

# **POLICE ETHICS**



## Chapter 1

# POLICING—A MORALLY DANGEROUS OCCUPATION

### INTRODUCTION

Since the publication of the first edition of this book in 1996, the reported instances of unethical behavior (criminal and noncriminal) by police officers have continued. It does appear that the nature of corrupt practices has changed, particularly in some large urban departments with histories of systematic corruption. In these departments, the corrupt acts appear to be the result of “rotten apples” and “rotten groups” engaging primarily in drug-related crimes (Barker, 2002). Some of these “badge packing” criminals are very dangerous men and women who will kill (and have killed) fellow cops and civilians. There are others also. A recent content analysis of *The New York Times Index* from 1998 to June 2002 revealed forty-nine (49) separate incidents of corrupt acts involving 141 officers in thirty different U.S. police departments (Barker et al., 2002).

The instances of Noble Cause Injustice (using unlawful means to control crime) are, unfortunately, all too common; particularly in the real or perceived war on drugs. Some officers who see themselves as “good” cops will conduct illegal searches and seizures, falsely swear to obtain warrants, plant evidence, and lie in court to put away the “dirt bags.” Fellow officers, knowing that these practices occur remain silent out of a false sense of loyalty. However, as I have repeatedly said in training sessions, there is never an ethical officer observing the unethical, corrupt, or brutal behavior of a fellow officer without taking some action.

Prior to the publication of the first edition, all of us in the police community were appalled by the actions of LAPD officers (the participants and observers) during the videotaped beating of Rodney King. Numerous videotapes of other officers engaging in questionable and obvious acts of brutality/misconduct have appeared since then, e.g., the tape of a police officer slamming a teenager on the hood of a police car and punching him was shown over and over again. As I write this, a videotape of the Los Angeles sheriff's department members firing over 100 times into a vehicle with an unarmed man is being shown on news broadcasts nationally and internationally. Whenever these tapes are shown, as happened with the Rodney King incident, some police officers, police executives, representatives of police associations and other "talking head" police "experts" say that the actions of the officer/s involved was justified. Civil rights groups point to the videotapes and cry racism and some say that they show that all police are brutal. It is hard for the officers involved in these incidents to convince a skeptical public and police community that the level of force used is justified. Why would multiple police officers fire over 100 times at an unarmed suspect? On the other hand, it is hard to support the allegation that all or a majority of the police are brutal. The evidence is not there. Nevertheless, it is disturbing that many believe it is.

All of the above serves to point out that we still have an ethical crisis in law enforcement. There is reason to believe that we have always had an ethical crisis in law enforcement and may always have one. The reason lies in the nature of the occupation.

### **A MORALLY DANGEROUS OCCUPATION**

In 1829 with the Metropolitan Police Act, the publicly paid watchman, voluntary watches and paid police in the London area were centralized under the national government and became members of a new occupation that would spread throughout England and Wales, and reach the shores of the Colonies that were to become America. It was immediately recognized that the members of the new police occupation should be held to a higher standard of integrity than the average citizen. However, the original London Metropolitan Police were not of high moral caliber. Many were often accused of being drunk on duty and associating in public houses with prostitutes and suspicious

persons. In the first two years, more than 3,200 constables had left the new police, more than two-thirds being dismissed for drunkenness (Ascoli, 1979: 89). There is evidence that some of the Metro officers accepted payoffs from illegal gambling dens and brothels (Reynolds, 1998: 153; Miller, 1997: 28–29).

The nature of the duties: close contact with the public, control of vice activities, discretion, and low visibility decision making; combined with the power inherent in the office made this new occupation a morally dangerous occupation for its members. This became painfully clear when the new model of policing was transported to America where local control of police agencies was constitutionally mandated (Miller, 1997; Lane, 1971). The early American experience demonstrated that the police can become not only corrupt but the instruments and servants of local politicians. Community control run amok is an apt description of the American police at the time (Walker, 1977). The early American police in their crime-fighting duties became a greater threat to a free society than corrupt police officers and led to a series of reform movements that continues today (Fogelson, 1977).

### **BLESSING OR CURSE**

The early framers of the new occupation and what was to become the modern-day police organizations in Great Britain and the United States recognized that a paid public police agency could become a blessing or a curse in a democracy (Lee, 1971: xxxi). That is, the police could be the defenders of liberty or the oppressors of a free people. The early framers recognized the possibility of Noble Cause Injustice (discussed later). Prevention of crime and the maintenance of order (noble end) by oppressive and undemocratic means could become more intolerable than the effects of crime or disorder. Whatever justice is applied in a free society begins and sometimes ends with the first decision makers—the police. Lee stated that the ideal police force is one which grants the maximum protection with the minimum interference in the lives of the people:

Government cannot be exercised without coercion, but the coercion employed ought to be reduced to the lowest possible limit consistent with safety, the ideal police force being one which affords the maximum of protection at the cost of a minimum of interference with the lawful liberty of the subject. (Lee, 1971: xxx)

The constitutional and legal restraints on American police officers exist to limit the coercive intrusions of the police into the personal lives of American citizens. The Common Law, court decisions and acts of Parliament exist to limit the coercive intrusions of police into the personal lives of British citizens (Robilliard and McEwan, 1986). However, modern-day police forces in Great Britain and the United States are expanding their coercive “interference” into the lives of their citizens under the evangelistic rhetoric of Community Policing. Ultimately, the complex questions involved in police discretionary decisions, particularly extra-legal practices, as the police deal with “quality of life” crimes/problems of disorder will be decided in the courts of both countries (Livingstone, 1997). Brogdon (1999: 181) states that “community policing is only possible when the constitutional rights of citizens are vague rather than distinct, and especially where the police mandate is permissive rather than restrictive—conditions that do not exist in Great Britain or the United States.” Whether or not this “expansion of coercive interference” will be a revolutionary new police reform or another politically motivated (and federally financed) police management fad that passes into history remains to be seen.

### NEED FOR ETHICAL BEHAVIOR

The American police as individuals, groups, and organizations have been both a blessing and a curse. Admittedly, the list of blessings is voluminous. However, the litany and horrors and abuse in the 1990s include Rodney King, Malice Green, Abner Louima, Amadou Diallo, Michael Dowd, Waco, Ruby Ridge, Ramparts, Mark Furman, Antoinette Frank and Len Davis. One hears terms associated with the police like racial profiling, positional asphyxia deaths, choke-holds, whoops raids, “testilying.” In recent years, in addition to corruption scandals in New York City, Philadelphia, Chicago, Cleveland, Los Angeles, New Orleans, Miami, Detroit and Atlanta; cases and convictions have been dismissed because police officers planted evidence or lied in reports, warrants, and in court. The unethical behavior of those working in this *morally dangerous occupation* receives more attention and is easier to measure than the good, or ethical behavior, or at least that is the way it appears from examining the media (*Adam 12* was never as

popular as *NYPD Blue*) and the literature, particularly the scholarly literature. This is inevitable because of the basic nature of policing.

The ethical behavior of police officers in any democracy (Great Britain, the United States, or any free state) is central to police work because of the nature of policing. Policing is forceful, or potentially forceful, social control no matter what label is attached to it (Professional Policing, Community Service Policing, Community Oriented Policing, Order Maintenance Policing, Zero Tolerance Policing, and whatever comes next). That is the way it has always been and will always be. The use of force, or potential use of force, has been used by every community in history as a means to secure the effective observance of laws (Reith, 1952). Given the inherent coercive nature of police work and moral risk it poses for its workers, a commitment to ethical conduct is a must. Ethical conduct is ultimately what protects the citizens of a free society from the police. Ethical behavior is also necessary if the occupation is to ever become a profession, even though some argue that it is now.

### **IS LAW ENFORCEMENT A PROFESSION?**

If we are to accept the word of law enforcement spokespersons and read the “professional” law enforcement literature, the answer to this question would be an emphatic yes! The International Association of Chiefs of Police (IACP), the professional voice of law enforcement, unequivocally states that law enforcement is a profession that:

- Is dedicated to the service of others.
- Requires personal commitment to service beyond the normal 8-hour day.
- Requires of its practitioners specialized knowledge and skills.
- Governs itself in relation to standards of admission, training and performance.
- Has mechanisms to ensure conformance and a disciplinary system to punish deviations.
- Forms associations to improve their collective ability to enhance service to others.
- Is guided by a code of ethics. (IACP,1981)

I certainly agree with some of the IACP statements cited above,

such as, dedicated to the service of others, requires personal commitment beyond a 8-hour day, requires specialized skills and knowledge and forms associations. I could mount a strong argument against the statement that law enforcement “governs itself in relation to standards of admission, training and performance.” The standards for admission range from “minimum” [I have always hated the use of this term in relation to police admission standards] standards of 21, high school graduation or G.E.D., a driver’s license, and no serious criminal record in some states to a baccalaureate degree at the federal level for special agent position. The wide differences between training and performance standards among American Law Enforcement agencies are well known to all.

Does the law enforcement “profession” have “mechanisms to ensure conformance and a disciplinary system to punish deviations?” Some agencies do and some agencies don’t. The mechanisms and systems work in some agencies but not in others. Some states have a system to certify law enforcement officers but no system to decertify them. We certainly do not have a profession-wide system similar to the American Bar Association or the American Medical Association. The statement that the law enforcement “profession” “Is guided by a code of ethics” will be addressed later. Whether or not one agrees that law enforcement is a profession, one has to agree that law enforcement as a morally dangerous occupation has come a long way since the establishment of the London Metropolitan Police in 1829. Furthermore, law enforcement in the United States has made tremendous strides since its transplant to New York City in 1884. The changes in law enforcement since I first “policed” in Birmingham, Alabama in the 1960s have been just a bit short of remarkable.

Actually, the debate over whether or not law enforcement is a profession is best left to those who have the patience and time to argue theoretical and philosophical issues. I have neither. I thoroughly agree with FBI Special Agent Donald Witham, “reasonable and intelligent people could argue endlessly as to whether or not law enforcement meets all the characteristics of a profession” (Witham, 1985: 30). However, I also agree with Witham that as a practical matter no American occupational group has ever succeeded in having itself accepted as a profession without requiring the minimum educational standard of a baccalaureate degree (Witham, 1985: 34).

I do not advocate that we give up on the law enforcement profes-



sion goal. It has been the goal of many police reformers and reform movements since the early 1900s, but “saying it is so ain’t going to make it so.” The goal may not have been realized, but there has been progress and it is still worth striving for. This lead us to the really important question—Can law enforcement officers be professional?

### **CAN LAW ENFORCEMENT OFFICERS BE PROFESSIONAL?**

If we can all agree that the term professional is an adjective and refers to *behavior*, the answer to this question is an emphatic and unequivocal—yes! That is, yes; if they know what they are doing, are proud of what they are doing, and if they prescribe to and follow a code of ethical behavior. At this time, we rely on the pre-service and in-service training curriculums of the various law enforcement agencies at the local, state and federal levels to ensure that law enforcement officers know what they are doing. To a degree these same training centers or academies create a sense of pride in their trainees. This sense of pride is also dependent on the manner in which individual officers, groups of officers and occupation, as a whole, prescribes to and follows a code of ethical behavior.



## Chapter 2

### PROFESSIONAL/OCCUPATIONAL ETHICS

#### INTRODUCTION

**M**orality refers to the standards of behavior that should be followed by everyone. Ethics is concerned with how individuals should conduct themselves (Heffernan, 1997: 25). Dan Carlson, associate director of the Southwestern Law Enforcement Institute, states that one way of defining ethics is “Doing the right thing, when nobody will know if you do the wrong thing” (<http://web2airmail.net/slf/summer95/tick.html>). Professional/occupational ethics deals with behavior that all members of a professional occupational group should adhere to because they are members of the group (Davis, 1997: 37). This is practical ethics concerned with how members of the effected group solve practical problems (Kamm, 1997: 123).

Professional/occupational ethical standards are contained in the Codes of Ethics adopted by the occupational group. Codes of Ethics are put forward as public evidence of a “determination, on the part of the providers themselves, to serve in ways that are predictable and acceptable” (Kleinig, 1997: 242). The purpose of a code of ethics is to establish formal guidelines for ethical behavior and eliminate the ambiguity that surrounds individual considerations of what is right and wrong behavior (U.S. Department of Justice, 1978: 18–22). Codes are no substitute for good character and wisdom; however, they can serve as a general guideline for the groups’ behavior (Delattre, 1989: 32). The ethical principles are in effect the occupation’s recognition of guidelines for action.

## **POLICE CODES OF ETHICS**

There was a Code of Ethics embedded in the standards for the London Metropolitan Police in 1829. However, it wasn't until 1928 that a Code of Ethics was developed for the United States police (Kleinig, 1996: 235). The current version appears below and will be discussed in detail later:

### *LAW ENFORCEMENT CODE OF ETHICS\**

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the Constitutional rights of all 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 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 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 police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of profession-

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\*Source: [www.theiacp.org/pubinfo/Pubs/CodeofEthic.htm](http://www.theiacp.org/pubinfo/Pubs/CodeofEthic.htm)

al 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.

The International Association of Chiefs of Police

In addition, the IACP at its 107th Annual Conference in San Diego, California passed a resolution adopting the Law Enforcement Oath of Honor submitted by the association's Police Image and Ethics Committee.

### *LAW ENFORCEMENT OATH OF HONOR*

*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  
and community I serve.*

The IACP advocates that all officers take this short oath and that it be recited at "assembled public and internal gatherings of law enforcement officers (public ceremonies, promotional events, law enforcement conferences, etc.); placed on signs and conspicuously displayed throughout law enforcement facilities; printed on the back of business cards and other types of agency materials; incorporated at every opportunity in policies, procedures and training materials; referred to by administrators in conversation and correspondence; and referenced in both positive and negative personnel actions" ([http://www.theiacp.org/profassist/ethics/focus\\_on\\_ethics.htm](http://www.theiacp.org/profassist/ethics/focus_on_ethics.htm)). In other words, the Law Enforcement Oath of Honor should get the maximum exposure in all police organizations and functions. This will serve to heighten the awareness and visibility of ethical standards embodied in the Law Enforcement Code of Ethics.

There is also a Statement of Ethical Principles for police officers in England, Wales and Northern Ireland (Haggard, 1994: 2-3).

*STATEMENT OF ETHICAL PRINCIPLES*  
(England, Wales, and Northern Ireland)

I will act with fairness, carrying out responsibilities with integrity and impartiality;  
Perform duties with diligence and the proper use of discretion;  
In dealings with all individuals, both outside and inside the police service, display self control, tolerance, understanding and courtesy appropriate to the circumstances;  
Uphold fundamental human rights, treating every person as an individual and display respect and compassion towards them;  
Support all colleagues in the performance of their lawful duties and in doing so, actively oppose and draw attention to any malpractice by any person;  
Respect the fact that much of the information I receive is confidential and may only be divulged when my duty requires me to do so;  
Exercise force when justified and use only the minimum amount of force to affect my lawful purpose and restore the peace;  
Use resources entrusted to me to the maximum benefit of the public;  
Act only within the law, in the understanding that I have no authority to depart from due legal process and that no one may place a requirement on me to do so;  
Continually accept responsibility for self-development, continually seeking to improve the way in which I serve the community;  
Accept personal responsibility for my own acts and omissions.

The interest in Codes of Ethics governing police behavior is growing worldwide. The second principle of democratic policing drafted for the United Nations Police Task Force in Sarajevo-Herzegovina stated that the police as recipients of public trust should be governed by a code of professional conduct (Travis, 1998: 3). Furthermore, this code should reflect the highest ethical values that could provide the basis for identifying acts of misconduct. On June 10 and 11, 1996, the Council of Europe, a thirty-nine member organization, met in Strausbourg, France. The topic of their meeting was police ethics and a code of conduct for European police officers (McDonald, Gaffigan & Greenberg, 1997: 81).

## CONCLUSION

As stated earlier, morality refers to the standards of behavior all should follow; ethics is concerned with how individuals conduct themselves. A moral police officer just like any moral person would not steal, murder, or rape. But we expect more from police officers, they are to conduct themselves according to Professional/Occupational ethical standards. And, acting ethically or unethically is ultimately an individual choice. Therefore, we are left with the question—Do Codes of Conduct provide police officers with the guidance to make ethical choices? An examination of the IACP Law Enforcement Code of Ethics may provide an answer.