



THE ETHICS ROLL CALL

Volume 8, No. 4

LISTENING TO THE INNER VOICE

Fall 2001

“The Challenge is to be a Light, not a Judge; to be a Model, not a Critic” —Steven Covey

10th Ethics Conference Truly International

Over the ten years since the first Law Enforcement Ethics Conference, this annual gathering has evolved into an event that yearly attracts attendees from around the world. On October 11, 2001, the opening ceremonies of the 10th Annual Conference reflected the international makeup of faculty and participants alike. The Irving, TX, Police Department Color Guard began the proceedings with a presentation of the United States and Canadian flags, and the Irving Police Choir sang the national anthems of both countries.

After a moment of silence for victims of the World Trade Center and Pentagon attacks, Officer Brian Kelly, a bagpiper from the Irving PD, played "Amazing Grace." Captain Mike Bardwell, a bagpiper with the Dallas, TX, Fire Department, then joined with a traditional musical lament.

When Assistant Commissioner Patrick Cummins of the Royal Canadian Mounted Police began his keynote speech a few minutes later, he addressed an audience composed of representatives drawn from sixty two different police agencies and organizations across fifteen of the United States, three Canadian provinces and Great Britain. Over the next two days, participants had an



At the opening ceremonies of the 10th Annual International Ethics Conference, the Irving, TX, Police Color Guard presents the colors, and Officer Brian Kelly (Irving, TX, PD) plays "Amazing Grace."

opportunity to hear and exchange ideas on a range of topics including internal affairs, racial profiling, ethical decision-making, values-centered leadership, and the "gypsy cop" phenomenon. A timely and important new session was added at the conference to examine the issue of ethics, civil liberties and terrorism.

At a special ceremony on October 12, Officer Keith Batt of the Pleasanton, CA, Police Department, received the annual Ethical Courage Award. As a show of support for his demonstrated willingness

to do "the right thing," Batt received two standing ovations from the assembled conference participants. His acceptance remarks appear inside on page 4.

The 11th Annual International Ethics Conference is scheduled for October 10-12, 2002. With construction of our facility scheduled for completion in late summer, 2002, it is expected that this event will take place at the new headquarters of the Center for American and International Law in Plano, Texas.

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During the Ethics Conference, a "round table" of Ethics Train-the-Trainer graduates and others gathered to discuss strategies for helping ethics training make the greatest possible impact. Some of the ideas and suggestions of those in attendance include:

*Take steps to get people thinking about ethics in advance. Consider sending out reading materials to participants before the class takes place.

*Before setting out to teach ethics, it may be beneficial to have some advance knowledge of the makeup of the class. What agencies will be represented? Are any "hot" issues likely to surface?

*Where possible, use agency-specific examples and scenarios in order to personalize the discussion.

*If an agency is sending large numbers of people to ethics training, "instructor fatigue" is always a concern. Why not consider "team teaching?"

*Some agencies actually "market" their ethics training through the use of posters, the intranet, and their department web site where agency values are listed and defined.

*When teaching ethics and using the "ACT" model, allow groups to create their own scenarios. The facilitator can add them to a library of dilemmas for use in other classes.

*Choosing instructors is critical. Criteria should include instructional skill, enthusiasm for teaching and the topic, and a readiness to admit "I'm not the most ethical person in the agency."

From time to time, additional instructional tips will appear in this section. Readers with an interest in sharing their own classroom success stories are invited to send them along for publication.

Letter to the Editor

As an avid reader of "Ethics Roll Call," I have followed the on-going dialogue between Dan Carlson and Walter McKay concerning the officer who requested overtime for attending the "Officer of the Year Award" function. The short version of this disagreement, as I interpret it, is Dan feels it was wrong for the officer to ask for overtime, and any excuse for doing so cannot be justified. Walter's position is that there may be internal department dynamics that would justify an officer submitting overtime for attending his own Awards Dinner.

At the recent Ethics Conference, I had the honor and pleasure of meeting Det/Cst. McKay, when I attended his Breakout Session titled, "Why Ethics Has Failed Us." After introductions and a brief recapitulation of his disagreement with Dan, McKay broke us into groups and asked us to come up with arguments supporting his position. As much as I pride myself in keeping an open mind, I had difficulty coming up with any. McKay would have us believe that it is OK for the officer to submit the overtime if other members of the department, particularly management, did the same under similar circumstances. He would also argue that if the award was perceived to be an agency self-congratulatory type award, it would be OK to collect money for attending.

This is an all too familiar rendition of shifting personal responsibility and accountability to someone else. It is certainly easier to accept things as they have been and follow along with the program, no matter how unethical prior behavior has been. It would have been very easy for Officer Keith Batt, recipient of the Ethical Courage Award, to "go along to get along," and overlook what he knew was wrong in order to make it through probation. To his credit, Officer Batt chose the difficult path, and our profession is better today for the decision he made. (See "Keith Batt: A Profile In Character," page 4.)

Community Policing has received some of the credit for a decrease in the crime rate throughout the country. At the core of Community Policing is the concept of empowering officers at the lowest "beat" level to make decisions for the betterment of the community. If we empower officers to make decisions on the "beat," then why not empower these same officers to make ethical decisions for the betterment of our profession?

Chief Jeffrey C. Harbin
Carnegie Police Department

Oops ... Sorry!

If you are one of the recipients of *Ethics Roll Call* who has experienced sporadic (or non-existent) delivery of your copy over the last year or so, please accept our apology. We have known for several months of an assortment of mail list problems, and have been working to resolve them. After considerable effort, it appears those difficulties have now been corrected. For anyone wishing to catch up on past issues of *Ethics Roll Call*, they are archived on our website at www.slei.org.

Finding the Right Words

by Dan Carlson

al-tru-ism \al-tru-iz-em\ n: unselfish regard for or devotion to the welfare of others.

Here's your assignment: try to find a word ... just one word ... to accurately describe what police officers stand for. Go ahead. Try it. As you sift through all the possibilities — and there are many — you will find yourself hard-pressed to find a better word than this ... altruism. Oh, others come close. But if you are seeking a way to capture the essence of what it takes to work in law enforcement, firefighting and public safety, none say it better.

But the dictionary just gives us the word. It doesn't bring the concept to life. So here's your next assignment: go back to the horrific events of September 11, 2001, and rewind some of the videos and interviews with survivors of the World Trade Center collapse that terrible day. Pay attention to their words. Particularly as they describe coming down the stairs to flee those doomed buildings ... while passing police, firefighters and other emergency service workers going up those same stairs. If you listen to the voices of those who made it to safety, you will hear it again and again ... a sense of awestruck wonder that other human beings would have willingly placed themselves in such a dangerous — and ultimately deadly — situation.

Why do people do that? What is it that attracts people to a profession that, on a moment's notice, may require an act of absolute selflessness? Part of the answer may be found in this translation of a simple Biblical passage: "Greater love hath no man than this, that he lay down his life for his friends." But even those poignant words seem somehow inadequate, for the firefighters, police officers and rescue workers who literally stepped into the breach that day did so on behalf of total strangers. They demonstrated the courage to put duty above self, and defined - for all time - the meaning of altruism.

Since 1992, the Center for Law Enforcement Ethics has been in the forefront of the discussion of character, values and ethics across the law enforcement profession. Regular readers of Ethics Roll Call have followed our efforts over the years to foster a dialogue about law enforcement practices and policies. And in a profession long-associated with extraordinary acts of physical courage, we have worked to draw attention to examples of outstanding moral courage as well. But what was it that made those hundreds of altruistic acts we witnessed on September 11 so breathtaking? Was it moral courage? Physical courage? Or some combination of the two?

On September 23, after a one-week suspension of play, the National Football

League decided to resume its schedule. Accordingly, we are once again witness to the spectacle of grown men — football fans — walking around with the names of other grown men — their "heroes" — emblazoned across the backs of their shirts ... Randy Moss ... Brett Favre ... Emmitt Smith ... Bill Romanowski. But what does it really take for someone to become known as a "hero"? What marvelous feats must a "hero" perform?

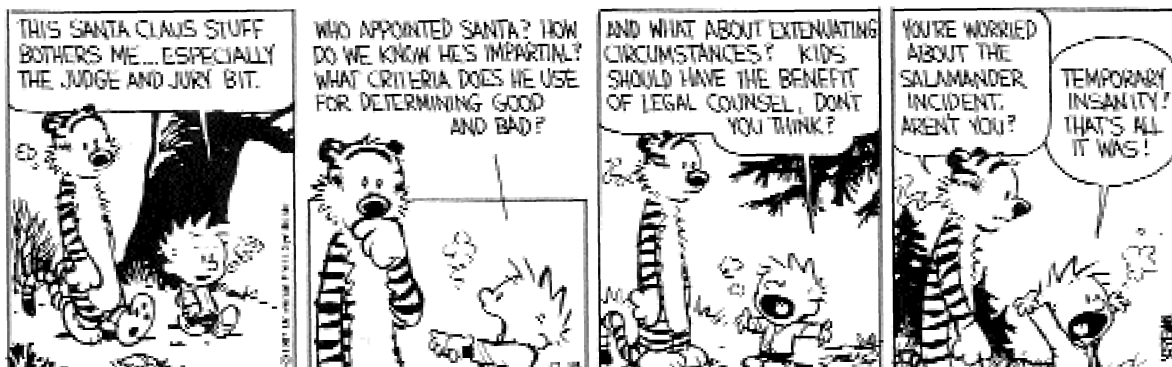
Since the World Trade Center calamity, many of us have come to realize what heroic actions really look like. And now that we have seen true heroism, game-winning touchdowns and grand slam home runs fade to irrelevance. Since September 11, when we go about putting the names of heroes on the backs of our shirts, those names must include ... Liam Callahan ... George Howard ... Uhuru Houston ... Kathy Mazza ... Joseph Navas ... or any of those hundreds of other police officers, firefighters and emergency services personnel who gave their lives in noble, altruistic service to the rest of us.

We Will Never Forget

The horrific events of September 11, 2001, touched us all. To memorialize the many victims of that attack, the Port Authority of NY and NJ Police created a magnificent poster. It may be downloaded from our website at www.slei.org.

Calvin and Hobbes

by Bill Watterson



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Keith Batt: A Profile in Character

On October 12, 2001, Officer Keith Batt of the Pleasanton, CA, PD, received the Ethical Courage Award. While newly employed by the Oakland, CA, PD, in November, 1999, he witnessed a range of criminal acts committed by other officers (including his FTO). As a result of his courageous decision to step forward, multiple felony and misdemeanor counts were filed against four Oakland officers and a supervisor was demoted. Following are Keith Batt's excerpted remarks as he accepted his award at the 10th Annual International Ethics Conference:

The first night I started it was clear even to me, a new police officer on his first day of field training, that things were not "as they should be." I knew that it would be tough working graveyard in West Oakland, but I thought that the one thing I could count on would be my supervisors, my FTO's; experienced officers who had been on for years. To discover that they simply didn't care about working within the law was a rude and unwelcome shock.

I had no idea how bad things would get over the next two weeks. My nine days of field training were not at all what I expected they

would be, and not at all what they should have been.

The officers in charge of me believed that they had to be criminals to fight crime. I

witnessed, and was expected to use, illegal tactics in detentions, searches, and arrests. I was instructed to falsify reports, and to use excessive force on those we arrested. I watched evidence get planted and informants get paid off with drugs.

Each night my FTO and members of the squad would add something more. Whether it was bragging about misconduct, personally threatening me if I were to come forward, or actually committing a crime on duty, each night became progressively worse. I hated what I saw, but I stayed because I truly wanted to be an

Oakland Police Officer. I thought that, at some point, I'd wake up and realize that it was just a nightmare. But the reality of what was happening, and what I was being asked to do, never quit. And because it didn't, I finally had to.

I was proud that I had completed Oakland's police academy. I was proud to be an officer in such a tough city. I just wanted to be a good police officer. I knew my only chance of maintaining my employment was if this FTO would pass me through field training. On each of those nine days with him, I tried to do what he said, and to go along with the program. I really felt that I had no viable options.

Maybe I should have quit earlier and tried to get hired elsewhere right away. But how could I have explained quitting so soon into the program? My FTO told me that he had blackballed other unsuccessful trainees who tried to get hired elsewhere. I figured that I could stay, and just operate within the law once I passed field training. The severity of what we were doing just kept getting worse and worse. I truly felt trapped.

I also thought that if I were to come forward about what was happening, the allegations would not be taken seriously. These officers bragged to me about beating the IA complaints consis-

tently. I knew there was no question that I would be rejected by my peers at the Oakland PD. The officers who supervised me were respected by their peers. And I worried, and to some extent still do, about the risk of physical violence against me. But despite all of these thoughts, after nine days at work I decided that I had to leave.

I thought that breaking the code of silence would be the end of my chance at a career in law enforcement. Seeing the code of silence operate in Oakland made me completely aware that what I had heard about



Officer Keith Batt

the police culture was true. If I crossed the thin blue line, I would be branded a snitch, and not accepted by law enforcement officers wherever I went. One of the officers I worked with threatened me, "snitches will lie in ditches." Aside from that threat, I quickly became aware that there would be a huge stigma attached to what I had done. Many of my fellow officers would refuse to work with me. Those who did might not support me in the field, putting not only me, but perhaps innocent people risk.

All of this went through my mind when I decided to come forward. But I couldn't live with knowing that, if I didn't turn them in, these officers would just keep doing the same things to the citizens of Oakland, and doing the same thing to their next trainee. Many trainees passed before me in Oakland, and many will go after me. It was time to stop the cycle of police misconduct and abuse there. And while it had serious consequences for me, I'd do it again, and I hope that, if placed in the same circumstances, other officers would do the same thing.

I remain fearful that my actions in Oakland will bring about retaliation against me or my family. A number of things happened after I came forward that I will not dwell upon today. Suffice it to say that I have had a number of difficult moments. One of the four officers that was fired and criminally charged (notably the one who threatened me directly) fled and still remains at large. He is still being sought on a Federal Unlawful Flight to Avoid Prosecution warrant. The three officers that remained are in the process of

Continued on page 6

THE POLICY PROBLEM: Taking Exception to the Rules

Part II

Many police executives have talked about shifting from a "rules-based" to a "values-based" form of leadership, but few have moved as dramatically as the management team in Wheaton, Illinois. In Part I of this two-segment article (see "Ethics Roll Call," Summer, 2001), Chief Mark Field and Deputy Chief Tom Meloni discussed problems and limitations of traditional policies. In Part II, they outline what they have done to move their agency in an exciting new direction.

Taking the position that rules are much more of an organizational "problem" than a "solution," we decided to do something about it. The idea was borne out of a 1996 Ethics Train-the-Trainer class discussion in which a classmate suggested police policy manuals should contain just one directive: "Be honest and do the right thing." While simplistic, it planted a seed and we set out armed with some fundamental beliefs:

- a. We hire intelligent individuals with high moral standards.
- b. Misconduct often focuses on rules and not the expectation of respect and common sense.
- c. People confuse "doing the right thing" with "doing the thing right".
- d. People are often judged by their last worst act.
- e. At critical decision points, officers cannot afford to be confused or have their attention diverted to processing a multiplicity of rules.

We began by reducing redundancy in our eleven-inch stack of procedures, and treating some rules as training issues rather than policy. The result was 17-pages of "obligations and permissions" built around eight principles. As an appendix, the new manual includes seven high risk/low frequency policies covering activities that place employees at their highest ethical and tactical vulnerability.

The manual springs from a belief that ethical and professional policing involves two simple things — respect and

common sense. In other words, treat all persons with respect and use common sense in decision-making. Simple to internalize, this two-part formula guides officers and provides a clear foundation for department expectations.

For our manual to succeed, it had to allow for field decisions based on policy that provides guidance, not restrictions. Our use of force policy, for example, generally prohibits warning shots. However, it allows the option of firing a warning shot, when, given the totality of limited circumstances, it might save a life.

We use the metaphor of a football field to reflect the reality that there are many ways to acceptably approach and handle different situations. In a football game, opinions differ about what play to run or where to place the ball. Similarly, we should be prepared to support employee actions as long as they are "on the ball field." In other words, if the actions were within the boundaries of law, department principles, policy, training and supervision, then they should be judged "on the field." When actions go "outside the gridiron," there is a duty to move them back onto the field.

Malcolm Forbes was correct when he said, "There is no exception to the rule that everybody likes to be an exception to the rule." For leaders, that means you can either have rules or exceptions. You can either insist on following rules, or create an environment that encourages people to be exceptional.

Instilling values in a law enforcement organization requires more than simply obtaining new vehicles, installing advanced technical gear or hiring officers with advanced education. Instead, leaders must develop and maintain policies and procedures that maximize the improvement of those who perform the complex job of law enforcement. Training must emphasize the link between principles and tasks, and employees must be clear on the principles that apply to their spe-

cific jobs; especially those high risk/low frequency events.

In the movie *Dead Poet's Society*, Robin Williams tells his students that reading and understanding poetry is not like "laying pipe...it is about the human race...the human race is filled with passion, emotions, love and romance — these are what we live for." Departments must view their "people resources" through the same lens as Robin Williams did the human race. Leaders can be technically and tactically proficient and knowledgeable, but, without passion all else fails. For leaders to make a difference, the focus must be on Principles — not rules.

Mark Field is Chief of Police in Wheaton, Illinois; Tom Meloni is Deputy Chief. Both are graduates of the Ethics Train-the-Trainer course. They may be contacted at mfield@wheaton.il.us or tmeloni@wheaton.il.us

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Editor.....Daniel P. Carlson
Staff Assistant.....Carol Crumley

To Publicize or Not to Publicize: That is the Question

Gary W. Sykes, Ph.D.

In presenting our Internal Affairs and Ethics course over the years, we have learned that "open records" laws affect individual police departments in a variety of ways. Depending on the rules in specific jurisdictions, some participants report that their agencies will publicly release the results of internal affairs investigations, while others tell us that their policy is to preserve confidentiality.

From a management standpoint, keeping disciplinary actions "private" allows for the possibility of positive compliance by the officer. In other words, if a complaint is sustained, the officer does not "lose face." In management theory, it is a basic axiom that for corrective action by a manager to have any impact, it should be pursued "behind closed doors." Disciplining in public may cause humiliation, leading to resentment and a "get even" response. Such wisdom is, of course, good advice even for supervisor-subordinate interactions which do not rise to the level of policy violations and internal affairs.

Efforts to keep internal affairs matters a secret, however, face insurmountable problems. First of all, in many states, the media have some access to personnel files, especially if there are civil or criminal proceedings connected to an incident. Secondly, "leaks" of information can come from a variety of sources, including the accused, witnesses, and even those who may be conducting the investigation. In many departments the "grapevine" becomes the source of information for "what really happened." Amazingly, much information distributed throughout the organization by this means – the "underground" – becomes the unquestioned "truth of the matter."

At least two factors distort information passed around in any organization. One, of course, is the normal distortion that

takes place when word of mouth becomes the source for "knowing what's really going on." Anyone who has played the parlor game "Telephone" knows how dramatically information can change as it passes from the sender, through several transmitters, to the ultimate receiver. The second, and even-more-disturbing source of distortion, may be the newly-disciplined officer who relays his "version" of the events leading to his punishment. In all likelihood, his account of the circumstances will leave out facts that put him or her in a bad light.

In short, although departments may try to protect the privacy or the confidentiality of internal investigations, there is no practical way to do so. The real downside is that information will "get around" anyway, and it is usually a distorted and heavily biased account of what really happened. And more often than not, it puts management in a less-than-positive light.

When departments discipline, they send out a message about their values and about acceptable – and unacceptable – conduct within an agency. When leaders look to the "grapevine" as the primary source of information about what the organization stands for, there is an enormous risk that the message will not be relayed accurately.

Although it is not an easy decision, if police leaders want to effectively communicate the values and the ethics they believe in, they might consider formally announcing and providing a written rationale for highly visible disciplinary decisions. Secrecy can be counterproductive in internal affairs investigations when it comes to shaping an organization's ethical environment.

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President J. David Ellwanger (Center for American and International Law) congratulates Ethical Courage Award recipient Officer Keith Batt, Pleasanton, CA, Police Department.

being criminally prosecuted for thirty four felony and misdemeanor counts. All face significant prison time when convicted.

The fact that these officers faced pervasive crime on a daily basis does not excuse them from being criminals themselves. It's frustrating sometimes when you can't legitimately catch criminals in the act. But that can't be a reason to cross the line and create whatever you need for an arrest by whatever means necessary. At that point, we are all living in a much different kind of system than the one our laws require. This all sounds so simple, but one of the lessons I learned is that simple truths like these will be ignored if the wrong people are chosen to enforce them.

I appreciate the support that I have received from my professional law enforcement colleagues. I especially want to thank the members of the Pleasanton Police Department, including Chief Neal, Captain Radford, and the line officers and supervisors who have supported me in this difficult transition.

I am truly honored to receive this award. Thank you.

For additional information about Keith Batt's actions and the reasons for his selection as recipient of the Ethical Courage Award see "Ethics Roll Call," Summer, 2001, page 5.

It matters not what you are thought to be, but what you are.

Syrus



Speakers at 10th Annual International Ethics Conference (top row from left): **Assistant Commissioner Patrick Cummins**, Royal Canadian Mounted Police; **Dr. Scott Johnson**, Buffalo State College, NY; **Det/Cst. Walter McKay**, Vancouver, Canada, Police; **Dr. Gary Sykes**, Institute for Law Enforcement Administration; **Chief Michael Berkow**, Irvine, CA, Police; (bottom row from left) **Deputy Chief Tom Meloni**, Wheaton, IL, Police; **Dr. Jeff Magers**, SUNY Brockport, NY; **Chief David James**, Carrollton, TX, S/Sgt. **John Middleton-Hope**, Calgary, Canada, Police; **Sgt. Neal Griffin**, Escondido, CA, Police.

"He comforted me."

Picking up a newspaper during the summer, 2001, seemed a lot like reading reviews for the movie "Jaws." Shark attacks – which seemed to happen with alarming regularity – kept bathers out of the water, and spread panic along east coast beaches. One such attack, which took place at Virginia Beach, Virginia, resulted in a badly injured 10-year-old boy being airlifted to a hospital in Richmond.

As the young fellow clung to life, his mother began a frantic trip to his side, but found herself lost in an unfamiliar town some forty miles away. When she called 911 from a 7-Eleven asking if someone could help her get to her son's bedside, York County Sheriff's Deputy John Graca

responded. "I have children," said Graca, "and all I kept playing in the back of my mind was that this kid may be fighting for his life, and that she was depending on me for a chance to see [him] for the last time."

Graca raced to the hospital in Richmond – lights and siren – with the mother, and waited with her, a chaplain and a few others as the youngster was transferred on life support to another hospital.

Eventually Graca left, but at 6:00 a.m. he received a phone call at his home from the boy's mother saying "We lost him." Graca immediately went back to the hospital, picked up the mother, and returned her to the 7-Eleven.

Sometimes we lose sight of the wonderfully caring things police officers do every day for people who are in genuine need. But according to *The Washington Times* (September 5, 2001), the mother of that 10-year-old boy was deeply touched. In describing what Deputy John Graca did for her, she said simply: "He comforted me."

"She kept telling me I deserve a medal of valor for this," Deputy Graca said. "I told her she deserved the medal. She stayed so strong."

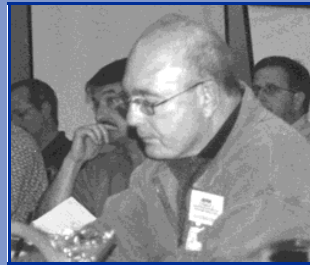
Just Dropping In For Breakfast

Have you tried to travel lately? If so, you know how dramatically recent events have impacted the airline industry. In the area of public safety, though, police departments have been able to keep their helicopters flying. Landing those choppers, however, appears to be a more-complicated issue.

In New Mexico, a number of citizens watched early one October morning as the Albuquerque Police helicopter circled and landed in a dirt field near a Krispy Kreme doughnut shop. According to the Associated Press (October 5, 2001), one onlooker stood by in amazement saying "No, they'd better not go and get doughnuts."

After a few moments of idling, an occupant climbed out of the helicopter, walked into the store, and emerged about 15 minutes later carrying a box of Krispy Kremes. Then, just to make sure nobody in the area missed what was going on, the chopper lifted off, giving a "goodbye" blast on its police siren.

According to a spokesman for the Albuquerque Police, "I don't know how they decided that was a good idea ... we've worked too hard to make this a professional unit to let a lack of common sense tear us down."



Scenes from the Ethics Conference (from top): Michelle Carpentier (Correctional Services of Canada, Ottawa, Canada), Tom Cline (Chicago, IL, Police), and Satpal Parhar (Calgary, Canada, Police) on a break; Kerry Anderson (University of Teeside, England) asks a question; Dr. John Jones (Fleming College, Ontario, Canada) takes notes.

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Institute for Law Enforcement Administration

P. O. Box 830707
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