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The Street Perspective: A Conversation With The Police

Patrick L. Baude, with an Introduction by James F. Gallagher

Introduction

Professor Baude's purpose in this discussion is to elicit police officers' comments on what members of the legal profession ought to know about the influence of the "street perspective" in shaping those officers' attitudes towards the criminal justice system and the role they play in it. It is police insistence on the broad validity of insights which only "the street" can provide that accounts for the considerable gulf between "front-line" enforcement officers and other functionaries in (and students of) that system. Law students (and no doubt lawyers) seem uncomfortable with the notion that our system cannot adequately be understood without reference to a body of knowledge unencompassed by case-book law. Enforcement personnel belittle any approach to criminal justice that demonstrates a slight grasp of matters intractable to the classroom. Impatience and resentment are common to both sides.

It will be my purpose to discuss one or two reflections (drawn from my own experience as a patrol officer) which seem to bear on the following material and to raise questions about some aspects of our present criminal justice system. That my answers to these questions might differ from those which many readers of this journal will reach is not important. I hope only to show that the questions themselves are legitimate, and that the "street perspective" criticisms of the criminal justice system do not necessarily imply police officers' ambitions to gallop roughshod over individual rights.

The discussion of courtroom difficulties connected with police use of informants focuses on a troubled area of contemporary law. Not all informants are the plea-bargaining "snitches" that frequent Kojak's beat. Many people, especially in rural areas, inform the police of suspicious activity because they know the local enforcement agency lacks sufficient manpower to patrol the area as thoroughly as it ought to be patrolled. Police reliance on the information volunteered by concerned citizens is essential to effective law enforcement in jurisdictions where large, sparsely settled areas cannot be watched adequately by the few officers a
limited tax base supports. Should the courts recognize a distinction between informants in these areas and the stereotyped "snitch" of a big-city "narc" working off his bust by turning in fellow offenders? Is the impossibility of protecting vulnerable, isolated informants from retribution at the hands of the criminals they help bring to justice wholly irrelevant to the issue? In a probable cause context such a distinction between the traditional police informer and an ordinary citizen who reports a crime has been drawn by some courts, and might be extended to the issue of anonymity. (see People v. Bevins, 6 Cal.App.3d 421, 85 Cal.Rptr. 876 (1970); State v. Paszek, 50 Wis.2d 619, 184 N.W.2d 836 (1971).) Under present law, however, citizens must assume that if they give the police information which leads to an arrest, then they will probably be identified as an informant. The very circumstances which lead the police to rely on a citizen's information in the first place—e.g. understaffing—preclude any assurance that the citizen will be protected from the consequences of informing, yet the alternative—"not getting involved"—shirks the responsibilities of citizenship. Should the fact that such an understanding of the system spawns the bitter, commonplace observation that "the crooks have all the rights" really surprise anyone?

The exclusionary rule also presents significant difficulties, as the following discussion makes clear. Cops understand the rule's rationale, but they do so in much the same way a contemporary college student might understand Aquinas' proofs of the existence of God—the logic appears unimpeachable, but the conclusion leaves real problems unresolved. The severity of these problems is felt most keenly in "the street". Is society better off when a pusher is set free because evidence which would surely have convicted him has been suppressed? The question takes on special meaning if the cop's beat includes a high-school.

The problems discussed in the following interview deserve more careful and tempered consideration than they have received. A number of officers feel (not entirely without reason) that to articulate questions like some of those raised here will be perceived outside police circles as a breach of some vague standard of decorum, and that to ask such questions in the urgent terms a "street perspective" teaches is apt to be regarded as a betrayal of authoritarian tendencies. It can only be hoped that suspicion and resentment will not choke off reasoned dialogue. This interview is one attempt to see that they do not.

**Baude:** To what extent have court decisions of the past ten or fifteen years made your work harder? In your experience has it been a case of new decisions making it impossible for you to do some things you think a police officer must be able to do? Or is it a matter of too little money and time and too few men and women to satisfy procedural requirements and still get your jobs done?

**Huntington:** In that light I think maybe you would want to go back past the 1960's because the concepts of the exclusionary rule go back to the Weeks decision. They bug me personally, but occupationally I don't think it's that much of a handicap. I see the court on one hand setting a sort of philosophical, if not ethereal, goal of truth and justice and it upsets me when the court looks at a bushel basket of heroin and says in effect, "it doesn't exist", it being the product of tainted trees and so forth.
I can understand their rationale for having come down with the decisions that say those things which are illegally acquired should not be admitted into evidence, if the court’s motive was to restrict the illegal activities that were being practiced by the police prior to that time. I question whether or not they really got the job done. I wonder why some system can’t be devised where you can prosecute the people who behave illegally, whether they be policemen or other kinds of criminals. I think that would serve the interests of society much better than looking at something, almost on its face an open and shut conviction, and saying society is better off having that criminal, that unconvicted criminal, back in their midst in the benign hope that the police will eventually learn that they cannot illegally acquire that kind of evidence. I would be more comfortable with the conviction of the police. If I burglarized your apartment and came up with evidence that would tend to convict you in court, I think both of us ought to pay the penalty. It’s just that way in my head.

Baude: Do you have any thoughts, Chief, how as a practical matter we could make it more likely that officers would be punished for excesses of zeal?

Huntington: No. I think if I had the key to that approach I probably would be the dean of the law school. That is going to have to be one brilliant program. I don’t mean to imply that I believe law enforcement is that restricted. We certainly have the message now. If we don’t do it according to the law, it’s not going to result in a conviction. Where I get upset with it is when the court looks at this thing and says that we’re interested in truth, but that object does not exist. That is very difficult for me to rationalize.

Baude: One charge against the Supreme Court’s decisions, particularly in search-and-seizure cases, is that they fail to lay down clear rules for the future.

Officers sometimes have to decide a question on the spot; the Supreme Court then considers the question years later and divides five-to-four over the issue, leaving the cop on the street still in the dark. Is that a legitimate complaint?

Huntington: Yeah, I think that is true. It would apply not only to search and seizure but to any of the street activities of the policeman. He may be in a situation that he has to respond to in less than a minute. He has to make a decision within a sixty second time frame. Then these same wise gentlemen will deliberate over the same thing for several weeks and then come down with a split decision. I don’t know what the cure for that one would be either.

I’m not really uncomfortable with the idea that the ruling might go contrary to the judgment that the police officer makes. Lacking any evidence that he has maliciously decided to do it one way, fine, sometimes you get the bear and sometimes the bear gets you. I don’t know anybody who walks on water in any occupation.

Baude: Another charge against some Supreme Court decisions is that they make it so difficult to convict clearly guilty people that officers feel justified in making up details—perjury in other words. When you watch municipal court it is striking how incredibly often addicts drop bags of heroin just as a member of the narcotics squad walks by. I know glassine is slippery, but . . .
Huntington: No, I better defer to one of the gentlemen who have worked more narcotics cases than I have. The only thing I would say in that regard is that I think any police officer who perjures himself, however minor it is, is a fool.

Cotty: I think that young policemen, rather than perjure themselves or take the time to get a search warrant in narcotics cases, will impound the narcotics and feel that they have at least gotten them off the streets, convicted or not. Years ago we didn't have to worry about that. Now these young boys are impatient. Besides, we have as many militant policemen as any other people in this society. If they can't see something done right away, they will make a decision to impound the stolen property or narcotics, mainly narcotics. It's not quite legal but they say that they are getting it off the street. They will impound whether they think about getting a conviction or not.

Baude: Do you think young officers think possession of drugs as serious an offense as officers thought it was ten years ago?

Ikerd: Other than marijuana, our boys feel it is a serious offense.

Baude: Would it surprise you if some young officers used marijuana themselves?

Ikerd: No, I wouldn't be surprised at all. In cases where I've made arrests for marijuana, I've had young officers ask me whether I've ever tried it. I say “no, I've never tried it”, but they say that they have just to see what the effects would be. I can't rationalize that. I know a lot of young people who have tried it and I know older people that have, just to see what the effects of marijuana would be.

Baude: Do you think experience with the drug may have affected their attitudes?

Ikerd: I don't know about that. But it's so plentiful. You never read in the paper where they are debating whether they are going to legalize heroin or not. I walked into a grocery store last night looking for a can of tomatoes and there was a bag of marijuana laying on the shelf. The stock boys were right across the aisle. I don't know what it was doing there, it was almost a nickel bag. I just picked it up and stuck it in my pocket. There was no use letting it lay there when I knew that they were stocking right across from me. It's so plentiful. It's no problem to get marijuana. I would be very surprised if my seventeen year old son hadn't tried it. I'd be very surprised. At his age I was trying beer.

Baude: Do you think the work of the police would be easier—and their relations with the public better—if there were no laws against marijuana for them to enforce? Or for that matter homosexuality and prostitution?

Huntington: Victimless crimes?

Baude: Yes.

Ikerd: There would be lot less of a load on the policeman. I don't know if it would be easier.

Cotty: I don't want to get into any argument over legalizing marijuana, but now, what you say about prostitution. I worked vice for a year and a half before I went to homicide and I know. There were four houses in Indianapolis. I'm not talking about the street walkers. I've never seen a house where a man ever got robbed, stabbed, rolled or anything else, but those street walkers are a different
story. Most of them have a habit and they end up stabbing somebody, rolling
them, taking their money, maybe a pimp hits them on the head.

As far as the legalization of prostitution is concerned, if you can confine it to
certain areas and if you can control those houses, I’m for it one hundred percent.
But I don’t mean those street walkers.

Baude: Some observers of police work have commented that how careful an officer
is depends on what crime he’s investigating. With respect to homicide, for example,
society thinks conviction is important and will not readily accept an acquittal the
police could avoid. But for vice, all the public wants is a headline about raids and
so that’s often all they get. Sometimes even the same officer totally changes his
outlook toward constitutional requirements when he moves from one detail to
another. Is there any truth to that?

Cotty: Yes. You hit it right on the spot. Of course a lot depends on who the
judges are, who the attorneys are, and what somebody wants to do for somebody
else. With a lot of the vice laws, if somebody said that you had better go take ‘um,
you took ‘um. If you had to sit there for ten hours, take a tire tool and bust a door
down, that’s what you did. We did it.

I can say that homicide is different. Last year we had only two unsolved, the
year before one, and the year before that none, out of seventy to eighty homicides a
year. People do watch that. If you start losing a bunch of cases then the paper is
on you and the public is up in arms. They’re violent crimes and they worry about
them.

Huntington: I think that the police feel that successful prosecution is far more
important in that kind of crime than it is in the business of hassling to keep the
heat down. It occurs to me that it might not be easy to get the police, as a group, to
agree that we need fewer laws or some victimless crimes decriminalized. There is
a pre-employment kind of selectivity in people who evidence an interest for this industry
that we are in. Without making it look like policemen are people who wear white
sheets while they’re off duty or have a Gestapo mentality, I think that with the
enthusiasm of wanting to do right, help the community and this sort of thing, there
is a tendency on the part of the younger police officer to look for as many laws
to enforce as possible and to think in score-board terms, the number of arrests as
being the real measure of their worth to the community that’s employing them.
At one time I was a real bear on one tail light out, because you can get a lot of them.

Ikerd: A lot of that has to do with where you break in. If you start in Marion
County [Indiana], like I did in ’55, you used the Magistrate Court. They wouldn’t
accept a non-moving violation and they wouldn’t accept an arrest if it wasn’t fifteen
miles per hour over the limit. You were limited in what you arrested people for.

Huntington: And were probably very frustrated.

Ikerd: That’s true, but I didn’t know any different. When I moved to Bedford
[Indiana] after three years up there and those guys were running twenty-five to
thirty arrests a month more than I was, I had to change my whole way of looking
at cars going down the road. It’s just how you’re trained. And it’s the same way
at the criminal end of it. If you have a judge or a prosecutor who isn’t willing to
accept a gambling violation, there's going to be more gambling, but you aren't looking for it. You are limited in what you can do. We had a fit when this rights thing came up, when we had to read everybody their rights. The first thing out everyone went off the deep end.

_Baude:_ What do you mean by "the deep end"?

_Ikerd:_ Well, the first thing you do when you stop someone, you have to get your little card out and say to him, "you have the right to remain silent...". Every time we talked to someone we did that and if a guy committed a crime he wasn't going to tell anything. Little by little the pendulum swung back the other way. You advise them of their rights when you get to the point that you are going to make an arrest, but all policemen just went off the deep end with it when that _Miranda_ ruling came out.

_Huntington:_ You didn't say hello to people, you read the card. The other thing I see happening in regard to _Miranda_ warnings now is backlash in the courts, particularly in a jury trial. If I arrest an individual for a misdemeanor, not a heavy case at all, and I've seen the crime committed in my presence, if he goes for a jury trial and gets a swift thinking defense attorney, in cross examination of me in court I'll be asked, "Did you ever give this man his _Miranda_ warning?" Because of media influence, particularly television, twelve people are going to set there and say, "Oh oh, Huntington did a no-no." Now I never asked the man a question. I had no intention of ever questioning him at all.

_Baude:_ That's actually happened to you?

_Huntington:_ That's happened locally. Hopefully the judge would not make a ruling or attach a great deal of weight to that defense mechanism, but juries will sit there and say, "Well, you didn't read that guy _Miranda._" The fact that he was stoned out of his skull and lying in the gutter where you couldn't have talked to him makes no difference. You didn't read him _Miranda_. Turn him free and chastise the policeman for not doing his job properly.

_Baude:_ How do you go about deciding when the time has come to give the _Miranda_ warning?

_Ikerd:_ Well, when the interrogation comes to the point that I think I am going to arrest him, then I'll go no further. Sometimes I know from the first that he is going to be arrested. Then I won't waste any time because when you read him that _Miranda_ warning ninety percent of them won't tell you...  

_Huntington:_ They won't tell you if it's September or October.

_Ikerd:_ Now, not actually. The people I talk to, especially a burglar, are more willing to talk. They have already committed twenty-five and they know that they are going to be tried for only one. They are more willing to talk to you now than when it first came out. They took advantage of it when the police went off the deep end. There was a long period when there wasn't anything getting done.

_Cotty:_ I don't think that we're having any problem in homicide investigations at all.
Huntington: Maybe the difference is the fact that in a homicide investigation you are seeing fewer hardened criminals.

Cotty: I tell you, on most of these homicides there usually isn't a witness to it. It's either a hold-up or a strong arm, somebody gets killed over narcotics.

Ikerd: Or a family fight.

Cotty: Right. About a month ago a man came out of a restaurant and was stabbed in a strong arm attempt. We knew that this kid did it. There were five other kids with him so we saved him till last. We got rights waivers signed by all the rest of them and tried to build the case against him on what they told us. When we brought him in we advised him of his rights and told him that if he wanted to talk, he had to sign the waiver. You have to make him think that you know what happened, that he tried to rob him, that you know he did it, that you have evidence to show that he did it, and that you just want to hear his side of the story. He wants to help himself, so after he signs the waiver he is going to tell you that he did it, but that he did it for a different reason. Miranda has made you more careful.

Huntington: It has just improved the technique.

Cotty: Right.

Baude: Have you had any problem with the rights waiver being thrown out?

Cotty: No.

Ikerd: I have. Our rights waiver was thrown out in Superior Court in an armed robbery case. We still got a conviction and it was upheld by the appeals court. But they threw our rights waiver out.

Cotty: We've got really good judges. Their attitudes are that if they feel the guy knows his rights, they aren't going to put him out on the street because they don't think that you did it the right way.

Baude: Chief Huntington, when you said Miranda has "improved the technique", did you mean it has made it easier to get a confession?

Huntington: No, I think that it's easier to get a conviction. The best way to approach an investigation, particularly in this area, is to make every move and every decision based on how it is going to sound in a court room six weeks, six months or six years later, and that means you have to clean up your act. You are more meticulous. You are more careful and not as inclined to almost subliminally mislead a suspect. That used to be a fairly common practice.

Ikerd: Do they still use pre-charges in Marion County [Indiana]?

Cotty: No, they don't.

Ikerd: They used to. We'd know that a guy committed a crime, so we would go grab him and throw him in jail and we'd have seven days to get the evidence. We charged him with a pre-charge—pre-robbery, pre-burglary—and we could let him go, but now you'd get sued. Now you get your case before you go talk to him. Even if you have enough, you have a probable cause hearing first, get a warrant, knock on the door and talk to him. I think we talk less now to the people who committed the crime and get evidence from other places and begin building the case there.
Cotty: If some of the young officers opened up a car and saw a couple of large screw-drivers, they would lock them up and charge them with reckless driving and pre-burglary.

Ikerd: We can run a check on a guy that was eighteen or twenty years old at the time and they've got a raft of pre-charges on him but never any convictions.

Huntington: I bet that if you examined the booking dockets in the Marion County jails from the early 1950's, you'd find on safe-burglary that four out of five of them would have some absolutely chaffey traffic offenses with them. It's two A.M. and a guy in a '48 Pontiac with the trunk about that far off the pavement is driving down the street. You just followed him until any little thing went wrong. You got out, threw him and the other thief in jail, pried that trunk lid up and there sat somebody's little Diebold safe that they've wheeled up and loaded up. You went into court and said that the guy is charged with failure to give a proper hand signal, second degree burglary and auto banditry. Back in the days of ten to twenty-five years for auto banditry it gave you a lot of latitude on plea bargaining. If you want two to five you can have it, but if we don't get a cop-out to that we'll try you on auto banditry, and that's ten to twenty-five. People said, "Woooo, don't like that prospect" and went real quickly to a plea on two to five. That was usually contingent on cleaning up the other little safes that you knew they had hauled off too.

Ikerd: It just takes longer to build a case now.

Huntington: We have to build it more carefully.

Ikerd: You just don't do that anymore, and like I said, when you finally get a guy, he's already committed twenty-five. I chased a guy for three weeks down in Lawrence County [Indiana] because I knew that he had broken into a house out in the county. When I finally got him in and he gave his statement, he cleared up twenty-five of the city's burglaries, but he hadn't been in the place in the county. He was seventeen. They had ninety-four burglaries in the city of Bedford [Indiana], that small city, in December. They were carrying them away and he gets off charged with one, and he'll plead guilty.

Cotty: Seventeen years old, they aren't going to do anything to him.

Huntington: Seventeen years old. It may be a few weeks and then he'll be back, maybe burgling again.

Cotty: That Miranda stuff doesn't bother me, but what bugs me is some of the search and seizure laws. I believe in protecting a person's rights and their castle, but some of the ridiculous things, like when you know somebody committed a murder. You have information that they ran into a house ten minutes before and that they used a knife. You have searched the immediate area for your own protection, you know it's there, he has gone from here to there, but if he's swung three rooms back in the house or down in the basement and hid it under something, somebody had better go get a search warrant. Stuff like that just bugs me.

Baude: What other search-and-seizure limits get in your way?

Cotty: Well, mainly stuff like that. Especially if you have been working a long time on something or if somebody tells you and you know it's there. Some little technicality and "boom".
Huntington: Most of the technicalities relate to time. In this university environment that I am currently working in, if a Residence Assistant who is an otherwise straight-arrow citizen, reliable person, comes by and says, "Hey, I just went up on the third floor of X dormitory and when I passed the door, I got a whiff of something sinful. I knocked on the door and told them that they had better knock that off, it's a no-no according to the university regulations and the law. I saw all the paraphernalia laying on the table and they just laughed at me and told me to jump up a down spout, or something." I know that stuff isn't going to be there thirty minutes later, but the courts are very apt to rule against me if I simply go over there, slam that door open and say, "Put it all back on the table." If I go downtown, with the almost insurmountable difficulty of requiring a court to issue on probable cause, hold a hearing and all that jazz, and assuming that this comes down at not a ridiculous hour like 4:00 A.M. but something far more reasonable, like 8:30 P.M., I might as well count on waiting until 8:30 A.M. before anything that says I can go into that place is handed to me. It's frustrating to know that people are acutely aware of the fact that they are able to use the restrictions we have to their own benefit.

Ikerd: And what is the first thing they do when you get the search warrant and get into court? Where do you get attacked? The legality of the search warrant!

Huntington: Sure.

Cotty: Right.

Ikerd: Ninety percent of the lawyers who are prosecuting attorneys are right out of school and it's difficult for them to draw up a legal search warrant.

Huntington: Maybe we are going to have to break in a whole new system.

Ikerd: Another thing that bugs me is reliable informants. Now you have to prove that a man is a reliable informant to get a search warrant, but how does he become a reliable informant? You have to have used him before. Then you get the search warrant and they pick it apart. If you lose your evidence on the search warrant, you have lost your case.

Cotty: Telling about reliable informants, we had one to go to trial about eight months ago. You talk about black radicals, the ones that held up a pawn shop on the avenue last year killed a man during the hold up, the pawnshop man. There were four involved and we brought a couple back from Ohio and a couple from California. In that trial the black detective who made the arrests on them brought in his informant on how they got the license plate number, gave it to him and so forth. Of course they wanted to know who the reliable informant was and they were going to put that detective in jail if he didn't tell, so he said, "Mary Jones". The attorney wanted to know Mary Jones' address, so the judge made him tell that. "Well, I don't know." "How did you use her?" "She usually hangs around north Indiana Avenue." "What does she look like?" He gave a description and the judge allowed all that. He made him give a name, so he gave "Mary Jones". In other words, the attorney wanted to find out who she was to get to her.

Ikerd: Well we have the same thing with this informant on this car theft ring we broke down in Kentucky and southern Indiana. We used a reliable informant for the search warrant, he was in the ring and he has 42 years hanging over him now in
Louisville. So things have narrowed down now to where they know who he is. There might be some attempts on his life because he has some big boys tied up. But we did not name him, we got by without naming him. Now they have got a discovery motion and we will have to go in with our evidence. The Feds have got him salted away now and we can use him, we can use his name. They have given him a new name and everything. But we were going to have to bring him out in the court. The judge has said that he wants to talk to him, he wants his name when the time comes.

Huntington: I think that kind of inhibition goes all the way through the criminal justice system. I don't know any prosecutors that have been around this county for the last thirty years were anxious to lose a case. I don't know any judges that are delighted at the prospect of having a reversal. And again, a few years back it was fairly common for a judge to exercise what I would regard as perfectly normal reasonableness in taking judicial notice of something. If you walk in on a homicide investigation and say that that was a 34 3/4 inch door in width and the defense attorney asks, "Was the tape measure that you used submitted to the national linear standard?"; the judge will quickly, and reasonably in my estimation, say, "Hey, get out with that. Unless you can bring evidence that they used something inaccurate I don't want to hear any more of this." But in the matter of search warrants, it's different. In 1970 (I can talk about it because I wasn't employed yet) we got a search warrant to search two male-occupied dormitory rooms. Now in those days the two wings, the two towers of that dormitory, were separated according to gender. One was the female side and one was the male side. We did not specify in the search warrant "A" or "B" building. I think it would have been perfectly ethical, since the names of the occupants were on the warrants, for the judge to take judicial notice of the fact that these are male names. Any reasonable person would have searched first in the male quarters, and we did. Again, back to the exclusionary rule, we came up with the items we were commanded to search for. I'm sure that it is frustrating for the judges too, to have to sit there and say "Well, yes, but I don't want a reversible error coming out of my court room."

Ikerd: I had a murder trial in Lawrence County [Indiana] where the guy killed his three kids. He walked into the Seymour State Police Post and told the first sergeant "I have killed my three kids" and they wouldn't allow it in court because he wasn't advised of his rights. He walked in there, no one knew why he walked in there, but he said that he wasn't advised of his rights. So that was thrown out. Nobody asked him. The jury found this guy guilty of three charges of voluntary manslaughter. He killed a one, three and five year old kid. I was in Florida, and they called me home to testify for it. They excluded everything you tried to get in. The foreman of the jury, a guy to whom I didn't speak for three years after this, explained it to me. They thought he was crazy. I said okay, if the guy was crazy, he should have been committed to an institution. But, I said, he could not possibly have been guilty of voluntary manslaughter. He was either guilty of first degree murder, or he was crazy, or he was not guilty. I mean if you thought he was crazy, you should have said that. A lot of jurors don't like to give a load, so they go for the lesser.

Cotty: I think that a lot of it is on your judges and prosecutors.

Huntington: The problem is with their inexperience and the system that we use that says, basically, if you are elected prosecutor next term here, you are going to
have to, by trial and error, pick up on the things that your predecessor will have presumably learned in the four-year interim.

Ikerd: Yes. When you get a young prosecutor, you of course have defense attorneys that have been there 25 years against the young prosecutor.

Huntington: And probably, if they're good ones, they started as deputy prosecutor. They have made all the mistakes they are going to make.

Ikerd: Look at this problem. I sympathize with you on the prosecutors, but that is who we always elect.

Baude: Do you think it would be possible to change? Would you think it would work better if we changed the way in which prosecutors were selected?

Ikerd: Well, a good defense attorney could probably make $100,000 a year. And a prosecutor, I don't know what our county pays, $12,000 to $14,000, I imagine. So you can see . . . .

Huntington: I think that the only way you can change it would be to put the salary so inordinately high that the tax base wouldn't carry it.

Baude: How do you feel generally about the role of politics and political officials in police work? We've talked about the prosecutor, who is a key person for law enforcement, and of course political. Do you all think that is a considerable problem? Do you have any other problems with political officials' getting in the way of your doing your job?

Cotty: Are you talking about politics within the police department itself?

Baude: If you like, go ahead . . . .

Cotty: I don't think there is a politician dumb enough to tell me to lay off something. But I can say this, there's still politics. Our department's got eleven hundred men. There's politics, I'm not going to sit here and tell you there isn't. If somebody tells you it's a million dollar marriage, they're giving you a lot of crap. That's all they're telling you. The way I look at it, I don't care if a man's a Republican or Democrat. I believe in the way he thinks and the way he does his job. But all ranks up through Major are permanent. Sergeants, Lieutenants, Captains, Major. The Deputy Chief and the Chief are appointed by the Mayor, so you figure every four years, if the Mayor changes, they're changing. There's politics all right, but I think it's getting better. I know when I came on, almost twelve years ago, it was really bad. Most of the guys in power now don't care about you being a Democrat or a Republican. They more or less care about how you work. Sure, there's a little heat from the outside, 'cause the voters put the Mayor and the Board of Safety in. Somebody goes to the Board of Safety and says I want so-and-so promoted. So you're going to have a certain amount of it.

Ikerd: I don't think you get into politics much in homicide. You get politics in gambling, prostitution and in vice. It's just like this pari-mutuel bill they're trying to pass up here now. A lot of people just don't see anything wrong with gambling and prostitution. Say we bust fifty people in a gambling raid. While you're printing and mugging all of them, taking them to jail and they're getting ROR'd,
they're back out to the tank picking their friends up who haven’t been processed yet. So judges and prosecutors don’t feel that strongly about gambling. You’re going to get politics involved because you’re liable to pick up a politician in your raid sometime. But in a homicide investigation, a burglary or a robbery—the serious felonies—I’ve never had any trouble like that.

_Huntington:_ It’s improved a lot in recent years, but we have a long way to go yet, too. All the Republicans in one administration have gold badges and all the Democrats have silver. If you get a mayor in that happens to be a Democrat the next time, take yours off and just exchange. No merit and no consideration. It just doesn’t work that way any more. I think the tendency is to get further and further away from it. But I think that tendency is a response to pressures within the community. It certainly isn’t particularly to the advantage of a politician to work it the other way. A politician makes more points by showing the public a good result than by a patronage promoting of one man. I think the public has wised up to that and probably would take a very dim view of a politician who gets himself elected to whatever office and says, “Okay, all the Republicans go downstairs now and all the Democrats come up, or vice versa.”

_Ikerd:_ Shortly after I came on, when a governor changed, and even if a Republican changed for another Republican, they cleaned house all the way down to the Sergeant’s level. And now we change superintendents and that’s about it. They’ll take you individually now and if you foul up, and you’ve made mistakes, they’ll take you individually and change you, but a wholesale change, it’s just not done any more.

_Huntington:_ Used to be a slaughterhouse years ago, but boy that’s improved tremendously. In the larger departments first, and now it’s getting down into the smaller departments. I think maybe still there’s a lot of room for improvement.

_Cotty:_ I’ve only got one complaint now. Some of the guys shouldn’t be where they are and you can’t do anything about it. In fact, you aren’t gonna bust a man. The chief knows it and the mayor knows it, and let him try it. They busted one about six months ago. Took it to superior court and the judge already has reinstated his back pay and rank. Now it’s too hard on some of them.

_Baude:_ Since we’re talking about the importance of merit, I’d be interested in your view of what the ideal police officer would be. In hiring a young officer for the force, what do you look for?

_Cotty:_ I look for a guy with some common sense and some pride. I want to treat somebody the way I want to be treated. I want some guy to have some common horse sense and know what the hell’s going on on that street out there. I want someone who’s been out on that street who knows what’s going on. I want him to treat somebody the way he wants to be treated. I don’t want anybody to run over him. That’s the main thing that I look for. And when someone wants to come from the uniform to upstairs, that’s what I look for. A guy that don’t know it all.

_Ikerd:_ It used to be that they’d hire the biggest guy in town.

_Huntington:_ Right. Neanderthal with an I.Q. lower than whale dung.

_Ikerd:_ You want a guy whose sharp but we’re getting to the place where high school grades don’t matter as much as they used to. A boy in high school, unless
he's unusual, doesn't hit it too hard. And if you go in there and look at his high school grades and he makes C's all the way through school any more. You've got some outstanding people, intelligent, but we don't want a guy with a 300 I.Q. being a policeman because, like you say, he doesn't have any common sense. He'd get killed the first night out on the street.

Cotty: Thugs don't think like he thinks.

Huntington: I think you've got another problem here, too. If that kind of I.Q. were possible in the closed system (that seems to me to be a description of police work generally), you haven't got enough to occupy him. We're pretty much 19th century in our approach to bringing someone into the system. If a constitutional lawyer, a professor in the University, comes to the police squadron to discuss the kinds of issues we're talking about here, I'd almost guarantee you that every notebook in the place is gonna slap shut on the theory that: What can he teach me? He never rattled a door knob in his life. And they kind of refuse to look around and say "Well, how much do you have to know to rattle this door knob?" I can take any ten year old kid and teach him that. You might have a lot to offer, but we tend to occupationally reject expertise simply because it has no foundation within the system. That's tragic, but I see changes in that direction.

We're in a very novel situation here in the University police system. The state police and most, if not all, of the municipal police organizations in Indiana are basically looking for someone who's going for a career. Suppose a 22 year old male, who must under state law have at least a high school education or its equivalent, makes application to the University Safety and to X municipal department nearby. His background will show you that he's healthy, he's well respected in his community, he graduated from a small high school six years ago, where he made slightly above average grades and has since been in some relatively blue-collar occupation. He can come to a municipal agency and say, "Look, I'm healthy, I'm clean, I'm morally upright, and all that jazz, and I want to be a policeman, and I want it for a career occupation." He is very apt to be selected over someone who is the same age with a baccalaureate degree in forensic studies, who says, "Really, I'd like to get a gut feeling for this kind of work and maybe pick up a master's degree or get into law school or go on to something big." The municipal doors are pretty much slammed in his face because they're looking for somebody who will cover a twenty year time span. In our operation, we're just turning that around. I would rather have someone who is perhaps superbly qualified, for two or three years (and have ten such persons covering that 20 year time span), than take someone who's marginally qualified covering the same 20 year span as a lone individual. One of the things I would look at in that situation would be simply this: If he's a graduate of a small rural high school, that means he's never gone to school with a black person. It means he has probably a very nasty stereotype view of what college students are, the population we're dealing with around here. (We all know that they are bearded Communist queers who have hypodermic needles hanging out of all the veins in their bodies. Of course students do the same stereotyping of police officers. He's got an I.Q. that's dismally low, his knuckles drag on the ground and he gets orgasmic at the prospect of beating somebody's brains out with a huge stick. You can look around at any of the police departments we're talking about and have a lot of difficulty identifying that
individual. Just as much difficulty as you would finding a student to match the cop's stereotype.

**Baude:** Why does one become a police officer? What drew each of you to that work?

**Ikerd:** Well, my dad was a policeman in Bedford [Indiana] and retired a month before I went on the state police. But I didn't know a damn thing about police work, and hadn't cared anything about it. I tried every job they had while I was in Indiana Limestone Co. from the quarries to the mills. Some of these guys tell you they left high paying jobs to become a policeman, they took a pay cut. I didn't. I worked twelve hours a night and was wet all night, running a diamond saw or poking around in gangs, and I couldn't see that as a future. I thought the state police department was an opportunity for a career. I didn't know anything about police work.

**Cotty:** Well, I did mainly because my dad had been on the Marion County [Indiana] Sheriff's Department for about 12 years. Of course I'd been acquainted with this growing up, and when I got out of the service, school had already started, so I went to Eli Lilly to work. It's a fine place to work; it just wasn't my bag. I got sick of working seven to three, coming home, getting up the next morning, going back in, working seven to three, just wasn't my bag. So when I got accepted, that's all I wanted to do. A lot of my friends said, "What do you want to work the weird hours you do for? Put up with all this crap in the newspaper you read about?" I'm happy; I can't wait every day to get up and go to work. That's the way I am.

**Baude:** Do you think police work is dangerous? Is that a drawback?

**Ikerd:** There are a lot of drawbacks. I think most kinds of danger are brought on by themselves, by being careless. For years we stop cars at night, and we stop cars at night, and you go on and on and on, and you get a little careless. I think that's when you get hurt. I never had to draw my gun on anyone that had a gun. There were times when I thought that they did have one.

I'd say driving on the highway chasing tail-lights is the dangerous part of it. Looking at other professions, I've been very satisfied with mine.

**Huntington:** I think the antecedent influence is demonstrated by these two cases and by mine too. My father was an attorney for ten years in the prosecutor's office here. I had uncles and cousins all over several counties in this state who had been in law enforcement. I also had a very close personal friend with the state police who was killed just a few months before an opportunity opened downtown, and I thought, "Hey, I'll get in and hit a lick."

I think that in a general view of the personalities who are apt to enlist rather than be recruited, you've got two people. One is the kind of guy who says, "Gee, if I can get that, I can sit quiet for twenty years and be pensioned." They're not a very good prospect for you. And the other person is the one who thinks it's just damned interesting work. I'd go squirrelier than hell if I had to sit in a factory and put the same two parts in something that's coming down the line, eight hours a day.

There is a certain kind of personality which is attracted to police work because of the variety and the uncertainty which involves danger. But an actuary table
sends it isn't really that hazardous. I'd a whole lot rather pay the premiums on an accidental death policy for a policeman than I would for a travelling salesman who's on the road six hours a day.

I couldn't stand to be a fireman, it isn't just hero worship or public service that is attractive. If I had to stay twelve hours in the same room with you people, I would be up the wall. But firemen have to live like that. Besides which—just to slam somebody else for a change—how much do you have to know to climb a ladder and squirt water.

There's an intellectual challenge to police work.

_Cotty:_ You were talking about brilliant people and so on. Last year they brought in a great new Chief to try to show that the department wasn't as bad as the papers were saying. But there's still one thing that a street policeman will think, "What the hell does he know about being a policeman? Has he ever gone out in the street and shook a guy down at three o'clock in the morning? Had to shoot him, has he ever?" This is instilled in every patrolman in uniform, this is their way of thinking. This is just a feeling within the department itself. What the hell does he know? Has he ever had to go out and do it?

_Huntington:_ I know your Chief. I have the highest regard in the world for his integrity and I know that he never wrestled a drunk in his life in all probability. He's never been in a high-speed ninety-mile-an-hour chase; but the guy is intelligent, he's dedicated, he's honest—all the qualities we ought to be looking for. Most of the resistance you'll find to him as an administrator of that particular agency are along the lines that he didn't do it at two A.M., in the dark alleys with a flashlight.

_Baude:_ If you could each change your own police departments in one way, what would it be?

_Ikerd:_ Well, I'm not qualified for that, I'm just a Sergeant.

_Huntington:_ You're a Sergeant in what? Five, eight hundred men?

_Ikerd:_ Eight hundred.

_Huntington:_ I'm the administrator over 74 men, or 74 persons.

_Ikerd:_ Well, you can change yours then, right?

_Huntington:_ Ah, no I can't. You'd be surprised, sometimes I think the patrolmen could be more effective in having high impact changes than the administrator.

_Ikerd:_ I've probably said a thousand times I'd like to be superintendent for just one day.

_Baude:_ And what would you do?

_Ikerd:_ I don't know what I'd do, there's not much I can do. Everybody hangs on to their jobs no matter what or who is changing.

_Cotty:_ I know what I'd change.

_Baude:_ What's that?

_Cotty:_ I'd end all the damn paperwork and the petty-ass crap on complaints and get back to stopping crime. That's my biggest gripe right now.
Ikerd: And I don't think there's any way of stopping it. Every time we stop one piece of paper that we have to write, they replace it with two.

Cotty: Had a guy yesterday, had a 45 dollar accident on a city vehicle. Took him two hours to do the paper work, because of a 45 dollar dent on a city vehicle. You go out here and you have to fight a guy. three o'clock tonight. He jumps you, you use your night stick on him, send him to the hospital arrested. You have to have a Lieutenant making specials, you make specials, all kinds of paper. Because a guy jumps out of a car and starts fighting you. In other words, you've pulled him off the street for two hours, on a late shift when the burglaries are happening.

Baude: This is paper work--largely internal police department paper work?

Cotty: Right. And to satisfy some of the people outside.

Baude: Like?

Ikerd: Press.

Of course everybody monitors everything now. That's another one of my pet peeves. The newspapers monitor calls and they've got one of our call cards up there. They know what all the calls are. And you'll go out to a homicide.

Cotty: They beat you.

Ikerd: They not only beat you, they want the whole story. And if you won't tell them, they'll call the Captain and they say, “He won't tell me anything.” Before you ever get a chance to get involved or find out what happened yourself.

Cotty: The newspapers and radio stations have got one large press room on our first floor. They've got our teletype machine. When a uniform officer makes a report, they've got one of them in there so they see every teletype that comes up. Then the people outside are raising hell because something is in the newspaper.

Huntington: If you arrive at the scene of the crime, particularly a major crime, you are preceded by members of the media who are rolling around with the same kind of receptive radio gear that you're carrying and beating you to the place. They're interviewing the witnesses and are really roadblocks. Reporters, as the late Alfred C. Kinsey so aptly and profoundly described, differ from the scientist in that the scientist is always looking for the qualified statement. And the number of times you can wind up with a mile long paragraph in print and under quotes with your name preceding and following that statement and none of those are phrases that you said. “Wouldn't you say that this is the worst butchered up body you ever saw?” “Huh?” “George Huntington said today that this is hands down the most heinous crime in his long career and blah blah blah.” It does nothing but hamper and impede what we believe our goals to be.

Ikerd: We got a deadline. We got to get this in, that's what they argue.

Huntington: Well this and that on your deadline. And boy are you going to get lambasted. They'll take you apart.

Ikerd: But then we've had reporters pass one of our men on the way to an accident. Beat him on the way to an accident.

Huntington: Heaven help you if you give that guy a citation. And you could.
Ikerd: Then you read the same accident that you worked in the paper, and you don't recognize it as being the same accident that you were working. The thing that really bugs me, other than their wanting the story right now, is that they talk to witnesses and that really can mess your case up.

Huntington: If they print those statements there's a legal consequence, you have to transfer the damn case to Nova Scotia.

Baude: Do you think it's fair to say that the newspapers are a greater threat to efficient law enforcement than the Supreme Court is?

Huntington: They're as great in my judgment.

Ikerd: A lot of them are.

Huntington: I don't want to generalize and say that every reporter is a flaming anal sphincter or something, but they sure as hell bug me.