

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

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**The Need for Annual Law Enforcement  
Ethics Training In Texas**

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**A Leadership White Paper  
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## **ABSTRACT**

Annual law enforcement ethics training should be required to mold and reinforce a professional organizational culture for Texas law officers in the 21<sup>st</sup> century. Current licensing standards require only eight hours of academy-level ethics training within the 618-hour Basic Peace Officer Course. This is insufficient for a Texas law officer.

Research of articles in scholarly journals, university text books, and internet sites suggests that annual ethics training can reduce agency liability potential, promote public trust through a more professional organizational culture, encourage employee retention, and provide officers with techniques and strategies to resist corruption. The public's high expectations of peace officers to maintain an exemplary standard of conduct in the face of the ethical dilemmas and temptations experienced daily is inconsistent with the lack of emphasis currently placed on ethics training requirements.

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## INTRODUCTION

Current instructor guidelines issued by the Texas Commission on Law Enforcement Officers Standards and Education (TCLEOSE) to police trainers in Texas provide for just eight hours of Professionalism and Ethics training out of the 618 hours required for successful completion of the Basic Peace Officers Course (2008) (see Appendix A). For some Texas law enforcement officers, that eight hour block of training, representing only 1.3% of their police academy, will be the only formal introduction to the concept of professional police behavior and ethics during their entire career. This is unacceptable and potentially costly to the officer, their agency, and the public.

The police academy, by definition, was designed to provide only a minimum, or basic, level of training to police recruits and is not sufficient for the potential law officer to master all possible skills sets. While some physical skills, such as handcuffing and building entry, may be learned quickly through repetition, ethical skills are more difficult to practice and show real proficiency. In the academy, it is a seemingly straightforward matter to tell a student to “just do the right thing” on the street and then test comprehension through simple, sample scenarios. However, as new officers gain experience in the field, they are exposed to ethical dilemmas and temptations they might never have contemplated during the basic police academy when ethics training was offered. Additionally, veteran officers, whether ranking or non-supervisory, are just as susceptible to the fundamental attribution error – that is justifying or rationalizing their own behavior in terms of the situation (Myers, 1999). Further, observing veteran officers act in a questionable manner has a potentially strong effect on younger or

inexperienced officers who often desire acceptance within the police subculture and may mirror that behavior.

TCLEOSE (2011) records showed that between September 2005 and August 2009, 307 Texas Peace Officer licenses were revoked or suspended. Surely none of these peace officers entered the policing profession with the intention of losing a license, either temporarily or permanently, which took so much effort and commitment to obtain. Yet the causes shown for these administrative actions are disturbing: Abuse of Official Capacity, Official Oppression, Perjury, Forgery, Prostitution, Theft by a Public Servant, Possession of Steroids and/or Marijuana, Sex with a Person in Custody, and the list goes on and on. Also alarming is a yearly comparison of revocations and suspensions showing an upward trend each fiscal year since FY2006. Annual law enforcement ethics training should be required by TCLEOSE to mold and reinforce a professional organizational culture for Texas law officers in the 21<sup>st</sup> century.

## **POSITION**

Annual law enforcement ethics training can reduce agency liability and promote public trust. William B. Berger, President of the International Association of Chiefs of Police, along with Carl R. Peed, Director of the Office of Community Oriented Policing Services Support, have identified ethics as “our greatest training and leadership need today” (2002, p. 1). The concept of ethics goes beyond simply obeying the law. Ethics is built upon the principles from which a person makes decisions on “issues of right, wrong, fairness, and justice (Carroll & Buchholtz, 2006, p. 22). Ethical principles are intended to curb abuses power and guide people to act in a more socially responsible manner.

As a result of the vast discretion afforded to peace officers, they have power to affect the lives of other members of society in the performance of their duties. Law enforcement ethics in the United States have evolved as a result of society's desire for a better accountability from its police and an ever increasing level of expectation. What was once acceptable police practice could be viewed today as unethical or illegal conduct. The often romanticized idea of a ruggedly handsome town marshal donning a brilliantly white Stetson and ordering the bad guy out of town could easily be viewed today as a corrupt, politically-connected bully with a badge violating a citizen's rights. Leo Tolstoy summarized it eloquently when he quipped, "What a strange illusion it is to suppose that beauty is goodness" (Weis, 2010, p. 1).

Various formalized codes of conduct to outline the ethical principles expected of law officers have been presented over the years with the most well-known and accepted being the Law Enforcement Code of Ethics as promulgated by the International Association of Chiefs of Police (Robbins, Nichols, & Harrelson, 1998) (see Appendix B). However, having a Code of Ethics and subscribing to it are vastly different. Although many police agencies officially adopted the Law Enforcement Code of Ethics, the actual practice of the code in its early days is debatable because there were few real consequences for violating it. Most individuals with whom law enforcement interact do not have the financial resources to employ attorneys to seek redress for perceived violations of their constitutional rights resulting from unethical conduct by a law officer. Attorneys further recognized that it was not profitable to sue individual law officers who seldom had any substantial assets. All that changed when the Supreme Court, in a court case titled *Monell vs. City of New York Department of Social Services*, decided

that governmental agencies, including police departments, were vicariously liable for the actions of their employees. Attorneys immediately recognized that law enforcement agencies, as departments of government, had “deep pockets” presumably filled with cash and began taking on clients’ cases on a contingency basis (Schott, 2008, p. 25). Ethics training, in conjunction with effective agency policies and procedures, reduce the potential for officer misconduct by clearly enumerating the agency’s position. While some officers may still engage in unethical conduct nevertheless, ethics training will show the behavior was not condoned as a practice of the agency, thereby distancing its “deep pockets” financial resources from the plaintiff and the plaintiff’s attorney. Annual law enforcement ethics training could be considered “risk management” (Gleason, 2006, p. 3).

Annual law enforcement ethics training will promote a more professional organizational culture and encourage employee retention. Individual officers make up the organization and define the organizational culture by their conduct. That culture depends on the how closely the daily judgments of individual officers, starting with the Police Chief, subscribe to the common ethical standards found in the Law Enforcement Code of Ethics. Each standard is directed at the individual officer and starts with the word “I.” For example, “I will keep my private life unsullied” and “I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions.” While ethics are an individual responsibility, the violation by the individual tends to reflect negatively on the entire organization, whether a police department or a business. Consider the corruption of the New York City Police Department in the 1970’s, resulting in the Knapp Commission (1972) investigation.

While the public trust was betrayed by many; the ethical officers were viewed with the same degree of disgust as the corrupt officers. The same stigma applies to Enron. There is an automatic negative connotation for anyone who worked there. Once considered a shining star of American innovation and ingenuity, Enron was brought down by unethical conduct at the highest levels. The shareholders and 21,000 employees were the victims of a small group of individual whose motivation for money at any cost destroyed the 7th largest corporation in America (McLean & Elkind, 2003).

Organizations depend on the leadership of command staff as well as supervisors and veterans for their organizational culture. Less experienced officers “look to them to make decisions and provide direction in any given situation” (James, 2003, p. 2). If the decisions or directions evidence an unethical process, three outcomes are possible. One, the officer will stay with the agency, but continue to subscribe to ethical practices. Two, the officer will mirror the unethical behavior of his seniors. Three, the officer will leave the department in search of a more professional organizational culture with ethical or principle-centered leadership.

In his book *Principle-Centered Leadership*, Stephen R. Covey recognizes eight characteristics of principal-centered leaders. Covey (1992) wrote, “They are continually learning. They are service-oriented. They radiate positive energy. They believe in other people. They lead balanced lives. They see life as an adventure. They are synergistic. They exercise self-renewal” (p. 33-38). Each characteristic promotes the ethical culture of an organization. Retired Army Colonel “Mac” McIntyre, PhD, an instructor for the Texas Comptroller’s Leadership Development Program, teaches that employees do not leave organizations, they leave supervisors. Unethical supervisors, he explains, are



poor leaders. Annual ethics training includes aspects of leadership training and will help promote the culture necessary to retain the ethical officer.

Annual law enforcement ethics training will provide officers with techniques and strategies to identify and resist corruption and temptation to prevent involuntary job loss. Chief Bob Harrison of the Vacaville, California Police Department believes “society might regard the lone street cop as its single most powerful individual” (1999, p. 2). Abuse of that power may be either a lawless act or a moral dilemma for which the law officer has no training to make an experienced judgment. Most law officers have faced situations where no clear answer to a course of action is easily discernable. Ethics themselves, as value statements, evolve to mirror the standards of society. Law enforcement ethics of the 21<sup>st</sup> century are quite different from those in the dawn of policing in America. The inequitable treatment of woman and minorities was accepted at one time, but no longer.

When it comes to ethics training, Joseph Schafer, Associate Professor at the South Illinois University wrote that law enforcement trainers “must seek out ways to move beyond simply telling officers to do the right thing. It should ideally empower officers to anticipate the complex moral choices they must make, sometimes in a matter of seconds” (2007, p. 3). Ethical dilemmas often exist in the grey area between rationally knowing what should be done and a contradictory emotional flip-side. Internal conflicts between the two inconsistent cognitions, one emotional and the other rational, truly defines cognitive dissonance (Myers, 1999). Taking advantage of the uncomfortable feeling of vacillating between decisions, High Game Enterprises markets a family-style game called Scruples ® which entertains players by presenting personal

moral dilemmas. Scruples for Law Enforcement may well be a productive method to teach law enforcement ethics techniques and strategies for exposure to dilemmas law officers might be expected to face. For maximum benefit, this type of training should be played in a group setting. Studies in group dynamics on normative influence indicate attitudes, in this case – ethical beliefs, can be strengthened when supported by others in the group (Myers, 1999). Nothing will send the right message to a young law officer more effectively than hearing his sergeant, lieutenant, or chief respond appropriately to a law enforcement-specific ethical dilemma. Annual law enforcement ethics training will help officers keep their jobs by providing group support and individual strategies to resist unethical behavior.

### **COUNTER POSITION**

Some opponents contend that ethics are an issue of an individual's moral values and cannot be taught (Howard, 2007). They believe people either possess an ethical foundation through their religious upbringing or they do not; that you cannot infuse values. Similarly, Yale Psychology Professor Paul Bloom, who has been studying morality in babies for years, recently said "A growing body of evidence suggests that humans do have a rudimentary moral sense from the very start of life" (Derbyshire, 2009, p. 1).

The law enforcement selection process does a fairly proficient job in weeding out those applicants who's prior lack of moral values or immoral upbringing are obviously incompatible with the values expected of a law officer. While law enforcement has begun to value diversity in the workplace in terms of not only race, gender, age, disabilities, and religion, but also political beliefs, physical appearance, and sexual

orientation, certain action or beliefs are out of bounds. Disclosure of personal heroes such as Adolph Hitler or Ted Bundy would certainly disqualify an applicant, but in the absence of verifiable public records or known history, some character and integrity flaws are sure to go unnoticed. For instance, a Christian upbringing, as universally defined, is one thing. Family membership in the Westboro Baptist Church, which pickets soldiers' funerals, or in the Branch Davidians of Waco infamy is clearly another. The point is that an organization cannot rely solely on an assumption that a potential law officer was afforded a proper, ethical upbringing. If moral values cannot be taught, ethical training by a particular organization nevertheless serves to establish that organization's standards for ethical behavior for which it can hold accountable its employees (Robbins & Judge, 2009).

While ethical training may not be able to change underlying attitudes, it can positively affect behavior. That said, social psychologists have asserted that our attitudes can often follow our behavior (Myers, 1999). The idea is that requiring specific behavior patterns can cause a change in attitude to reduce dissonance. If true, a shift in a person's ethical attitudes that aligns them with the agency's required behavior can hopefully be expected. Finally, if inherent ethics exists as Professor Bloom suggests, they are insufficient to prepare a person for the complex issues facing a law officer. Clearly, environmental and societal factors will influence any rudimentary ethical programming.

Opponents also contend that ethics are fine as a concept, but in the real world, it is sometimes necessary for ethics to be set aside for the greater good. Often referred to as "noble cause corruption", the officer responds to the needs of the public to solve a

crime problem and, without any personal gain, commits an act such as planting evidence, thereby “achieving a legitimate organizational goal when legitimate means are perceived to be too limiting” (Ivkovic, 2005, p. 28-29). So-called noble cause corruption is a slippery slope. If a law officer is publically recognized and commended for these actions, the potential exists for them to continually repeat the conduct to receive similar praise. In effect the officer makes a decision to abandon the U.S. Constitution, their Oath of Office, and the Law Enforcement Code of Ethics to do whatever is necessary in their personal opinion with a belief that the end justifies the means. Essentially, the officer substitutes their own values for the values of their profession (Martinelli, 2011). In doing so, the officer betrays the badge and crosses the line that separates a truly noble profession from lawlessness.

Some would also argue that post-academy ethics training is unnecessary, contending that ethical violations are handled through disciplinary action to discourage wrongful acts. This philosophy was espoused by the French philosopher Voltaire who wrote, “In this country it is a good thing to kill an admiral now and then to encourage the others” (Quotationsbook, 2007). Presumably by this reasoning, making an example of one of the officers is intended to keep the others in line.

One should not do good deeds simply out of fear. Ethical conduct is based on subscribing to a standard of conduct, not to avoid being caught committing a breach of the rules. Besides, there are simply not enough supervisory officers to constantly watch every officer and not enough command level officers to watch every supervisor. Additionally, once an unethical act has been committed in the form of a criminal offense or policy violation, there are ramifications and consequences extending far beyond the

behavior itself. Other resources, such as an Internal Affairs Unit, must be used. Potential lawsuits may follow involving depositions and loss of manpower. Criminal charges may be brought. Press conferences may be necessary. Benjamin Franklin had a better idea when he wrote that an ounce of prevention was worth a pound of cure. Providing annually ethics training could reduce potential disciplinary actions against officers, eliminate corresponding legal action, and avoid public condemnation.

## **RECOMMENDATION**

Ethics training has identifiable benefits. First, annual law enforcement ethics training can reduce agency liability and promote public trust. Now that organizations can be sued for the practices of its employees when it can be shown that the practice was condoned as a policy of the organization should cause agencies to take notice and prepare against that risk. Second, annual law enforcement ethics training will promote a more professional organizational culture and encourage employee retention. Good, ethical officers will not stay in an organization where they witness unchecked unethical acts committed by their supervisors, senior officers, or command staff. Ethical officers could potentially be professionally tainted by a scandal just for having worked for that organization. Annual ethics training seeks to prevent the act to retain the officer. Third, annual law enforcement ethics training will provide officers with strategies to identify and resist corruption and temptation that could lead to involuntary job loss. Finally, annual ethics training will provide officers with a forum to receive group support and address complex, ethical dilemmas that were not foreseeable prior to life experience in police work.

An eight hour block of ethics training prior to entering the real world of law enforcement is clearly insufficient for a life time as a Texas law officer. Annual law enforcement ethics training should be required by TCLEOSE to help mold and reinforce a professional organizational culture for Texas law officers in the 21st century. The public's high expectations of peace officers to maintain an exemplary professional standard of conduct at all times is inconsistent with the current lack of emphasis placed on ethics training requirements. In order to establish the proper emphasis, annual law enforcement ethics training should be a minimum of 4 classroom hours.

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## APPENDIX A

<b>618-HOUR BASIC PEACE OFFICER COURSE</b>		
(revised March 2008)		
In accordance with Commission regulations, the Basic Peace Officer Course shall consist of a minimum of 618 classroom hours and shall include, but not be limited to, the subjects set forth below. This is the recommended sequence for teaching the course. Academies may change the sequence, if necessary.		
#	SUBJECT	HOURS
	Introduction and Orientation	2
1.	Fitness and Wellness, and Stress Management	14
2.	Professional Policing	10
3.	Professionalism and Ethics	8
4.	U.S. & Texas Constitutions, Bill of Rights, and Criminal Justice System	12
5.	Multiculturalism and Human Relations	12
6.	Code of Criminal Procedure	16
7.	Arrest, Search, and Seizure	24
8.	Penal Code	40
9.	Traffic	68
10.	Intoxicated Driver and SFST	24
11.	Civil Process	8
12.	Alcoholic Beverage Code	4
13.	Health and Safety Code – Controlled Substances Act	8
14.	Family Code – Juvenile Issues	10
15.	Written Communications	16
16.	Spanish	16
17.	Force Options	24
18.	Mechanics of Arrest	40
19.	Firearms	40
20.	Emergency Medical Assistance	16
21.	Emergency Communications	12
22.	Professional Police Driving	32
23.	Communication and Problem Solving	16
24.	Patrol/Consular Notification	42
25.	Victims of Crime	10
26.	Family Violence and Related Assaultive Offenses	20
27.	Crisis Intervention Training (CIT) and Mental Health Code	24
28.	Hazardous Materials Awareness	6
29.	Criminal Investigation	44
	<u>Including:</u> Introduction, General, Protection of and Crime Scene Search, Interviewing Techniques, Booking Procedures, Courtroom Demeanor and Testimony, Case Management	
<b>TOTAL HOURS</b>		<b>618</b>

(TCLEOSE, 2008)

## APPENDIX B

### LAW ENFORCEMENT CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard mankind; to safeguard lives and property; to protect the innocent against deception, the weak against suppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional right of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it, as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

(Robbins, Nichols, & Harrelson, 1998).