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POLICE ARE THE PROBLEM

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How did a country dedicated to the protection of human rights get into this predicament? There are a number of reasons, but I will mention only a few of the most important.

First, the siege mentality induced by the prevalence of crimes of violence and by the so-called "wars" on crime and drugs produces an atmosphere in which concern for police illegalities is subordinated to the need to "get" criminals. The American public wants the crime problem solved by any means necessary, and they don't care much about what the police do as long as "criminals" are jailed and punished. The police understand this attitude--indeed, they encourage it--and get the message: lawlessness in law enforcement is acceptable as long it is seen to obtain crime-suppressing results.

Second, much of the lawlessness in law enforcement is kept secret or is by its nature practically unprovable because it occurs in the context of what sociologists call "low visibility" police behavior. That is, police illegalities typically occur under circumstances where there are no witnesses or where the only witnesses are "criminals" or low-lifes whose testimony will not be believed, especially if it contradicts the cops' version of the facts. This is why police interrogation of suspects in custody is incommunicado, occurs in the backrooms of police stations, and is not videotaped or tape-recorded. This is why police often beat up people in closed rooms in police stations and jails where there is no one present but them and the people they are mistreating. That the Rodney King beating took place in public (although late at night) only proves how confident police are nowadays that they may brutalize people and get away with it.

Third, like the Mafia, the police profession obeys a of code silence concerning illegalities committed by fellow officers. In the world of the police, a good officer does not report, tell on, or testify against a fellow officer who has abused a citizen's rights.

Fourth, police routinely commit perjury to conceal their crimes and violations of the rights of Americans. Every experienced criminal defense lawyer--and they are the ones who know best about lawlessness in law enforcement--knows that everyday police testify falsely concerning whether they hit or threatened a suspect to obtain a confession, whether the suspect consented to a search, whether they truly acquired

information from a confidential informer instead of by an unlawful wiretap, or whether they otherwise disobeyed the law. In the world of the policeman, the evil of lying in court appears justified to wage the war on crime, not to mention to save their hides from civil and criminal liability for their misdeeds. This is why articles appear in scholarly journals discussing the widespread police perjury. The terrible dangers of police lying under oath are compounded by the fact that, ironically, ordinary citizens (who sit on juries) don't know the problem exists and are inclined to believe the testimony of policemen before they will believe an ordinary citizen or an alleged "criminal."

Fifth, the criminal law in unable to cope with lawlessness in law enforcement. Criminal prosecutions of police for crimes against or violations of the rights of citizens are rare, convictions are extremely rare, and the punishments meted out are so light as to be a bad joke. There are exceptions, of course, but they only prove the general rule. Prosecutors, who work day by day with the police, are reluctant to charge their fellow soldiers in the war on crime, and are therefore notoriously lenient in dealing with police illegalities. Although every state has criminal laws aggravating the punishment for violent crimes committed against the police, there is an absence of laws aggravating the punishment for police who commit criminal acts of violence against the citizen. In California, the dozen or so police officers who stood by and picked their noses while Rodney King was beaten to a pulp are not being prosecuted because there is no law criminalizing their horrific indifference.

Finally, lawlessness in law enforcement is notably absent from crime statistics compiled by government agencies. Police agencies gather, keep, and disseminate massive quantities of data on crimes committed by citizens against citizens as well as crimes committed by citizens against police, but they do not pay any attention to crimes, illegalities, or acts of violence committed against citizens by the police. Take, for a specific example, citizen violence against the police. Annual official governmental statistics reveal in excruciating detail how many police are killed or assaulted in the line of duty, etc., etc. But they do not tell us how many citizens were killed or assaulted by the police; how many people died in police custody; or how many times police fired their weapons, struck citizens with blunt instruments, used chokeholds or stun guns, or had citizens bitten by large police dogs. How can a problem be dealt with if it is not even acknowledged in crime statistics? Indeed, one can read the federal government's Sourcebook of Criminal Justice Statistics, a huge volume published annually, and never know that American police ever committed a single act of violence, whether that violence was legal or not. The only available statistics on police illegalities are restricted in scope and gathered by private individuals who lack the resources and access of the government.

Many readers will be shocked by what I have said in this article. This simply proves my point about how cleverly the law enforcement establishment conceals the truth about itself. Because we are kept in ignorance, because we cannot see the Rodney King incident in perspective, we are shocked by the truth. But the truth must be told, even though it hurts and pains us. We can't grapple with the problem of police lawlessness unless we face up to reality, however grim and unpleasant it is. We can't think about the problem unless we know how extensive it is.

I can anticipate the criticisms that will be made of what I have said. The bulk of that criticism will come from the law enforcement community itself--police officers, police cadets, would-be police, and their lackeys, minions, and bootlickers. It will be powerful criticism: the law enforcement establishment grows bigger and more aggressive and more power-hungry everyday. In reading their attacks on my warnings remember this: the police have become part of the political right, a very dangerous thing in a democracy. On almost all issues they support the right-wing political agenda and the right-wing in turn supports them across the board (except when the police mistreat antiabortion demonstrators). The police establishment wants to curtail habeas corpus; they want to be able to use illegally obtained evidence; they drool in their support of the death penalty; they want more prisons, more police, more punishment--just like the far right. Of course, other criticism will come from cop groupies--copsuckers, as I call them--or even from fine, upstanding citizens who simply are misinformed and ignorant of the crucial facts.

First, they will deny the truth about lawlessness in law enforcement. That is always their first line of defense. I am confident the facts, however, are on my side, and that any fair investigation into police behavior will prove this. Insofar as the police themselves engage in denial, I ask you this: would members of a profession that routinely commits perjury in court tell the truth in a newspaper about the crimes and illegalities of their profession?

Second, they will claim that whatever problem exists is minimal and involves only a few "rotten apples." Again, the facts will, I am confident, show that I am right and they are wrong.

Third, they will talk about the good the police do--how many crimes they solve, how many people they help and protect, how many lost children they return to their parents, etc., etc. Of course I do not deny that police do much good. They are just as careful to make that information available to us as they are to suppress the information about their lawless activities. I am trying to make people aware not of what they already know, but of what the police don't tell them. My point simply is that all the good deeds in the world by the police do not cancel out, minimize, or excuse the illegalities they do commit. Of course they think it does. They figure that having

helped an old lady across the street--a lawful activity--they are justified in their lawless activities. But we should not be fooled.

Finally, they will complain of "police-bashing." But that is exactly what their profession deserves. They act lawlessly, inflicting untold harm; they subvert the Bill of Rights and constitutional rights; they condone and cover up their lawless activities; they lie about it; they get away with it; they deny it; they minimize it. The day no one excoriates them and the profession they have dishonored we will truly have entered the sinister police state Orwell predicted.

Fortunately, the truth about lawlessness in law enforcement has been slowly leaking out. The Rodney King video will hasten the process, I hope. Although the police have concealed the truth about what they have been up to, although most of us have been deceived for years, there have always been a few of us who through experience, reading, or conversation have known some of the ugly truth. That is why for nearly 200 years the police have been referred to as pigs.