

# Ethics and its Impact on Law Enforcement by the Year 2000

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## *Abstract*

*This paper reviews the impact of ethical issues and day-to-day dilemmas faced by criminal justice professionals. More specifically, it focuses on law enforcement officers and the ethical considerations they face related to their jobs. Training, both formal and in-service, are evaluated to determine the role they play in making ethical decisions. Because of these past scenarios about ethics, a projected view of the future can be ascertained.*

## Introduction

We often ask ourselves what will be the decision process for any given subject within the next year. We, in government, are required to prepare a balanced annual budget. We normally prepare a five-year capital plan to illustrate where we are headed. We have failed to determine what impact ethical considerations/dilemmas will have on law enforcement personnel by the year 2000, and how ethics can be better defined to help the law enforcement practitioner.

Top management in every criminal justice organization is forced to make daily decisions that impact the organization. However, many times the full impact is not really known. This undoubtedly has an impact on the ethical side of those issues being addressed. The short and long term effects can either be positive to both the agency and its personnel, or very negative. The downside can cost the agency a lack of credibility and termination for some personnel.

This trend has seen a rise in the significance of ethical issues in the work environment. In 1957, the International Association of Chiefs of Police (IACP) recognized the need for a code of ethics in order to professionalize law enforcement. The Association updated its Code of Ethics in 1991 to better reflect the current and future trends in law enforcement.

Ethical considerations certainly go beyond the criminal justice system. The Ethics Resource Center in Washington, D.C. revealed that 74% of the Fortune 500 companies have a code of ethics (Scandals prompt few changes, 1988). Even President Clinton established what has become the toughest ethical guidelines in history for those individuals working on his transition team and political appointees. It prohibits those individuals from gaining employment where their experience and knowledge could be used for profit against the government (New ethics standards toughest, 1992).

This document is intended to view various ethical considerations and their impact on law enforcement over the last decade. One of the most difficult tasks for this writer was to narrow the monumental issues that surfaced during research. There were certainly many more issues to be acknowledged. However, historical dilemmas, current issues and practices, and future considerations are addressed.

## Historical Perspective

The last two decades have seen the issue of ethics come to the forefront of our

society. It has not only impacted law enforcement and the criminal justice community, but also judges, doctors, teachers, religious institutions, sports figures, entertainment figures, financial institutions and politics. To help American society in general, the media has played a big role in bringing this issue of ethical considerations to us through prime time television, radio, and print. All too often, the only thing that is heard is how bad someone is or what questions have not been answered.

### **It's OK, Son, Everybody Does It**

When Johnny was 6 years old, he was with his father when they were caught speeding. His father handed the officer a \$20 bill with his driver's license. "It's OK, son," his father said as they drove off. "Everybody does it."

When he was 8, he was present at a family council presided over by Uncle George, on the surest means to shave points off the income tax return. "It's OK, kid," his uncle said. "Everybody does it."

When he was 9, his mother took him to his first theater production. The box office man couldn't find any seats until his mother discovered an extra \$5 in her purse. "It's OK, son," she said. "Everybody does it."

When he was 12, he broke his glasses on the way to school. His Aunt Francine persuaded the insurance company that they had been stolen and they collected \$75. "It's OK, kid," she said. "Everybody does it."

When he was 14, Johnny and his family went to the movies. His father said, "Tell 'em you're 13 to get the child's rate." "It's OK, son," his father said. "Everybody does it."

When he was 15, he made right guard on the high school football team. His coach showed him how to block and, at the same time, grab the opposing end by the shirt so the official couldn't see it. "It's OK, kid," the coach said. "Everybody does it."

When he was 16, he took his first summer job at the supermarket. His assignment was to put the overripe strawberries in the bottom of the boxes and the good ones on top where they would show. "It's OK, kid," the manager said. "Everybody does it."

When he was 18, Johnny and a neighbor applied for a college scholarship. Johnny was a marginal student. His neighbor was in the upper 3% of his class, but he couldn't play right guard. Johnny got the scholarship. "It's OK, son," his parents said. "Everybody does it."

When he was 19, he was approached by an upperclassman who offered the test answers for \$50. "It's OK, kid," he said. "Everybody does it."

Johnny was caught and sent home in disgrace. "How could you do this to your mother and me?" his father said. "You never learned anything like this at home." His coach, boss, aunt and uncle were also shocked.

If there's one thing the adult world can't stand, it's a kid who cheats. . . .

*Source: Blanchard & Peale, The Power of Ethical Management, 1988.*

A recent example is the beating incident in Los Angeles, the Rodney King case, which only infuriated the nation, for one year until the trial. Only after the trial began, was the portion of the tape shown just prior to the attack by the police officers where Mr. King charged at the police officer forcing him to use non-lethal force. This does not excuse the fact that the police officers may have gone beyond the point at which they should have stopped, but it did paint a more accurate picture of what had taken place.

Although this incident was not one that occurred in the state of Florida, we have certainly had our share of negative ethical experiences throughout the state. Many of these are now being more actively investigated and reviewed by the Florida Criminal Justice Standards and Training Commission. This entity is responsible for certifying and decertifying law enforcement officers. Its role is an important one since it helps to enforce the moral standards set forth in Florida Statute. It also provides checks and balances in the final process for the 400 plus agencies in the state.

Two central issues previously addressed by various authors are ethics as they apply to the training process and ethics as they apply to a code of conduct. Although these issues have relevance to the issue of ethics, a minimal amount of work appears to have been written regarding where ethics has been addressed to fully handle our day-to-day dilemmas and issues. We need to be preparing now for the long-term effect we hope to achieve over the next decade. The maturity level and life experiences of many new personnel entering the criminal justice system as police or corrections officers have not exposed them to many ethical dilemmas that they are about to face. Compounded by the fact that over the past decade or so, the increase of broken families, has widened the gap of family morals from which to build.

An excellent illustration of this is from a Chicago Sun Times article, "It's OK, Son, Everybody Does It" (above). This article captures the ethical/moral issues of a child as he grows up. He is constantly given assurance from both family and teachers that unethical behavior is acceptable because everybody does it. This comes to an end at age 19 when he is caught in a compromising situation and everyone wonders how it could ever have happened.

Although there is a difference between ethics and morals, they do intertwine when individuals make decisions. Ethics are defined as standards of conduct that govern behavior, whereas morals are private codes of value (Sirene, 1988). The issue that must be focused upon when decisions are made is *what is ethically proper?*

### Ethical Considerations/Dilemmas

Ethics are viewed by many "line level" individuals as "don't do that" issues. Others view it as the standard by which to work. To those individuals, it is a part of their integrity.

In stating that ethics is viewed as a "don't do that" issue, it seems that the ethics portion of an agency's rules and regulations manual are viewed in a more negative way rather than a positive one. The majority of rules and regulations manuals reviewed tend to state what you can not do rather than what is acceptable or permitted.

This is one of the dilemmas that has greatly surfaced over the past decade due to the fact law enforcement has been viewed as a paramilitary organization. However, the training and formal education, at all levels, has been geared to a much more business atmosphere in which to work. When the paramilitary environment prevails, the

negatives appear to be the predominant theme. When the agency takes a more aggressive, proactive management philosophy, there is a more positive "what you can do" attitude.

Although it is recognized that this can not always be the mode because of the numerous internal and external forces exerted upon us in conjunction with the nature of what the profession of law enforcement is. We should, however, certainly strive to be more positive rather than negative, which will hopefully allow our personnel to use their intelligence to make ethically sound decisions.

Another consideration to be viewed much more in depth is when a person first becomes indoctrinated into the law enforcement profession. It was mentioned previously that the maturity level or life experiences that one has had may be minimal. Since the first formal exposure to law enforcement is normally through the local criminal justice academy, it is imperative that the individuals selected to instruct and be involved at this level demonstrate and constantly emphasize a high level of integrity and ethical conduct. The reinforcement of ethics throughout the students matriculation in the academy is paramount. It is here that their future foundation can be made or broken. It is also important to ensure that a consistent message is provided by each instructor. Training will be further discussed, as it is intrinsically related to the future.

The ethical dilemmas which are faced by most individuals would be something that hopefully could be answered by using good common sense. Is the taking of a particular item right or wrong? Although this is only an example, and maybe even an easy one. What is it that clouds the issue?

Day-to-Day Dilemmas. In asking the question, "Is the taking of a particular item right or wrong?," one should answer "wrong all of the time." When we start to second guess what we should do, is when we enter into the day-to-day dilemmas.

The common example of the free cup of coffee is a good illustration. The coffee may be considered a courtesy, a custom, a gratuity, or a way to receive extra police protection, depending upon who views it. Even today, that same cup of coffee has still left many to ask if it is an acceptable practice. This dilemma has been compounded by strong department policies which forbid the practice, yet it goes unenforced and the practice continues.

This simple issue illustrates a common problem that still exists within law enforcement and at all levels within the organization. In order to address this issue, training and role models play an important part. Historically, police officers have been associated with free cups of coffee at the donut shops. After all, that's where all of the police hang out. Even though the latter may not be true, police were normally offered a free or courtesy cup of coffee. To store owners, the reason for offering the free cup of coffee varies. This is certainly a factor in the scenario.

One reason to offer the free cup may simply be to offer a "thank you" to police officers in appreciation for the work they do in society. Many recognize that law enforcement is often a thankless, yet dangerous job.

A second reason may be for free security. The business owner may realize that for the price of a cup of coffee, the security of a police officer being in and around the business, can be had at a minimal cost. This saves the cost of a security firm and also lessens the possibility of a robbery.

The third reason may be to entice the officer into a sense of security and eventually get him/her involved in other corrupt issues. This may seem a big step from a cup of coffee to corruption, but it can happen.

The fourth reason may simply be because of culture or ethnic background. This may be very similar to the first reason described. Many cultures vary in how they regard and show their respect for law enforcement. Although other reasons might apply, the police officer must be cognizant that denial of a free cup of coffee might constitute a cultural insult. Certainly, this practice of not accepting gratuities would need to be carefully explained.

The free cup of coffee continues to be an issue, but why? When you consider the number of police officers in this country alone that have risen through the ranks of their agencies and have not had the impact necessary to stop this practice, we must ask ourselves "where have we failed?"

A view that should be explored is whether or not there is anything wrong with the free cup of coffee? It has become apparent that no matter what we may think of individuals, when it comes to ethics, the public has become disenchanted with public officials as a whole. This includes police officers. For this reason, the concerns which are brought forth in the public light, citing unethical behavior, will not be tolerated any longer. The question is what will we do as a profession to help ourselves or what will be thrust upon us by public/police watch groups.

Other day-to-day dilemmas certainly exist, some more than others. You often hear about a bribe being offered in exchange for not receiving a traffic citation. This could range from a monetary consideration, tangible item, or even sexual favors. In as much that this does not occur with the frequency of the free cup of coffee scenario, they still do occur. Now you must ask yourself the question, is this right or wrong?

Certainly the two options at the officers disposal are not to write the citation or exercise discretion and give the person a warning, either verbal or written. It is important to stress the use of discretionary powers. Discretion allows the police officer to decide which laws shall be enforced, and when, where, and how.

This freedom to make decisions that affect the lives of others is one that other citizens are not empowered to make (Delattre, 1989). The options presented in the bribery list should be answered, without question, that they are wrong. The follow up to the bribe may be a matter of whether the person is charged, should they meet the elements of the crime.

Another day-to-day dilemma that many individuals face, but are not the direct recipient of the favor, is witnessing unethical behaviors by peers and not doing anything about it. Individuals take the attitude that I have my own integrity, ethical and moral standards. However, who am I to judge others that I work with as long as I follow my own standards? This type of day-to-day dilemma in many ways is just as damaging and wrong. It continues the wrong message being set forth. The cycle must be broken.

Unfortunately, depending upon the possible proceedings which must take place to provide for a fair hearing on the part of the accused party, many get the feeling that the system does not work and the accused get away with their unacceptable behavior. Those who maintain the ethical standard feel betrayed, to some degree, by the system.

An important note to consider is that day-to-day ethical dilemmas are living issues. We may someday believe that we have firmly obtained a handle on the free cup of

coffee scenario, but rest assured that something else that we have not even thought of yet will take its place.

The importance of day-to-day dilemmas is that the emphasis must begin now and continue to build in order to have the standard met by the year 2000, or sooner. The standard in this case would be the IACP Code of Conduct (IACP, 1991).

### Policies, Rules and Regulations

In any organization, the use of written guidelines on various topics can be found bound in policy, rules, and regulations manuals. In these manuals, a section is normally dedicated to the acceptable ethical behavior and conduct for personnel. The wording generically states that the acceptance of any gift or gratuity is unacceptable. It is usually not reviewed by the personnel unless a significant event occurs.

Ethical behaviors also encompass much more than the illegal behavior in our profession. Areas that must not be forgotten in these policy manuals are dishonesty, discrimination, giving false or colored statements, violating laws or the rights of others, and deliberate inefficiency (Robbins, 1992). These areas are not always defined thoroughly, thus allowing unethical behavior to go unchallenged. It is extremely important that each agency address each area of ethical behavior as thoroughly as possible, yet not have an overwhelming effect on personnel.

On the part of the organization, it should, at minimum, review and modify as necessary its policies, rules, and regulations annually. This is a living, working document and must constantly be reviewed to be kept current and plan for the future. Failure to do so may have the same effect as not even having a written policy on the topic.

The problem with policies, rules, and regulations is that often when a problem occurs, it is the first place we turn to in hopes of correcting an unethical behavior. Although there may be some merit to turning in that direction, we must first fully analyze the situation. One of the first considerations must be, have we communicated our expectations as an agency to our personnel? There are three primary steps which must be taken, generally concurrently.

First, performance expectations must be effectively communicated. Secondly, the necessary training must be given to provide the tools to meet the expectations. Third and arguably the most difficult is that an environment must be created in which the training can be successfully applied (Hyans, 1991).

The first step is to make sure expectations are being effectively communicated. This can be accomplished in both written and verbal modes. One must provide a logical written policy that must be followed. This can provide the step by step detail to explain what you wish to convey. This document also will address the various ethical issues which may arise and provide a central location for them to be found. The Palm Bay Police Department Directives, Policies and Regulations Manual, provides such direction under the heading of Professional Conduct. This document, in conjunction with department and shift training, is provided to employees and explains what is expected of them.

The second step is that the necessary training must be given to provide the tools to meet the expectations. This basically means that you can not expect and demand a level of performance if you do not provide the training necessary to carry out those

tasks. This will be covered in more detail under the training section.

The third step is that an environment must be created in which the training can be successfully applied. This is the most difficult of the three steps and can vary depending upon the size of the organization. In a small to medium size agency, the challenge can be multiplied. If the personnel have an attitude that certain unethical behavior is acceptable, yet other behaviors are not, it will take time to find out why the particular unethical behavior is acceptable.

This will include fact finding, re-education/training on the part of the agency, and finally the administration of positive and negative discipline. The discipline is to be used as a last resort to change the unethical behavior. One must bear in mind that the type of behavior may be of such severity that only negative discipline is appropriate.

It must be recognized by those individuals in the organization that well written and maintained policy manuals are a "pay me now or pay me later" proposition. Since human resources are the number one cost for any organization, if the proper written documents are not in place, the problems experienced with unethical practices on the part of just one employee can be devastating. This is compounded by the time and money it takes to research and write an effective policy manual. It is very cost effective to ensure that each and every member of the organization is issued a personal copy.

### Training

The Florida Department of Law Enforcement, Division of Criminal Justice Standards and Training, sets the standard for the minimal level of training required to initially become a police officer in the state. The current standard is 520 hours of classroom and field work. Out of that minimum standard however, only one hour is dedicated to ethics under that specific heading. In contrast, the Brevard Community College, Criminal Justice Center currently runs its basic police academy at 800 hours. Out of that, only one hour is still dedicated to ethics under that heading, but approximately 80 hours through the various course topics such as law, patrol procedures, and so forth cover ethical behavior.

It should still be a goal to increase the block of instruction to appropriately cover the topic of ethics. More emphasis needs to be placed here along with the legal, patrol, and other blocks of instruction. Ideally, it should be split into three phases of instruction throughout the entire academy: the introduction, midway, and at the conclusion. This would allow for follow up discussions along with instruction.

The goal at the first phase of the student's training is to constantly reinforce ethical behavior. Given the fact that integrity of the individual plays a big role in ethical behavior, this is the time to test the students in a much more controlled atmosphere. That one student would report unethical conduct of another, points to the fact that this phase of training is having a positive effect.

It would be remiss not to point out that the Division of Criminal Justice Standards and Training plays an even more important role prior to a student entering the police/corrections academy. It has overall responsibility to ensure that applicants meet a minimum standard to be considered for a law enforcement career. Florida standards require that an officer must be at least 19 years of age; be a citizen of the United States; be a high school graduate or its equivalent; not have been convicted of a felony or a misdemeanor which involves perjury or a false statement; after July 1, 1981, not have

pled guilty or nolo contendere to a felony or a misdemeanor involving perjury or a false statement whether or not adjudication was withheld or sentence suspended (Florida Department of Law Enforcement, 1992).

The guidelines continue with an emphasis on having a "good moral character." This plays a very important part in allowing agencies to "police" its own personnel. With the standard set and recognized by the state of Florida, it helps ensure that an officer with unethical behavior who leaves one agency, is not rehired by another agency. Although this system is not perfect, it has had a deterrence on this occurring.

Field Training. Field training is the third phase that a recruit police officer enters after successfully completing the police academy. A Florida survey indicated that police executives consider field training one of the most important factors in establishing and maintaining ethical behavior (Braunstein & Tyre, 1992). The issue of ethics and acceptable ethical behavior is extremely critical in the field training phase. Over the next 14 weeks, the recruit experiences as much as possible while riding with an experienced officer. It is imperative that the individuals, selected as field training officers, provide the best ethical behavior possible. Since they act as role models, nothing less can be expected of them.

### My Observations

In December, 1991, at the conclusion of a basic recruit class at the Brevard Criminal Justice Academy, I had the opportunity to speak with the 32 students in the class. The purpose for my discussion was not to instruct, as much as it was to solicit feedback from the class regarding ethics. The discussion was very interesting since there was approximately an even split on what was considered acceptable ethical behavior.

The question was asked of the class, *is it acceptable to take half-priced or free meals?* The class was split on this practice. Several comments that followed explained that as students they have had the opportunity to ride with officers who would accept meals. The police officer, sometimes even a supervisor, would tell the students where they could go to receive the free or discounted meals. One student pointed out to the class that he previously worked in a restaurant whose policy was to give half-priced meals to all public safety personnel. The problem the employees had was they did not get the same benefit and would be left gratuities for the half price amount. This aggravated the issue even further.

Other questions which arose were that police executives would lecture to the class that a particular ethical standard was in place within their organization. In fact, that was not what was observed by the students. The issue was clouded further when personnel from that same agency instructed at the academy and gave a totally different perception of what the agency considered ethical/unethical behavior than that of the chief executive.

To further stimulate thought on the part of the students, an ethics questionnaire was designed to allow for short answer responses. Although this questionnaire had not been validated, it did provide some interesting feedback. Many of the students did provide enough detail for one to assimilate that the messages provided in class, along with personal life experiences, left many with the belief that certain unethical behaviors are acceptable.

My observations about ethics over my career, life, and especially over the past 18 months where I have focused in on particular issues, have left a big impact on me. It appears that the topic of ethics has come to the forefront of all professions and the public. The standard which has been applied, even though it is written in most professions, tends to reflect back on the area of the country where one was raised. This is coupled with the diverse ethnic and cultural backgrounds which have become a larger factor in all professions and the public. Whereas the standards were previously written by white males, the large influx of women and other races and cultures will play a much larger role on how ethics are judged by the year 2000.

It was noted in my small sampling of students that there still exists a fairly even split in what is considered ethical/unethical behavior. If this sampling minimally reflects the actual criminal justice organizations in this state, there is a lot of unethical behavior being condoned by a lack of action to stop it on the part of management and line supervisors.

Ethical behavior is, and will continue to be, a part of day-to-day life. It is reported about daily in the media. Not a day passes when some ethical dilemma has not come to the forefront of a profession. This supports the fact that the public wants to be involved and aware of ethical/unethical behavior.

Administrators must focus on this fact and constantly reinforce ethical behavior in day-to-day activities. Failure to do so will allow the cycle of certain activities, which are considered unethical, to continue in practice. As with anything, there is no absolute and we will always be faced with unethical behaviors. The issue will be how that behavior is dealt with and in what time frame.

All employees, sworn and nonsworn, should be indoctrinated upon their orientation into your organization that only ethically and morally sound behavior will be acceptable. If this occurs and is constantly reinforced, the impact by the year 2000 should be great. It should be greatly realized in less negative terms (internal investigations, litigation, human resource costs) and positive ones (improved morale, better public perception, better applicant pool).

These issues carry a big price tag. Concentrating on the positive ones will only help the agency succeed.

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