

THE BILL BLACKWOOD
LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS

The Importance of Ethics In Law Enforcement

An Administrative Research Paper
Submitted in Fulfillment
Of The Requirements for Graduation from the
Leadership Command College

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July, 2004

ABSTRACT

This research paper will examine the importance of ethics in the field of law enforcement. The decisions made by a single officer can have a lasting effect on the reputation of the department and even the city the officer works in. In researching this topic a survey was conducted involving officers of various Police Departments.

The research found that 100% of officers surveyed have received ethics training. When asked if officers feel ethics training is an important part of the training curriculum 75% of officers who have been the subject of an investigation replied no. Officers will not always make the right decision, but with a solid foundation of ethics training the hope is that it will be an ethical decision.

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Introduction

This research paper will examine the importance of ethics in the field of law enforcement. Police Officers carry many tools that assist them in the performance of their duties. Over the years there have been strides in the field of weapons, vehicles, and the application of computers that allow officers to be more effective and efficient in their day to day tasks. There is one tool, although available, which is not always utilized by officers.

With the high level of authority, responsibility, and discretion given to police officers it is important to maintain a high level of ethics. Police Officers more than any other person in the work place can have a lasting effect on the lives of the people that they deal with. Officers carry the ability to either protect a person's freedom or take it away and can administer a death sentence at anytime.

This research paper will examine the cause and effect of both ethical and non-ethical decisions made by an officer on their departments, citizens, and society as a whole. The decisions made by a single officer can have a lasting effect on the reputation of the department and even the city the officer works in. Often times poor decisions made by officers attract national attention given a distorted view of the overall level integrity of the entire department.

This research will be gathered and the concept of ethics in law enforcement will be explored through the use of books, articles, and personal interviews. Ethics is not given the same sort of attention that some other areas of law enforcement are given. There has been extensive research and even the

development of in-service training specifically targeted at improving the ability of police officers to make good decisions.

It is intended for this research to prove that overall police officers are ethical people. A lack of training and accountability can lead to the depletion of ethics in the way officers can and will perform their duties.

The implication of the research to law enforcement will be to identify problem areas and assist in showing a need for increased training in the area of ethics. It is important for officers to not just look good but to be good. The manner in which officers conduct themselves is a crucial part of the job they perform. As officers it is important to maintain a positive image in the community in which they serve. Although, image should not be a determining factor in the way officers perform, it is still an important part of the trade they have chosen. As public servants officers have to deal with not just the problems of the few, but of the masses. In cities made up of different nationalities, religions, and cultures it is possible for officers to feel over whelmed and over worked. These types of issues lead to stress and stress can affect the decision-making process and the way officers interact with the people that they serve. This can create ethical challenges on a regular bases for those who have to deal with these issues.

Review of Literature

In researching, Ethics in Law Enforcement, it important to point out areas of concern such as police brutality, corruption, and officer discretion. Kevin M. Gilmartin, Ph.D. and John (Jack) J. Harris, M.Ed. in an article for The Police Chief Magazine, 01/98, discussed how the transition can be easily made from

honest to dishonest officer. The article states, "Denial and refusal to accept the potential for ethical compromise and corruption prevents administrators and officers from developing in-depth understanding and appreciation of the issues." This is an example of how a police department's inability to except the fact that it can be vulnerable to corruption can leave officers ill prepared to deal with issues when they arise. The article further states, "Without a clear understanding, adequate information and practical strategies, officers who are exposed to a risk-filled environment are more likely to engage in inappropriate behaviors that can destroy professional and personal lives as well as the reputation and credibility of their organizations."

In past years there have been several incidents involving police misconduct where the officer's decision making ability have come into question. The incident involving motorist Rodney King and the Los Angeles police department is an example of how an officer who makes no discussion can be as ethically irresponsible as an officer who makes the wrong decision. During the incident a citizen video taped officers striking Mr. King repeatedly while he was on the ground. Although the primary focus was on the officers delivering the blows several officers were later identified and disciplined, not for what they did but for what they failed to do. The officers chose to stand by and allow fellow officers to participate in conduct that was later found to be improper both by their department and a court of law. In addition the officers failed to report the behavior of their fellow officers to superiors choosing instead to adhere to an unwritten code of ethics often referred to as the thin blue line. Edwin J. Delattre

author of *Character and Cops: Ethics in Policing* 2nd Ed. Wrote, "Clearly, honesty is directly connected to the courage of our convictions, to fairness or justice, and to compassion or fundamental respect for others." Police departments have to be able to reinforce the characteristics laid out by Edwin. By implementing training programs geared at equipping officers with the tools needed to deal with the difficult job of policing. By implementing ethics programs and consistently updating training, police departments can strengthen an officer's ability to make good decisions. Edwin also writes, "A higher standard is not a double standard. Persons accepting positions of public trust take on a new obligations and are free not to accept them if they do not want to live up to the higher standard." A person who chooses to enter into the field of law enforcement must also be readily able to accept the standards of behavior that go along with that decision as well as a higher standard of consequences if there is a violation of that trust.

A primary area of concern where police ethics should play a major role is officer discretion. Officers are faced with making difficult decisions on a daily basis and are not always required to seek the advice of a supervisor. Officers often rely on training and personal experience to aide them in the decision making process. John Kleinig who wrote, "Handled with Discretion: Ethical Issues in Police Decision Making.", states, "As a form of social recognition, police discretionary authority is sustained by a belief that those who exercise it are accountable for their decisions." The problem that this type of power can lead to is often times there is not a system of checks and balances in place to govern and even audit the decisions made by the officer. The decision to write a ticket is

clearly left to the discretion of the officer. Even though most police policy manuals outline the procedure for conducting a traffic stop and maintaining officer safety. These manuals do very little to outline the action that an officer is to take once the vehicle is stopped. Similarly, stated by James F. Doyle who wrote, "Police Discretion, Legality, and Morality." Doyle wrote, "The police are among the most important policy makers of our entire society. And they make far more discretionary determinations in individual cases than does any other class of administrators." The problem with this authority is without the proper training and ethical foundation it can lead decisions being made according to what an officer believes is right as opposed to what they have been taught is right.

Finally, the areas of off-duty employment often lead to a question of the ethical behavior of officers. An article by Jane Elliot for The Blues Police Newspaper, 12/2003, pointed out a concern of the state Ethics Commission on whether or not officers who work off duty employment could be violating a criminal law that prohibits public servants from accepting payments for a service that you would not have been asked to provide if it were not for your position as a public servant. Historically, the working of extra employment by police officers is a common and accepted practice at a large majority of police agencies. Unfortunately, there are documented cases of unethical and criminal behavior by officers who were hired to protect the interest of the businesses and instead chose to further their own personal gain. Recently, five Houston Police Officers were arrested and charged for allegedly shaking down the owners of cantinas

where they worked. Examples such as this further illustrate a need for increased ethics training.

Methodology

In order to conduct this research, this paper will utilize newspaper articles, magazine articles, books, and statistical information gathered by the National Institute of Justice and the Bureau of Justice Statistics. This research will help to identify a need for increased importance to be placed on ethics training. By identifying national and local trends in police behavior this research will highlight areas of concern. The articles will focus on the issue of denial exhibited by some departments which further create a gap between the problem and solution. As an Internal Affairs Investigator the author deal will officers who have been involved in situations where decisions were made and actions were taken that led to a complaint being filed. In these situations the question has to be asked, was the officers actions not just justifiable and proper, but also where they ethical. The author will take data collected during a survey of twenty officers who were the subject of an investigation and compare it to twenty officers who have never received a complaint. The author will take this data and attempt determine if there is a noticeable difference in the way these officers rely on training they have received and how they respond to situations where ethics plays a major role in the decisions they make. In addition the author will conduct interviews with twenty officers who have been involved in situations where the use of force was necessary to either effect an arrest or control a situation. By comparing the date from the surveys, articles, and interviews this author hope to

pin point a trend that shows how difficult it is for officers to consistently make proper decisions without the proper training being offered by their department. The research will show that too often officers are forced to rely on personal beliefs and experiences instead of documented training proven to reinforce the values and beliefs of the police agency. Ethics is an important part of any profession but can be even more important in a field charged with the protection and safety of society.

Findings

In researching this topic a survey was conducted involving officers of the Houston Independent Police Department. The purpose of the survey was to interview three categories of officers and asks five specific questions.

1. Have you ever received ethics training?
2. Do you feel ethics is an important part of the police curriculum?
3. Do you feel you make ethical decisions in relation to your job?
4. Do you feel your department is ethical?
5. Have you ever compromised ethics in the performance of your police duties?

The first group of officers interviewed were officers who have been the subject of an internal police investigation. The subject of the investigations varied in scope and seriousness. The second group of officer's surveyed were officers who work in similar environments and have never been the subject of an investigation. The officers surveyed were a combination of men and women of different ages, ethnicity, and years of experience. In comparing the data there

were several similarities and very few differences with the exception two areas. In group one, officers who have been investigated this author found that 100% of officers surveyed have received ethics training. This was identical to the percentage shown in group two, officers who have never been the subject of an investigation. Throughout the survey the answers given by both groups were identical with the exception of two areas. When asked if officers feel ethics training is an important part of the training curriculum 75% of officers in group one replied no and 90% of officers in group two replied yes. The second major difference came when officers were asked if they ever compromised ethics in the performance of there duties. Group one replied no by a margin of 95% and group two replied yes by a margin of 80%.

The surprising point was the fact that the officers who were complained on the most felt as though ethics training is not as important to the training curriculum as those who have not been complained on. Also officers who were never the subject of an investigation admitted by a greater margin that they at one point have made compromises in their ethical behavior in the performance of their duty as opposed to those who were investigated admitting it by a smaller margin. After completing the interviews of the twenty randomly selected officers who were involved in situations where force was used each officer admitted to having received ethics training, but only 40% stated that it has an affected on the decision they make. When this author asked each officer if they new what ethics was they all replied yes, but when this author asked the officers to define ethics this author received twenty different responses. Some of the definitions were

similar but for the most part each officer had their own interpretation of what ethics is. It is this author's additional finding that the gray area that surrounds the use and application of ethics by officers can be detrimental to the decision making ability of officers. As an administrator in a police department this author was under the false perception that officers had a clear cut understanding of ethics and how it should be applied. It was not until this author began investigating complaints against officers and hearing their explanation for making a particular decision that this author realized that some officers operate in some cases under a different code and understanding of ethics. It is true officers are held to a higher standard than a regular citizens, but they also receive greater consideration and privilege than a regular citizen. This can sometimes create a level of expectation by the officer that can lead to unethical decisions. Half price or free meals, courtesy cups of coffee or soda, free or discounted admission to events are just a few examples of this privilege. On the surface these things may appear small, but they can lead to greater problems down the road, for example this author assisted in the investigation of a veteran officer with this author's department. On a daily basis this officer would enter the same convenience store on his way to work and pick up a free courtesy cup of coffee, but on a particular day when the officer was off duty and attempted to secure the same cup of coffee he was stopped and informed that the courtesy was only extended to officers in uniform. Immediately, the officer became offended and demanded that he receive the coffee as was his usual custom. This officer became irate and created a disturbance in the place of business. At the time of this incident

there was no clear cut policy governing the acceptance meals or discounted items by our officers and there was not a lot of time spent on the teaching of ethics. The officer relied on established habits to govern his behavior instead of training, which led to his poor decision. The interesting thing was the fact that the officer recognized his behavior was wrong in addressing the conflict, but felt very strongly about his entitlement to the free coffee. A police officer has a very difficult job, but it can be made easier through training targeted at dealing with areas of decision making. Officers will not always make the right decision, but with a solid foundation of ethics training the hope is that it will be an ethical decision.

Conclusion

In closing, there have been great strides made in the effort to expand the area of ethics training. this author recently attended a class at the Institute For Law Enforcement Administration on ethics. Present in the class were law enforcement officials from all over the country and each was there for the same purpose. The central theme of all present was to find ways to strengthen the ethical position and mind set of their officers and department. The problem that a number of departments face is getting their officers to equate the same importance on ethics training as many do on other areas of training that they feel or more important for instance areas of officer safety. The area of training in officer safety is extremely important, but as officers we must be trained to be equally safe in not just our actions but also our decisions. Recently, an article by Peggy O'Hare for The Blues, 06/04, gives a further example for the need for

increased emphasis to be placed on ethics in law enforcement. An Officer with 24 years of experience with the Houston Police Department was arrested for allegedly stealing merchandise from a store where he was hired to work. These are the types of issues that must be addressed with increased training in the field of ethics. A higher level importance must be placed on ethics to better equip officers as vital decision makers.

Throughout this paper this author have given examples of unethical decisions and behavior exhibited by officers. It is now extremely important that we as law enforcement administrators continue to provide officers with the tools to succeed in the decision making arena. An officer has the ability to utilize great degrees of discretion which often leads to poor decision making. Howard Cohen who wrote, "A Dilemma For Discretion.", states, "To insist on the strict enforcement of law of policy at the expense of the possibility of justice for individuals is to see the police as an arm of the state rather than an arm of society. That is, the use of discretion by police to prevent injustices is the one aspect of their job that gives precedence to its moral content rather than its formal demands for law enforcement." Cohen makes a great point on the use of discretion because it is an effective tool for police to fight injustice, but this same discretion must be tempered in a strong ethical foundation to ensure the proper use. this author feel this topic is very relevant in the field of law enforcement especially, given the nature of the profession. Officers are often times over worked and overwhelmed and their eagerness to make a difference can sometimes lead to poor decisions. By taking a closer look at the field of ethics

and how it can be applied this author feel that it is a great weapon in the fight to better prepare our officers to succeed. As law enforcement administrators it is important that we too have a solid foundation built on ethics. Officers look to the leadership of their department to guide them and be an example of what is not just accepted, but what is right. Webster's New Compact Dictionary defines ethics as, "The study of right and wrong in actions." It is this basic definition of ethics that can be used to guide behavior but often times it is replaced by a more officer friendly definition. It is this author's hope that we stop using the definition of ethics that is best for us and instead use what is best.

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