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**Law Enforcement Code of Ethics and Oath of Office**

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**A Leadership White Paper  
Submitted in Partial Fulfillment  
Required for Graduation from the  
Leadership Command College**

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February 2018**

## **ABSTRACT**

The problems and issues addressed with this writing shows that there is growing need for constant and frequent training in specific areas within the chosen profession of law enforcement. Texas law enforcement agencies, professionals, and administrators should educate themselves, their officers, and employees on the oath of office and the officer's code of ethics. This education is needed for a resolution to a situation that is now out of control. Education of senseless documents cannot be unrecognized and cannot be without merit, but education on these two documents should be instilled and become second nature to business professionals of law enforcement. These are two documents that are provided to sworn officers and routinely overlooked when it comes to actions that are taken when officers act out in less than desirable manners. Law enforcement agencies across the state have become highly regulated by pages of written policy to the point that most policy has become ineffective, overlooked, or simply forgotten. Agencies and officers should learn, know, and live by the true meanings of these two documents. Once these documents become what, when, where, and how officers are to act, this will drive their actions. These teachings will replace the mounds of policy that is created and written daily. The information researched and provided within will prove that the true teaching, learning, and understanding of what these documents represent has been severely neglected. It will also show how a vast majority of all issues that arise within agencies and with officers can be directly spelled out within at least one of these two documents.

# TABLE OF CONTENTS

	Page
Abstract	
Introduction . . . . .	1
Position . . . . .	2
Counter Position . . . . .	8
Recommendation . . . . .	10
References . . . . .	15
Appendix A	
Appendix B	
Appendix C	

## INTRODUCTION

A wealth of deep thoughts, collective research, and considerations has led to a determination of needed changes of teachings and to a topic that haunts law enforcement. The following information is a demonstration of an extensive gathering of knowledge from scholars and knowledge from experts with a very particular area. The lack of following the guidelines that were set forth by this country's founding fathers, referring both to this country's founders and of those within law enforcement, are prominently ever-growing. The issues that have shown to create more problems within law enforcement agencies and law enforcement officers alike is the lack of knowledge and understanding of the law enforcement code of ethics and officer's oath of office.

Policy is known and accepted by most law enforcement officers. The law is also known and many articles and publications have illustrated either the lack of knowledge or the important factors as administration pushes their agenda through modern policy. Most police administration's have a zero tolerance for anything less than 100% professionalism. As this should be the norm, the law enforcement code of ethics and officer's oath of office have seemingly taken a backseat to all the policy, procedures, standard operating procedures, and countless other memorandums, letters, and documents that are provided to today's law enforcement agencies. Without a hard look, it is clearly seen that most violations committed by sworn personnel and officers are related to, or can be recalled back to, the officer's code of ethics and/or the officer's oath of office. It will be shown that law enforcement professionals can spend less time writing and trying to enforce policy written for a particular agency if only they would spend time educating themselves and their staff on these two documents and holding

officers accountable to the true meaning and values of the code of ethics and oath of office.

Texas law enforcement agencies, professionals, and administrators should educate themselves, their officers, and employees on the oath of office and the officer's code of ethics. This education is needed for a resolution to a situation that is now out of control. Education on these two documents should be instilled and become second nature to business professionals of law enforcement. The oath of office and code of conduct should not only be practiced but lived by on a daily basis by each and every person within the profession. Therefore, it is imperative that time should be given to periodically teach and re-teach these two documents. Reinforcement of ethics can only occur through repeated exposure to the subject and ethics training should be consistent and frequent.

## **POSITION**

Officers routinely receive small segments of education during police academies on the code of conduct and oath of office, but these teachings are not upheld to the standards taught after gaining employment in law enforcement. The lack of periodically teaching and reviewing these two documents is a problem. Law enforcement in the State of Texas is required by state law and the US Constitution (§ 912) to swear or affirm to an oath of office at the time of employment as a law enforcement officer. The code of ethics is a credo that should be learned, taught, and upheld by law enforcement while employed.

As both the law enforcement code of ethics and the oath of office are philosophical foundations and definitions for both are and can differ from those who

attempt to define these documents and terms, the meaning refers to the same thing. As Setzer (n.d.) illustrated, “Ethics is not definable and is not implementable, because it is not conscious. It involves not only our thinking, but also our feelings” (para. 1). Police ethics is defined as an issue of teaching police officers how to behave, and an oath is a sworn commitment for a police officer to act in an ethical manner. It is nearly impossible to have one without the other being affected. Therefore, a reasonable effort should be made to implement reasonable thoughts and educated ideas into the teachings of these documents.

Another reason an effort is needed for ongoing training on the oath of office and code of ethics is because there is not a segment of training when law enforcement was specifically taught the true meaning of the words within these documents. To learn the meaning of the words spoken, one must define keywords or wording that sometimes become difficult to understand. The keywords must be researched one at a time, if they are to be truly understood.

The Merriam Webster of the English Language defines an oath as: “a formal and serious promise to tell the truth or to do something” or it can be defined as a solemn affirmation, made with the intent to be honest and truthful in the face of God. To perform the opposite of what is affirmed is to renounce the sworn promise made under oath in front of God. This person may then invoke the vengeance of God, providing he did fail to hold true to his solemn affirmation (Merriam Webster, n.d.).

In order to get to the root of the problem, the examination of both the oath of office and law enforcement code of ethics, in which both documents are the topics of research, is absolutely necessary. Agencies regularly list these documents or a

summary of some kind within their policy and procedures but often fail to teach the true meaning of the documents or implement the meaning of these documents. The following attachments will explain each document. Appendix A is a complete and true copy of the law enforcement code of ethics. The officer's oath of office is seen in Appendix B as written in the U.S. Constitution. These documents are the topics of discussion. Appendix C is an oath of office shown by Rudd (2009).

These versions of the oath of office are just two versions. All oaths of office basically use the same words and sometimes add words, but resemble the same meaning. The training and teachings of the affirmation is what is upheld in this discussion. The affirmation or to affirm is to promise or to make a promise. The intended purpose and position during this writing is based on an affirmation before God.

One could very easily go through each paragraph within the code of ethics and point out where different circumstances violate many areas of the code. It is necessary to recognize that should the code of ethics be correctly followed as defined, many private/work based issues could be easily resolved. Part of the code of ethics states, "I WILL keep my private life unsullied as an example to all and will conduct myself in a manner that does not bring discredit to me or to my agency" (International Association of Chiefs of Police [IACP], n.d.). This example could describe situations that involve officers who are involved in extra-marital affairs, foolish actions both on and off-duty, failure in public trust, a lack of professional standards, a failure to fulfil personal objectives of enhancement of professional standards and bringing discredit to the agency of which they serve. In October 2015, an example of this very topic was highly publicized when it was learned the investigator for Harris County, Texas working a

capital murder case of the ambushed deputy was found to be having an affair with the “key case witness.” As a result of the actions and relations by the officer, he was terminated from his employment (Shadwick, 2015).

Law enforcement officers are taught by the code of ethics, “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” (IACP, n.d.). This should be taught as an officer who pins on a badge as a peace officer, that in and of itself is an acceptance of public trust. Finney (n.d.) stated, “No man can possibly be benevolent or religious, to the full extent of his obligations without concerning himself, to a greater or less extent with the affairs of human government” (p. 480). These actions are accomplished by being kind-hearted and the will to do good or be in good faith. It also means that law enforcement should not be commercialized; the business of policing should be conducted on a case-by-case basis with flexibility in implementation of the laws.

Within the code of ethics it says, “I KNOW that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence” (IACP, n.d.). This section of the code is self-explanatory, or should be. Each officer is held by a set professional standard by his own conformation of accepting the oath and code. That officer is also admitting that he/she will take it upon himself to enhance and improve his own level of knowledge and competence. This very section alone should stand on its own for the words that are written. Each and every officer is responsible for their own

actions. No one in the profession of law enforcement should be of the belief that anyone but themselves is responsible for their own actions.

The code of ethics also says, "I WILL constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...Law Enforcement" (IACP, n.d.). This section of the code is much like the one listed above, as in it stands alone with each individual officer. By the given fact that any officer who affirms to uphold this position of employment before God, he alone is held to a very high standard based on what should be his belief and faith in Jesus Christ on an individual basis.

With these broad terms and explanations, it could easily lead to grounds of termination of wrong doing on any officer's behalf. Any range of punishment could be given to any officer found in violation of any of these terms of which they should have sworn to uphold. Actually, those who have violated promises against these doctrines truly failed to "swear" and simply read the words. The punishment administered should be correction of unwanted behavior that is undesired by any agency. These acts could be completed by teaching the meanings of the words contained within the two documents.

The chosen leaders in law enforcement within Texas should understand the message that is trying to be conveyed, which is the lack of studying, teaching, and understanding these two documents. The oath of office and code of ethics are two areas of law enforcement that are abused the most based on a majority opinion, "These two documents are the most important issues of truth and integrity a police department has with the community it serves. Most police agencies have neglected these issues

and do not fully understand the impact they have on the community they serve” (DeShon, 2000, para. 1). The general public has taken surveys and research has been conducted that has shown people distrust law enforcement (Finney, n.d.). Police ethics is an issue of how to behave and the oath is a sworn commitment to act in an ethical manner (Rudd, 2009).

Ethics and ethical behavior complement one another, “Ethics is a code of values that guides our choices and actions and determines the purpose and course of our lives. Ethics is not a written code or credo; it is about what we do” (Southwestern Law Enforcement Institute, 1995, p. 14). Ethical behavior is acting in ways consistent with what the general public typically thinks are good values. Ethical behavior should be a standard customer service and is essential to obtaining “respect for key moral principles that include honesty, fairness, equality, dignity, diversity and individual rights” (Business Dictionary, n.d., para. 1).

In order for America’s police officers to be held to a higher standard and accountable for their actions, the moral and ethical standards must be more than that of the citizens of which they police. In today’s society, policing America is not about demanding respect, but rather it is about showing or giving respect to others and earning respect as an authoritative figure. This statement is proven by studies, as follows: “Officers need the trust and respect of the public to perform their duties and responsibilities effectively. This trust does not come without the officer knowing and understanding his sworn oath and code of ethics” (Close and Meier, 1995, p. 4).

## COUNTER POSITION

Law enforcement agencies will argue that policies such as conduct unbecoming of an officer are unethical decision making on an individual level. Most law enforcement agencies operate and have policies that define conduct unbecoming of an officer, or at least some type of policy that includes this language. The wording of such policy supplements the ethical standards contained in the International Association of Chiefs of Police's Law Enforcement (IACP) Code of Ethics, a copy of which has been included as follows:

Law enforcement effectiveness depends upon community respect and confidence. Conduct which detracts from this respect and confidence is detrimental to the public interest and should be prohibited. The policy of this department is to investigate circumstances suggesting an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate. (IACP, 2013)

However, law enforcement officers across this country swears to an oath of office prior to performing duties as an officer. Though politicians and officers alike swear to an oath, it appears they just simply read the words and have no idea what the meaning of the words truly are. An oath of office for peace officers outlines major obligations, huge responsibilities, and promises and guidelines that the general members of public do not have to live or work within. In America, the police officer's oath originates within the United States Constitution. The title of executive officers mentioned in the constitution refers to police officers working under the executive branch of the government. The U.S. Const. art. IV states: "The Senators and Representatives before mentioned, and the

Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and the several States, shall be bound by Oath or Affirmation, to support this Constitution..."

Agencies and administrators will state that there are many more important issues facing today's officers and supervisors. Law enforcement across the country is facing many different issues involving difficult topics facing officers and police supervisors. These issues include excessive force, deadly force, police corruption, police pursuits, and other publicized police related topics. Though all these issues have their own set of problems, it should not go unnoticed that each issue mentioned above is covered in one of the two named documents: the oath of office and code of ethics.

Police officers across this country are working under a negative perception of the public's opinion that is highly influenced by one-sided media stories and constant media coverage. The ongoing media coverage, through social media, news stories, and news outlets that thrive on a majority of negativity and misconduct of police and political leaders nationwide has caused the public to distrust the leaders of this country. The people have lost a great deal of trust in the ethics or morality of the leaders in America. There has never been another time where officers and political leaders of communities, towns, and counties were viewed by the public with as much distrust as they are to date (Finney, n.d.).

Loyalty is becoming more and more of an unwritten code and is an important part of police culture. The written code of ethics will not only guide officers in decision-making, but will guide officers in the right direction. There is a very large area within law enforcement considered to be the shade of gray by many people, such as discretion,

decision making, force, and loyalty. Pollack (1990) stated it well: “Nevertheless, it is logically important that police officers must operate in an environment of shared moral values that are internalized from within. We must realize that a subculture and an unwritten code are in clear opposition to the written and professed formal code of ethics” (p. 2).

## **RECOMMENDATION**

Law enforcement agencies across the State of Texas should stress the importance and educate officers on the oath of office and code of ethics given to their officers. They should educate themselves and their officers on these two documents that have proven year after year to be so powerful, but yet so often overlooked. Ethical behavior and standards are set forth in the police officer’s code of ethics and is absolutely necessary for integrity and development nationwide. Rudd (2009) stated, “The code of ethics states that police officers must uphold the law regardless of the race or social status of the offender. They must not abuse their powers in order to give special treatment or take advantage of certain people” (para. 1).

The pure existence of a police officer is to protect, serve, and uphold the laws in the communities, counties, and cities of which they work. The general public holds officers to higher standards in their personal lives as well as their professional lives when talking about behavior: “They must not be seen to abuse their power, live beyond their means, or be immoral. Society must be realistic to understand that there also exists a sub-culture value system among law enforcement officers” (Rudd, 2009, para. 1).

Davis (1991) identified three dominant characteristics of the police subculture. The first is the idea of cynicism: every one is a possible problem – they are to be dealt with as if they have already committed a crime. The second characteristic concerns the use of force and that when a threat is perceived by police, it is instilled to use force. Finally, police have developed an idea that they themselves are victims. Police officers believe they are victims due to a misunderstanding by the public, administrators who are vindictive and out to only protect themselves, a very large amount of scrutiny and low pay (Davis, 1991).

The word “oath” has been widely used, and it is obvious that the United States Constitution holds law enforcement officers and political leaders accountable under an “oath,” so knowing the meaning of the words should be defined. The word, “oath” should be defined further, concerning how it is administered. As officers are forced to take an oath of office, they typically raise their right hand and "solemnly swear" to uphold the Constitution. When defining “solemnly,” Black's Law Dictionary (n.d.) defines this term as: "Corporal oath is one taken by the form of laying the hand on or kissing a copy of the gospels. The terms corporal oath and solemn oath are synonymous, and an oath taken with the uplifted hand is properly described by either term in an indictment for perjury" (para. 1).

Law enforcement officers must understand their oath of office and code of conduct; they must receive training in these areas and in areas such as ethical decision-making and behavior. When conversations occur about the oath of office and code of conduct, they both have to be defined. With little information in writing on a police officer's oath of office, a person would be forced to review the original oaths written

within the United States Constitution and various versions of oaths from different states within the United States. DeShon (2000) puts it this way: "The oath of office and police ethics discussed in this paper is looked at as one in the same. Police ethics is an issue of how to behave. The oath is a sworn commitment to act in that ethical manner. You can't have one without the other being affected" (p. 2).

Spinoza (1995) said, "Because God is infinite and the creator of all, understanding God is the most important goal in life. Those who understand God will desire good from others and behave ethically toward them" (as cited in DeShon, 2000, p. 3). This quote is directed toward those law enforcement duties for serving the people and protecting the people in an ethical manner and without evil. These thoughts should stay at the forefront of thinking; ethics means to doing the right thing and/or doing good.

Different generations and cultures will define ethical behavior in different ways; however, good ethical behaviors should include but not be limited to the following: being honest and kind, being loyal, acting in fairness to all, having courage and compassion, acting unselfish, and treating others with dignity and respect. People who have such qualities and act accordingly generally would be classified acting ethically. Reading and researching these topics, it has shown that three areas usually have a huge impact on how people act and behave when doing so in an ethical manner. The areas in question are considered to be government, religion, and family. When referring to government influence, it refers to the laws. Many people need laws to outline what should and should not be done as productive citizens. Other people feel that if no law is in place, then they act accordingly from their own moral thoughts. A large majority of all religions have values, morals, and ethics of which they regularly practice and teach. Thus, this

moves people to act within these teachings. Lastly, one of the most important teachings is those coming from within their own family. Children are taught by their parents or those who raises them how to act toward others. DeShon (2000) weighed in on this topic: "Family, religion and government have traditionally been powerful motivating forces for ethical behavior for all of us" (p. 4).

In conclusion, it must be noted that every law enforcement officer, supervisor, and personnel in a law enforcement organization must come together and realize the importance of the code of ethics and oath of office. The education and knowledge that can be gained from these two documents is very important to the agencies and the law enforcement officers within. Education needs to be conducted in relation to these documents as it should be obvious that a large majority of issues today can be related to a lack of knowledge of both the code of ethics and oath of office. It is imperative that agency administrators and supervisors teach the true meaning of words written in the two documents. The depth of the words expressed and the solemn oath that has been taken to achieve the positions that all have acquired as law enforcement officials is a must for understanding and knowing the meaning of what law enforcement should be doing.

Agencies should begin an evaluation from the top of the organization downward. The perception of unethical behavior can be changed and should be changed within every organization. Every agency has a duty and moral obligation to ensure that everyone under their guidance knows how to act and behave in an ethical and professional manner. Law enforcement agencies should lead by example and teach their employees and new officers to act ethical and professional manner. Agencies

should instill the oath of office and code of conduct into their personal lives, which will lead to a successful career in law enforcement. Law enforcement agencies should have clear policy, instructing each officer and employee to abide by these two very important documents as discussed throughout this writing. Furthermore, it is equally important that officers are trained in detecting wrong ethical decisions and issues made by their peers and subordinates. It should be noted that serving personal agendas and failing to assist and help those who law enforcement has duly sworn to serve and protect is not behaving ethically. These documents should apply to each and every law enforcement officer within the United States of America.

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U.S. Const. art. IV

U.S. Const. Art. XI, § 1

## APPENDICES

### Appendix A

Law Enforcement Code of Ethics "AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all persons to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all and will conduct myself in a manner that does not bring discredit to me or to my agency. I will 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 feeling, prejudices, political beliefs, aspirations, 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 of 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 never engage in acts of corruption or bribery, nor will I condone such acts by other

police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I KNOW that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I WILL constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...Law Enforcement" (IACP, n.d.)

## **Appendix B**

(U. S. Constitution 1787)

Article XI, sec.1 of the Constitution of the United States.

"All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of \_\_\_\_\_ according to the best of my ability..."

## **Appendix C**

"I [name] do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I bear true faith and allegiance to the same; that I will take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, So help me God. (Jonathan L Rudd, 2009)