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**Police Misconduct:
Code of Silence**

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ABSTRACT

Police misconduct is and always has been a serious problem in the law enforcement profession. Ridding police departments of the code of silence must begin with the supervisors acknowledging that it exists. Once acknowledged, then steps must be taken to redirect officers' loyalty away from each other and direct it back toward the community and the oath that was taken. The code of silence is merely misplaced loyalty and is a major factor in police misconduct. The code of silence exists and affects more than just the officers involved; it affects the department and its officers as well as the public's perception of police.

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INTRODUCTION

The vast majority of law enforcement officers in this country perform a very difficult job with respect for their communities and in compliance with the law. Even so, there are incidents in which this is not the case. The problems range from the high ranking officers to the officers on the street.

Some of the variables that impact police departments are the size of the agency, the organizational structure, community norms and local demographics. The organizational structure existing in most departments is similar. When making changes or approaching an issue, police agencies must consider the organizational culture. Culture impacts police misconduct; without modifying organizational culture, positive change would be stifled.

From the moment that an officer becomes part of a police department, and throughout his/her career, he/she is a member of a "brotherhood." The concept of "brotherhood" plays an important role in the officer's life and in the way he /she views the world around him/her. This can have a powerful impact within the "brotherhood," overlapping into the area of police misconduct. Misplaced loyalty is a major factor in police misconduct.

Misconduct is difficult to investigate due to officers' hesitance to testify truthfully about the conduct of fellow officers. This hesitance is often silently viewed by executive officers as acceptable, because "nobody wants to rat on a fellow officer." As seen in the news all over the country, this misconduct includes criminal acts. This code of silence results in police misconduct becoming overlooked behavior within police departments.

The importance of loyalty to fellow officers is heavily emphasized from the

first day on the job. Loyalty to their community, their oath of office, and the code of ethics is not emphasized as much. By contrast, officers must be taught that loyalty needs to be directed at the proper end; when officers place loyalty to each other over the community, police misconduct can flourish. The virtues of “loyalty” and “truthfulness” need to be examined in addressing the code of silence. Again, misplaced loyalty plays a role in police misconduct; much of the police culture condones misplaced loyalty by calling it “brotherhood.”

Police leaders need to ensure that truthfulness is paramount within their departments. Only when a zero tolerance approach is taken towards lying will the code of silence be reduced. Untruthfulness is not compatible with the police role, code of ethics, and their oath of office. By failing to discipline officers for untruthfulness, police leaders are condoning lying.

The intended method of inquiry includes interviews, articles, various authors, confidential questionnaires, and personal experience. The intended outcome is to bring these issues out in the open. The law enforcement community can benefit by becoming aware and taking steps to effectively control the code of silence; serious corruption cannot exist if more people become aware of misconduct as it expands. This, in turn, would result in a more effective, trustworthy police officer representing the department and in the community.

REVIEW OF LITERATURE

The police culture has a very strong influence on the behavior of officers. Physically, the officers share the common uniform, badge, weapon, equipment, vehicles and reports. The officer is well identified by the public due to those common artifacts. Not visible to the human eye is the effect that the police

culture has on the individual officer's behavior. In describing workplace cultures, 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).

These values and beliefs become indoctrinated in the minds of new officers, remaining an important factor throughout the officer's career. The officer soon fails to remember many concepts taught in the academy; however, he/she will never lose sight of his/her police culture. This culture is uniform throughout the agency, instilling the values into each officer. When referring to culture Melnicoe and Mennig (1978) stated:

The culture of a society exerts very strong influences on people, but it must be realized that there are vast differences among cultures of various societies, and what is acceptable in one may not be acceptable in another. In some societies, community bathing is the custom. Such behavior is considered nonstandard in our society and is subject to legal as well as moral sanction. Culture largely influences job motivation and work habits. To undertake a study of any aspect of human behavior without attempting to understand the culture in which it operates is similar in effect to studying fish without realizing that fish live in water. To the extent that culture influences work habits, it is responsible for both good and bad performance (p. 53).

The subject of police culture must be examined to get an accurate portrayal of misconduct. This is due to the impact that police culture has on individual behavior. Police culture is often detrimental to the character of police officers. When talking about police culture, the influence of police "brotherhood" has to be mentioned. This culture has incredible influence over police

misconduct. This brotherhood is seen in agencies of all shapes and sizes and has no jurisdictional boundaries. As Thibault (1990) stated:

When most citizens are stopped for a traffic infraction, they expect a traffic citation. When police officers are stopped, they do not expect a traffic ticket, they expect to be let go because of professional courtesy. When professional courtesy does not occur, it is a story carried from jurisdiction to jurisdiction and can lead to a feud between police officers in two different jurisdictions (p. 34).

Conformity is necessary in accomplishing the police mission. An officer has to act in unison with his fellow officers or risk injury or even death. Thinking and acting as an individual can cause other officers harm - mission accomplishment is a team effort.

Conformity is also an essential part of this "brotherhood." To fully claim membership, an officer often needs to act differently than his/her own personal values dictate. An officer acting consistent with his/her own personal values, outside the group norms runs the risk of being labeled as a "problem child."

An example of this would be a new officer writing a traffic citation to a store manager who had always authorized officers employee discounts if they showed their badges to the cashiers. Though this manager had failed to stop at the same stop sign several times in the past, it was always overlooked by other officers. The new officer issued the citation because he felt that it was the right thing to do. As a result of this citation, the officers no longer received the employee discount. From that point on, this officer was labeled a "problem child" by the brotherhood."

METHODOLOGY

The code of silence is misplaced loyalty and is a major factor in police misconduct. Research has disclosed that police misconduct exists and is hard to

investigate due to the code of silence that exists between officers.

The research method of inquiry in this paper included interviews, personal experience, various authors, and confidential questionnaires. The various authors that were used in my research were chosen due to their writings on police conduct, police ethics, and police supervision and/or management. The researcher felt that these areas were relevant in studying what affects and causes police misconduct. The study solicited responses from 3,000 officers and academy recruits throughout Central Texas. It was the researcher's intention to study those who are responsible for and affected by police misconduct and the code of silence. Using the confidential questionnaires made it possible to obtain truthful responses from those officers who participated in the study.

The research included the responses received from approximately 935 academy recruits and 1,715 current officers. What was to be established in the research were code of silence facts according to academy recruits and code of silence facts according to current officers. Those who completed questionnaires were also asked to present ways to control the code of silence within police departments.

FINDINGS

The code of silence can be defined as police officers lying to protect other officers. Research has shown that the code of silence has been a serious form of police misconduct since the beginning of American policing. The police culture which encourages conformity and isolation serves as fertile breeding ground for the code of silence to flourish. The code of silence is legitimized in the police culture by the premise 'a good cop never rats on another cop.' History has shown

that officers are willing to be blind to acts committed by fellow officers. However, officers often willingly put their life on the line for each other; this may change if the other officer is known to have violated this code of silence.

Law enforcement executives minimize the impact the code of silence has on police misconduct. This is due to the fact that if they were to acknowledge the fact that the code of silence is a problem, then they would be admitting to other deep rooted problems within their department. In some larger police departments today, it takes an outside investigating party to locate the problem. This is seen throughout the United States by the development of citizen review boards and police monitors.

When the code of silence is identified, police executives will use the 'rotten apple' excuse in attempting to minimize problems. The officer involved will be isolated and the police executives will insist that he acted on his own and that he will be dealt with to the fullest extent of the law. Again, we see that the existence of the code of silence is being denied. When describing the phrase 'rotten apple,' Barker and Carter (1990) stated:

The 'rotten apple' theme is best seen as an impression management or 'normalization of deviance' technique rather than an explanation of corrupt police behavior. The initial reaction of police administrators, applying the label 'rotten apple' or 'rogue cop' to publicly expose officers, is an attempt to 'normalize' or invent plausible excuses and explanations for deviant conduct. Even those who used this technique often recognized the futility of this political rhetoric (p. 10-11).

The 'rotten apple' strategy (or excuse) has been around for a very long time. By using this excuse, the police executives are distancing themselves from

the incident and sacrificing the officers who have surfaced. By doing so, they are failing to investigate others who may have also been involved in the misconduct.

When asked if the code of silence exists, police executives' reaction is usually in the form of denial. According to the police executives interviewed and those who responded to the survey, the code of silence is a myth based on the public's perception. Based on this denial, this researcher conducted a study of the existence of the code of silence so that the answers of all participants remained confidential to prevent self-incrimination as well as officers being labeled as a 'problem child.'

Seven law enforcement academies in Central Texas took part in this research. The findings concluded that: 75% said that the law enforcement code of silence exists and is common throughout agencies; 55% said that the fact a code of silence exists doesn't really bother them; 36% said that the code of silence is more justified when excessive force involves a citizen who is abusive; 58% said that they would not tell on an officer for having sex on duty; and 22% said that they would not tell on another officer for regularly doing drugs while off duty.

A total of 3,000 current police officers were asked to complete the confidential questionnaire. Out of the 3,000 asked, 1,715 did so. These officers were from various police agencies throughout Central Texas. The findings concluded that: 42% said that they had witnessed misconduct by another officer but concealed what they knew; 68% said that they had been pressured by their leaders to keep quiet about the misconduct; 5% of those who concealed the information of misconduct were in fact administrators; the average age of an

officer who concealed information of misconduct was 30 years of age; the average years of experience of those officers was approximately 8 years; 90% of those officers were male; of the 710 officers who confessed that they participated in the code of silence, 340 were pressured to keep quiet by the officer(s) who committed the misconduct and 120 were pressured from uninvolved officers. The remaining 250 stated that they concealed information of misconduct even though they were not pressured. Excessive use of force was the most frequent misconduct (242 cases) in which the code of silence occurs. When a solution was requested from these officers, the top five were: ethics training, consistent accountability; anonymous reporting; protection for whistleblowers; and open communication between officers and supervisors.

The following was concluded from the study: that the code of silence exists and can exist in any agency; the code of silence in law enforcement is more dominant and influential than most other professions; it is virtually impossible to measure the code of silence within an agency; whistle blowers are generally not supported by the administration of law enforcement; the code of silence typically conceals serious law enforcement misconduct for years before the corruption is disclosed; the more years on the job, the better chance of participating in the code of silence; the code of silence usually occurs within police cultures created by the leaders; there is an "Us versus them" mentality in those who participate in the code of silence; confidentiality must be ensured for any officer who reports misconduct; the code of silence is both condoned and privately encouraged by supervisors and administrators; a culture must be established in which an allegiance to principles is a higher priority than loyalty to

people; prevention of the code of silence should start with the field training officer and supervisors; cultures should be formed to alienate the bad officers, not the good; and leaders themselves lie at the core of both the cause and solution to corruption and the code of silence.

The code of silence cannot be dealt with by using a 'quick fix;' the underlying problems must be located and cured. The code of silence is not a symptom it is a disease that is infecting the entire police culture. Demanding and expecting truthfulness is one cure for the code of silence. By treating all cases of untruthfulness with consistency and certainty, administrators will be sending a clear message to employees that lying is not acceptable conduct. A zero tolerance to lying must be enforced. When discussing the executive's reaction to reports of police misconduct, Delattre (1994) wrote:

When incidents of brutality, misconduct or racism occur, the chief's immediate reaction to these incidents will have a great impact on whether the incident will be repeated in the future. A chief that seems more concerned with protecting the department's image than with identifying and disciplining the wrongdoer can send the message that getting caught is a worse sin than the underlying misconduct. In contrast, a willingness to publicly and thoroughly examine even the most embarrassing and damaging incident will demonstrate to both the public and the officers a serious commitment to avoiding the same mistakes in the future (p. 234).

DISCUSSION/CONCLUSIONS

Police misconduct has been around for as long as there have been police officers. Corruption, though widespread, is by no means the norm. There are several different types of police officers and one type is the corrupt officer. Corrupt officers misuse their powers for personal gain and also encourage the code of silence that brands as a traitor anyone who exposes corruption. Any

officer violating the code of silence does so at his/her own risk. It would seem that it would be easier for an officer to become corrupt than to remain honest. Given proper leadership and support, many police who have slipped into corruption would gladly exchange their illegal behavior for the satisfaction of belonging to a corruption-free department in which they could take genuine pride.

Since the beginning, police have been entrusted with providing the public certain basic services - protecting life and property, preserving the peace, preventing criminality and apprehending criminal suspects. The police officer is expected to uphold the law; to hold himself to a higher level of behavior. This is why there is such a concern for police misconduct versus misconduct in other professions.

Though the services that police are expected to provide are basic, each department has its own characteristics in providing the service. Much of this has to do with the size of the agency, the organizational structure, and the community around it. The organizational culture existing in most police departments is similar. Any attempt to combat police misconduct without considering this culture would be fruitless. Without first modifying the organizational culture, positive change will be stifled. In the past, many leaders have sought to make positive change only to fail. Many of these failures can be attributed to the existing police culture. An example of culture resisting change is the resistance by 'old line' cops to community policing.

Police officers are members of a "brotherhood" from the day they join a

police department and until they retire. This “brotherhood” plays a major role in the way officers view themselves and the world around them. The “brotherhood” has a powerful impact in the area of police misconduct.

Perhaps the greatest single barrier to the effective investigation of police misconduct is the officers’ unwritten ‘code of silence’ - meaning that an officer does not provide adverse information against a fellow officer. This code of silence acts as a shield and results in police misconduct becoming overlooked behavior within police departments. Some police executives view it as acceptable because “nobody likes a snitch”. The code of silence has proven deadly in cities such as Los Angeles, New Orleans, and New York where instances of police brutality / misconduct occurred. With each new headline, public anxiety and mistrust of police officers and their departments increases.

Officers are educated early in their career of the importance of loyalty to fellow officers. Loyalty to the oath of office, the code of ethics, and their community is not as clearly emphasized. It is the responsibility of police executives to encourage loyalty; however, it must be redirected toward the proper end. Police misconduct can flourish when officers place loyalty toward each other over their loyalty to the community. When addressing police misconduct, “loyalty” and “truthfulness” must be examined. Misplaced loyalty is a factor in police misconduct. Police culture allows misplaced loyalty to flourish, rationalizing it as part of the “brotherhood.” The key to re-directing loyalty is through training, proactive supervision, and open communication.

Truthfulness must be demanded within departments. The code of silence will be reduced when a zero tolerance approach is taken towards lying.

Untruthfulness is not compatible with the police role, code of ethics and their oath of office. By not disciplining officers for untruthfulness, police executives are condoning lying.

From the moment that a person decides to become a police officer, he or she is introduced to a structured and influential world. The individual is required to successfully complete a very structured police academy. Within the academy they learn many important, life saving subjects, including how to survive in the police culture. This knowledge is imperative in order for the person to succeed.

The code of silence is a result of misplaced loyalty and is a major factor in police misconduct. Research disclosed that police misconduct exists and effects more than just the officers involved. Police misconduct is hard to investigate due to the code of silence that exists between officers. What makes the code of silence unique in law enforcement is the fact that administrators deny its existence. This code creates serious problems in the handling of police misconduct.

The most important reason that officers gave for not reporting misconduct was fear of the repercussions which they would face. Repercussions for breaking the code of silence include ostracism, threats, and the fear that officers will not “back up” or protect an officer who breaks the code.

To reduce limitations of the study and receive truthful responses from the officers, confidential questionnaires were used. The confidential questionnaires disclosed that police misconduct does exist; and the code of silence is not limited to the street officers who witness the misconduct and fail to report it, or who lie when asked about reported incidents. Responsibility for the code of silence

extends to supervisors, including police chiefs. Officers tolerate misconduct because they believe they have no other alternative. Though the majority of officers do not approve of misconduct, they feel that they will not be supported or protected by their supervisors if they report the misconduct.

Concealed within the same forces that cause officers to cover up misconduct is the potential to use the identical phenomenon to prevent it. The pattern and practice of misconduct will rarely exist within any culture where loyalty to principles such as honor and integrity are truly embraced with more fervor than loyalty to individuals and each individual is expected to monitor, not only their own behavior, but that of others, as well. If the culture of an agency causes officers to feel that honor is more important than being loyal to another officer committing misconduct, then they will come forward to report the misconduct and not look the other way.

It is imperative that the agencies and their supervisors do not merely react to the complaints of misconduct but also take a proactive role in preventing the misconduct. This is achieved through training and leading by example. Proper training and supervision will create an environment that will not tolerate police misconduct and that will take the proper steps to eliminate it when it occurs.

A police officer's conduct has enormous influence over the public's perception of that officer and of police in general. Police officers must remember that trust is something that takes a lifetime to achieve and only seconds to destroy.

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