

Ethics for Professional Law Enforcement

BLET: 03H

TITLE: ETHICS FOR PROFESSIONAL LAW ENFORCEMENT

Lesson Purpose: The purpose of this block of instruction is to address and introduce principles of professional and ethical conduct in the law enforcement community.

Training Objectives: At the end of this block of instruction, the student will be able to achieve the following objectives by information received in class:

1. Identify the competing roles society places on law enforcement officers and how that can influence behavior.
2. Recite the stated moral and ethical values of the law enforcement profession, as found in the International Association of Chiefs of Police's *Oath of Honor, Code of Ethics, Code of Conduct, and Canons of Police Ethics*.
3. State the common rationalizations and beliefs that lead to unethical behavior in law enforcement.
4. Identify the following common drivers of unethical behavior.
 - a) The noble cause
 - b) "The blue curtain"/code of silence
 - c) The slippery slope and the "Mama Rosa's test"
5. Identify the following six (6) major groups of unethical behavior in law enforcement.
 - a) Graft, bribery, and class corruption
 - b) Process corruption
 - c) Brutality and excessive force
 - d) On-duty unprofessional conduct

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- e) Workplace deviance
- f) Off-duty unprofessional conduct

6. Identify ethics and ethical values in law enforcement by analyzing and debating nine (9) ethical dilemmas.

Hours: Four (4)

Instructional Method: Lecture, Conference

Testing Requirement(s): End of block test

Training Environment(s): Classroom

Materials Required: Audio-visual classroom equipment
Handouts

References: Becker, J.D., and Jocelyn Pollock. "Ethics Training: Using Officers' Dilemmas." *FBI Law Enforcement Bulletin*: Vol. 65, Issue 11 (November 1996).

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International Association of Chiefs of Police. "Police Chiefs Desk Reference: A Guide for Newly Appointed Police Leaders." Last modified May 2004. Accessed July 2016. <http://www.mschiefs.org/wp-content/uploads/2011/09/PC-DESK-REFERENCE.pdf>.

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Oaths of Office, North Carolina Department of Justice, 1993.

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Police Ethics: Problems and Solutions, IACP In-Service Training Material, Training Key® #475.

Pollock, Jocelyn M. *Ethical Dilemmas and Decisions in Criminal Justice*, Eighth Edition (Belmont, CA: Wadsworth, 2012).

Pollock-Byrne, Joycelyn M. *Ethics in Crime and Justice: Dilemmas and Decisions*. Pacific Grove, CA: Brooks/Cole Publishing Company, 1989.

Prenzler, Tim. *Ethics and Accountability in Criminal Justice: Towards a Universal Standard* (Australian Academic Press, 2009).

Rosenfeld, Michael. "The Rule of Law and the Legitimacy of Constitutional Democracy." *Southern California Law Review*, Vol. 74. Last modified 2001. Accessed August 2012. <http://wwwbcf.usc.edu/~usclrev/pdf/074503.pdf>.

Ruiz, Jim, and Christine Bono. "At What Price a 'Freebie?' The Real Cost of Police Gratuities," *Criminal Justice Ethics* 23:1 (Winter 2004).

Legal Review By: Jarrett McGowan
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Date Revised: January 2019
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TITLE: ETHICS FOR PROFESSIONAL LAW ENFORCEMENT – **Instructor Notes**

1. This lesson plan must be presented by an instructor currently certified by the North Carolina Criminal Justice Education and Training Standards Commission as a General Instructor.
2. The instructor who teaches this block is encouraged to read Joycelyn M. Pollock-Byrne's book, *Ethical Dilemmas and Decisions in Criminal Justice*, Eighth Edition, 2012, particularly Chapters 5-11. It is available at the North Carolina Justice Academy Library, East Campus. It realistically describes the basic concepts discussed in this block of instruction on ethics, morals, professionalism, and duty while applying these concepts directly to the law enforcement profession.
3. It is especially important for instructors to emphasize that new officers must self-initiate a "socialization process" (the process by which an individual acquires the habits, beliefs, and accumulated knowledge of society or a subset of society, such as a profession) into the law enforcement profession by first understanding what expectations are being imposed upon them, and then by understanding the responsibilities they have accepted by choosing this profession.
4. School directors should carefully select the individuals to teach this lesson. Instructor demeanor must be professional and realistic, not idealistic or cynical in delivery.
5. Instructors should emphasize that the concepts learned within this block can be applied by students to all BLET topics and taken with them into their professional careers as law enforcement officers.
6. To further promote this topic, most of the other BLET lesson plans include three (3) ethical dilemmas for classroom discussion. This lesson plan includes nine (9) ethical dilemmas for classroom discussion. Students must be presented with each dilemma as directed. Instructors are encouraged to create additional dilemmas as desired. Use the following method to encourage active and honest discussions.
 - a) Have the students identify the relevant facts.
 - b) Have the students identify the relevant values and concepts that are at issue.
 - c) Have the students identify the most immediate moral and ethical issue at stake.
 - d) Have the students resolve the ethical dilemma.

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7. Although it is not necessary to instruct the students on the different ethical systems, the instructor should have some familiarity with them to recognize what systems the students are intuitively using to solve the dilemmas.
- a) Religious ethics – What is good conforms to the deity's will
 - b) Natural law – What is good conforms to nature
 - c) Ethical formalism – What is good is what is pure in motive; consequences are not considered
 - d) Utilitarianism – What is good is what results in the greatest good for the greater number
 - (1) Act utilitarianism – Only the basic utility from one (1) action is analyzed
 - (2) Rule utilitarianism – The action is judged according to the precedent it sets and the long-term utility of the rule set by that action¹
 - e) Ethics of care – What is good is what meets the needs of those involved and does not hurt relationships²

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I. Introduction

A. Opening Statement

NOTE: Show slide, “Ethics for Professional Law Enforcement.”

As we read about our military and the challenges they face in establishing a workable society in places like Afghanistan, we see that the fundamental challenge they face is establishing the *Rule of Law*.³

In the absence of the rule of law, any type of constitutional democracy is impossible.⁴ The *Rule of Law* is what allows our society to function as a society where the individual can expect justice. Law enforcement officers are the “tip of the spear” for the rule of law in the United States. If the public does not have confidence that they will be treated fairly and justly by law enforcement, that lack of confidence translates into suspicion and distrust with the whole justice system and the *Rule of Law*, generally. Each officer has the responsibility to embody the best that the *Rule of Law* intends because each officer is a steward of the public’s trust and confidence in the justice system. In this country, we have a history of the *Rule of Law*, but we can’t take this for granted.

To be effective as a law enforcement officer, one, of course, needs to have certain physical and cognitive abilities, and these abilities need to be enhanced and maintained throughout one’s career, in part, by training. However, of no less importance is the ability to base actions and decisions on an ethical foundation. This ability also requires training; it must be enhanced and developed throughout a career.

This block of instruction will not change unethical or immoral people into ethical, moral people. It is taught as a basis of information to give you an understanding of expectations and to solicit the discussion of concepts involved in the law enforcement profession through the process of making ethical choices.

B. Training Objectives

NOTE: Show slides, “Training Objectives.”

1. Identify the competing roles society places on law enforcement officers and how that can influence behavior.

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2. Recite the stated moral and ethical values of the law enforcement profession, as found in the International Association of Chiefs of Police's *Oath of Honor*, *Code of Ethics*, *Code of Conduct*, and *Canons of Police Ethics*.
3. State the common rationalizations and beliefs that lead to unethical behavior in law enforcement.
4. Identify the following common drivers of unethical behavior.
 - a) The noble cause
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5. Identify the following six (6) major groups of unethical behavior in law enforcement.
 - a) Graft, bribery, and class corruption
 - b) Process corruption
 - c) Brutality and excessive force
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 - e) Workplace deviance
 - f) Off-duty unprofessional conduct
6. Identify ethics and ethical values in law enforcement by analyzing and debating nine (9) ethical dilemmas.

C. Reasons

Law enforcement has traditionally been a "pedestal" profession. Society generally expects law enforcement personnel to exemplify right and moral conduct. Citizens fail to realize officers are chosen from the general public, that they are just human beings, and are subject to all of the human emotions and weaknesses.

Although the law enforcement community realizes this perception exists, some officers view themselves as being "above" the law. At times some

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officers come to believe that since they deal with situations and people that society, in general, “does not want to have to address,” they deserve special privileges. Because of their actions and attitudes, assaults on law enforcement officers and charges of excessive force have resulted in increased internal investigations and lawsuits against officers over the last decade.

In law enforcement, we are now called on to do more than interpret and enforce criminal law. Not only does the public expect officers to perform professionally, they also expect law enforcement to address issues that, in the past, would have been considered the job of other social service agencies. The ability to make sound and ethical decisions is necessary now more than ever.

To address these issues, law enforcement officers need additional training, not only in the academic field of law but also in socializing into the law enforcement profession.

II. Body

A. Competing Views on the Role of the Law Enforcement Officer in Society

NOTE: Show slide, “Ethics and Morals.”

1. The terms “morals” and “ethics” in our daily conversations are used interchangeably. However, the terms refer to different things. **Morals** are principles of right and wrong.⁵ **Ethics** is the discipline of determining good and evil and defining moral duties.⁶

People are thought of as “moral in character” or “doing unethical deeds.” Regardless of the term used, what we are referring to is an individual’s **behavior** and how it affects others.⁷

NOTE: Show slide, “Rules of Official Conduct.”

2. The great professions have long recognized the importance of subscribing to and living by rules of official conduct for their membership.

The most noteworthy has been the Hippocratic Oath authored by Hippocrates, the Father of Medicine, sometime before 400 B.C. This oath is still taken by practicing physicians today. The American Bar Association subscribes to “rules of professional conduct.” These rules guide attorneys in ethically handling complex situations. These associations have means of disciplining the unethical elements in their professions.

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Likewise, the law enforcement profession has rules of official conduct. These codes of ethics for law enforcement are laid out through the *Law Enforcement Code of Ethics*, *Canons of Police Ethics*, the *Law Enforcement Oath of Honor*, the *Law Enforcement Code of Conduct*, and the department's written and unwritten policies and procedures.

3. The law enforcement officer as crime fighter vs. public servant

NOTE: Show slide, "Crime Fighter vs. Public Servant."

- a) Crime fighter – crime control model⁸
 - (1) Repression of criminal conduct is the most important function.
 - (2) Failure of law enforcement means the breakdown of order.
 - (3) Criminal process is the positive guarantor of social freedom.
 - (4) Efficiency is a top priority.
 - (5) Emphasis is on speed and finality.
 - (6) A conveyor belt is the model for the system.
 - (7) There is a presumption of guilt.
- b) Public servant – due process model⁹
 - (1) There is a possibility of error.
 - (2) Finality is not a priority.
 - (3) There is insistence on prevention and elimination of mistakes.
 - (4) Efficiency is rejected if it involves shortcuts.
 - (5) Protection of process is important as protection as innocents.

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- (6) The coercive power of the state is always subject to abuse.

NOTE: Ask the students, “What role does the media focus on and portray most often, the ‘crime fighter’ or the ‘public servant’ and why?” Discuss answers with the class.

B. The Professional Code of Ethics for the Law Enforcement Officer

What follows are the 1) *Law Enforcement Oath of Honor*, 2) *Law Enforcement Code of Ethics*, 3) *Law Enforcement Code of Conduct*, and 4) *Canons of Police Ethics*. These have been developed by the International Association of Chiefs of Police and are the stated ethical values for the law enforcement profession.

1. *The Law Enforcement Oath of Honor*

NOTE: Show slide, “Oath of Honor” and discuss handout with class.

*On my honor,
I will never betray my badge,
my integrity, my character,
or the public trust.*

*I will always have
the courage to hold myself
and others accountable for our actions.*

*I will always uphold the Constitution,
my community, and the agency I serve.¹⁰*

- a) **Honor** means that one’s word is given as a guarantee.
- b) **Betray** is defined as breaking faith with public trust.
- c) **Badge** is the symbol of your office.
- d) **Integrity** is being the same person in both private and public life.
- e) **Character** means the qualities that distinguish an individual.
- f) **Public trust** is a charge of duty imposed in faith toward those you serve.

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- g) **Courage** is having the strength to withstand unethical pressure, fear, or danger.
- h) **Accountability** means that you are answerable and responsible to your oath of office.
- i) **Community** is the jurisdiction and citizens served.¹¹

NOTE: Ask the students, “What role does the Oath of Honor seem to endorse? Crime fighter or public servant.” Discuss their answers based on the materials covered previously in this lesson plan.

2. The Law Enforcement Code of Ethics¹²

NOTE: Show slide, “The Law Enforcement Code of Ethics,” and discuss handout with the class.

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 to liberty, equality and justice.

I will keep my private life unsullied as an example to all, and will behave 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 both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, 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 or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will

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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.

3. The Law Enforcement Code of Conduct¹³

NOTE: Show slide, “The Law Enforcement Code of Conduct” and discuss handout with the class.

All law enforcement officers must be fully aware of the ethical responsibilities of their position and must strive constantly to live up to the highest possible standards of professional policing.

The International Association of Chiefs of Police believes it important that police officers have clear advice and counsel available to assist them in performing their duties consistent with these standards, and has adopted the following ethical mandates as guidelines to meet these ends.

Primary responsibilities of a police officer

A police officer acts as an official representative of government who is required and trusted to work within the law. The officer’s powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community, safeguarding lives and property, protecting the innocent, keeping the peace, and ensuring the rights of all to liberty, equality, and justice.

Performance of the duties of a police officer

A police officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief, or aspiration. All citizens will be treated equally with courtesy, consideration, and dignity.

Officers will never allow personal feelings, animosities, or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will

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conduct themselves in appearance and department in such a manner as to inspire confidence and respect for the position of public trust they hold.

Discretion

A police officer will use responsibly the discretion vested in his or her position and exercise it within the law. The principle of reasonableness will guide the officer's determinations, and the officer will consider all surrounding circumstances in determining whether any legal action shall be taken.

Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest – which may be correct in appropriate circumstances – can be a more effective means of achieving a desired end.

Use of force

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.

The use of force should be used only with the greatest restraint and only after discussion, negotiation, and persuasion have been found to be inappropriate or ineffective. Although the use of force is occasionally unavoidable, every police officer will refrain from unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

Confidentiality

Whatever a police officer sees, hears, or learns of that is of a confidential nature will be kept secret unless the performance of duty or legal provision requires otherwise.

Members of the public have a right to security and privacy, and information obtained from them must not be improperly divulged.

Integrity

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A police officer will not engage in acts of corruption or bribery, nor will an officer condone such acts by other police officers.

The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Officers will refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law.

Police officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

Cooperation with other police officers and agencies

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

An officer or agency may be one among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that a police officer assists colleagues fully and completely with respect and consideration at all times.

Personal-professional capabilities

Police officers will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence.

Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

Private life

Police officers will behave in a manner that does not bring discredit to their agencies or themselves.

The character and conduct of police officers while off duty must always be exemplary, thus maintaining a position of respect in the

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community in which they live and serve. The officers' personal behavior must be beyond reproach.

4. Canons of Police Ethics¹⁴

NOTE: Show slide, "Canons of Police Ethics" and discuss handout with class.

Art 1: Primary responsibility of the job

The primary responsibility of the police service, and the individual officer, is the protection of the people of the United States through the upholding of their laws; chief among these is the Constitution of the United States and its amendments. The law enforcement officer always represents the whole of the community and its legally expressed will and is never the arm of any political party or clique.

Art 2: Limitation of authority

The first duty of a law enforcement officer, as upholder of the law, is to know its bounds upon him in enforcing it. Because he or she represents the legal will of the community, be it local, state, or federal, he or she must be aware of the limitations and proscriptions which the people, through law, have placed upon him or her. He or she must recognize the genius of the American system of government which gives to no man, groups of men, or institution, absolute power; and he or she must ensure that he or she, as a prime defender of that system, does not pervert its character.

Art 3: Duty to be familiar with the law and with responsibilities of self and other public officials

The law enforcement officer shall assiduously apply himself or herself to the study of the principles of the laws which he or she is sworn to uphold. He or she will make certain of his or her responsibilities in the particulars of his or her enforcement, seeking aid from his or her superiors in matters of technicality of principle when these are not clear to him or her; he or she will make special effort to fully understand his or her relationship to other public officials, particularly on matters of jurisdiction, both geographically and substantively.

Art 4: Utilization of proper means to gain proper ends

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The law enforcement officer shall be mindful of his or her responsibility to pay strict heed to the selection of means in discharging the duties of his or her office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it.

Art 5: Cooperation with public officials in the discharge of their authorized duties

The law enforcement officer shall cooperate fully with other public officials in the discharge of authorized duties, regardless of party affiliation or personal prejudice. He or she shall be meticulous, however, in assuring himself or herself of the propriety, under the law, of such actions and shall guard against the use of his or her office or person, whether knowingly or unknowingly, in any improper or illegal action. In any situation open to question, he or she shall seek authority from his or her superior officer, giving him or her a full report of the proposed service or action.

Art 6: Private conduct

The law enforcement officer shall be mindful of his special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable man or woman. Following the career of a police officer gives no man or woman special perquisites. It does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American republic. The officer who reflects upon this tradition will not degrade it. Rather, he or she will so conduct his or her private life that the public will regard him or her as an example of stability, fidelity and morality.

Art 7: Conduct toward the public

The law enforcement officer, mindful of his or her responsibility to the whole community, shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police service.

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The law enforcement officer shall conduct his or her official life in a manner such as will inspire confidence and trust. Thus, he or she will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in neither awe of him or her nor a right to command him or her. The officer will give service where he or she can, and require compliance with the law. He or she will do neither from personal preference or prejudice but rather as a duly appointed officer of the law discharging his or her sworn obligation.

Art 8: Conduct in arresting and dealing with law violators

The law enforcement officer shall use his powers of arrest strictly in accordance with the law and with due regard to the rights of the citizens concerned. His or her office gives him or her no right to persecute the violator nor to mete out punishment of the offense. He or she shall, at all times, have a clear appreciation of his or her responsibilities and limitations regarding detention of the violator; he or she shall conduct himself or herself in such a manner as will minimize the possibility of having to use force. To this end, he or she shall cultivate a dedication to the service of the people and the equitable upholding of their laws, whether in the handling of law violators or in dealing with the law-abiding.

Art 9: Gifts and favors

The law enforcement officer, representing government, bears the heavy responsibility of maintaining, in his or her own conduct, the honor and integrity of all government institutions. He or she shall, therefore, guard against placing himself or herself in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, he or she should be firm in refusing gifts, favors, or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing his or her judgment in the discharge of his or her duties.

Art 10: Presentation of evidence

The law enforcement officer shall be concerned equally in the prosecution of the wrong-doer and the defense of the innocent. He or she shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, he or she will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of

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an officer's word. The law enforcement officer shall take special pains to increase his or her perception and skill of observation, mindful that in many situations his is the sole impartial testimony to the facts of the case.

Art 11: Attitude toward the profession

The law enforcement officer shall regard the discharge of his duties as a public trust and recognize his responsibility as a public servant. By diligent study and sincere attention to self-improvement, he or she shall strive to make the best possible application of science to the solution of crime and, in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety. He or she shall appreciate the importance and responsibility of his or her office, and hold police work to be an honorable profession rendering valuable service to his or her community and his or her country.

C. Rationalizations and Beliefs That Contribute to Unethical Behavior

NOTE: Show slides, “Common Ethical Traps in Law Enforcement.”

Beliefs that contribute to unethical behavior/common rationalizations for unethical conduct

The following are examples of common rationalizations given by law enforcement for unethical behavior. When faced with a difficult ethical situation, ask yourself: “To what extent is/was my response motivated, either consciously or subconsciously, by these beliefs?” Engaging in these rationalizations can lead law enforcement down the slippery slope toward corrupt and unethical behavior.

1. Loyalty to colleagues comes before anything else.¹⁵
2. The public, or most of it, is the enemy.¹⁶
3. Due process is a barrier to getting the job done.¹⁷
4. Deception and lying is okay if it means getting the “bad guy.”¹⁸
5. “Real” policing (crime control) is what is important, not “garbage calls” (social service).¹⁹
6. The public is weak.²⁰

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7. The use of force is justified in the face of my opposition.²¹
8. Police officers are victims; we don't get paid much, and the public doesn't like us or understand us.²²
9. The public owes us police officers for all we put up with on the streets to serve and protect them.²³
10. Force is the only thing "these people" understand.²⁴
11. You don't have to obey the law when you are the law.
12. The public thinks every cop is a crook, so why try to be honest?²⁵
13. The money is out there; if I don't take it, someone else will.²⁶
14. I'm only taking what's rightfully mine, if the city/state/etc. paid me a decent wage, I wouldn't have to get it on my own.²⁷
15. I can use it because it's for a good cause – my son needs an operation, or dental work, or tuition for medical school, or a new bicycle . . .²⁸
16. My actions are predetermined by criminals, the higher ups in the department who don't understand "the reality of the streets," and fickle political pressures (denial of responsibility).²⁹
17. This guy's a criminal; a beating is what he deserved (denial of victim).³⁰
18. Taking jewelry from this larceny scene won't hurt anyone. The owner is going to get a big insurance payment (denial of injury).³¹

D. Common Drivers for Unethical Behavior

NOTE: Show slide, "Common Drivers for Unethical Behavior."

1. Noble cause corruption

NOTE: Show slide, "Noble Cause Corruption."

Noble cause corruption is the rationalization that the "end" of crime fighting justifies "means" that might otherwise be illegal, unethical, and against rules or regulations (Example: lying on an affidavit or the witness stand or planting evidence).³²

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The two (2) most frequently given factors for noble cause corruption are:³³

- a) The belief that legal technicalities made the job impossible to do
- b) The belief that the offender was guilty

The noble cause in noble cause corruption is the police officer's "profound moral commitment to make the world a safer place to live."³⁴ This leads some officers to improperly subvert their public service role in favor of their crime-fighting role and do "whatever it takes" to get an offender off the street, even if it means employing a "magic pencil" (i.e., making up facts on an affidavit to justify a warrant or to establish probable cause).³⁵

- 2. "The blue curtain"/code of silence

NOTE: Show slide, "The Blue Curtain"/Code of Silence."

How it usually develops . . . An officer makes a mistake (it may be reasonable). Instead of reporting the incident, a co-worker covers for the officer that made the mistake. The officer who made the mistake feels indebted and trapped in a situation where he or she thinks he or she must do the same.

Even if the officer who made the mistake would have told the truth initially, the officer who covered up has lied and, therefore, the officer who made the mistake cannot bring himself or herself to "sacrifice" the loyal officer by telling the truth.³⁶

The community of police work and resultant camaraderie of police officers are important sources of positive support for officers and their families. However, the negative side of this support system can be a misguided sense of interpersonal loyalty that overlooks or even covers up misdeeds and wrongdoing and transforms mutual support into mutual protectionism.³⁷

When an officer instinctively tends to focus on protecting his or her co-workers rather than on the wrong that has been done, he or she is abdicating his or her personal and professional responsibility as a peace officer.³⁸

- 3. The slippery slope and the "Mama Rosa's test."

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NOTE: Show slide, “The Mama Rosa’s Test.”

Once an officer engages in minor illegal or corrupt behavior, greater levels of corruption become easier to perform.³⁹ The officer has learned how to rationalize illegal and inappropriate behavior and can rationalize more serious wrongdoing, especially when grafting subcultures exist in the department to socialize new officers into corrupt activities.⁴⁰

Some may see the acceptance of gratuities (free meals, discounts, etc.) as of little consequence. However, sometimes, the acceptance of gratuities can be a ritual indoctrination used by those grafting subcultures for more insidious purposes – the “Mama Rosa’s Test.”⁴¹

The “Mama Rosa’s Test”

A recruit and his or her training officer are eating a Mama Rosa’s Café. Soon they are joined by other officers. At the end of the meal, they prepare to leave; the rookie has his/her money in his/her hand and asks how much he/she should leave. The veterans tell the rookie to shut up and put your money away. It seems the cops have been eating free forever, and the place has never been held up, unlike other restaurants in the neighborhood. Mama Rosa is very appreciative of this. The rookie insists that he/she wants to pay for the meal, but he/she is told to shut up and not jeopardize a good thing.

Here is the test: If the rookie doesn’t go along with the other officers at Mama Rosa’s, the rookie won’t be trusted as a team player, and he/she loses any rapport with the veteran officers. If the rookie goes along, he/she is just as guilty as the others, and the next step will be for the rookie to prove himself/herself in the field. This might include exaggerating testimony or backing up another officer in court that makes an honest mistake by supporting his/her partner’s version of events. This is how it happens; a test at the restaurant, then a test in the field.⁴²

E. Six (6) Major Groups of Unethical Behavior in Law Enforcement⁴³

NOTE: Show slide, “Six Major Groups of Unethical Behavior in Law Enforcement.”

1. Graft, bribery, and classic corruption

NOTE: Show slide, “Graft, Bribery, and Classic Corruption.”

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This occurs when an officer uses his/her position for personal benefit in the form of cash, property, sex, drugs, food, or preferred assignment. It can be consensual, whereby both parties (Example: police and store-owner) willingly enter into the transaction, or it can be extortionate, as in a shakedown scenario (Example: stealing cash, money, and drugs from a criminal).

2. Process corruption

NOTE: Show slide, “Process Corruption.”

This occurs when the officer interferes with the process of gathering and presenting evidence. Common examples are searching without a warrant, lying in court, withholding evidence that supports the accused, and coercing arrested people into confessions.

3. Brutality and excessive force

NOTE: Show slide, “Brutality and Excessive Force.”

This occurs when law enforcement uses more force than is necessary to meet the threat.

4. On-duty unprofessional conduct

NOTE: Show slide, “On-Duty Unprofessional Conduct.”

This covers miscellaneous conduct that is directed toward the public but where there is no clear benefit to law enforcement. Examples include inaction on calls for assistance from the public, racial and sexual discrimination, and negligent treatment of victims of crime or persons in custody.

5. Workplace deviance

NOTE: Show slide, “Workplace Deviance.”

This occurs when law enforcement directs harassment and racial or sexual discrimination at colleagues, cronyism, and nepotism in promotion and assignments and use of drugs or alcohol while on duty.

6. Off-duty unprofessional conduct

NOTE: Show slide, “Off-Duty Unprofessional Conduct.”

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This occurs when law enforcement officers engage in behavior in their personal lives that reflects poorly on the department and the profession of law enforcement. Examples include fighting and drunk driving.

F. Types of Ethical Dilemmas

1. The ethical dilemmas most frequently encountered by law enforcement officers are:⁴⁴
 - a) Dilemmas of discretion (whether to strictly enforce the law as opposed to an alternative)
 - b) Dilemmas of duty (what is the law enforcement officer's role in society/performing services that are considered inconvenient or a waste of time)
 - c) Dilemmas of honesty
 - d) Dilemmas of loyalty

NOTE: Show slide, "Ethical Dilemmas."

NOTE: Read the nine (9) scenarios below and discuss them with the students. Have students tell how they would deal with each situation. Encourage active and honest discussions using the instructions provided in the instructor notes section of the lesson plan.

2. Ethical dilemmas

a) **Scenario #1**

You are on patrol, riding one (1) man, at approximately 10:00 p.m. Your vehicle and one (1) other vehicle are stopped at a red light. The light changes, and you and the other vehicle start driving. Suddenly, you observe the other vehicle weaving from lane to lane. You turn on your lights and siren, and after about an eight-block drive, the vehicle finally pulls over. You exit your vehicle and find that not only is the driver very intoxicated, but he is also your first cousin. What do you do?⁴⁵

b) **Scenario #2**

You and your partner are dispatched to a large jewelry store where an alarm is going off. You arrive and determine that the

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jewelry store has been burglarized. Your partner insists on doing the report, listing the items that were taken from the store. A couple of days later, you see him wearing items or showing off items he claims to have gotten a good deal on. Several of the items you saw sitting in the store that was burglarized.⁴⁶ What do you do?

c) **Scenario #3**

You and another undercover officer in a downtown district are engaged in a crackdown on organized street solicitation for prostitution. Efforts are focused on organized prostitution. On the street, you are accosted by a young woman who offers you sex for money. When you attempt to arrest the woman, she attacks you, hitting the other undercover officer across the face. After she is subdued, she breaks down and starts crying. She says she is a heroin addict. Her boyfriend got her hooked, and her parents threw her out. She is homeless and cannot keep a job because of her addiction. She does say that her parents have agreed to pay for her to attend a private rehabilitation clinic, and she is booked in for the following week. Her ID shows she is 17, which means she is young but subject to prosecution as an adult.⁴⁷ What do you do?

d) **Scenario #4**

You are a uniformed police officer in an under-resourced, high-crime area where officers on the night shift are particularly appreciative of the friendly service and free coffee and food provided by “Teddy’s Shop.” Having been robbed twice in the past, Ted is appreciative of the regular police presence he receives. One (1) night at 3:30 a.m., you pull Ted over for running a red light. You are a regular at “Teddy’s Shop,” and you have developed a good relationship with Ted. Ted apologizes for the traffic breach and says, “Hey, you’re not going to give your old mate here a ticket for a little thing like that, are you?”⁴⁸ What do you do?

e) **Scenario #5**

You are a rookie police officer who responds to a call for officer assistance. Arriving at the scene, you see a ring of officers surrounding a suspect who is down on his knees. You don’t know what happened before you arrived, but you see a

sergeant use a Taser® on the suspect, and you see two (2) or three (3) officers step in and take turns hitting the suspect with their night-sticks about the head and shoulders. This goes on for several minutes as you stand in the back of the circle. No one says anything that would indicate that this is not appropriate behavior. What would you do? What would you do later when asked to testify that you observed the suspect make “threatening” gestures to the officers involved?⁴⁹

f) **Scenario #6**

You are a rookie on traffic patrol. You watch as a young black man drives past you in a brand-new silver Porsche. You estimate the car’s value at around \$50,000, yet the neighborhood you are patrolling is characterized by low-income housing, cheap apartments, and tiny houses on the lowest end of the housing spectrum. You follow him and observe that he forgets to signal when he changes lanes. Ordinarily, you wouldn’t waste your time on something so minor.⁵⁰ What would you do?

g) **Scenario #7**

There is an officer in your division known as a “rat” because he testified against his partner in a criminal trial and a civil suit. The partner evidentially hit a handcuffed suspect in the head several times in anger, and the man sustained brain injuries and is now a paraplegic. Although none of the officers you know supports the excessive use of force, they are appalled that this officer did not back up his partner’s testimony that the suspect continued to struggle in an attempt to justify his use of force. After all, punishing the officer wasn’t going to make the victim any better. Now no one will ride with this guy, and no one responds to his calls for backup. There have been incidents such as a dead rat being placed in his locker, and the extra uniform in his locker was set on fire.

One day, you are parking your car and see your buddies in the employee parking lot moving away from his car; they admit they just slashed his tires. Each officer is now being called into the captain’s office to state whether he or she knows anything about this latest incident. Your turn is coming.⁵¹ What are you going to do?

h) **Scenario #8**

You are a police officer testifying in a drug case. You have already testified that you engaged in a buy-bust operation, and the defendant was identified by an undercover officer as the one who sold him a small quantity of drugs. You testified that you chased the suspect down an alley and apprehended him. Immediately before you caught up with him, he threw down several glassine envelopes filled with what turned out to be cocaine. The prosecutor finished his direct examination, and now the defense attorney has begun cross-examination. He asked if you had the suspect in your sight the entire time between when you identified him as the one who sold to the undercover officer and when you put the handcuffs on him. Your arrest report didn't mention it, but for a couple of seconds, you slipped as you went around the corner of the alley and fell. During that short time, the suspect had proceeded a considerable distance down the alley.

You do not think there was anyone else around, and you are sure as you possibly can be that it was your suspect who dropped the bags, but you know that if you testify to this incident truthfully, the defense attorney might be able to argue successfully that the bags were not dropped by the suspect and get him acquitted of the much more serious charge of possession with intent to distribute.⁵² What should you do?

i) **Scenario #9**

It is 10:30 p.m., you are returning to the station after working the late shift, and you notice a traffic jam. Nearing the bottleneck, you observe an accident scene involving two (2) cars and a fixed object. It is at the end of your shift.⁵³ What do you do? Does your answer change depending on certain factors?

3. Application of concepts

- a) Taking into consideration all the concepts and values presented in this lesson plan, consider the question:

What makes law enforcement different from most other businesses or professions?

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Answer: The basic difference is public trust. The citizens expect law enforcement to know the laws they have to follow, and they expect law enforcement also to follow them. Our *Oaths of Office*, *Code of Ethics*, and *Canons of Ethics* give us the basic guidelines to perform our duties without jeopardizing the public's trust.

- b) Ethical inventory

NOTE: Show slide, "Ethical Inventory," and discuss handout with the class.

After completion, discuss with the class:

- (1) Their answers to the questionnaire
- (2) Their feelings about having to answer these questions about themselves

- c) Self-assessment for law enforcement students

NOTE: Have the students write answers to the listed questions. Ensure students their answers will not be collected or viewed by anyone else.

After each question are additional questions or comments for the instructor to offer in discussion with the class.

NOTE: Show slide, "Self-Assessment Questions."

- (1) Do I like working with people?

NOTE: Ask the students, "Do you like people, or did you get into law enforcement to feel self-important or for other reasons?"

- (2) Is my approach to the public offensive?

NOTE: Ask the students, "Do you mean to be offensive in an attempt to get respect, or have a show of authority?"

- (3) Do I respect people? Do I recognize the dignity of others and show it?

NOTE: Discuss with the students: The young, the poor, and minorities cite lack of respect from law enforcement officers as a major cause of disenchantment. How will you interact with people so as not to cause the same disenchantment?

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What must others do to get you to show respect for them? Do you apply the same standards to yourself as you apply to others?

(4) Do I explain my actions?

NOTE: Discuss with the students: Many times, officers believe they can bark out orders and expect people to follow them blindly. Citizens deeply resent not being told the reasons for an officer's actions, especially when the circumstances provide an opportunity for such an explanation.

(5) Am I understanding with others?

NOTE: Ask the students, "Do you listen and try to learn from those you don't agree with, or do you argue until someone agrees with you? Could you learn more about others, or do you just want others to learn about you and what you want?"

(6) How do I treat my fellow employees? My supervisors?

NOTE: Everything covered in the lesson plan has been focusing on the relationship between officers and the public. Discuss with officers to apply the concepts of ethics, duty, integrity, and professionalism in dealing with their fellow employees, their supervisors, and application when they become supervisors.

III. Conclusion

A. Summary

In this block of instruction, we have discussed definitions and concepts of ethics, morals, duty, and professionalism. We have reviewed and discussed the long-established parameters of the law enforcement profession in the *Code of Ethics* and *Canons of Ethics*. Understanding these concepts and understanding that law enforcement has strict parameters in which to work, we have discussed specific dilemmas. There are many choices for action. It is each officer's responsibility to evaluate all the choices and then take the action which is morally and ethically correct.

Lastly, you have taken a personal inventory for self-judgment on your ethics. This gives you a better awareness of your moral standing, so you may consider this information when issues present themselves.

NOTE: Show slides, "Training Objectives."

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1. Identify the competing roles society places on law enforcement officers and how that can influence behavior.
2. Recite the stated moral and ethical values of the law enforcement profession, as found in the International Association of Chiefs of Police's *Oath of Honor*, *Code of Ethics*, *Code of Conduct*, and *Canons of Police Ethics*.
3. State the common rationalizations and beliefs that lead to unethical behavior in law enforcement.
4. Identify the following common drivers of unethical behavior.
 - a) The noble cause
 - b) "The blue curtain"/code of silence
 - c) The slippery slope and the "Mama Rosa's test"
5. Identify the following six (6) major groups of unethical behavior in law enforcement.
 - a) Graft, bribery, and class corruption
 - b) Process corruption
 - c) Brutality and excessive force
 - d) On-duty unprofessional conduct
 - e) Workplace deviance
 - f) Off-duty unprofessional conduct
6. Identify ethics and ethical values in law enforcement by analyzing and debating nine (9) ethical dilemmas.

B. Questions from Class

NOTE: Show slide, "Questions."

C. Closing Statement

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New law enforcement officers must socialize themselves into the law enforcement profession. Always be mindful of the parameters set by the *Code of Ethics* and *Canons of Ethics* and remember the commitments you made through your oath of office.

As you go through the different blocks of instruction in basic law enforcement training, apply the information from this block to all the others. Ethical and moral dilemmas present themselves every day, on duty, and off duty. Through self-awareness, understanding, and your professional commitment, you should have a sounder basis for making good decisions. Good luck in your careers.

NOTES

- ¹ Pollock, 36.
- ² Becker and Pollock, 21.
- ³ Hagerott, Umberg, and Jackson.
- ⁴ Rosenfeld.
- ⁵ Pollock, 6.
- ⁶ Pollock, 6.
- ⁷ Pollock, 6.
- ⁸ Pollock, 105.
- ⁹ Pollock, 106.
- ¹⁰ “Police Chiefs Desk Reference: A Guide for Newly Appointed Police Leaders.”
- ¹¹ “Police Chiefs Desk Reference: A Guide for Newly Appointed Police Leaders.”
- ¹² “Police Chiefs Desk Reference: A Guide for Newly Appointed Police Leaders,”
111.
- ¹³ “Police Chiefs Desk Reference: A Guide for Newly Appointed Police Leaders,”
112-113.
- ¹⁴ “Police Chiefs Desk Reference: A Guide for Newly Appointed Police Leaders.”
- ¹⁵ Pollock, 117.
- ¹⁶ Pollock, 117.
- ¹⁷ Pollock, 117.
- ¹⁸ Pollock, 117.
- ¹⁹ Pollock, 117.
- ²⁰ Pollock, 117.

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- ²¹ Pollock, 117.
- ²² Pollock, 117.
- ²³ Ruiz and Bono, 49.
- ²⁴ Pollock, 166.
- ²⁵ Pollock, 198.
- ²⁶ Pollock, 198.
- ²⁷ Pollock, 198.
- ²⁸ Pollock, 198.
- ²⁹ Braswell et al., 116-120.
- ³⁰ Braswell et al., 116-120.
- ³¹ Braswell et al., 116-120.
- ³² Braswell et al., 116-120.
- ³³ Braswell et al., 119.
- ³⁴ Braswell et al., 120.
- ³⁵ Braswell et al., 120.
- ³⁶ Braswell et al., 122.
- ³⁷ Police Ethics: Problems and Solutions, #475.
- ³⁸ Police Ethics: Problems and Solutions, #475.
- ³⁹ Ruiz and Bono, 48.
- ⁴⁰ Ruiz and Bono, 48.
- ⁴¹ Ruiz and Bono, 48.
- ⁴² Ruiz and Bono, 48.

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⁴³ Prenzler, 50-51.

⁴⁴ Becker and Pollock, 21.

⁴⁵ Braswell, 95.

⁴⁶ Braswell, 99.

⁴⁷ Prenzler, 31-32.

⁴⁸ Prenzler, 34.

⁴⁹ Pollock, 171.

⁵⁰ Pollock, 171.

⁵¹ Pollock, 212.

⁵² Pollock, 212.

⁵³ Becker and Pollock, 21.