

Police Integrity In Law Enforcement: Are We Really Doing Enough?

Randy S. Belasic

Abstract

Law enforcement officers are the pinnacle of integrity and as such are held to higher ethical standards in both their work and personal life, yet we continue to hear daily about officers terminated for or convicted of violating the same laws they swore to uphold. This study examines previous and current research on ethics violations in law enforcement to determine if we are doing enough to prevent these violations, has the point in time at which officers are most vulnerable to ethical discretions in their career changed since the 1990's, should we continue to intervene only after violations are committed, is integrity training the answer and what changes should be implemented to reduce ethical violations?

Introduction

Police integrity is a serious topic that has been the spotlight of law enforcement's concern for the last fifteen years. Corruption and integrity are germane where corruption is basically dishonesty for personal gain and integrity can best be defined as "the normative inclination among police to resist temptations to abuse the rights and privileges of their occupation" (U.S. Department of Justice, 2005). Integrity can be measured based upon an individual's moral principles or ethical values. The perception on integrity is that the higher your ethical values the lower the chance of corruption; whereas, the lower your ethical values the higher the chance of corruption. Even if it has not been proven, researchers have argued that individual ethics are predisposed by culture, socio-economic status, customs and knowledge of right or wrong. Albeit each person has their own individual moral principles, law enforcement in particular requires its members as a whole to maintain incorruptible integrity, but when compared to the customers they serve, police officers are held to higher standards in their work and personal life.

Police officers know first hand the consequences of corruption and illegal activity, yet news outlets report daily about officers terminated for or convicted of violating the same laws they swore to uphold. During prohibition corrupt officers would simply turn a blind eye to or even provide security for bootleggers and criminals, making hundreds of dollars each week in return. Once prohibition was repealed, criminal activity and police corruption evolved from bootlegging liquor to racketeering then narcotics. Dishonest officers have illegally used their positions to deal drugs, conduct unlawful searches, plant evidence, and steal money or property. After decades of high profile scandals and numerous commissions investigating corruption in New York, Chicago, Los Angeles, New Orleans, Miami and some smaller cities around the country, change was unavoidable (Central Florida Police Stress Unit, 2004).

Since the late 1960's, a number of organizations attempted to address the public's concerns to increase professionalism and identify the changes needed for law enforcement. In 1967, the members of the Administration of Justice proposed that the quality of policing is dependent upon the education requirements for its officers. Six years later, the National Advisory Commission on Criminal Justice Standards and Goals recommended that policing nationwide require a minimum of a four-year degree (Mayo, 2006). In 1977, the Florida Legislature instituted the Criminal Justice Standards and Training Commission which established police standards, training and required officers have good moral character (Florida Department of Law Enforcement, 2006). Two years later, national standards to enhance and standardize policing were introduced through the Commission on Accreditation for Law Enforcement Agencies. In 1993, the State of Florida introduced its own efforts to standardize policing with the Commission for Florida Law Enforcement Accreditation. Both law enforcement accreditation organizations mandate standards for ethics in law enforcement agencies.

The Criminal Justice Standards & Training Commission not only established police standards, but it had the responsibility to remove the certification of unethical or corrupt officers. In order to avoid employing unethical police officers, the commission required background investigations be completed on all hires. The Director of the National Institute of Ethics stated in his speech to the International Association of Chiefs of Police's Legal Officer Section that, "The background investigation should be viewed as the highest priority of the hiring process for most departments, for it is usually the best predictor of future employee behavior" (Trautman, 2000). Although the legislature set in motion procedures to address the dilemma with unethical officers, their failure to prevent ethics violations has caused public opinion toward law enforcement to continue spiraling downward.

As astonishing as it seems, statistics are not collected on all disciplinary actions taken against officers. Florida only keeps statistics on those violations serious enough to have an officer's law enforcement certification revoked. Data for 2006 was not available, so this paper was unable to include or assess current probable cause statistics. Numerous research projects have been done to identify the causes of ethics violations or develop prevention techniques that concluded a relationship exists between ethics violations and the lack of training. In *Training Police Ethics*, Michael Quinn wrote, "Police ethics training is finally coming into its own. It's being offered for in-service, pre-service, and in college law enforcement programs. Unfortunately we still seem to be a little short, in some cases, on a curriculum that successfully blends the history of moral thought and ethics with current police issues."

While the greater part of this material is drawn from previous research projects, an examination of the Florida Administrative Code, relevant Florida State Statutes and literature were also used to answer the following research questions:

1. Are we doing enough to prevent ethics violations?
2. Has the point at which officers are most vulnerable to commit ethical discretions in their career changed since the 1990's?
3. Should we continue to intervene only after violations are committed?
4. Is integrity training the answer?
5. What changes should be implemented to reduce ethical violations?

Method

A literature review was conducted on relevant Florida State Statutes, the Florida Administrative Code, previous research reports, website articles, magazines and newspaper articles which discussed or researched police integrity.

Many states have varying definitions of officer discipline and there is no single depository of disciplinary action against officers, so the statistics needed to establish a pattern of when an officer is most susceptible to unethical behavior was gathered from several sources. The officer discipline statistics from 1990 – 1996 were previously accumulated by Bonnie Beech in her research project “Ethics in Policing: Not Just Shoulds, Coulds, and Ought To’s.” The 2001 – 2005 annual statistics were published on the Florida Department of Law Enforcement’s website which hosts a link to the Criminal Justice Standards & Training Commission. Officer discipline statistics were unavailable from 1997 to 2000; however, the Director of the National Institute of Ethics. Neal Trautman conducted a survey (Appendix A) of 2,698 officers nationwide during 1999 – 2000. The information collected from Mr. Trautman’s survey was used to fill the gap in information. The outcome of this data table is based on two different reporting methods. The C.J.S.T.C. statistics are concrete in that they count those sustained cases of discipline against officers in Florida; however the information from Mr. Trautman’s survey is based on officers anonymously disclosing illegal or unethical actions.

Results

Based on the surveys conducted by the NIJ, Center for Society, Law & Justice, and the news reports involving unethical acts committed by officers, it is safe to say that we have not adequately addressed the problem. If law enforcement employs proactive crime fighting techniques then why do we handle ethics violations in a reactive manner? It has been proven time after time that we are great crime fighters, but not so great at handling corruption (Tyre, 1997).

The officer discipline statistics were accumulated from three different sources. Senior Leadership Program participant Bonnie Beech wrote her paper, “*Ethics in Police: Not Just Shoulds, Coulds, & Ought To’s*” in 1998. Ms. Beech’s statistics were used as a comparison for the number of probable cause cases, average age, years sworn and number of employments on those officers who the commission found probable cause to proceed with discipline on between the years of 1990 to 1995. The statistics for the years starting with 1996 to 2000 were not available through the CJSTC site, so those statistics were taken from a report conducted by Neal Trautman, the Director of the National Institute of Ethics, between February 1999 and June 2000. The statistics for the years of 2001 to 2005 were collected from the CJSTC website.

As indicated in the law enforcement disciplinary statistical chart (Table 1), the average age of violators from 1990 to 2005 increased over 5 years, from 32 years of age to 37.78; the average number of years sworn also increased over 3 years, from 7.2 years to 10.64, while the number of employments decreased from 2.16 to 1.62

employers. These statistics show that officers are committing unethical acts later in their careers as they are older.

LAW ENFORCEMENT DISCIPLINARY STATISTICAL REPORTS

| | 1990-1995 ^A | 2000 ^B | 2001 | 2002 | 2003 | 2004 | 2005 | AVG |
|--------------------------------------|------------------------|-------------------|------|------|------|------|------|-------|
| Probable Cause Determinations | 3,382 | N/A | 216 | 212 | 217 | 219 | 206 | -- |
| Average Age | 32 | 31.4 | 37.9 | 37 | 38 | 39 | 37 | 37.78 |
| Years Sworn | 7.2 | 8.2 | 11.2 | 10 | 11 | 11 | 10 | 10.64 |
| Number of Employments | 2.16 | N/A | 1.7 | 1.5 | 1.8 | 1.5 | 1.6 | 1.62 |

Table 1

A Bonnie Beech "Ethics in Policing: Not Just Shoulds, Could's & Ought To's"

B Neal Trautman "Police Code of Silence Facts Revealed"

During the literature review of this project, the ethics articles and research projects from Senior Leadership Program participant Bonnie Beech, Community Oriented Policing Services, National Institute of Justice, IACP Ethics Toolkit, Police Chief Magazine, The Chief of Police magazine, and the National Institute of Ethics all recommend that ethics training will reduce ethics violations. Researchers believe that inconsistency between agency values and employee values could be counter productive to any ethics training and if agencies do not take investigations or discipline seriously, then officers will not take misconduct seriously (NIJ, 2005).

Dr Gerkeen with the Center for Society, Law & Justice presented a survey (Appendix B) to various agencies throughout the nation and based on the answers has come up with the following recommendations:

- Development of a national-level strategic plan template to help agencies manage law enforcement integrity;
- Presentation of executive leadership conferences devoted to integrity;
- Identification of integrity management and leadership best practices;
- Assessment of commonly used screening criteria and instruments;
- Development of objective risk-assessment measures for personnel decisions;
- Conduct study on integrity training outcomes to identify evidence based best practice training models;
- Develop and validate measure related to assessing agency integrity climates;
- Evidence-based practice models for response to integrity violations;
- Development of integrity performance measures (integrity outcomes), organizational assessment tools, etc;
- Research initiatives showing interactive links between screening efforts and organizational climate and training outcomes; and

- Developing models for internal cooperation between personnel, civil service, training and management teams all concerned with assuring integrity.

Discussion

Police ethics or a lack thereof is a serious topic that has been the pinnacle of law enforcement concern for the last fifteen years. Ethics can best be defined as an individual's moral principles or values and police officers are held to higher standards in both their work and personal life. If officers feel they are being victimized by their agency or "the system" it can cause a breakdown in ethics. The higher our ethical values the lower the chance of corruption; but the lower our values the higher the chance of corruption (James, 2003).

As law enforcement officers fight crime, they continually have to change tactics to catch savvy criminals and solve crimes. Some officers may through frustration, laziness, peer pressure or just plain ignorance push the limits of the laws in the name of "protecting the public". Officers who are willing to set aside their ethical values to push the laws are typically the same officers that we see on television or read about in newspapers after they are arrested or indicted for violating these same laws. A great example of the ends justifies the means was written in the *Individual Perspectives on Police Ethics* by Frank.

A policeman was having problems with a family and there was violence there. He was called out to a job, and when he got there the husband was hiding behind the wheel of the car. So the Constable took him out of the car and down to the station and arrested him for drink driving. He went to jail, but the Constable had elaborated the story. The vehicle actually had no wheels, it was on chocks, and it was not mobile. But by arresting the husband the Constable saw that as solving the domestic problems. Ethically it was wrong, but it solved the problem of the violent domestics'.

Frank et al. (1995)

Officers cannot bend the law if they want the occupation to be considered professional; therefore, it is each individual member's responsibility to act in a professional manner.

In *Measuring Police Performance*, Dr Lycia Carter writes, "professionals aspire to high ideals, altruism; honor and integrity; respect; excellence and scholarship..." The following table (table 2) contains the various types of corrupt or unethical acts that police officers face or commit.

| Types of police corruption and definitions | |
|---|--|
| Corruption of Authority | Receiving a material gain by being a police officer without violating the law <i>per se</i> (e.g. free drinks, meals, services). |
| Kickbacks | Receipt of goods, services or money for referring business to certain individuals or companies. |
| Opportunistic Theft | Stealing from arrestees, crime victims, accident victims and from the dead. |
| Bribery | Accepting money or property for not following through a violation, arrest, filing a complaint or impounding property. |
| Protection | Police protection of those engaged in illegal activities. |
| The Fix | Undermining of criminal investigations or proceedings, or losing traffic tickets. |
| Direct Criminal Activity | A police officer commits a crime against person or property in violation of both departmental and state statute. |
| Padding | Planting of or adding to evidence |

Table 2

(Newburn, 1999)

Researchers have shown there is a correlation between formal education and ethical behavior. An integrity training program can teach officers the ethical standards an organization has along with highlighting the importance for acting ethically. Although many researchers have written or indicated a training program will improve ethical behavior, there has not been any definite research to indicate such claims (O'Malley, 1997).

In 1977, Florida Legislature created the Criminal Justice Standards & Training Commission to ensure that all citizens of Florida are served by criminal justice officers who are ethical, qualified, and well-trained. The CJSTC established minimum standards for police officers in the areas of employment and training, which helped enhance the profession. It is the Commission's responsibility to maintain records of officers and issue discipline for criminal or unethical violations if necessary (Florida Department of Law Enforcement, 2006). The Commission receives its powers through the Florida Administrative Code, Section 11B-27.001 and Florida State Statutes 943FSS.

To establish or maintain a culture of integrity within an agency, the leaders of the organization are charged with serving as the role model for ethical behavior. In *The Police Chief*, Mr. Jacocks described five actions that can shape an organization's culture: attention, measurement and control; reactions to critical incidents; deliberate role modeling; criteria for reward allocation; criteria for recruitment, selection and retention. The ethical climate ultimately revolves around the agency leader (Jacocks, 2006). Producing an agency with high integrity takes more than a good hiring process, academy training, leadership, but it is a combination of all these to support integrity (The Center for Society, Law and Justice, 2006). The Director of the National Institute of Ethics, Neal Trautman stated, "To transform the culture of a law enforcement agency

into an atmosphere that is consistent with employees accepting loyalty to principle above all else is a combination of leadership, role modeling and training.”

It was thirty-five years ago when Frank Serpico came forward with stories of corruption and criminal activity of NYPD police officers. Serpico was punished for being an honest cop and he stated during his testimony in front of the Knapp Commission, “The problem is that the atmosphere does not yet exist in which honest police officers can act without fear of ridicule or reprisal from fellow officers.” Until the law enforcement community takes a hard look at preventing unethical behavior by its members, we will continue dealing with a spiraling public image.

Captain Randy Belasic has worked for the Zephyrhills Police Department since 1990. He is currently the Administrative Support Services Captain for his agency. Randy has an Associates degree from Pasco-Hernando Community College, a bachelor’s degree in Business/Organizational Management from Warner Southern College and is pursuing an MBA from St. Leo University.

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Appendix (A)

National Institute of Justice

Police Attitudes Toward Abuse of Authority: Findings From a National Study

By David Weisburd and Rosann Greenspan with Edwin E. Hamilton, Hubert Williams, and Kellie A. Bryant

May 2000

Code of Silence (in percent)

| | Strongly Agree | Agree | Disagree | Strongly Disagree |
|---|------------------|-------|----------|-------------------|
| The code of silence is an essential part of the mutual trust necessary to good policing (n=905) ^a | 1.2 ^b | 15.7 | 65.6 | 17.5 |
| Whistle blowing is not worth it (n=904) | 3.1 | 21.8 | 63.5 | 11.7 |
| An officer who reports another officer's misconduct is likely to be given the cold shoulder by his or her fellow officers (n=908) | 11.0 | 56.4 | 30.9 | 1.8 |
| It is not unusual for a police officer to turn a blind eye to improper conduct by other officers (n=908) | 1.8 | 50.6 | 43.3 | 4.4 |
| Police officers always report serious criminal violations involving abuse of authority by fellow officers (n=899) | 2.8 | 36.2 | 58.5 | 2.5 |

a. Numbers in parentheses represent valid responses.

b. The frequencies are weighted to reflect the population parameters. The 95-percent confidence intervals for responses in this exhibit range between plus or minus 0.5 percent and 4.0 percent for the frequencies reported. Such confidence intervals are commonly noted as the margin of error or sampling error of the survey findings.

Note: Totals may not equal 100 percent due to rounding.

Appendix (B)

Bureau of Justice Assistance
Commission on Peace Officer Standards and Training
UNO Center for Society, Law and Justice
“Developing BJA Sponsored Tools for Instilling, Promoting, and Maintaining
Professional Integrity in Law Enforcement Agencies”

November 2004

A Survey of Integrity Screening in Law Enforcement Agencies

Name: _____
Title: _____
Organization: _____
Address: _____
Phone: (____) _____
Email: _____

Please answer all of the following questions. You may skip those that do not apply.

1. Which does your organization use in screening new applicants? (Mark all that apply)

- Background investigation Background interview Polygraph/VSA testing
 Drug testing Psychological interview Psychological testing
 Medical evaluation General cognitive/achievement functioning
 Reading level assessment Writing sample

2. Who conducts the initial background interview? (Mark all that apply)

- Police officer Police detective Human resource worker
 Psychologist Private contractor
 Other: _____

3. What does the background investigation entail? (Mark all that apply)

- Criminal records Interview neighbors Interview friends
 Credit records Interview prior employers Military records
 Driving records Interview family members Education records
 Civil suit records Other: _____

4. Who provides the background investigation? (Mark all that apply)

- Police officer Police detective/investigator Private contractor
 Other: _____

5. What type of training/education do background investigators receive? (Mark all that apply)

- Training course Education materials No training/education
 Other: _____

If you require a training course, how many hours does this entail? _____

6. How much weight is given to the background investigation in determining conditional hire?

- 0-25% 25-45% 45-65% 65-85% 85-100% Pass/Fail
 Other: _____

7. Within the past year, what percentages of applicants were rejected due to the results of their background investigation?

- 1-5% 6-10% 11-15% 16-20% 21-25% 26-30%
 31-35% Greater than 35% None

8. What psychological assessments does your organization typically use? (mark all that apply)

- Clinical Interview Mental Status Exam CPI
 MMPI MMPI-II Rorschach (inkblots)
 PAI Millon Raven
 16 Personality Factor Eysenck Personality Questionnaire
 Inwald Personality Inventory Hilson Safety/Security Risk Inventory
 Other: _____

9. Who typically provides the psychological evaluation for your organization? (Mark all that apply)

- Psychologist employed by department Psychologist contracted by department
 Assessment center
 Other: _____

10. What type of training/education specific to screening police applicants do psychological evaluators receive? (Mark all that apply)

- Training course Education materials No training/education
 Other: _____

If you provide a training course, how many hours does this entail? _____

11. Who conducts the psychological evaluations?

- Licensed doctoral-level psychologist Licensed or certified master's level psychologist
 Licensed professional counselor
 Other _____

12. How much weight is given to the psychological evaluation in determining conditional hire?

- 0-25% 25-45% 45-65% 65-85% 85-100% Pass/Fail
 Other: _____

13. Within the past year, what percentages of applicants were rejected due to the results of their psychological evaluation?

- 1-5% 6-10% 11-15% 16-20% 21-25% 26-30%
 31-35% Greater than 35% None

14. Does your organization require the applicant to give his/her history of past illegal drug use?

- Yes No

If yes, what substances are grounds for immediate exclusion? (Mark all that apply)

- Marijuana Cocaine/Crack Heroin/Methadone
 Ecstasy LSD PCP
 Methamphetamines Prescription drugs Clickums
 Inhalants Mushrooms Xanbars

Other: _____
What drug use is acceptable within what time limits? Ex: Marijuana use is acceptable if the applicant has not used within the last three years. _____

15. Does any additional integrity screening/testing occur during academy training (after a conditional hire)?

Yes No
If yes, what? _____

16. Do you feel it is necessary to screen for integrity in applicants?

Yes No
Why or why not? _____

17. How long have the current standards for applicant screening been in place at your organization?

Less than 1 year 1-5 years 6-10 years
 11-15 years 16-20 years Greater than 20 years

18. Is your organization doing anything over and above the steps mentioned above in integrity screening with new applicants?

Yes No
What? _____

19. Several police departments indicated that they are having difficulty getting previous employers to candidly provide information about an applicant for fear of being sued. Have you found any procedures particularly helpful in getting this information?

Yes No
What? _____

20. Do you know of other law enforcement agencies that have developed successful integrity screening or training programs?

If yes, please identify the agency and a contact if known: _____

21. Has your agency developed a career ethics/integrity program for your employees?

Yes No
If yes, are you willing to share copies of this program with POST and other agencies?
 Yes No