

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

Officer Deception: Jeopardizing Morale, Reputation and Credibility

**An Administrative Research Paper
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**By
David P. Watkins**

**Abilene Police Department
Abilene, Texas
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ABSTRACT

The study of whether or not to retain a deceptive officer is relevant to contemporary law enforcement as police administrators struggle with decisions to dismiss or keep deceptive officers. In addition, this research may provide insight into the expectation of the larger police community. Making the incorrect decision could have an adverse impact on law enforcement for future generations.

The purpose of this research was to accumulate data to support either retention or dismissal of a deceptive officer. With this information, a police administrator would be better equipped to make these difficult decisions. The method of inquiry included reviewing available publications, distributing a survey to thirty fellow students attending LEMIT Module I 2006 and LEMIT Module II 2007, and interpreting data collected.

The consensus among experts in the field of ethics is that lying is harmful to both the person and the organization. In addition, they suggest that retaining deceptive officers could cause detriment to a police organization as it relates to morale, reputation and credibility. The survey went beyond the available resources and even supported the opinions of the experts or scholars in this field. The results from the survey indicated that most law enforcement managers would seek the termination of a deceptive officer. Most indicated that they perceived the retention of deceptive officers as detrimental, but many reported that deceptive officers had been retained within their department. A link was found between the managers who would not seek the termination of a deceptive officer and managers who anticipated no adverse implications for their department or community in the retention of deceptive officers.

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INTRODUCTION

The problem to be examined considers whether retaining deceptive officers injures the morale, reputation and/or credibility of a law enforcement department. The purpose of the research is also to explore how commonplace it is for law enforcement departments to retain deceptive officers.

Law enforcement as a profession is bound by a universal code of ethics and held to a high standard by members of each community served. The foundations of police work are credibility and trust which must be guarded and protected. The Code of Ethics, as adopted by the International Association of Chiefs of Police, clearly states the expectation that officers will engage in conduct that is not deceptive and reflects both personal and professional integrity. Officers are required to demonstrate honesty in “thought and deed” and “to protect the innocent against deception” (Delattre, 2002). In order to protect others from deception, police administrators must be able to not only recognize deception, but also make every effort to keep the department they serve free from officers who engage in deceptive practices.

The relevance of this work to law enforcement is that officers who cannot be trusted may harm their department or the greater community of law enforcement. If the profession of law enforcement is to be held in high regard by the public it protects, it must be beyond reproach. The word of an officer should never be in doubt as it relates to truthfulness. If the protector of the people cannot be trusted, then there is a crack in one of the primary foundations of society. If an officer loses his or her credibility, can fellow officers, police administrators or the public ever trust them again?

The purpose of this research is to equip police administrators with information to assist them in making those tough decisions as to whether or not a deceptive officer should be retained by their organization. The focus of this writing is an attempt to answer the question of whether retaining deceptive officers injures the morale, reputation, or the credibility of an agency or the profession as a whole.

The intended method of inquiry includes a review of available publications, data collected from a survey completed by fellow students attending LEMIT Module I 2006 and LEMIT Module II 2007, and the interpretation of data collected.

The anticipated findings of the research would reveal that most police administrators would not tolerate lying of any kind and, therefore, would not retain deceptive officers. The field of law enforcement will benefit from the research or be influenced by the conclusions because some police administrators may struggle with decisions relative to the retention of deceptive officers. This investigation may provide administrators insight into expectations by the larger police community, as well as how other departments handle such dilemmas. More importantly, this should serve as a reminder that police officers are truly held to a higher standard and that the people they serve and protect are depending upon them to be trustworthy at all times.

REVIEW OF LITERATURE

Milazzo (2000) describes integrity as “the most important character foundations of a good police officer” (p. 1). Webster (1983) defines it as “completeness; wholeness, unimpaired condition; soundness, honesty, sincerity.” An officer must have integrity and if this vital area is called into question, the value of the officer’s position is diminished. Police officers are entrusted to be above reproach and are often called upon to testify

against the accused. Courts will take the officer's word many times based upon the position they hold. If officers lose their integrity, they have lost their credibility. "Trust and integrity are precious resources, easily squandered, hard to regain. They can thrive only on a foundation of respect for veracity" (Bok, 1978, p. 249). This point is further exemplified by Sykes (2002), "When all is said and done, for those who work in law enforcement there is a professionally-based moral requirement that demands truth, the whole truth and nothing but the truth, in all official actions and utterances" (p. 6).

Deception as defined by Webster (1983), as "deceiving, or being deceived, an illusion or fraud and deceiving is making a person believe what is not true." Noble (2007) states, "Lying is a subset of the larger category of deception, and deception is undertaken when one intends to dupe others by communicating messages meant to mislead and meant to make the recipients believe what the agent (the person performing the act) either knows or believes to be untrue" (p. 2). An individual's freedom often hinges on the word of an officer and with such an important duty comes the necessity of being truthful. Simply stated, an officer must be the person telling the truth when all others may be lying.

Noble (2007) refers to a "Deception Continuum" that places the degrees of deception into context as it applies to this research. At one end of the continuum are lies which may be defended, based upon the circumstances, and excusable lies, including lies made in jest and white lies, such as minor embellishments and exaggerations not intended to harm others or intended to convey a benefit to the communicator. On the other end of this continuum, Noble (2007) details intentional, malicious, deceptive conduct. This deception includes lying in formal settings such as

court, internal affairs matters, failing to bring forth evidence and creating false evidence. As lying applies to a continuum, at one end there is minimal or no harm, and on the other end, great harm is done.

Sykes (2002), in his article “Zero Tolerance for Lying?” expounded on types of lies. He speaks of lies that are considered acceptable and those that are not. The issue is certainly complex, but there is a defining line between good and bad. Many consider it acceptable behavior to lie in social situations in an attempt to make another feel good. An example of this is the common question “How are you?” which is often answered with the response “I’m fine” when, in reality, the person may not be well. He also speaks of permissible lies where an officer may lie to a suspect to solicit a confession that has been authorized by the courts. Lying to get out of trouble in an official capacity is not acceptable. Sykes contends, “Professional policing cannot condone or accept deception where the motive is to protect an officer from accountability.”

Credible is defined as that which can be believed or is reliable (Webster, 1983). Three words of this definition, “can be believed”, seems to imply that one would have had to earn a certain level of credibility with a person or persons. Reliable or rely is to trust or depend (Webster, 1983). According to Ginn (2000), “Maintaining that credibility requires the consistent and insistent application of the highest standards of conduct for all members of all law enforcement agencies, nationwide” (p. 2). Ginn (2000) also suggests that integrity of the individual officer is paramount. Based upon a review of the literature, the word credibility appears to be closely tied to integrity and trust. Ginn

(2000) alludes to the fact that there is growing mistrust in the police profession and that if it is to carry out its mission, it must maintain or restore that trust or confidence.

This researcher indicated that morale might be affected if departments retained deceptive officers. In the many writings found on deception and law enforcement, the subject of morale is not directly addressed. This gap in the literatures indicates a need for this and further research. This possible correlation is clarified in the survey utilized by this researcher in this study. Morale is defined by the 2003 Encarta Dictionary as “the general level of confidence or optimism felt by a person or group of people, especially as it affects discipline and willingness.” Delattre (2002) reviewed the effects of betrayal and found that it can cause deep resentment, anger, and heartache. If an officer were a known liar, then this would affect trust, thus affecting relationships. Delattre compares the absence of trust in relationships to a wartime situation. If trust is at issue, there may be a breakdown in cohesiveness, a critical element for members of any team, but especially required in the life and death situations encountered by law enforcement officers who must rely upon one another for back-up and oneness in purpose.

Reputation within a department must be considered as it relates back to the internal workings of the department. If an officer damages his credibility by lying, then he or she may be marked. Many officers participate in the proverbial grapevine network and this form of communication will often supersede more formal communication channels, ensuring the likelihood that officers will be fully aware of the deceptive practices of their coworkers.

The Arizona Peace Officer Standards and Training has taken an aggressive approach to deceptive officers (Arizona POST Integrity Bulletin, 2001). This governing organization of Arizona peace officers maintains “zero tolerance” for lying and consider “personal integrity to be the single most important qualification of an Arizona Peace Officer” (p. 4). When it has been determined that an officer lied in an official proceeding, the department administrators will seek the removal of the deceptive officer’s state peace officer license. Police departments simply cannot run the risk of retaining officers whom they cannot trust.

In 1963, the Supreme Court made a ruling in *Brady v. Maryland* that is quite notable for law enforcement. It made a provision that allowed the defense to examine exculpatory evidence. Since that court case, other decisions made by the Supreme Court have made evidence that affects officer’s credibility a part of that discovery. According to Noble (2003), deception, whether spoken, written in statements, or any conduct that conveys a message to the listener, is subject to discovery. A department would be remiss if it did not provide evidence that their officer was deceptive.

Research on retaining deceptive officers and the effects of such retentions to departments is limited. Chiefs of police may not know if they should fire or retain an officer who lies. This research could provide police administrators with valuable information that will assist them in making these tough decisions.

METHODOLOGY

The research question will examine whether the retention of deceptive officers injures morale, reputation and/or credibility of a law enforcement agency or the profession as a whole. If an officer violates this critical aspect of the Code of Ethics, the

following questions need to be asked: 1) What happens to the officer when he or she lies during his or her official duties (other than those deceptions allowed during an investigations)?; 2) Do various departments distinguish between types of lies, thus tolerating some deception?; 3) How frequently do law enforcement agencies retain those officers found to have been deceptive?

The researcher hypothesizes that the retention of deceptive officers injures morale, reputation and/or credibility of a law enforcement agency or the profession as a whole. Research should reveal that most police administrators would not tolerate lying of any kind and, therefore, would not retain deceptive officers.

The method of inquiry will include reviewing available publications, distributing a survey to thirty fellow students attending LEMIT Module I 2006 and LEMIT Module II 2007, and interpreting all data collected. All of the participants are police supervisors with roles varying from Sergeant to Deputy Chief.

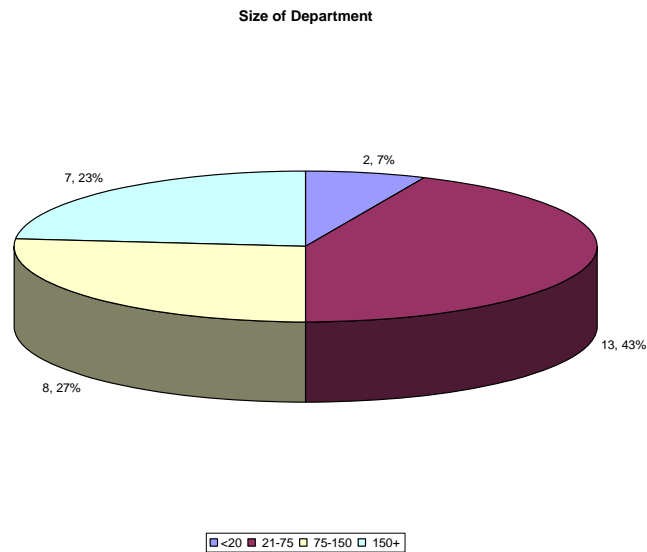
The instrument to be utilized was designed by the researcher to measure various police administrators' perceptions of any departmental effects of officer deception, including whether such deception jeopardizes morale, reputation and credibility. The survey is contained on a single page and the participants will be instructed to answer the questions without input from the researcher. The survey does not request the participants' name or department name in an effort to insure the privacy of the participants as well as the anonymity of their departments.

The survey consists of thirteen questions, to be distributed to thirty participants representing departments from across the state of Texas. The size of the departments to be surveyed will range from those having less than twenty officers to departments

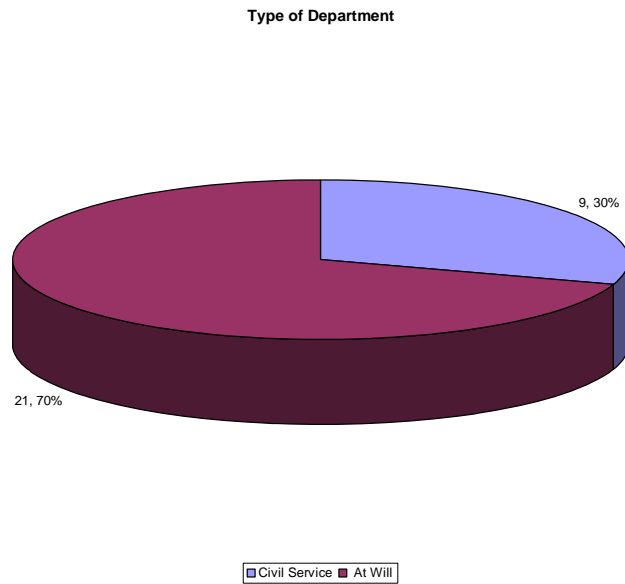
having in excess of one hundred fifty. If more than one participant from the same agency attends, only one of them will be presented with the instrument. The survey includes information indicating whether or not the departments are civil service or at will employers. The survey instrument is attached to this research as Appendix 1. This researcher did not participate in the survey. The response rate to the survey instrument resulted in a one hundred percent return. The researcher analyzed and interpreted the data from the responses generated.

FINDINGS

Surveying other departments appeared to be critical in this research due to the lack of information available to substantiate the amount of deceptive officers retained and the damage that such retention might cause. A sampling of thirty agencies was surveyed with a return rate of one hundred percent. The participants were in an environment where the researcher believed the participants trusted that their name or the name of their department would not be revealed, thus creating more openness. All of the participants who were law enforcement managers were also conducting research of their own, which created an air of cooperation. This opportunity to survey this particular group was also notable because the participants represented departments from across the state with no concentration in any one geographical area of Texas. The sizes of the departments were varied due to the nature of the survey opportunity (Figure 1). The smallest departments (2) were those with less than twenty officers, while the largest departments were categorized as those departments with over one hundred fifty officers (7). In between these were departments with twenty-one to seventy five officers (thirteen) and departments with seventy five to one hundred fifty officers (8).

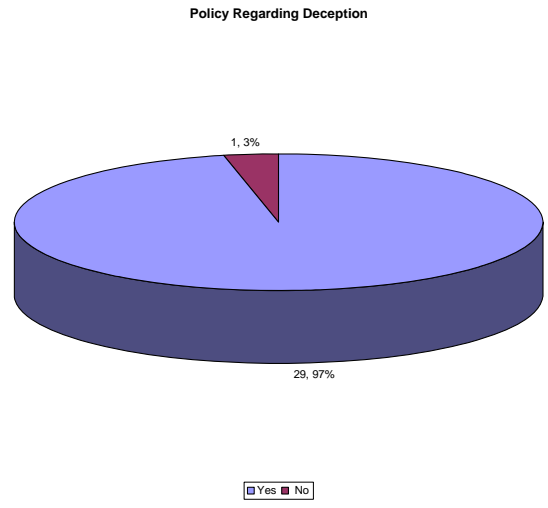
Figure 1

Police departments in the state of Texas primarily fall under 2 categories, either civil service or at will employers illustrated in Figure 2. Civil service departments fall under specific laws on a state and local level. Of the departments surveyed, twenty one were at will and the remaining nine were civil service. Civil service departments must traverse many legal channels before being able to dismiss an officer, while at will employers seem to experience less difficulty. Civil service departments have a testing process for new hires that allow for a different level screening for new hires, while not all at will employers require an exam or test. This research did not identify whether or not one of these aforementioned types of departments was more or less likely to experience deceptive officers.

Figure 2

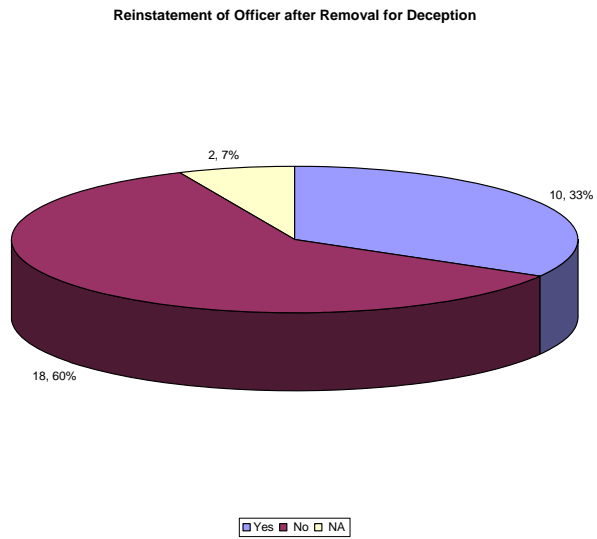
As indicated by the data illustrated in Figure 3 below, departments having a policy against deception were in the majority, with twenty-nine of the thirty departments indicating that they had a policy in place. The details of these policies were not examined, only whether or not some type of policy actually existed in the surveyed departments. It appears to be significant that this high number of departments had policies in place, which would suggest that honesty is held in high regard by most, adding weight to the overall importance.

Figure 3



The participants were asked if they or their department had ever tried to remove an officer for being deceptive only to have them reinstated. The actual scenario was broken down even further, asking whether they personally or their department had ever taken action and, if so, through what process was the officer reinstated (Figure 4).

Figure 4

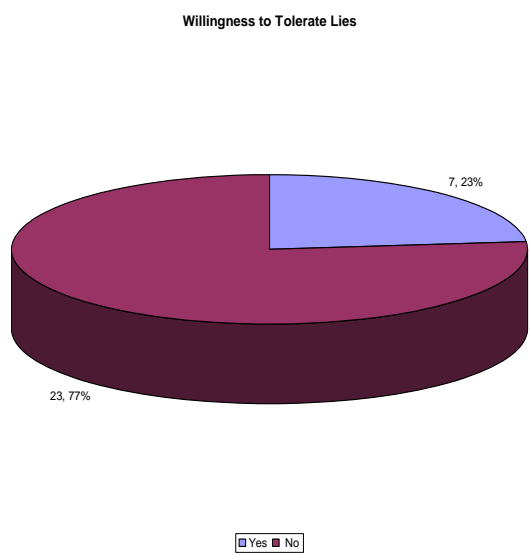


Ten of the departments reported that they had fired an officer from their department only to have them reinstated. Eighteen departments had not had this

experience while the remaining 2 departments cited other reasons. Of the ten participants, 9 of them reported that their department was directly responsible in the removal and only 1 reported that they were directly involved. Only 1 participant said that civil service was involved in a reinstatement, while 7 others listed other reasons. The answers more specifically were “appeal to administration, arbitration, city manager, and administrative judge.” One of the participants gave no explanation and another gave no answer to the question.

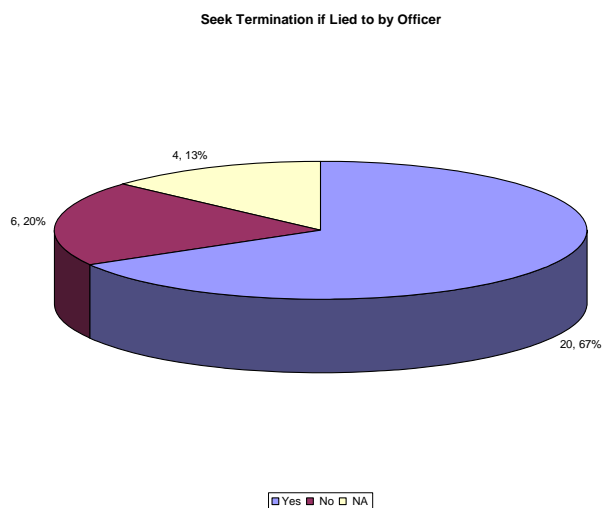
From the beginning of this investigation the researcher did not control for any reference to those lies that the evidence suggests are socially acceptable. The instrument was not constructed to differentiate between types or degrees of lies, with the exception of those lies allowed during a criminal investigation. In this survey question, the participants were asked if there were lies that they would personally tolerate. Twenty-three indicated that there were no lies that they would tolerate, while the remaining 7 reported they would tolerate some lies (Figure 5).

Figure 5



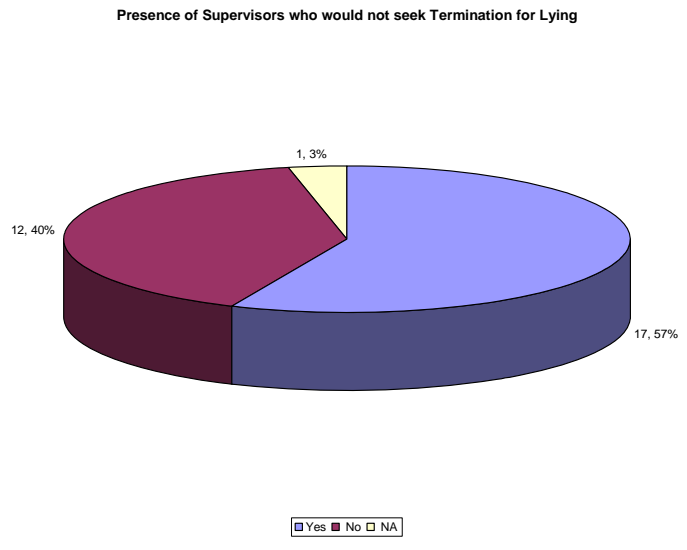
The participants were asked whether they would seek the termination of an officer after discovering that the officer lied to them. Of those surveyed, twenty reported that they would seek termination of an officer, while 6 indicated they would not, and 4 either did not answer or wrote in qualifying comments as indicated in Figure 6. One of the participants qualified the answer, saying that it depended upon the circumstances and that if it related to a criminal investigation termination would be sought. However, if it were related to other circumstances internal discipline would be preferred. Another indicated that it would depend upon the severity.

Figure 6



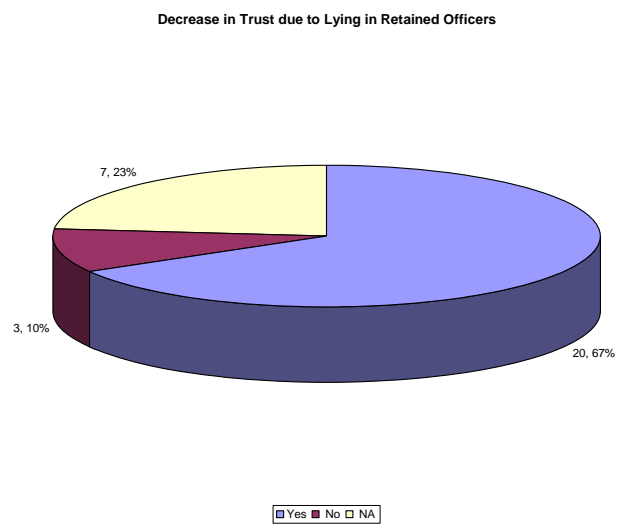
The question was posed if the participant was aware of any other supervisor who if lied to would not seek the officer's termination. Below in Figure 7, just over half (seventeen) said that they were aware of a supervisor who would not seek termination; twelve others said that they were not aware, and 1 did not answer.

Figure 7



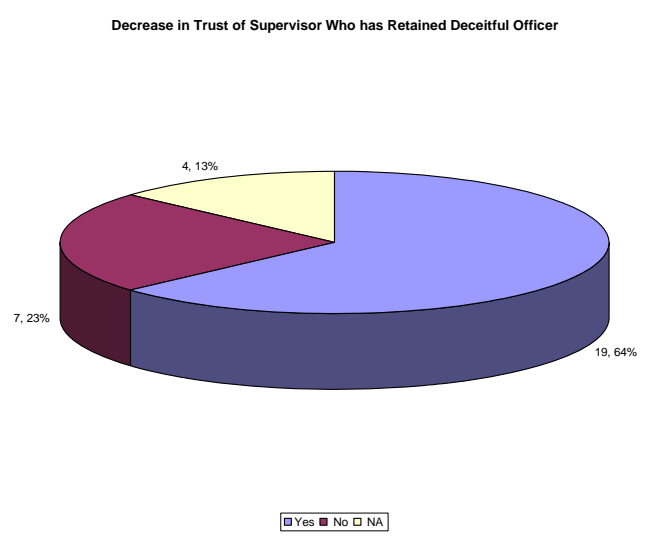
The participants were asked, “If you personally have retained someone who has lied or has been deceptive to you, has your trust in them decreased?” Twenty responded yes, 3 indicated no, 6 wrote in not applicable, and 1 did not answer. It is possible that this question failed to solicit correct information as it is compared to other questions in the survey (Figure 8). Some participants may have interpreted this as a hypothetical question. Nevertheless, the point worth noting is that trust would have suffered in the opinion of the majority of the respondents.

Figure 8



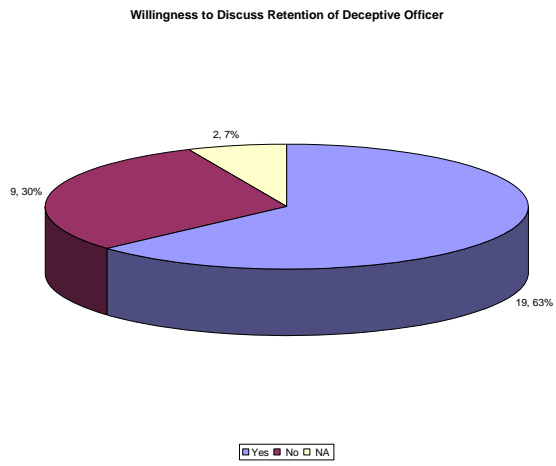
The respondents were asked if they knew of a supervisor who had retained a deceptive officer, and if so would their trust in the supervisor decrease. Nineteen of the answers were yes, 7 said no, 2 indicated not applicable, and 1 did not answer. One respondent said that they had no knowledge of a supervisor retaining a deceptive officer. This seems to illustrate that harm does occur to not only the retained deceptive officer, but the supervisor as well (Figure 9).

Figure 9



Nineteen respondents indicated that they would speak openly of the fact that they had retained a deceptive officer, 9 said they would not, 1 did not answer, and 1 wrote a qualifying comment. This comment stated that they were unaware of any cases where a deceptive officer had been retained. One might conclude that these respondents would not hide the truth of a situation that would elevate awareness of the indiscretion (Figure 10).

Figure 10



The remaining 3 questions in this instrument speak directly to the title or core of this research. More specifically the respondents were asked if retaining deceptive officers affected the credibility, morale, and reputation of their departments. The answers seem to overwhelmingly indicate that this type of retention would negatively affect the departments. Credibility, according to twenty-seven respondents would be affected by this retention, while 3 said it would not (Figure 11). The morale of the department would be affected according to twenty-eight respondents and 2 indicated it would not be a problem (Figure 12). The reputation of the department would be affected according to twenty-eight respondents and 2 said it would not (Figure 13).

Figure 11

Credibility of Department Affected by Retaining Deceptive Officers

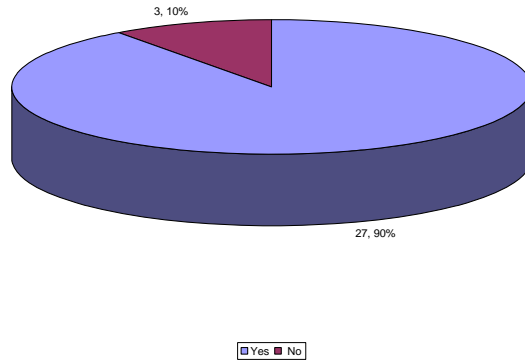


Figure 12

Morale Affected by Retention of Deceptive Officers

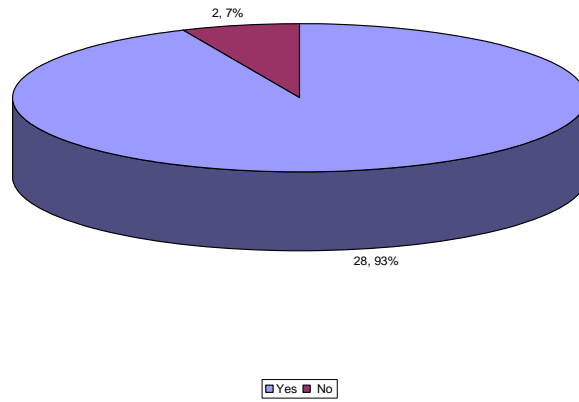
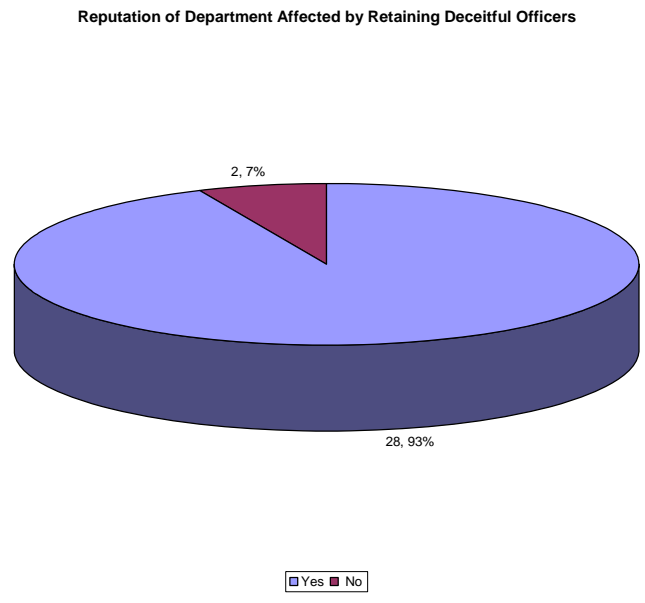


Figure 13



DISCUSSION/CONCLUSIONS

The problem or issue examined by the researcher considered whether or not retaining deceptive officers injures morale, reputation, and or credibility of a law enforcement agency or the profession as a whole. Additionally, the research centered on the deceptive officer and whether or not his reputation and credibility within his/ her department would be harmed. Also, of interest in this research was finding how frequently deceptive officers were retained.

The purpose of this research was to accumulate data to support either retention or dismissal of a deceptive officer. With this information, a police administrator would be better equipped to make these difficult decisions. The research would not be complete without looking into writings on the subject of lying and making a determination of what the standard is in the profession of law enforcement.

The research question that was examined focused on the whether the retention of deceptive officers injures morale, reputation, and or credibility of the officer, the agency, or the profession in general. Should an officer violate this critical aspect of the code of ethics, what happens to the officer? Do various departments distinguish between types of lies, thus tolerating some deception? Finally, how frequently do law enforcement agencies retain deceptive officers?

The researcher hypothesized that most police administrators would not tolerate lying of any kind and, therefore, would not retain deceptive officers. In furtherance, retaining deceptive officers will indeed injure the morale, reputation, and credibility of the officer, department, and the greater law enforcement community.

The researcher concluded from the findings that ability to recognize deception and the impetus to stand against it may be compromised when deceptive practices are tolerated. The majority of police managers surveyed indicated they would not tolerate lying. Again, the majority of the survey group would seek termination of an officer who lied. In furtherance, the data seems to indicate that if a deceptive officer were retained, the supervisors' trust in the person would diminish. The survey group also indicated that if another supervisor retained a deceptive officer that their confidence or trust in the supervisor would suffer.

The morale, reputation, and credibility in a department are at the core of this research. In this study, the overwhelming majority indicated that the retention of deceptive officers would have adverse affect on these 3 key components of a functional department. Experts in the field of police ethics say that great harm can be the end result of lying. The state of Arizona has taken a tough stance on officers who lie by

revoking their peace officer license. Many scholars in the field of ethics agree that lying to avoid personal responsibility is wrong and harmful to an organization. They also agree that there are acceptable lies, like those told in social situations where the motive is to make a person feel good.

The findings of the research did support the hypothesis. The reasons why the findings did support the hypothesis are probably due to 2 main factors. The first reason is that the consensus among experts in the field of ethics is that lying is harmful. Also, they suggest that retaining deceptive officers could cause detriment to a police organization as it relates to morale, reputation, and credibility. The second reason is that the survey went beyond the available resources and even supported the opinions' of the experts or scholars in this field. The survey also indicated that most law enforcement managers would seek the termination of a deceptive officer.

Limitations that might have hindered this study resulted because the researchers initial naïve view of lying. As the survey instrument was constructed, the researcher did not control for those lies that are sometimes accepted by society. Nevertheless, the specific questions still solicited useful and accurate information about the level of tolerance to lying in police organizations. It is the researcher's view that further questioning could have been made on degrees or type of lies that may have yielded even more useful information.

The study of whether or not to retain a deceptive officer is relevant to contemporary law enforcement because some police administrators may struggle with decisions over dismissing or retaining deceptive officers. In addition, this research may provide insight into the expectation of the larger police community. Making the incorrect

decision could have an adverse impact on the well being of law enforcement for future generations. Based on this study, retaining a deceptive officer seems to come with great risk to a department and dismissal would usually be the best course of action.

Administrators and the law enforcement profession stand to benefit from the research. The implications of the research findings from this study suggest that further research needs to be conducted and more research questions need to be answered. How do administrators measure the level of detriment within their department when deciding whether to retain a deceptive officer? Should departments outline in policy which lies will be tolerated, or should they follow Arizona's groundbreaking work and adopt a zero tolerance policy for lying?

Trust is a valued commodity that the profession must maintain at all times. Trust is critically linked to credibility and reputation and these qualities are equally desired and demanded by the profession and the public that is served. Administrators simply cannot retain those officers found to be deceptive when they are trying to avoid responsibility. Duffy (2002) states it best, "If we are to demand that law enforcement be viewed and fully accepted as a profession, then it is imperative that we be worthy of the public trust. To that end we must demand of ourselves and our colleagues that we be taken at our word every single day" (p. 4).

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Appendix 1

Please Return to David Watkins, thank you

- 1) Size of Dept: _____ <20 _____ 21-75 _____ 75-150 _____ 150 plus (check one)
- 2) Is your department: _____ civil service _____ At will (check one)
- 3) Does your department have policies regarding deception in place? ___ Yes ___ No
- 4) Have you or your department tried to remove an officer for being deceptive (lying) only to have them reinstated through civil service or other process? _____ Yes _____ No
 If Yes: Who tried-- _____ department _____ self
 If reinstated: Was it through-- _____ civil service _____ other (if other explain)

- 5) Are there lies (excluding times during criminal investigations) that you will personally tolerate?
 _____ Yes _____ No
- 6) If you were lied to by an officer would you seek their termination? _____ Yes _____ No
- 7) Are you aware of any other supervisors who if they were lied to would not seek an officer's termination?
 _____ Yes _____ no
- 8) If you personally have retained someone who has lied or has been deceptive to you, has your trust in them decreased?
 _____ Yes _____ No
- 9) If you know of someone/supervisor who has retained an officer that was deceptive, has your trust in that supervisor decreased?
 _____ Yes _____ No
- 10) Would you speak openly of the fact that you have retained or anyone on you department has retained a deceptive employee?
 _____ Yes _____ No
- 11) By retaining deceptive officers, do you feel that this affects the credibility of your department?
 _____ Yes _____ No

12) By retaining deceptive officers, do you feel this affects the morale of your department?
____ Yes ____ No

13) By retaining deceptive officers, do you feel this affects the reputation of your department?
_____ Yes _____ no