

Friday, May 9, 2008

### **Stop police abuse now by shrinking the criminal justice system, disciplining cops, and maintaining compassion for them.**

Â Bill of RightsÂ (From public domain.)Â Praised be the inventors of videocameras, right into today's generation of lightweight, small, inexpensive digital cameras. Without such cameras, more rogue cops would get away with lying that a suspect's face got rearranged merely because "he struggled with the cuffs, lost balance, and landed on the tip of my boot, then bounced off the tip of my boot onto my fist, and, by some strange happenstance, this got repeated seventy-three times until he finally landed nose-first on the pavement below. Having eaten some greasy finger food earlier, I was unable to catch him to break his fall. We then processed him and took him to the hospital." Â Praised be the Fox news videographer who last Monday captured and released footage of Philadelphia cops beating three crime suspects who do not appear to be resisting nor fighting back. The story is here, and the video is here. This video joins the many other police beating videos I have posted on Underdog. Â Are there good cops? Yes. Are there too many bad cops? Yes. How do we get more good cops and fewer bad cops? It will not happen until the criminal justice system is tremendously shrunk at all levels through reducing the number ofÂ cops, prosecutors, judges, jailers, probation and parole agents, and pretrial services staff. Then, the cream of the crop can be hired, and resources won't be overly-thinned to sufficiently train, supervise, pay, promote, and remove them as necessary. How best to shrink the criminal justice system? As I have said so many times, it is as simple as legalizing marijuana, prostitution, and gambling; heavily decriminalizing all other drugs; and focusing drug prosecutions more on drug treatment (notÂ drug brainwashing, but helping peopleÂ kick the habit)Â than on jailing. Of course, as the Washington Post reports, fiscal tightness can also shrink the criminal justice system, as seen by the early release of thousands of inmates nationwide to alleviate government budget crunches. Â On a related note, as a criminal defense lawyer, it is particularly necessary for me to treat each cop -- and everyone else -- on his or her individual merits as a human, even if I strongly believe the cop is one who strays into beating suspects, planting drugs onÂ suspects, and lying in court. For one thing, my suspicions may not be correct or may be exaggerated. For another thing, cops, being humans, are more willing to speak to a genuinelyÂ understanding, informalÂ and open ear than to an accusatory finger. For a final thing, even the most atrocious humans -- within certain limits -- can become better people, and I wish to contribute to such a vital development. Â The importance of holding out hope that even rogues will reverse their damaging ways is highlighted byÂ the following Buddhist story, whether or not fable, and unfortunately with sexist themes: A holy man is minding his own business praying in nature when a prince arrives to conduct some business nearby and his several wives take a walk and find the holy man. The women are taken by this holy man and circle around him to try to learn from him; the holy man continues about his own business no different than when the women arrived. The prince returns, and in a rage seeing his wives with another man (no matter how innocent the scene), unsheathes his sword and cuts off one of the holy man's feet. The holy man starts praying for the prince, and proclaims that the prince has the capacity to become a buddha. The prince proceeds to cut off more of the holy man's limbs, and the holy man continues praying for the prince's capacity to become a buddha. The prince kills the holy man, and, sometime afterwards, becomes one of Buddha Shakyamuni's righthand people. I think I found this story in Ringu Tulku's Daring Steps Toward Fearlessness: The Three Vehicles of BuddhismÂ (Snow Lion Publications, 2005). Â I certainly would not have been praying for the foregoing prince if he were attacking me or someone nearby, but this also reminds me of my friend and mentorÂ Jun Yasuda of Grafton, New York, who is a longtime peace activist and nun with the Nipponzan Myohoji Buddhists. She once told me about the day she joined a gathering supporting the land rights of native people in Canada. At some point, an opponent of the demonstration rushed towards Jun-san and some other demonstrators swinging a metal pipe. Jun-san expected she would die. Instead of protecting herself, Jun-san prayed for the attacker, because he and all human life are sacred to her. Jun-san did not flee or fight in fear, because she has resigned herself that she will die one day anyway, and she sees death as just another part of life. Somehow, the attacker's pipe never hurt anyone, and he was subdued (clearly not by Jun-san).Â I know from personal experience that people can change from rotten to good. I have done plenty of rotten things myself during my life, exemplified, perhaps, by my practice several times in summer camp at eight years old of throwing an annoying fellow camper's sandwiches into the woods. At the time I rationalized that I was doing a public service; I was just being rotten. Still a question mark for me is the extent to which my mistreatment of other people and animals (through eating the latter) did or did not draw me more quickly and closely to human rights and social justice work. Â In any event, as much as I am better able now than ever before to compassionately approach cops, prosecutors, and other opponents to try to have them help my client in one way or another -- whether that be getting more from the cop on the witness stand, or a better disposition offer from a prosecutor, for instance -- this does not diminish whatsoever my insistence that too many rogue cops and prosecutors are out there, and they must be stopped in their tracks, now. Jon Katz.Â ADDENDUM: Thanks, Jonathan Turley, for writing on this Philadelphia police beating story and providing the YouTube link (which later was yanked from YouTube purportedly for copyright reasons). .

Posted by Jon Katz in Criminal Defense at 00:10