

CATHOLICS ON THE POLICE FORCE

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Francis J. Connell, C.S.S.R.



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## CATHOLICS ON THE POLICE FORCE

The police force is an essential requirement for the preservation and the well-being of society. In modern times it would be impossible for a large city to dispense with its corps of police for a single day without becoming a prey to hopeless confusion and disorder. Even the small community must have its sheriff and its constable. Nowadays the functions of the police are quite extensive and varied. Policemen are not merely the protectors of the citizenry against crime, deputed to bring to court those who violate the law. They are expected to perform many other functions in order to render safer and more expeditious the activities of their fellow-citizens: to direct traffic, to rescue people in danger of drowning or of asphyxiation, to provide bewildered travelers with information about buses and streetcars, to seek lost children, to give first aid in cases of accident, and to make themselves generally useful in the numerous other critical situations that the complexity of modern life can bring about.

A large proportion of the police in the United States, particularly in the northeastern section, are Catholics. This is true, not only of the ordinary patrolmen and minor officials, but also of the higher officials, such as inspectors and commissioners. On the whole, Catholics have reason to be proud of their co-religionists who are members of the police force. Most of them are faithful to their obligations of attendance at Mass and of reception of the sacraments. Their respect for the clergy is proverbial. Their names appear frequently among those cited for special bravery in the line of duty. As a class they are good family men, devoted to their wives and children, eager to give their boys and girls a good education. Many a priest in our country is justly proud of the fact that his father was a faithful and loyal member of the police force.

The moral theologians have very little to say about the specific duties of a policeman. The main reason for this would seem to be that until comparatively recent times the police force as a purely civil organization was unknown. The army maintained order, and even today the police organization of the Continent partakes largely of a military character. The English system, from



which the American is copied, began only in 1828.<sup>1</sup> Consequently, the older theologians made no mention of the moral obligations of policemen as distinct from soldiers, and modern theologians have given little attention to the subject, even though there are a considerable number of moral problems relative to the functions of a policeman which should be discussed in the light of Catholic theological principles. This pamphlet is an attempt to propose some of these problems and to suggest solutions.

Like every practical Catholic, the policeman who is a member of the one true Church should view his place in life from the supernatural aspect. The Catholic policeman should regard his office, not merely as a job that gives him a comfortable and respectable livelihood, but primarily as a deputation to protect and to enforce the law of God, which is reflected in every just civil law. He should realize, too, that his position provides him with many opportunities of practicing Christian charity. He should bear in mind that when he is rendering a service to his fellow-man, even if it is only telling a person how to get to a certain

<sup>1</sup> Cf. *Encyclopedia Americana* (Chicago, 1940), XXII, 301.

street, he should be actuated with a supernatural motive, and thus become worthy of Our Lord's commendation: "Amen, I say to you, as long as you did it for one of these, the least of my brethren, you did it for me." 2

A policeman must be a vigorous and decisive man, but that does not mean that he must be harsh and rude. The Catholic policeman who is habitually rough and discourteous is certainly a poor example of the virtue of charity as taught by his Church. The policeman should be impressed with the dignity of an office which contributes so effectively toward the stability and the protection of society, and the Catholic can be best imbued with this spirit of appreciation by understanding and properly applying the doctrine of the Mystical Body. It may seem a far cry from this sublime doctrine to the task of keeping traffic moving smoothly at a busy street corner, but it is of the essence of practical Catholicity to supernaturalize even the most prosaic things of daily life, and this is what the good Catholic policeman will try to do.

■*Matt.* 25:40.

The duties of a policeman involve the virtue of religion, for he has taken a solemn oath to fulfill them faithfully. Consequently, a grave and deliberate neglect of these duties adds to the sin he commits against his fellow-men, a mortal sin against the second commandment of God, the infraction of a promissory oath. To take a practical example: the patrolman assigned to a section of a city where theft is common would be guilty of a grave neglect of duty if he passed several hours of his night shift in some secluded spot, soundly asleep. He would sin against both justice and religion, and the Catholic policeman would have to mention both these transgressions in confession. Even in the event that no harm is done while this gross neglect of duty is taking place, the policeman has sinned gravely in providing an opportunity for crime which he was obliged to prevent.

The duty which the policeman undertakes to support law and order puts him in a very different category from the ordinary employee in the matter of going on strike. The men employed by a private concern are justified in striking, if this is the only means of redress against grave injustice. But it can hardly ever happen that policemen will be justified in going on strike. In this respect the

police force is like the army—so necessary to the public welfare that even grave personal injustice must be borne for the sake of society, which would be seriously imperiled by a general walkout. In extreme cases, a strike of the police could be justifiable, as could the revolt of an army; but such cases are very' rare. Recently, the strike of the policemen of Paris during the final days of the German occupation occasioned much rioting and disorder; but the members of the Parisian police force considered themselves justified in resorting to this measure on the grounds that it was a means of delivering their nation from the yoke of Nazi oppression.

It seems hardly necessary to state that under no circumstances may the policeman violate the law of God, even though the purpose may be the detection and the suppression of the worst form of vice. Thus, it has happened that a detective, in order to have evidence that a certain establishment was a house of prostitution, patronized the place himself. Again, sometimes an agent of the law pretends to be in favor of some subversive organization and goes to the extent of taking an oath of loyalty to its false principles, in order to gain information about its activities from within.

Such means of protecting the law, being intrinsically wrong, are never permissible. There is an essential difference between methods of this kind and those which involve only the transgression of a civil law, such as the participation in gambling by a detective in order to secure a conviction.

Drunkenness is a most pernicious vice in the case of a policeman. Even though he does not go to the extreme of complete intoxication, he may commit a serious sin if he drinks enough to render himself notably less capable of performing the duties expected of him while patrolling his beat—of pursuing a thief, of shooting accurately, of stopping a runaway horse. Police officials cannot be blamed for being most severe on those members of the force who fail in this respect. An experienced police chaplain informed me that he strongly advises the patrolmen never to take a single drink of intoxicating liquor while on duty or during a period of four hours previously.

The policeman is bound to endure danger in the performance of his duty, sometimes to the extent of risking his life. This is not merely an obligation of charity, as in the case of the private citizen—it is an obligation of justice. Thus, the

policeman must endeavor to arrest a dangerous criminal, even though it involves serious danger; he must try to kill a mad dog, even though he himself may be bitten by the frenzied animal. Certain qualifications must be made, however, in this connection. It is forbidden to risk one's life when the desired effect can be obtained more safely in a less glamorous fashion, or when it is practically certain that the attempt cannot succeed. Thus, the policeman who endeavors to capture a band of criminals singlehandedly, when he could just as well wait for a squad of police to assist him, may succeed and gain a reputation for bravery, but in reality he risked his own life unnecessarily and rendered the capture of the malefactors less probable merely for his own glorification. Similarly, to attempt a rescue that is morally impossible at the risk of one's own life bespeaks a lack of common sense, not a high degree of valor, whatever ideas the popular mind may entertain on this subject.

IN the use of a weapon, particularly a revolver, the policeman must remember that it is not within his province to inflict punishment for crime. When he captures a criminal who has just attacked a frail girl or killed an innocent child, his

feelings may prompt him to give the depraved man a beating that he will never forget ; but that is not permitted either by civil or by divine law. He may inflict only as much physical force as is necessary to subdue the lawbreaker and induce him to submit to arrest without resistance. Similarly, when the policeman is pursuing a criminal, he may not shoot with the idea of killing him if he can capture him by merely inflicting a wound. Only in the supposition that the particular criminal will probably try to kill the policeman, in the event that he is merely wounded, may the officer "shoot to kill." However, if a murderer, or a thief who has stolen a large sum of money, can be apprehended only by inflicting a mortal wound, this is permissible. On the other hand, it would be wrong for a policeman to use a gun with the danger of inflicting death on a person trying to escape after a slight transgression, such as the violation of a minor traffic regulation or the breaking of a window. The advantage to society of bringing such a person to justice is not sufficient to compensate for the jeopardizing of a human life.

Undoubtedly, the custom of the "third degree" prevails in some places, though it is impossible to say how general it is, because those who have re-

course to this method are naturally loathe to publish the fact. The "third degree" means that when the police have grave suspicions that a prisoner has been guilty of a crime, they inflict on him physical sufferings until they extort a confession or perhaps even induce him to reveal his accomplices. In a word, it is simply a modern version of the medieval practice of torturing those accused of a crime. It might be well for those "enlightened and humane" persons who vehemently condemn the practices of the Inquisition to direct their efforts toward eliminating this feature of present-day American life. At any rate, the "third degree," when it includes such measures as beating the accused or depriving him of food and drink and sleep until he is almost out of his mind, is absolutely wrong, and any Catholic policeman or detective who would participate in it should regard such participation as a matter of confession. One who attempts to justify himself on the score that the "third degree" often succeeds in wringing a confession from a guilty person (a statement which is undoubtedly true) is simply making use of the erroneous ethical principle that the end justifies the means. At most, it would be permissible to use a mild form of the "third de-



gree" to the extent of questioning the prisoner adroitly so that eventually he will be caught in a contradiction and be willing to admit his guilt. But even such a course would be permitted to the police only when they are practically certain that they have captured the real criminal.

There are many occasions in which a policeman is liable to violate justice, if he is not most conscientious in the performance of his duties. If, because of culpable neglect on his part, a citizen suffers some property loss, the policeman incurs the obligation of restitution as a negative co-operator. Thus, if a patrolman neglected to make his rounds properly on a certain night, and a robbery took place which would certainly not have occurred had he been faithful to his duty, he has the obligation of making restitution to the injured party, in the event that the stolen property is not restored or there is no probability that it will be restored. This obligation falls on the policeman by virtue of the natural law even though no indictment or punishment accrues to him from the civil authorities.

May a policeman accept gifts from the residents or shopkeepers of the district he patrols? As far as the law of God is concerned, and ab-

stracting from any civil ordinances, he may do so, if these donations are merely gifts in the true sense of the term. It is not unusual for merchants to give a courteous and vigilant patrolman a substantial gift from time to time, particularly at Christmas. But such gifts must not take on the nature of payment for service in such wise that those who do not contribute will not receive the service which the policeman is bound to render by reason of his office. If that is the tacit or express understanding between policeman and citizens, there would be an obligation of restoring the so-called gifts, which in such a case would be simply the fruits of unjust extortion.

Since he is bound to safeguard the law impartially, the policeman is failing in his duty if he tolerates transgressions by certain individuals for personal reasons. If he allows his friends to keep their stores open beyond the closing hour while he enforces the city ordinances strictly in the case of others, he is doing wrong. The policeman who has reason to believe that a robbery was committed by the son of a fellow-policeman may be very reluctant to take action, but he must abstract from the ties of friendship and report the suspect or arrest him, as he would a complete stranger.

The common good of society must supersede personal feelings. There are indeed occasions when a policeman may lawfully exercise a measure of discretionary authority in the matter of making an arrest, particularly in the case of a young person who has been guilty of some minor offense. The officer may have reason to believe that the culprit will be more readily induced to amend if he is left free with an admonition, instead of being subjected to the unhealthy atmosphere of courtroom and prison. The prudent use of such discretionary power is fully compatible with Catholic principles and ideals. But the determining factor in such cases must be the moral welfare of the individual concerned and ultimately the common good, not considerations of personal friendship.

It is even more reprehensible to abstain from making an arrest or from enforcing the law in return for a bribe. The opportunities for this form of "graft"—at times, on an incredibly large scale—constitute one of the gravest moral dangers to the members of the police force at the present time in the United States. Of course, bribery must be condemned, without qualification, according to Catholic moral principles. Even

when the case centers about a transgression which is not of a criminal nature, such as a traffic violation, the officer who accepts money and in return abstains from making the arrest or issuing the summons is committing a sin against legal justice and is violating his contract and oath. The question naturally arises whether or not the policeman has any obligation of making restitution. It would seem that he would not be bound to indemnify the state or city for the fine which the guilty person, on conviction, would have been obligated to pay? On the other hand, if a third party has suffered some loss of property as a result of the policeman's dishonesty (as would be the case if the bribe enabled a thief to escape with stolen goods) there is certainly an obligation of restitution incumbent on the policeman toward the injured party.

There are times, however, when there is no appreciable harm done to anyone's material possessions as a result of the policeman's neglect of duty by reason of bribery—for example, when he condones a traffic violation or the selling of liquor beyond the stated hour at night. Must the police-

3 Cf. Aertnys-Damen, *Theologia Moralis* (Turin 1939), Vol. I, n. 787.

man who grants immunity in such cases in return for a bribe give up the money? Some apply to this problem the principles of a sinful contract, according to which one who has actually fulfilled an obligation may keep the recompense, even though the fulfillment was a sinful deed.<sup>4</sup> I hesitate to accept this solution in the case of an official who has accepted a bribe for granting immunity from the due process of law, because this case involves certain features which are not present in the sinful contract between private individuals. What the policeman sells in the case under consideration is something which can be lawfully granted only by public authority, freedom from the burden of standing trial. In other words, the policeman steals from the government the power of granting immunity and then sells it. Accordingly, the principles applicable to the stealing and selling of any commodity should be applied in this case. If it is possible, the officer should restore the bribe to the one who gave it and then make the arrest, thus taking back the immunity. If this is no longer possible—for example, if the culprit cannot be found—the money should be given to the government, or at least distributed in charity.

<sup>4</sup> Cf. *ibid.*, n. 846.

Unfortunately, there is not enough consideration given to the violations of *commutative* justice involved in the American practice of “graft” with the consequent obligation of restitution.

One form of bribe-taking for the granting of immunity from the law is particularly reprehensible — that which concerns houses of prostitution or abortion clinics. It is worth noting that even those members of the police force who are inclined to indulge in other forms of graft usually stay aloof from gain accruing from these forms of vice. There are, indeed, cities in which prostitution is tolerated as the lesser of two evils, on the grounds that unless there is a restricted district where prostitution is not interfered with, vice will be more rampant and widespread. Those who have made a thorough study of the matter are convinced that this is an erroneous notion.<sup>5</sup> However, in a city where this idea is applied in practice by the authorities, the patrolman may follow the decision of his superiors and abstain from interference. Needless to say, he would be forbidden by the law of God from directing anyone to one of these haunts. Moreover, in those

<sup>5</sup> Cf. J. O'Brien in *The Homiletic and Pastoral Review*, XXIX, 1 (Oct. 1938), 33.

places where the civil law endeavors to stamp out prostitution, the policeman who would accept a bribe for granting immunity would not only be guilty of the violation of his obligation to society and the transgression of his oath, but would also be a co-operator toward the sins of impurity that are committed in the houses which he allows to remain open.

Not infrequently Catholic policemen show special attention toward the clergy. There can be no reasonable objection to such a procedure when the reason for the special favor is a clergyman's ministerial activity. If a patrolman accompanies a priest through a lonely section of the city on a night sick call, or if the traffic director allows the priest driving to an accident to disregard the red light, they are acknowledging that the benefit which the priest's ministrations confer on society justify special consideration. Again, the discretionary power mentioned above can sometimes be employed by a policeman in favor of a clergyman, on the principle that an intelligent and honest citizen, who may have failed against some minor ordinance, will be sufficiently warned against future negligence by a courteous admonition instead of being haled into court. As a police

official expressed it: "Clergymen do not take undue advantage of their position, and hence the police are inclined to be lenient with the clergy of all denominations." But there are times when a policeman would be doing wrong in disregarding the conduct of a clergyman—for example, if the latter regularly drives his car in a manner dangerous to the lives of others, or if he is found to be intoxicated while driving. The protection of society should be the first consideration in such cases, and no clergyman can reasonably expect any special immunity from the police if he is guilty of conduct of this nature.

The Catholic policeman should realize that his office entails special danger to life, and consequently he has a graver obligation than the ordinary citizen of being prepared for a sudden death. It is very important that he should remain habitually in the state of grace. If he has the misfortune to fall into mortal sin, he should not delay in making an act of perfect contrition, so that he may be restored to the state of grace at once. Policemen who are truly practical Catholics will receive the sacraments frequently—at least every month. They will cultivate the habit of prayer, and besides praying at morning and night, they



will occasionally raise their minds and hearts to God as they go about their duties. The daily recitation of the Rosary will secure the special assistance of the Mother of God'. All these means of meriting divine help good Catholic policemen will regard as necessary features of their lives, both because of the danger in which they constantly live and because of the special assistance they need from God to be faithful to their obligations as guardians of law and protectors of society.





