

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

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**Law Enforcement Ethics:  
Evolving Beyond the Blue Code**

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**A Leadership White Paper  
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**By  
David R. Babcock**

**Benbrook Police Department  
Benbrook, Texas  
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## **ABSTRACT**

Defeating or at least redefining the “Blue Code of Silence” is relevant to contemporary law enforcement because without strong ethics and trustworthiness law enforcement cannot function at its most efficient capacity. Too many cases are lost or hindered once it is discovered that a witness officer has a poor disciplinary background, has lied, or committed criminal acts. Barton (2010) asserted, “Police testimony is the lynchpin of almost every criminal case. If a defense attorney can successfully challenge an officer’s truthfulness, charges aren’t likely to stick” (p. 1). It is the responsibility of law enforcement to clean up its image and achieve true professionalism.

Illegal activities, attitudes, and practices in law enforcement once viewed as appropriate by the few should no longer be accepted behind the defense of The Blue Code. Society deserves to feel confident in the commitment that law enforcement administrators around the country will provide the best law enforcement service possible. This commitment starts with the administrators themselves setting the proper examples and should flow throughout each organization, culminating in the street level patrol officer worthy of ultimate trust. Information used to support the researcher’s position was gathered from books, articles, internet sites, periodicals, and professional magazines.

The Blue Code of Silence is a problem in law enforcement. It can be corrected through ethics training, positive role models, and the right kind of peer pressure. Law enforcement officers should expect their co-workers to conduct their tasks in a professional and ethical manner. The responsibility to work toward this commitment is shared by all who take the oath of office.

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## INTRODUCTION

A law enforcement officer will likely have to make critical and possibly life altering decisions just about every day of his career. A multitude of factors will play into his decision making process. Not only will an officer pull information from his experience, academy training, and learned knowledge, but his own morals and ethics will come into play, whether he consciously realizes it or not. These decisions can affect a person's life with great magnitude in either a positive or negative manner.

Every citizen should be able to expect his local police officers to be of high moral and ethical character. Jetmore (1997) stated, "The term *ethics* is derived from the Greek word *ethos*, meaning 'customary behavior.' Ethics is also concerned with attempting to define what is 'good' for individuals and for society" (p. 2). The vast majority of officers in today's modern police force have high morals and practice outstanding ethics. Unfortunately, there are officers who either have a slanted view of what is good for individuals and for society or choose to ignore what they know is right. It is even more unfortunate that law enforcement still suffers from a stigma described as The Blue Code.

Ask any officer about the meaning of The Blue Code and one is likely to get several different definitions, descriptors, and opinions on the true meaning. Some would give answers describing a code of loyalty and brotherhood; others would indicate a darker definition. The Blue Code is a product of the police subculture. Being a police officer is like few other professions in the world and not all aspects of The Blue Code would be described as negative. Officers depend on each other in ways that members of most other professions could not imagine. It is often said that the number one goal of

a police officer is to make it home at the end of his shift. Officers depend upon each other to reach that goal every day. The loyalty among officers, as a result of this shared goal, simply does not exist among many other professions. A negative aspect of The Blue Code is the reluctance of officers to report the facts when another officer does wrong, also known as a code of silence. Trautman (2000) contended that "The Code of Silence in law enforcement is more dominant and influential than most other vocations or professions." (p. 2)

In the early 1990s, the New York City Police Department fell under a black cloud of corruption and scandal. Officers were prosecuted for extortion, money laundering, and brutality, among other crimes. Bernard Cawley, a young NYPD officer, was prosecuted and sent to prison. When asked "Weren't you afraid of getting caught?" He replied, "No. Who's going to catch us? We're the police. We're in charge. Cops don't tell" (Rabb, 1993, p. B-3).

Illegal activities, attitudes, and practices in law enforcement once viewed as appropriate by the few should no longer be accepted behind the defense of The Blue Code. Law enforcement professionals should work toward transparency in their policies and day to day activities. The term, "do as I say and not as I do" should no longer be heard within the halls of justice. Administrators should lead by example and be able to proudly display their own lifestyle and decision making processes for others to follow.

## **POSITION**

Contemporary law enforcement as a whole has strived to be viewed as a profession of well trained, educated individuals rather than just a vocation for big tough-minded men. Duffy (2002) explained the importance of integrity in this struggle: "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 ” (p. 4). True public trust cannot be bought. It cannot be simply demanded. To establish true public trust, it must be earned, and it can only be earned over an extended period of time with a proven unquestionable track record for all to see.

Even in the modern day era of professional law enforcement, The Blue Code of Silence still exists. It still casts a shadow of mistrust over the profession. The National Insitute of Ethics (2000) conducted one of the most extensive research projects ever on the police Code of Silence (as cited in Trautman, 2000). According to Trautman (2000), “The Police Code of Silence exists. Some form of a Code of Silence will develop among officers in virtually any agency” (p. 3). The study revealed some startling facts. The peer pressure to remain silent was felt most by patrol officers and the most common misconduct not reported due to the Code of Silence was the use of excessive force. The fear of being declared an outcast by their peer group was the number one motivator of the code.

Law enforcement officers are human beings who make up a subculture. Westwood (2010) defined a police subculture as “the strong feeling of loyalty towards and solidarity with fellow officers, a feeling which goes beyond what is normally encountered among employees, even other professionals” (p. 1). With that said, there is no shortage of excuses among corrupt officers when asked about The Blue Code. Gilmartin and Harris (1998) interpreted the theory of continuum of compromise as officers using the excuse of victimizing themselves as reasoning for their misconduct. The risks and dangers that officers face every day can cause what Gilmartin and Harris

referred to as a hyper-vigilant mind-set, a condition in which officers feel they can only trust other officers. Officers caught breaking the law or violating policy tend to encourage others to keep quiet or manipulate the truth while speaking with internal affairs investigators. The deception is justified with the excuse of “it is us versus them,” and they have all the advantages. Once an officer denies the truth, lies, or cheats the system, it becomes easier and sometimes necessary for him to repeat his actions of deceit in order to retain his employment. Bad situations induce bad decisions, creating a step by step continuum leading toward disaster. A good cop can turn into a compromised cop before he realizes what is happening and can turn a job he once loved into a job he despises. According to Gilmartin and Harris (1998), “In the final stage on the continuum of compromise officers engage in and rationalize behavior that just a few years before could not be imagined” (p. 25).

One of the biggest challenges law enforcement administrators face today is the attainment of the public’s trust. For law enforcement officers to be effective in their jobs, their word has to be taken as fact. Noble (2003) stated, “Lying is a subset of the larger category of deception, undertaken when one intends to dupe others by communicating messages meant to mislead and meant to make the recipients believe what the agent either knows or believes to be untrue” (p. 2). When the national media starts off the evening news with a story of a police officer doing wrong, they do not make a point to tell the audience that there are thousands of officers out there who do their job every day while upholding their oath of honor. The actions of a few can go a long way towards creating mistrust in the eyes of the public.

Attorneys have been known to file public information act requests to view an officer's employment and/or disciplinary file prior to going to court. An officer with a less than stellar background is often a liability in court. Noble (2003) asserted that under *Brady v. Maryland*, "evidence affecting the credibility of the police officer as a witness may be exculpatory evidence and shall be given to the defense during discovery" (p. 1)

In 1994, the importance of ethical behavior among law enforcement professionals became a dominating subplot in the O.J. Simpson murder trial. Simpson's defense team was able to divert the jury's and the nation's attention away from rock solid evidence and instead focus on the poor moral behavior of Detective Mark Fuhrman. During the trial, Simpson's defense team put Detective Fuhrman on the stand and asked him if he had ever used the term "nigger." Fuhrman denied ever having used the term. The defense team then produced a former friend of Fuhrman's, Laura McKinney, who produced a tape recording with Fuhrman using the term "nigger" 41 times. Although Fuhrman explained that the tape was approximately ten years old and was the result of his playing a role for a screenplay, the cast was set. Fuhrman was deemed to be a liar and a racist. Simpson was eventually found not guilty by a jury of his peers (Jones, n.d.).

This trial is just one example of law enforcement being ineffective due to not having the public's trust. Whether or not Detective Fuhrman ever used such a term outside the 41 times mentioned or ever told another lie while under oath, his credibility was ruined. The reputation of the Los Angeles Police Department, which had already been recently tarnished due to the Rodney King trial, and law enforcement around the country also suffered. This case is a classic example of one officer's actions scarring



the reputation of the entire profession. Fuhrman's affect on the trial was summed up by Purdum (1997), "Mr. Fuhrman is the former detective whose perjured testimony about his own use of racial slurs gravely undermined the prosecution in the O.J. Simpson murder trial" (p. 1). The jury could not give full weight to the evidence presented by Detective Fuhrman because they did not trust the messenger.

Detective Fuhrman is an example of an officer who unfortunately had been protected by The Blue Code. Fuhrman was known by his fellow officers to have a strong prejudice against female officers. His attitude and actions against female officers went unchecked and uncorrected because no one spoke up and took action against him. According to Purdum (1997), "Fuhrman's power grew every time he made an unchallenged sexist comment in roll call, every time he blatantly ignored a female officer...and every time his behavior was reinforced by his supervisors" (p. 1).

## **COUNTER POSITION**

There are many positive aspects of The Blue Code. Officers feel a strong sense of belonging to one another. It is not uncommon for entire departments to have family picnic days, and many groups meet at bars together, laughing and joking while sharing stories from the previous shift. Police associations around the country donate countless dollars and regularly volunteer their time to help out charities from Special Olympics to Santa Cops. Single officers often get their only home cooked meals of the month from the kitchens of fellow married officers. The Blue Code provides a sense of family and friendship in the police culture.

The Blue Code also provides clear cut lines in the sand between the "good guys," cops, and "bad guys," crooks. A common enemy has a knack of creating a solid team

out of a group of people with common goals. A combination of officer discretion and professional courtesy has led to the long held tradition of officers not writing other officers minor traffic citations. Law enforcement could be considered a tribe, a clique, or a brotherhood beyond most comparables, so there is little doubt that officers feel a sense of entitlement. It is not hard to believe that human beings transformed by the police academy and their natural everyday work environment would have a hard time making the right decision when witnessing misconduct. According to Gilmartin and Harris (1998), "Entitlement is a mind-set that suggests 'we stick together' and 'we deserve special treatment.' Entitlement allows both on and off duty officers to operate with the belief that many of the rules don't apply to them" (p. 25).

The culture created by veteran officers or even supervisors in the workplace can influence a new officer in many ways. Hearing detectives complain about a lack of facts to support an arrest may lead to what officers refer to as creative report writing. Creative report writing is nothing more than lying about facts or stretching the facts to make a case appear more worthy of prosecution. Hearing veteran officers talk about the slow and cumbersome justice system may lead new officers to believe it is okay to deal a certain amount of justice on the street themselves, such as getting in a few extra baton strikes when not needed, pepper spraying a suspect when not needed, or even stealing from a drug dealer. Officers may be paid money or drugs to simply look the other way and ignore criminal activity before them. According to Melnicoe and Mennig (1978), "culture largely influences job motivation and work habits" (p. 53). If a new officer observes this type of activity conducted by others he is working with and then watches as others who know of the activity do nothing to prevent it, the trap is set.

According to Trautman (2000), “the code of silence in law enforcement breeds, supports and nourishes other forms of unethical actions within the police culture” (p. 2). The effect of the police culture should not be underestimated. A new officer may feel a strong desire to fit in with other more tenured officers. Bennett and Hess (1996) defined workplace cultures in stating that “the workplace culture is the sum of the beliefs and values held in common by those within the organization, serving to formally and informally communicate what is expected” (p. 308). New police recruits come into law enforcement with varied backgrounds and value systems. It does not take long for the value system of the group to have a strong effect on the individual. Often, the “all for one and one for all” mentality comes into play. The nature of the job itself leads the individual to prefer to only identify with other officers. Oftentimes, a new officer may not be able to distinguish the difference between a veteran officer showing him the ropes or misleading him toward eventual corruption.

Without proper guidance, a new officer is susceptible to following the same footsteps in thinking that the Blue Code of Silence is an acceptable and expected way to conduct business. According to Trautman (2000) “doing away with the ‘blue code of silence’ may seem impossible. But it can be done. The key is to encourage officers to have loyalty to principles, not to each other” (p. 1). The Blue Code has been defeated in agencies by the use of peer pressure in a positive manner rather than the negative manner previously discussed. This positive peer pressure toward professional ethics has to start at the top with administration and flow through the first line supervisors. A major key for success is for the field training officers, often the first influential figure in a new officer’s career, to buy into the concept and openly display solid ethics from the

start. It is essential that new officers feel confident that if they witness an act against policy, they will not be labeled as a rat when reporting the violation. With ethics training and stronger, better role models, this type of peer pressure has shown to be contagious in some of the leading police departments across America.

## **CONCLUSION**

Law enforcement in the 21<sup>st</sup> century has made numerous steps toward being viewed as a true profession. Officers today are more educated and better trained than ever before. The vast majority of officers display a sincere enthusiasm to protect and serve the citizens of their communities. The camaraderie among officers is what one would expect from a group of people who depend upon each other in so many different ways. However, there are still a few who choose their own path of corruption, false justice, deception, and criminal behavior, which slings a black cloud of mistrust over the majority. The peer pressure, intimidation, and negative subculture of The Blue Code, which makes an officer a rat, outcast, or a fink if he reports wrongdoing, is both outdated and unfair. The profession should no longer have to put up with the bullies and no longer condone the silence of the weak.

Law enforcement leaders are challenged with the task to improve upon the general public's trust in law enforcement. A reiteration of the goals to work toward the greater good, protect individual rights, and depend upon the due process of law is needed. This responsibility starts with chiefs, sheriffs, and administrators and carries through to the first line supervisors and informal peer group leaders. An officer's character, ethics, and morals are his most drawn upon tools in making difficult decisions

every day. The public deserves to have clear, unwavering faith in their local police, and it is not too much to ask.

Excuses once given by those who hid behind the Blue Code of Silence have never been valid and seem even more pathetic in today's modern era of law enforcement. The brotherhood and friendships among officers should be viewed as more reason to expect true professionalism from each other. It is okay to be more demanding of each other, to expect only the best morals and ethics from each other, and to be truly proud of this calling: the profession of law enforcement.

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