

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

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Ethics Policies for Law Enforcement Agencies

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**An Administrative Research Paper
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**By
Randall Wallace**

**Leon Valley Police Department
Leon Valley, Texas
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ABSTRACT

What mechanism do law enforcement agencies use to convey the ethics policy of their department to their employees? Do they rely on the individual officer to determine what his or her ethics are, does the agency have the ethics policies buried within their rules and regulations, or is there a separate, specific policy dealing with ethics? In 1957 Kooken, the International Association of Chiefs of Police and other groups started to promote the idea of having specific law enforcement ethics policies. This researcher contacted nineteen police departments in the Bexar County area and asked whether or not their agency has a separate policy dealing with ethics, or is ethics dealt with within your rules and regulations. Three of the agencies had no separate ethics policy, nor was there any mention of ethics in the department's rules and regulations. Fifteen of the agencies did not have a separate ethics policy, but relied on the department or city rules and regulations instead to set forth the ethics policy of the department. One of the agencies surveyed has a separate ethics policy, and also had conducted ethics training for all employees. In 1957, law enforcement was attempting to move from a job to a profession. Law enforcement agencies must realize that to elevate the standards of police service to a professional level, this must arise from a firm foundation of basic principles. The major principal that is still awaiting acceptance and its proper place in the complete structure is the one that is concerned with the rules of official conduct. Law enforcement agencies must remove their ethical policies from either their own employee's values or from within the rules and regulations of the department and place these ethical policies in a separate policy so that all may know and understand what values an agency is promoting.

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INTRODUCTION

Ethics, as defined by Encarta World English Dictionary, “is a system of moral principles governing the appropriate conduct for an individual or group”. According to Grant (2002), “The topic of ethics and ethical behavior has existed for centuries. Many people believe that Socrates was the first philosopher to delve into the issue of ethics, specifically the ethical treatment of problems in government” (p.11). Law enforcement has always held ethics to a higher level, and has been held to a higher level by the public, but it was not until the late 1950’s that ethics and codes of ethics were proposed for police agencies. Kooken (1957) addressed a proposed code of ethics and in that same year, the International Association of Chiefs of Police adopted a Law Enforcement Code of Ethics, and Canons of Police Ethics. This Law Enforcement Code of Ethics and Canons of Police Ethics were adopted sixty-four years after the inception of the International Association of Chiefs of Police. The International Association of Chiefs of Police revised their Law Enforcement Code of Ethics in 1991, thirty-four years after the adoption of the first. Only in 1998 did the International Association of Chiefs of Police introduce an Ethics Toolkit, containing a model policy that focused on ethics. According to section four of the procedures section, on general conduct, the International Association of Chiefs of Police (IACP) model policy specifically address the following: “obedience to laws, regulations, and orders; conduct unbecoming an officer; accountability, responsibility, and discipline; conduct towards fellow employees; conduct toward the public; use of alcohol and drugs; use of tobacco products; abuse of law enforcement powers or positions; off duty police action; prohibited associations and establishments; public statements, appearances, and endorsements; political activity; and expectation of privacy” (IACP, 2005).

Law enforcement agencies, while holding their employee’s to a higher standard of ethics, fail to address ethics in specific polices, but instead rely on departmental rules and regulations to

cover situations dealing with ethics. In the nearly fifty years since the issue of a Law Enforcement Code of Ethics and Canons of Police Ethics were first proposed, agencies continue to have the ethics policies of their department imbedded into their rules and regulations or city manual. Law enforcement agencies must place ethics in clearly defined policy manuals, separate from their City or Departmental manuals. If law enforcement agencies hold their officer's to a higher standard of conduct, why do they not follow the American business community and adopt codes specifically dealing with ethics, instead of relying on rules and regulations for ethics violations? American businesses have in place, specific policies dealing with ethics.

The purpose of this research is to show that while ethics are important to police agencies, most agencies do not place these ethics in specific policies or codes, but instead rely on their rules and regulations to enforce the ethics standards of their department. The method of inquiry to be used for this research will include a review of professional journals, articles, books, and Internet resources. A written survey will be sent to police agencies within Texas. The information received is anticipated to show that all police agencies believe that ethics are of critical importance to the departments mission but the department relies on their rules and regulations to enforce the ethics of the police agency and do not address the ethics issues in specific policies or codes.

The anticipated findings of this research propose that police agencies do hold their officer's accountable for ethics. However, police agencies feel that ethics are successfully dealt with in their rules and regulations. With ethics issues becoming more and more under scrutiny, law enforcement agencies should review their policies and have the issues of ethics specifically addressed. The creation of specific policies or codes dealing with ethics would further enhance the citizen's perception of police integrity. Police agencies need to follow the lead of corporate America and adopt, implement, and enforce policies or codes that specifically deal with ethics.

By having a clear definition of ethics, police officers will understand the ethical philosophy of the agency they are employed with. Police officers will realize that they are accountable and responsible for their actions, and face a discipline process for any violations of ethics policies or codes. When citizens view the actions of their police agencies as being fair and ethical, their trust and respect for the organization and individual members of that organization will increase.

REVIEW OF LITERATURE

Kooken (1957) addressed the issues of how rules and regulations were not enough for police officers:

The rules and regulations of most police departments relate more to specific techniques and procedures than to the official conduct of officers in the public contacts; and when regulations relating to conduct are found they are usually so specific in character that they lose their influence in shaping general standard or conduct. Oaths of office and departmental pledges are of necessity brief and are usually too general in substance to serve as a guide for the policeman in shaping his daily relationships with the citizenry. A grave need exists for a code of ethics that will standardize the rules of correct official conduct of police officers. A code broad enough in substance that it can be applied to all police activities and yet sufficiently exacting that the appropriate rule can be easily associated with any specific police activity. A code of this character would define basic objectives and provide standardized general rules to which the rules and regulations of police departments would be obliged to conform. The proposed code of ethics may seem brief yet it is all-inclusive and is appropriate to the need represented by any law enforcement body. To adhere to its basic rules would require men of sterling character, men who would command the full respect and confidence of a most exacting public.

(p.18).

In 1957, law enforcement was relying on the personal values and beliefs of their individual officers to form the morals and ethics of their departments. If a department did have any rules and regulations, they were vague in the area of ethics. It was proposed that each department implement a set of specific rules dealing with ethics, thereby giving their employee's specific guidelines on how to mold themselves and their department into a professional organization. By having these specific rules dealing with ethics, there would be no questions of what a department expected from their employee's or what citizens would expect from the persons who were hired to protect them.

Kooken (1957) also stated:

The Police Chiefs Association and the American Bar Association have frequently stated that police service should be professionalized. We accept the fact that police service as it is now conducted does not meet all the requirements of professional service, but there seems to be no serious bar to success. The greatest obstacle to achievement rests with police themselves. Policeman must recognize the fact that their goal cannot be reached by simple pronouncement or proclamation. They must realize that to elevate the standards of police service to a professional level must arise from a firm foundation of basic principles. Some of these principles still awaiting acceptance and the proper place in the complete structure are the ones that are concerned with the rules of official conduct. Only through ethical consideration of the responsibility of public service can we fully appreciate the fact that no greater power nor higher honor can be given any man than the duty of upholding and defending the American Heritage of Freedom, "Bill of Rights" (57-58).

Ethics in law enforcement was a concept that originated in 1957. The International Association of Chiefs of Police enacted a Code of Ethics and a Canons of Police Ethics. Both of

these documents were updated in 1991, but it was not until 1998 that the International Association of Chiefs of Police introduced the Ethics Toolkit, with specific policies dealing with ethics.

In the Ethics Toolkit published by the International Association of Chiefs of Police in 1998, a model policy for the Standards and Conduct of police officers was given. The stated purpose of the model policy was to:

provide additional specificity to the standards of conduct embodied in the law enforcement officers code of ethics and this agencies statement of values so that officers of this agency will better understand prohibitions and limitations pertaining to their conduct and activities while on and off duty. The model policy further stated that the rules of conduct set forth in this policy are not intended to serve as an exhaustive treatment of requirements, limitations, or prohibitions on officer conduct and activities established by this agency. Rather, they are intended to: alert officers to some of the more sensitive and often problematic matters involving police conduct and ethics, specify, where possible, actions and inactions that are contrary to and that conflict with the duties and responsibilities of law enforcement officers, and guide officers in conducting themselves and their affairs in a manner that reflects standards of department and professionalism as required of law enforcement officers” (Standards of Conduct section, I. Purpose).

Without a clearly defined ethics policy, agencies run the risk of having individuals from varied backgrounds interpret the rules and regulations and determine what is right and what is wrong.

The American business community has taken a more pro-active role in ethics in general, and ethics policies specifically. According to Perry (1990), “eighty-five percent of the 711 companies responding to a survey had a code, policy statement, or other written guidelines on

ethics” (p.6). Perry further states that “76% of the companies with a written code on ethics, were either revising it at the time of the survey, or had revised it within the previous five years, suggesting that codes of conduct do not simply gather dust in filing cabinets” (p.6).

According to Gilmartin and Harris (1998), “denial and refusal to accept the potential ethical compromise and corruption at “our department” prevents administrators and officers from developing an in-depth understanding and appreciation of the issues. Without a clear understanding, adequate information, and practical strategies, officers who are exposed to a risk-filled environment are more likely to engage in inappropriate behaviors that can destroy their professional and personal lives...as well as the reputation and credibility of their organizations” (p.1).

According to Williams (1992) “the ethical framework from which an officer performs his duties and meets his obligations to the profession and to society is of considerable importance to the well being of the community in which he works. It is imperative, therefore, that: a strong code of ethics be established as a guide within the law enforcement agency, this code be understood by all officers, it be made second nature through training, and that it be faithfully enforced through example by the departmental chain of command. The department must establish rigorous controls and apply appropriate disciplinary measures when required to make certain that the code of ethics is taken seriously by all officers” (p.2).

According to O’Mally (1997) “in any endeavor, an individual’s personal values and environmental background serve as the foundation for their ethics behavior. Thus, definitions of ethics may be as varied as the characters of people themselves. Yet, despite this diversity—or possibly because of it – a heightened concern has arisen for promoting uniformity in ethical accountability in both the private and public sectors. Establishing a formal code of ethics represents an essential first step for achieving this accountability. In a complex and fast-paced

world, individuals rarely can solve ethical problems simply by resolving to do what is right. At the same time, agencies cannot lay down rules to cover all possibilities. However, a well-drafted code of ethics, preferably written with input from all levels of personnel, can provide guidance and clear standards of conduct for police officers” (p, 3).

METHODOLOGY

The question for this research is “Does your agency have a separate policy dealing with ethics, or are ethics dealt with within your rules and regulations?” The researcher proposes that what agencies will respond with will be centered around the fact that they deal with ethics in rules and regulations only, not with specific policies. The questionnaire was faxed to twenty-eight municipal police agencies in the San Antonio area. The municipal police agencies vary from one with two-thousand-fifty-four sworn personnel to agencies, with less than ten sworn personnel. Twenty-seven of the police agencies have less than forty sworn officers. Of the twenty-eight questionnaires sent, responses were received from nineteen agencies. This researcher will analyze how many agencies have a separate ethics policy, which has been proposed since 1957, how many agencies rely on their rules and regulations for ethical issues, or how many agencies do not address the ethical behavior of their employee’s.

FINDINGS

From the nineteen responses received, the researcher discovered that most municipal police agencies in the San Antonio area either rely on the agencies rules and regulations to transmit their ethics philosophy, or they do not have any policies in their rules and regulations dealing with ethics.

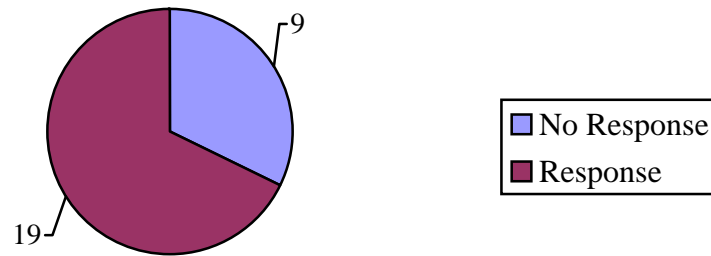


Figure 1. Number of responses versus number of questionnaire sent

Three of the agencies surveyed advised that they have no ethics policy, nor do they have any policies in their rules and regulations covering ethics. One of these agencies did advise that they were in the process of working with the Texas Municipal League to formulate a new policy manual, which will also include a section specifically dealing with ethics. These three agencies are allowing their officers to carry out the mission of the department without any understanding of the values of the department, thereby relying on the individual officer's personal values and environmental background to serve as the foundation for their ethics behavior.

Fifteen of the agencies surveyed advised that issues dealing with ethics are covered in their rules and regulations. One of these thirteen agencies advised that they are in the process of creating a separate ethics policy. These fifteen agencies are relying on their rules and regulations to convey the values and morals of their agency even though the rules and regulations of most police departments relate more to specific techniques and procedures than to the official conduct of officers in the public contacts.

One of the nineteen agencies that responded to the questionnaire had a specific ethics policy. This agency is the Kirby Police Department. The Kirby Police Department has specifically addressed the issue of ethics in a separate policy entitled "Code of Conduct". The Code of Conduct is approximately twenty pages long and includes both the Law Enforcement Code of Ethics and the International Association of Chiefs of Police Canons of Police Ethics.

The Kirby Police Department also conducted a two-hour in-service training course for all of their officers using the International Association of Chiefs of Police Ethics Toolkit. The class was led by the Chief of Police who advised that he did this so that there would be no misunderstanding of the Kirby Police Department's philosophy involving moral principles governing the appropriate conduct for an individual or group of the police department.

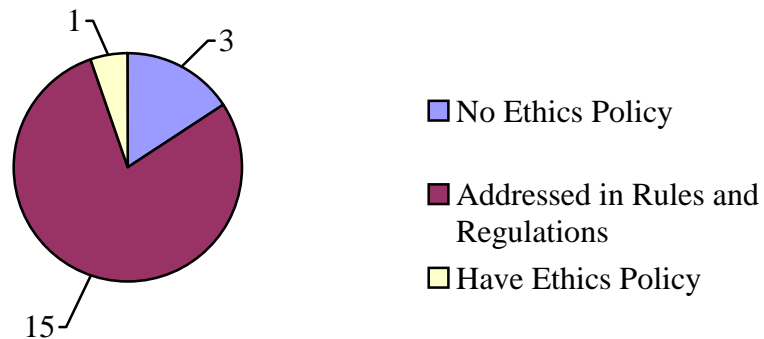


Figure 2. Ethics Policies as addressed by agencies

Another agency not surveyed but found to have an outstanding example of an ethics policy is the Wheaton Illinois Police Department. On the police department's home page, there is a link to the departments Statement of Quality and Principles. In this Statement of Quality and Principles, the opening sentence states "The Wheaton Police Department is an organization comprised of people with integrity, committed to providing total quality police service to its community in an honest, fair, professional and courteous manner". This statement also identifies the values that guide the police department to complete the mission of the department. These four values are respect, compassion, efficiency, and leadership. The statement also lists nine principles, which embody the department's philosophy, vision and values. These principles serve as the foundation and axiom upon which the department establishes its policy, strategy, tactics and actions. These principles are respect, balance, fairness, integrity, ethical performance, reverence for the law, community policing, and test of police effectiveness. The summary

statement of this policy states “The department as a whole and each officer and employee of the Wheaton Police Department, by adhering to these principles will be effective and successful and will avoid the negative consequences of not following these directions, which include the loss of public respect, public cooperation, ineffective law enforcement and/or disciplinary action”

(Wheaton Police Department, 2005).

DISCUSSION

In 1957 the International Association of Chiefs of Police addressed the issue of ethics in law enforcement. The recommendation was given for agencies to adopt their Code of Ethics and Canons of Police Ethics. In 1998, the International Association of Chiefs of Police readdressed the issue of ethics and introduced an Ethics Toolkit. Agencies using this toolkit had access to an explanation of the oath of honor, a sample oath of honor, a sign on campaign in which individual officers could publicly record their commitments to high ethical standards, a model policy, and access to in-service training material which examined the nature and importance of police ethics.

Holly A. Miller, who teaches ethics for the Bill Blackwood Law Enforcement Management Institute of Texas at the Texas Police Chiefs Leadership Series, advised that she has been focusing on the creation of ethics policies for attendees. One of the researcher's respondents made note of this in their response. Dr. Miller advised that building an ethics program is suggested and encouraged in her training, but since most departments/agencies do not have one in place they spend some of the time in class discussing the development of one (H. Miller, personal communication, January 19, 2005).

Forty eight years after the topic of ethics was brought to the forefront in law enforcement, are police agencies articulating the moral principles governing the appropriate conduct for an individual or group in specific policies, are they relying on their rules and regulations to address

the ethical behavior of their officers, or do they not address the issue of ethics in any policies, procedures, or rules of the department. The research question that was asked of police agencies was “Does your agency have a separate policy dealing with ethics, or are ethics dealt with within your rules and regulations?” It is the researcher’s belief that agencies are still relying on their rules and regulations to provide the foundation of basic principles. In a survey of seventeen municipal police agencies in and around the San Antonio area, it was found that three of these agencies did not address the issue of ethics in a separate policy or their rules and regulations, thirteen agencies relied on their rules and regulations and one had a separate ethics policy in place. The survey results were what the researcher expected, police agencies do not have separate ethics policies in place for the officers of their agency thereby allowing their officers to operate without a clear understanding, adequate information, and practical strategies and are more likely to engage in inappropriate behaviors.

Even the Commission on Accreditation for Law Enforcement Agencies, Inc (CALEA). addresses ethics in their accreditation process, but falls short of requiring a separate ethics policy. In the standards by which law enforcement agencies are gauged, the Commission requires agencies to have a written directive that requires all sworn officers to abide by a code or canon of ethics adopted by the agency. This directive should include compliance with agency directives; unbecoming conduct; use of alcohol and drugs; acceptance of gratuities, bribes, or rewards; abuse of authority; use of force; and proper care and maintenance of equipment. Prohibitions should be specific, whereas approved behavior may be stated in general terms, e.g., courtesy, punctuality. Directives about grooming and uniform appearance also should be specific. The code of conduct may be in the form of rules and regulations (Reginald Newell – Research/Planning Coordinator, Commission on Accreditation for Law Enforcement Agencies, personal communication, January 24, 2005). The Commission on Accreditation for Law

Enforcement Agencies, Inc., was formed for two reasons (CALEA n.d., a). “Reason number one is to develop a set of law enforcement standards and number two is to establish and administer an accreditation process through which law enforcement agencies could demonstrate voluntarily that they meet professionally-recognized criteria for excellence in management and service delivery” (Purpose of Commission section). Even with this, the Commission does not have a specific chapter in their standards to deal with ethics, but instead has this in a chapter titled Disciplinary Procedures. (CALEA n.d., b).

Law enforcement agencies need to follow ideals introduced in 1957 and become an occupation filled with professionals. It is imperative, therefore that a strong code of ethics be established as a guide within the law enforcement agency, that this code be understood by all officers, that it be made second nature through training, and that it be faithfully enforced through example by the departmental chain of command.

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