it operated in their experience.

I would argue dissociation and denial are tactics used to conceal the true power structure between police and civilians and, as demonstrated in this section, CDA can be used to support this argument. Both police and civilians must disconnect the violence of ‘bad officers’ from the violence ‘required’ of police to effectively ‘protect’ citizens, or outright ignore this violence.

Through legitimation, justification, dissociation and denial, civilians are manipulated to ensure they do not recognize that the very acts police are arresting citizens for are the same acts that the police themselves carry out on a daily basis against citizens. The difference here is that officers are permitted to commit these acts because in doing so they are protecting the interests of the very group that determines whether the abuse on behalf of police is legal – the top dogs.

In this chapter I outlined the various and diverse responses that accompanied the five (5) interviews with middle dog police officers. While all five officers had experience with abuse and misconduct, none of the respondents disclosed any major incidence of corruption, though some were aware of whispers to this effect. I organized the major findings from these interviews into three major categories: police culture, challenges of policing, and fear of criticism. Lastly, I discussed how middle dogs and their responses can be explained through a symbolic interactionist framework combined with critical discourse analysis. Legitimation and justification and dissociation and denial were two sets of overarching themes that emerged during the course of analysis. In the next and final chapter I propose recommendations to the problems of abuse, misconduct and corruption, as well as recommendations on how to encourage whistleblowing.

Chapter 7: Conclusion

So, where do we go from here? Over the past couple of years, every time I explained this project to friends, family, coworkers or anyone not well versed in academic research, I was asked what the point of this work was. What was my goal? If everything this thesis presents is true about police abuse, misconduct and corruption being built into the very existence and foundation of policing, then what could I – a 24-year-old student – do about it? As I mentioned in the introduction of this thesis, large systemic phenomena can seem daunting to make sense of and many struggle to understand how to approach these issues and minimize their impact or eliminate the harm done altogether. To address the question posed above – what can I do about it – I don't have an answer. With all forms of structural violence where entire generations of populations or groups of people have been victimized by the state, 'solutions' do not come overnight. Residential schools in Canada are a perfect example of the long-lasting impact of structural violence on entire communities. Residential schools were established institutions for Indigenous Canadian children to attend with the purpose of stripping them of their culture and assimilating them into White Canadian culture (Miller 2012). These children were forcibly removed from their homes and parents, forbidden to speak their native language or wear cultural clothing, their names were changed, they were physically, psychologically and sexually abused, and they suffered from disease and lack of health care (Miller 2012). The last residential school was closed in 1996 and Indigenous peoples are still coping with the painful effects of these schools on their communities today (Miller 2012).

Change takes time. I believe that change is won with education, motivation and persistence. So, to reiterate the question I have been repeatedly asked: where do we go from here? Do I think that I am better equipped to offer 'solutions' than any other individual just

because I have dedicated myself to researching this topic for the past few years? Not necessarily. I would be inclined to argue that many diverse individuals with different levels of education and experience all have something to contribute to this topic and movement for justice. I, however, do feel a responsibility to conclude this thesis with some suggestions that I believe could limit and control police power. I will discuss the following four suggestions below: transparency and accountability, dismissal, the creation of a central government registry, and disarming the police.

Transparency and Accountability

Perhaps the most obvious suggestion is for civilians to demand transparency and accountability from police forces. This suggestion is influenced by Alex S. Vitale's (2017) discussion of secrecy in policing and how openness and transparency are fundamental aspects of accountability. He argues that police forces are defensive because of their "us versus them" mentality which fuels the culture of secrecy (Vitale 2017). He claims that public inspection, open academic research and media investigations are all prevented from gaining access to institutions of policing (Vitale 2017). This is the same experience I had when attempting to contact the top dogs for interview. I received eight (8) rejection responses from administrative and investigative bodies across Ontario, while only Mr. Gerry McNeilly, Director of the OIPRD, responded positively and agreed to be interviewed. Even so, this interview was filled with various barriers of accessibility that reinforced what we came to understand as the secrecy of the top dogs. One suggestion, again taken from Vitale (2017), that could ensure greater transparency and openness, would be encouraging greater oversight of police by including civilians on major decision-making bodies. Vitale (2017) argues that these civilians should be chosen by communities, not by police or political leaders. Police have proven *incapable* and *unwilling* to hold themselves accountable. Civilians need greater transparency and openness from police so citizens can take

charge of holding them accountable.

One major development recently in Ontario that will affect our ability to hold police accountable is Bill 175. In 2018, the Liberal government of Kathleen Wynne passed Bill 175 which was put on hold only a few months later once the Conservative government of Doug Ford came into power. Bill 175, also referred to as the *Safer Ontario Act*, was to be the first modification of the Police Services Act in over 25 years. Some of the most significant changes include expanding the scope of oversight bodies and adding additional accountability measures for officers (McQuigge 2018). The Bill would have required the SIU to publicly release the names of all officers charged and publicly report the status of all investigations. Additionally, officers would be required to cooperate with investigations, which was previously voluntary, and officers could be suspended *without* pay (McQuigge 2018). Despite these seemingly transformative changes, once Doug Ford became the Premier of Ontario he effectively stopped this Bill from taking effect. As citizens, we *need* legislation such as Bill 175 to be prioritized to ensure the transparency and accountability of all police forces and all police officers across Ontario.

Dismissal

This next recommendation, dismissal, builds directly off transparency and accountability. For police to be truly accountable, dismissal must be one of the most prominent changes. Currently for Ontario police, and arguably the large majority of police outside of Ontario, police officers are not pushed to resign when they are involved in cases of abuse, misconduct or corruption. Poisson and McLean's (2015) article discusses that since 2010 over 60 Ontario police officers have gone before their internal police tribunals and received discipline for drinking and driving. It is often stated that penalties for drinking and driving include dismissal – yet of all the

recorded incidents, there seems to only be one case where an officer was forced to resign (Poisson and McLean 2015). According to quite a few job postings for Ontario police forces, those interested in pursuing a career in policing are expected to be of “high moral character”. Does this expectation disappear once hired? Does this expectation matter at all?

Once officers are charged with an offence and found to be guilty, the punishments handed out are minimal at best. Davis (2018) explains filing a freedom of information request to obtain documents on police matters that came before the tribunal and found out that the Toronto Police Service handed out over 600 internal discipline cases between 2014 and May 2017. Of these 600 cases, the penalties that the officers received were not accessible to the public (Davis 2018). While the culture of secrecy prevents citizens from obtaining access to the majority of penalties given out to officers, the ones that are accessible showcase how these cases are dealt with a low degree of severity. The most common punishments are suspension (overwhelmingly with pay) and demotion for a designated time period. Unless the charge is quite serious, for example in cases of corruption, police officers face minimal consequences for abuse and misconduct. I believe that with increased transparency and accountability, dismissal must become one of the primary consequences for officers found guilty of engaging in abuse, misconduct and corruption.

Central Government Registry

As the “Top Dogs” chapter demonstrated, there are various politicians, administrative bodies and investigation organizations that are responsible for the oversight of police in Ontario. When a civilian wants to file a report against an officer, it can be a confusing process, and many civilians have expressed their frustration with the various levels of oversight and investigation of police. During our interview with Mr. McNeilly, I asked what he thought of simplifying the

oversight process by creating a central government registry to collect data from all oversight bodies. Both Mr. McNeilly and Rosemary Parker, the Manager of Communications and Outreach for the OIPRD, were opposed to the idea. They claimed that it was “duplicated work” and said that it would be costly and therefore not fiscally responsible of the government. Ms. Parker stated that each organization already publishes annual reports that have all the necessary information civilians need.

I recommend, however, that creating a central government registry should be a priority for civilians. The relationship of the various oversight bodies to police is not common knowledge. Oversight agencies should not be in control of producing their own findings and reporting on their own work, because as this thesis demonstrates, they have reason to conceal certain details from public knowledge. The central registry would essentially be a “one-stop” place for civilians to contact for information, questions or concerns about policing. If they had a complaint or wanted to report abuse, misconduct or corruption, then they would be forwarded to the appropriate agency. In regard to a central government registry being too costly, I say this: is democracy not worth it?

Disarm the Police

The last suggestion I will propose, and perhaps the most controversial, is that police in Ontario need to be disarmed, except in extreme circumstances. This is again a suggestion that is largely influenced by Alex S. Vitale (2017). It is a simple fact that police kill civilians, most of them poor, mentally disturbed, Black and Indigenous Canadians. Whether these civilians are ‘criminals’ or innocent victims due to mistaken identity or misjudgement on behalf of police, the fact remains that police kill civilians, often under dubious conditions. Radley Balko (2013) describes the development of modern policing in the United States and how far it has

transformed from its inception. Law enforcement changed from a private affair to centralized police forces. Modern policing, Balko (2013) notes, includes SWAT teams violently raiding private homes more than one hundred times a day in the U.S. for mostly consensual crimes, such as drugs. Police forces have adopted a dominant military culture that includes soldier attire, military-grade weapons and vehicles, and training by current or previous military personnel (Balko 2013). Balko (2013) argues that SWAT teams are being increasingly used to raid spaces and individuals that do not pose a danger to others. There are countless stories of family homes being raided in the middle of the night for suspicion of marijuana, where animals or children are harmed or killed in the process of the raid. Similarly in Canada, the 2010 G20 summit held in Toronto, Ontario is an example of the increased militarization of police. Officers responded to the protests dressed in military attire with military grade weaponry, and used teargas, pepper spray and force to box in peaceful protestors and bystanders for arrest (Kassam 2016).

Vitale (2017) echoes many of Balko's (2013) points about the astounding array of military-grade weaponry at police disposal. Vitale (2017), however, also makes the argument that the increase in paramilitary practices and weaponry has led to the wrongful killing and injury of many civilians. Even in situations where officers are killed or injured, Vitale (2017) argues that the officer's possession of a weapon can sometimes contribute to their victimization. Because it is common knowledge that police are armed, offenders who intend to evade police at all costs are more likely to be armed knowing that police will also be armed. Vitale (2017) also makes another important point worth mentioning here. The large majority of police officers go their entire career without ever having to fire their weapon. Some even go their entire career without having to draw their weapon. Some may argue that the threat of lethal force is necessary for compliance and deterrence, but as Vitale states, "The fact that police feel the need to

constantly bolster their authority with the threat of lethal violence indicates a fundamental crisis in police legitimacy” (2017:26).

While I do not anticipate Canadian police to become completely disarmed like Great Britain in the near future, the fact remains that our forces continue to move in the direction of greater militarization. The Canadian rate of lethal force does not compare to the United States – yet – but it is only a matter of time if we continue to upgrade our weaponry and training, and create speciality units for the purpose of military-like raids and attacks. I believe that in order to address much of the abuse, misconduct, corruption and aggression on behalf of police officers, they must first stop killing their citizens. Police possess the ultimate power which is the right to end someone’s life when they deem it necessary. As long as they possess this power, all further discussion about limiting and controlling police power is rendered useless.

Concluding Remarks

In the introduction of this thesis I discussed that my motivations for research surrounded my interest in potentially pursuing a career in the field of policing and my concerns regarding whether I would be a good fit. After six interviews and nearly three years of reading, writing and analysis, I feel that it is important to mention that I have come no closer to answering this personal question of mine. Policing is a lucrative career for many with a very good salary, benefits, pension and union (excluding the RCMP). For this and many other reasons we have an overabundance of men and women working hard to try to get hired by various police forces in Canada. Life inside of policing tells a different story, however, as our five police officers have expressed through their interviews with Dr. Kitossa and me. Policing as an institution is fraught with abuse, misconduct and corruption that gets concealed, reproduced and legitimized by the “blue code” of silence. Fraternalism and police culture have a significant influence on how

police officers carry out the everyday duties of their job, and some, and possibly, many officers suffer morally one way or another while working as a police officer. Unlike ‘crime’ formally surveyed and data assiduously collected to marshal a case for budgets and efficiency, we do not and cannot know the full scope of abuse, misconduct and corruption irrespective of spectacular cases that periodically make the news. So why, nevertheless, since Edward I’s commission of inquiry into administrative and police function corruption, the 1285 *Statute of Winchester*, has nothing changed?

One of the principal takeaways from this research and these interviews is the strength of the top dogs. I believe that this thesis has demonstrated the lengths they will go to in order to conceal their power and protect their role. I firmly believe that police officers, the middle dogs, need to be held accountable for all their actions, but I urge you, the reader, not to fall victim to believing that police abuse, misconduct and corruption is the result of individual shortcomings or flaws of personality. To refer again to the introduction of this thesis, I encourage you to engage with the “sociological imagination” (Mills 1959) to understand the life of individuals and history of society together, rather than separately. The personal troubles of individuals and the public issues of a social collective are intimately intertwined and it is essential that we all recognize this to make sense of what is occurring in our systems of policing. If you are able to do so, it should come as no surprise that Premier Doug Ford made the decision to stop Bill 175 from taking effect. Bill 175 would have been responsible for exposing some of the major flaws of our policing systems, ultimately drawing attention to holes that cannot be explained. Why would Doug Ford, one of the most prominent top dogs of Ontario, want the true extent of police abuse, misconduct and corruption to be revealed? Let us not forget that the middle dogs work directly to

protect the interests of the top dogs so if the true nature of the middle dogs were to be exposed, then the position and status of Doug Ford and other top dogs would be at risk of exposure.

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Table 2

Appendix A: Letter of Invitation (Template) – Police Administrators and Investigators



Faculty of Social Sciences
Department of Sociology

Brock University
Niagara Region
500 Glenridge Avenue
St. Catharines, ON
L2S 3A1 Canada
T 905 688-5550 3455
F 905 688-8337

Date:

To:

Company Name:

Street Address:

City, Province:

Postal Code:

Email:

Re:

Title of Study: *Whistle Blowing and Moral Dilemmas in Policing: An analysis of police culture and the 'Blue Code of Silence'*

Principal Investigator/Faculty Supervisor: Dr. Tamari Kitossa

Principal Student Investigator: MA Student: Sarah Marshall

Department: Sociology, Brock University

Dear _____,

My name is Sarah Marshall and I am a second year Master of Arts (MA) student in the Critical Sociology program at Brock University, St. Catharines, Ontario. As per the requirements of the degree, I am currently researching a topic of personal interest in order to write a thesis.

My thesis is titled *Whistle Blowing and Moral Dilemmas in Policing: An analysis of police culture and the 'Blue Code of Silence'*. I aim to explore how practicing police officers experience and/or perceive the 'blue code', the ways in which the 'code' influences abuses of power and the creation of moral dilemmas and how police officers distinguish their duty to report wrong doing versus pressures toward fraternalism. A further priority is to understand how police officers experience and perceive whistle blowing.

As the primary researcher, I seek to interview six (6) active duty or retired officers, as well as members of policy and investigative bodies such as the Office of the Independent Police Review, the Ontario Civilian Police Commission, the Office of the Ombudsman of Ontario, the Special Investigations Unit, and the Office of the Mayor. My supervisor, Dr. Kitossa, and I have decided to interview these two groups of individuals for the purpose of understanding instances of wrongdoing from the perspective of both the officers carrying out these actions and the administrators tasked with addressing them.

Officers will be invited to confidentially discuss abuses of authority and misconduct they participated in, witnessed, or heard of during their time as a police officer. Participants will also be asked to reflect on situations where the requirements of the job have not aligned with their

personal code of ethics or moral standards.

The purpose of this letter is to request the assistance of _____ to be interviewed regarding the policy and investigative portion of this project. I am seeking to understand the establishment of ethical policies, the insurance of compliance and whistleblowing policies and protections. If you consent to be interviewed regarding the abovementioned topic, you can expect interviews to last one-two hours and be tape recorded.

If you are interested in contributing to this research, please contact me at your earliest convenience.

Thank you for your consideration,

Sarah Marshall _____

Dr. Tamari Kitossa _____

Principal Investigator/Faculty Supervisor: Dr. Tamari Kitossa, Associate Professor
Department of Sociology
Office: STH 425
Phone: (905) 688-5550 ext. 5672
E-mail: tkitossa@brocku.ca

Principal Student Investigator: Sarah Marshall
Department of Sociology
Brock University
E-mail: sml1iv@brocku.ca

This study has been reviewed and received ethics clearance through Brock University's Research Ethics Board (file # 17-003 – KITOSSA)

Appendix B: Letter of Invitation (Template) – Police Officers (Active/Retired/Resigned)

Letter of Invitation

(Date)

Title of Study: Whistleblowing and Moral Dilemmas in Policing: An Analysis of Police Culture and the “Blue Code of Silence”

Principal Investigator: Dr. Tamari Kitossa, Associate Professor, Department of Sociology, Brock University

Student Principal Investigator: Sarah Marshall, MA student, Department of Sociology, Brock University

I, Dr. Tamari Kitossa, Associate Professor from the Department of Sociology, Brock University, invite you to participate in a research project entitled “Whistleblowing and Moral Dilemmas in Policing: An Analysis of Police Culture and the “Blue Code of Silence”.

The purpose of this research project is to examine how current and ex-police officers make sense of, define, and relate to misconduct and abuses of authority within the institution of policing. Should you choose to participate, you will be asked to reflect on your perceptions regarding the ‘blue code of silence’, ‘whistleblowing’ and the issue of moral dilemmas from your individual experience as a current or ex-police officer. Additionally, you will be asked to provide personal accounts of instances of police brutality and/ or abuses of authority that you have participated in, witnessed, or heard of during your time as a police officer. You will be asked to reflect on situations where the requirements of your job have not aligned with your personal code of ethics or moral standards. The interview will be tape-recorded and your testimony may be used for discussion in a research report.

The expected duration will be one-two hours.

The possible benefit of participation is to better inform the citizenry about the dynamics of police culture in order to strengthen the public capacity to ensure accountability, responsibility and transparency. The decision to participate in this research will provide you with the opportunity to share your thoughts, feelings and concerns about the policing practices and policies that you enforce in a **confidential** setting.

If you have any pertinent questions about your rights as a research participant, please contact the Brock University Research Ethics Officer (905 688-5550 ext 3035, reb@brocku.ca)

If you have any questions, please feel free to contact me (see below for contact information).

Thank you,

Dr. Tamari Kitossa, Associate Professor
Department of Sociology
Brock University
(905) 688-5550 Ext. 5672
tkitossa@brocku.ca

Sarah Marshall, MA student
Department of Sociology
Brock University
sm11iv@brocku.ca

This study has been reviewed and received ethics clearance through Brock University’s Research Ethics Board (file # 17-003 – KITOSSA).

Appendix C: Letter of Rejection – Ministry of the Attorney General

Response to your correspondence file #: MC-2017-7587



JUS-G-MAG-ATRD-Correspondence <ARD.DoNotReply@ontario.ca>

Wed 11/8/2017, 2:58 PM

Sarah Marshall ✉



Dear Ms. Marshall:

Thank you for your email dated September 22, 2018 addressed to the Honourable Yasir Naqvi, Minister of the Attorney General, and your formal request for the participation from both active and retired police officers to assist you in completing your study and thesis at part of your Master of Arts program at Sociology, Brock University. Your correspondence has been forwarded to the Agency and Tribunal Relations Division of the ministry for response.

The responsibility for policing services throughout Ontario, including the OPP, falls under the purview of the Ministry of Community Safety and Correctional Services (MCSCS). MCSCS is responsible for ensuring the safety and security of communities across Ontario through effective policing, correctional services and emergency services programs.

If you have not done so already, you may wish to contact the MCSCS with a detailed description of your request, as they would be the ministry responsible for liaising with the police services. You may also wish to contact the SIU and OIPRD directly. For your convenience, we have provided their contact information below:

Ministry of Community Safety and Correctional Services
25 Grosvenor Street, 18th Floor
Toronto, ON
M7A 1Y6
General Inquiry: 416-326-5000
Toll Free: 1-866-517-0572
Fax: 416-325-6067
Website: www.ontario.ca/safety

Office of the Independent Police Review Director
655 Bay Street, 10th Floor,
Toronto, ON M7A 2T4
Toll-free phone: 1-877-411-4773; TTY: 1-877-414-4773
Toll-free fax: 1-877-415-4773
E-mail: OIPRD@ontario.ca
Website: www.oiprd.on.ca

Special Investigations Unit
5090 Commerce Boulevard
Mississauga, ON L4W 5M4
Toll-free phone: 1-800-787-8529
Local phone: 416-622-0SIU (0748)
Local Fax: 416-622-2455

We trust this information will be of assistance to you. Once again, thank you for taking the time to contact the ministry.

Agency and Tribunal Relations Division
Ministry of the Attorney General

Please do not attempt to reply to this e-mail. Further inquiry can be directed to the following addresses, quoting the reference # attached to your response/ in the subject line:

E-mail: attorneygeneral@ontario.ca

Address: Ministry of the Attorney General
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto, ON
M7A 2S9

Appendix D: Letter of Rejection – The Office of the Premier for Kathleen Wynne

Interview Request

0 1 v



Premier of Ontario | Première ministre de l'Ontario <Premier@ontario.ca>



Reply | v

Fri 1/12/2018, 9:13 PM

Sarah Marshall v

Thanks for your email. I value your input and appreciate your taking the time to get in touch with me.

Every email and letter I receive is carefully read and reviewed. Given the volume of emails and letters I receive, and because I may need to share your message with one of my Cabinet ministers or the appropriate government officials for more information, a response may take several business days.

Thanks again for contacting me.

Kathleen Wynne
Premier

Appendix E: Letter of Rejection – Ontario Civilian Police Commission

Interview Request

0 1 v



SLASTOinfo (MAG) <SLASTOinfo@ontario.ca>

Mon 9/11/2017, 1:41 PM

Sarah Marshall v



Reply | v

Hello Ms. Marshall,

Thank you for contacting the Ontario Civilian Police Commission (OCPC).

As an independent tribunal it would be inappropriate for the OCPC to participate in the policy and investigative matters you have identified. While we appreciate the opportunity to comment, the OCPC must respectfully decline.

Below are some resources you may find helpful to assist in your research:

- [OCPC's website](#)
- [Police Services Act](#)
- [Available OCPC Decisions](#)

Sincerely,

Silvia Cheng
Communications Coordinator
Safety, Licensing Appeals and Standards Tribunals Ontario
250 Dundas Street West, 4th Floor. Suite
401
Toronto, Ontario, Canada M5T 2Z5
Email: SLASTOinfo@ontario.ca

...

Appendix F: Letter of Rejection – Special Investigations Unit

Research Request

0 1 v



Martino, Joseph (MAG) <Joseph.Martino@ontario.ca>

Wed 10/4/2017, 9:51 AM

Sarah Marshall v

👍 Reply | v

📌 | Action Items



Good morning, Ms. Marshall,

Please forgive the delay in responding to your research proposal. We have taken some time to consider it carefully. Regrettably, we have decided to not participate in the study.

As you will know, the SIU is an arm's length law enforcement agency of the Ministry of the Attorney General staffed with civilian investigators and tasked with investigating the circumstances around serious injuries and deaths in cases involving the police. Upon the completion of investigations, the SIU's director determines whether the evidence gathered in the investigation is sufficient to warrant criminal charges against the subject officer or officers. If so, charges are laid and referred to the Crown Attorney for prosecution. If not, the file is closed and the director issues a report to the Attorney General.

Safeguarding the independence and neutrality of our office is of the utmost importance. In our view, asking SIU investigators to offer comment on potential police misconduct outside their official duties risks compromising those values. Accordingly, we must politely decline your request.

We wish you well with your important work.

Regards,

Joseph Martino
Counsel
Special Investigations Unit
5090 Commerce Boulevard
Mississauga Ontario L4W 5M4
416-622-2076 (tel)
416-622-2245 (fax)

Appendix G: Letter of Rejection – Crown Attorney’s Office of Hamilton

Research Request

0 1 v



Norman, Todd (MAG) <Todd.Norman@ontario.ca>

Sun 11/5/2017, 2:14 PM

Sarah Marshall v



Reply | v

Ms. Marshall:

The Hamilton Crown Attorney’s Office will not be able to assist you by participating in an interview for your research project.

I see from your letter that you are seeking to understand the ethical policies that apply to abuses of authority and misconduct by police officers. A new Crown Prosecution Manual is being implemented in Ontario. It is scheduled to be made publicly available on November 14, 2017. I recommend that you review this document once it becomes public. If you have difficulty finding the document, please feel free to contact me after November 14 and I will provide you with the policies that appear to apply to your project once the Crown Prosecution Manual is made public.

Good luck with your project.

Yours truly,

Todd Norman
Crown Attorney - Hamilton



Appendix H: Letter of Rejection – The Office of the Mayor for John Tory

Interview Request

📎 1 ▾



Mayor Tory <Mayor_Tory@toronto.ca>

Wed 1/31/2018, 9:49 AM



Hello and thank you for your email regarding your request to interview the Mayor. Unfortunately, due to the large number of similar requests to our office, we are unable to accommodate your request at this time.

Thank you again for taking the time to write. Please accept the Mayor's best wishes for a successful project.

Sincerely,

Mayor's Administration



Appendix I: The Office of the Ombudsman – Initial Interview Acceptance



Ashley Bursey <abursey@ombudsman.on.ca>

Fri 9/22/2017, 2:17 PM



Good afternoon Ms. Marshall,

Thank you for your email. Could you provide a few more details about your request (for example, your deadline, some of the questions you'd like to ask, etc.)? This is an extremely busy time of year for us and it might be a challenge to find one to two hours for an interview, but we'll try to assist.

In the meantime, have you had a chance to review our report, "The Code"? It's related to the 'code of silence' amongst correctional officers, but you might find it instructive. Our Office has also published two recent reports related to policing, which may peripherally inform your research – "In the Line of Duty" looked at how the OPP and government address operational stress injuries affecting police, and "A Matter of Life and Death" examined the government's training for police to de-escalate conflict situations. All reports can be found here: <https://www.ombudsman.on.ca/Resources/Sort-Reports.aspx>

Best regards,

Ashley Bursey

Manager, Communications | Gestionnaire des communications

416-586-3521

abursey@ombudsman.on.ca



Ashley Bursey <abursey@ombudsman.on.ca>

Thu 10/26/2017, 2:40 PM

Sarah Marshall



 | Action Items



Good afternoon Ms. Marshall,

My apologies for the delayed response. The Ombudsman will be able to meet with you for an hour to discuss this, if you're still interested. Please provide me with some available dates in late November or early December.

Could you also kindly send a list of questions ahead of time? This will help us ensure we have the relevant information to answer your questions.

Thanks very much,
Ashley

Ashley Bursey

Manager, Communications | Gestionnaire, Communications

abursey@ombudsman.on.ca

416.586.3521

Appendix J: The Office of the Ombudsman – Information about the Ombudsman’s role



Ashley Bursey <abursey@ombudsman.on.ca>

Thu 9/28/2017, 12:40 PM

Sarah Marshall ✉



Hello Ms. Marshall,

I just want to clarify one point. Our office does not have jurisdiction over municipal police (although we do oversee the Ontario Provincial Police). We do oversee the government's training of police, though, as well as the Special Investigations Unit, which is perhaps what you're thinking of, such as in the reports I noted below. The current Ombudsman, Paul Dubé, has also called for oversight of all police oversight bodies in Ontario.

Please let me know if you are still interested in an interview.

Thanks,

Ashley Bursey
Manager, Communications | Gestionnaire, Communications
abursey@ombudsman.on.ca
416.586.3521

Appendix K: Letter of Rejection – The Office of the Ombudsman

From: Linda Williamson <lwilliamson@ombudsman.on.ca>
Date: November 30, 2017 at 3:15:05 PM EST
To: "sm11iv@brocku.ca" <sm11iv@brocku.ca>
Subject: Re your request for interview with Ombudsman

Dear Sarah,

Thank you for your interest in the Ombudsman's work, and for sending your list of questions to us yesterday. We greatly appreciate this, as it gives us a chance to clarify our office's role to you with regard to your subject matter.

The Ombudsman and several members of our senior team reviewed your questions. Unfortunately, we found that most touch on matters that are outside the scope of our office's work and ask that the Ombudsman comment or give opinions on these matters.

Based on this, the Ombudsman has decided to decline your request for an interview.

We have also reviewed your questions and, where possible, provided some written responses (attached). We hope this helps explain why an interview would not be practical.

As noted to you earlier, the Ombudsman does not have jurisdiction over police conduct. More importantly, his role is as an impartial, independent officer of the Legislature. The Ombudsman conducts investigations and makes findings and recommendations based on evidence; he does not comment or speculate on matters that he has not investigated.

We can see from your questions that you have taken the time to review several of our office's reports. These reports speak for themselves, and you are of course free to use them in your research.

We hope this is of some assistance to you, and that you can understand our office's position. We wish you all the best with the rest of your project.

Sincerely,
Linda Williamson
Director of Communications | Directrice des communications
Office of the Ombudsman of Ontario | Bureau de l'Ombudsman de l'Ontario
1-800-263-1830 - Complaints Line | Ligne des plaintes
1-866-411-4211 - TTY | ATS
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Appendix L: The Office of the Ombudsman – Response to interview questions

Sarah Marshall – proposed questions

1. In the Ombudsman Report *The Code* from 2013, former Ombudsman André Marin claimed that the Office of the Ombudsman received over 350 complaints about unreasonable force in provincial correctional institutions, as well as instances where correctional staff attempted to cover up this behaviour. Due to the degree of wrongdoing, the Office of the Ombudsman launched a formal investigation which resulted in this report.

- 1. What is the degree of complaints filed about police officers or services in comparison to correctional institutions?**
- 2. Do you believe that the abundance of instances of police misconduct and excessive use-of-force warrants a similar investigation into policing practices?**
- 3. Do you expect to conduct such an investigation in the future?**

As you know, complaints about police conduct are not within the Ombudsman’s mandate. They are handled by the Office of the Independent Police Review Director (OIPRD). Although police are outside of our jurisdiction, in fiscal 2016-2017, we received 271 complaints about municipal police services, and 121 about the Ontario Provincial Police (see the Ombudsman’s 2016-2017 Annual Report, p. 18). We could not investigate these complaints and are thus unable to offer an analysis of the nature of them as compared to the 3,998 complaints we received about correctional facilities in fiscal 2016-2017 (see the same Annual Report, p. 20).

We cannot answer questions 2 and 3, as the Ombudsman does not speculate or comment on matters that our office has not investigated.

2. In the Ombudsman Report *The Code* from 2013, it is stated that prison guards “are required to exercise their authority humanely and lawfully” and that “using greater force on inmates than is necessary to gain control ... is considered excessive and unreasonable”.

- 1. Are prospective guards screened for their decision making abilities and their capability to judge appropriate levels of use of force? The Ministry of Correctional Services Act specifically refers to situations where correctional staff may use force, such as: to “maintain order” or “control a rebellious or disturbed inmate”. These are relatively vague terms.**
- 2. How would consistency be ensured among guards when determining use of force?**
- 3. What degree of discretion do guards and/or police have relative to deciding “necessary” force?**

The report *The Code* sets out the scope of that investigation, the evidence gathered, and the Ombudsman’s findings based on that evidence. These questions are beyond that scope and might be better addressed to the Ministry of Community Safety and Correctional Services.

3. The use of surveillance footage was critical to holding correctional staff accountable for their actions by dismissing them or through means of discipline. As a result, the previous Ombudsman recommended that correctional facilities should enhance both the quality and quantity of surveillance cameras to ensure maximum observation to reduce opportunities for unobserved attacks on inmates. Police officers often do not work under similar conditions of surveillance.

- 1. Does your office have a public stance on body worn cameras for police officers as a tool for reduction of misconduct and an increase in accountability?**
- 2. What do you see as the strengths and limitations of body worn cameras?**

Body-worn cameras for police are addressed on pages 75-76 of the Ombudsman's 2016 report, *A Matter of Life and Death*, regarding his investigation into the direction provided by the province to police services for de-escalation of conflict situations. He recommended (Recommendation 18) that: "The Ministry of Community Safety and Correctional Services should actively monitor ongoing police pilot projects in the use of body-worn video to assess its value as an accountability and de-escalation tool." All of the Ombudsman's recommendations were accepted and he will report on the Ministry's progress in implementing them in forthcoming Annual Reports.

4. There is a profound lack of confidence in police, as demonstrated by the increased use of video and voice recording police-civilian interactions.

- 1. What are the strength and limitations of direct exposure of police misconduct?**
- 2. Do you think increased use of recording is having an impact on increased complaint filings with the Office of the Ombudsman?**
- 3. Separate from whatever impact civilian recording of interactions is having for filing complaints, do you think it is having an impact in the reduction of police misconduct?**

As noted previously, we cannot answer these questions, as they ask the Ombudsman to comment generally on matters that are beyond the scope of our work and mandate. (The premise of the second question is also inaccurate, as complaints to our office about police conduct have not increased, and they are not within our jurisdiction.)

5. The report states that the Office of the Ombudsman gave the Ministry of Community Safety and Correctional Services numerous opportunities to make changes to its policies and procedures following many years of complaints. It was only after the Ministry reviewed the instances of complaint and failed to make these changes in a timely manner that the Office of the Ombudsman launched its own investigation.

- 1. When the Office of the Ombudsman receives complaints about a Ministry or institution, is it common practice to allow that agency to investigate itself and review its own policies?**
- 2. As the current Ombudsman, at what point would you step in and launch an external investigation into a Ministry or institution?**

Most complaints to our Office are resolved without need for formal investigation. The Ombudsman can decide to launch a formal investigation if an individual complaint cannot be resolved, or based on several factors, e.g., if it involves urgent matters of health and safety, or if it appears to be a serious, systemic problem potentially affecting a large number of people. The Ombudsman is an office of last resort, and generally refers complainants to existing complaint mechanisms prior to becoming involved. The Ombudsman can review the effectiveness of those mechanisms and recommend reforms.

6. It has been brought to our attention that your office does not have jurisdiction over municipal police, although you do oversee the Ontario Provincial Police. As the current Ombudsman, however, you have called for oversight of all police oversight bodies in Ontario.

- 1. Why have you motioned for this change? What are the benefits?**
- 2. Why do you think this has not been done sooner under the previous Ombudsman?**

To clarify, our office oversees the administrative functions of the OPP, but not policing operations; the same goes for municipal police services. However, we oversee the Special Investigations Unit, and, if the newly-introduced bill known as the *Safer Ontario Act, 2017* (introduced in early November) is passed into law, the Ombudsman would also have jurisdiction over the province's two other police oversight agencies, the Office of the Independent Police Review Director (which will be renamed the Ontario Policing Complaints Agency) and the Ontario Civilian Police Commission (which will be renamed the Ontario Policing Discipline Tribunal). This change would mean the Ombudsman would be able to take public complaints about these bodies; not police services themselves.

Please see Ombudsman Paul Dubé's statement on the proposed legislation, as well as his original submission to Justice Michael Tulloch's Independent Police Oversight Review, here: <https://www.ombudsman.on.ca/resources/news/press-releases/2017/statement-by-ontario-ombudsman-paul-dube-on-announcement-of-new-policing-legislation>

7. The previous Ombudsman made a recommendation that correctional staff should have periodic training on diffusion of hostility, especially considering the large percentage of inmates with mental illness and special needs. In 2010, the Ministry introduced a training program for selected correctional staff, however, only about 3% of the front-line correctional staff in Ontario received this training.

1. **How important is this training to you and your office? Do you think this training should be a priority?**
2. **Just because this training is provided, does not mean those trained will actually make use of what they have learned. How would compliance be monitored?**
3. **Does your office have a stance on formal education and what should be required of correctional officers or police officers prior to their hire?**

Our office's 2013 report, *The Code*, included 12 recommendations on training, including that all staff receive periodic training on diffusion of hostility (Recommendation 26). The Ministry of Community Safety and Correctional Services accepted all 45 recommendations in the report (in an appendix published in the report, it gave details on how it was addressing each recommendation at the time). The Ombudsman receives regular updates on the status of these recommendations, and reported in our 2016-2017 Annual Report (p. 23) that all but six have been implemented; these involve such things as installing enhanced closed-circuit video in all institutions.

The Ombudsman's 2016 report, *A Matter of Life and Death*, examines the direction provided by the Ministry of Community Safety and Correctional Services in police training (including that delivered to would-be officers at the Ontario Police College), with specific focus on de-escalation techniques. It includes several recommendations on improving and expanding training to ensure new recruits are equipped to deal with individuals who have a mental illness or disability, are under the influence of drugs, or are otherwise in crisis.

8. In one instance that was investigated, a manager "blew the whistle on her colleagues" when she witnessed unlawful force being used against an inmate at the Toronto Jail in 2011. This inmate was repeatedly assaulted by a correctional guard while other correctional staff stepped in to "exact revenge" when the opportunity presented itself. They then pressured the manager who witnessed the assaults to go along with a manufactured account of the events which would justify their use of force. She, however, chose to tell the truth. This resulted in the manager being condemned by her hostile coworkers for breaching their "code of silence".

1. **How important are whistleblowers to bringing instances such as these to the forefront of government and public knowledge?**
2. **Arguably, instances such as these occur far more than they are reported. Why do you think this? How can we support and encourage whistleblowers to come forward when the very act of doing so compromises their career?**
3. **Do you believe it is reasonable to assume that if the "code of silence" exists in corrections, it operates in a similar manner among police?**

The Ombudsman is not in a position to answer these questions, as they ask for opinion and speculation. However, with regard to whistleblowers, confidentiality of complainants is one of the hallmarks of the Ombudsman's office, enshrined in the *Ombudsman Act*. Because the office is completely independent of government, has strong powers of investigation and conducts investigations in private, whistleblowers are able to make confidential complaints to the Ombudsman without fear of reprisal.

9. As noted by Justice Tulloch, there is considerable controversy over whether oversight and investigative bodies, such as the SIU, OIPRD etc. should be comprised of entirely citizens, entirely retired police officers, or some combination of both.

1. Which of these do you believe to be the ideal system, and why?

Our office's 2008 report on the SIU, *Oversight Unseen*, made recommendations on how the SIU should improve the representation of civilians amongst its management and staff, and ensure former police officers did not wear pins, rings or ties to show their former police affiliation. The report did not recommend an "ideal system," and beyond that, we would not be in a position to comment on this.

10. When dealing with instances of misconduct, abuse of authority or corruption in policing or corrections, the "bad apple" narrative often emerges. In other words, misconduct is a reflection of the individual carrying out the behaviour, and not the institution they represent.

1. At what point do individual acts of misconduct become systematic in the eyes of the Ombudsman's office?

2. If a systematic problem is identified based on the frequency of complaints, considering what we know about the "code of silence" and how it operates to ensure silence is maintained, is the frequency of complaints an effective way to define a systematic problem?

3. What might a more effective tool of measurement be?

As noted, the Ombudsman does not have jurisdiction over police conduct, and thus could not conduct an investigation into police conduct. For matters that are within the Ombudsman's jurisdiction, several factors can contribute to a decision to launch a systemic investigation. These include complaint trends and volume, the nature of the problem and whether efforts at informal resolution have failed, and the urgency of or public interest in the matter. That said, an investigation can also arise from just one complaint, and the Ombudsman also has the power to launch an investigation on his "own motion," without a complaint.

11. The 2012 Ombudsman report titled *In the Line of Duty* discusses some of daily challenges that police officers face in the line of duty, such as "being exposed to brutal

murders, assaults, and shocking accidents; horrific sights, smells, and sounds.” This being the case, it is well documented that police officers develop a unique bond, a “brotherhood”.

- 1. Do you believe that this “brotherhood” could foster an environment conducive to maintaining the “code of silence”? In other words, is it possible that this notion that “nobody understands a day in the life of an officer” prevents other officers from speaking out when they witness cases of misconduct or abuse of authority?**

The Ombudsman is not in a position to answer this question.

12. *In the Line of Duty* (2012) also discusses how as a society, we expect our police officers to be tough. We would generally agree with this statement. While the report discusses how this is harmful for the mental health of police officers by hindering their ability to seek help,

- 1. Does this “toughness” have any implications for civilian interaction with police?**
- 2. Is this “toughness” praised in the policing community? Either formally or informally? (ie. by superiors or by fellow officers?)**
- 3. The average officer is expected to have a certain level of “toughness” in order to carry out the more difficult aspects of their job. Do you believe this “toughness” is instilled in officers as a part of their training at the Ontario Police College?**

Our office’s research and findings on police culture as it relates to operational stress injuries is set out in the report *In the Line of Duty*, and our research on use-of-force training at the Ontario Police College is set out in the report *A Matter of Life and Death*. The Ombudsman is not in a position to comment or speculate beyond what is in these reports.