

## NICE GUYS FINISH FIRST

As Jim Croce so elegantly put it, "You don't tug on Superman's cape and you don't spit in the wind". Keep these words of wisdom in mind the next time you get stopped by the police, an event that, sooner or later, happens to everyone.

We all appreciate that policemen have a job to do but that doesn't make us any more comfortable or less nervous when trying to remember where the insurance and registration might have gone while they are looking over our shoulders. Everyone gets nervous, worried (except those saintly few who are without sin) and tongue-tied when dealing with someone who has the power to deprive them of their liberty.

The police, on the other hand, never know if the person they stopped is a sweetie or a murderer so they tend to treat all folks pretty formally, at least at first. They also tend to assume that the person they have stopped (you) is probably going to treat them badly and act like a jerk. They will continue to assume so until you prove otherwise.

Even if we ignore the facts that they tend to be young, fit, trained in self-defense and heavily armed, policemen are still otherwise powerful and dangerous. The government has given them considerable powers and authority that might amaze and even shock the average person. If that isn't enough, though, they have the immense might and resources of the entire government at their command, should they feel the need for a little back-up. So why are there still so many people who don't have enough sense to treat policemen with courtesy and respect? One wonders.

When I started practicing law in the seventies, like most other legal neophytes I was sent down to police court to "learn the ropes". I couldn't help noticing how many of the arrest reports described the accused as belligerent, uncooperative, combative, argumentative, rude, unpleasant or abusive. I asked an old staff sergeant why so many of the people stopped by the police were so unpleasant.

"Most of the people stopped are actually quite agreeable", he said, "but that description does tend to accurately describe most of the people who end up getting charged." I figured the rest out from there.

In addition to all of the powers of arrest, detention, search, seizure and the like, peace officers are also given quite a bit of discretion. Obviously, the more serious the offense the less discretion they have but, then again, most of the offenses that they investigate aren't that serious. Usually, it is the policeman who will decide if you get let off with a warning or if charges should be pursued.

Police are no different from regular folks, at least in so far as it relates to things like honesty and respect. They don't like it much when people look them in the eye and lie to them. They lose patience if you fib to them - like saying you haven't had anything to drink when they can smell it on your breath or from the fumes that waft from your car (especially in winter).

Assuming the police are stupid and easy to bamboozle is another common error, probably

induced by too much prime time TV. A few are, all right, but most aren't.

And don't call them rude names or direct profanity at them. They appreciate being cursed or badmouthed for doing their job about as much as you do.

If you decide to really grandstand and try to be a roadside Clarence Darrow, complete with a demand for your constitutional rights, you'll probably find that the officer will be more than happy to see to it that you are accorded all of your rights, including your right to be presumed innocent until proven guilty at trial.

At your trial, however, an acquittal is cold comfort if you've already lost three days from work, chewed all your fingernails off and spent your winter vacation money on a lawyer. It only makes it worse when you discover that the police officer has been drinking coffee and drawing double pay while waiting to testify against you. Discretion, you will discover, really is the better part of valor.

By the way, if you are unpleasant or abusive to the policemen and later get convicted, don't be surprised if your fine is a little higher than usual. Think of it as a "jerk surcharge". Theoretically, no such thing is possible but judges deal with reality and they have a certain amount of discretion, too, which can be exercised against you if your behavior at the time of the offence is bad enough to be considered to be an aggravating circumstance.

So what do you do if you're stopped? The best advice comes from the bible - "Do unto others as you would have others do unto you". That is especially true if they're carrying a loaded weapon.