



THE ETHICS ROLL CALL

LISTENING TO THE INNER VOICE

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Summer 2001

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

Ethics Center to Host 10th Annual International Ethics Conference

When the Center for Law Enforcement Ethics was formed in 1992, hopes were high, but few could have accurately predicted its strong growth and impact across the profession. An important milestone will occur later this year when the Center hosts the 10th International Ethics Conference, October 11-13, 2001, at the Dallas Marriott Las Colinas Hotel in Irving, Texas.

Symbolic of its international tradition, the Conference will commence with a



keynote address on October 11, by Assistant Commissioner **Patrick Cummins**, Ethics Advisor for the Royal Canadian Mounted Police.

Commissioner Cummins joined the RCMP in 1966, and served in a variety of assignments over his career. In 1996, he was appointed as Ethics Advisor for the 20,000 employees of his internationally-renowned law enforcement agency. In his remarks, he will discuss the evolution of the role of Ethics Advisor, and the process by which core values can become part of everyday behavior in organizations.



In a plenary address on October 12, **Michael Berkow**, Chief of the Irvine, CA, Police Department, will discuss accountability in policing, with particular emphasis upon management and leadership issues. Chief Berkow began his law enforcement career in Rochester, NY, and over the years has worked and shared his professional insights in such diverse regions as Somalia, Haiti, Hungary, Romania and Jamaica. In 1999, he was selected Eisenhower Fellow to Ireland where he studied the Royal Ulster Constabulary and security issues in Northern Ireland.

In the move from “rules-based” to “values-based” leadership, the Wheaton, IL, Police Department has been on the cutting edge. In his plenary session on



October 13, **Thomas Meloni**, Deputy Chief in Wheaton, will outline the steps his agency has taken to move away from those traditional forms of policy built around multiple pages of concept and numerous exceptions to the rule. Instead, he will recommend relying on

clear, concise and easily-comprehended organizational principles – and then living by them.

Topics scheduled for conference “breakout sessions” include “Ethics and Racial Profiling: A Strategy for Success”; “Managing Risk: The Ethics of a Diverse Workforce”; “Ethics and the Gypsy Cop Phenomenon”; “The Five I’s of Advanced Intervention”; “Ethical Leadership Practices: Perceptions and Influence”; “Why Ethics Has Failed Us”; and “Servant-Leadership for Ethical Management.” In addition, graduates of the Ethics Train-the-Trainer course will

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As I sit hunched over my desk intently staring at the computer monitor and tapping away on the keyboard, my boss probably assumes I am working on this article. But what is really going on? I could be playing solitaire. Or sending a personal e-mail. Or doing any number of other, well, “non-business-related” things. And according to some recent research, if I were using my business computer (and time) for personal reasons, I would not be alone.

In a survey of 1,130 people by the Society of Financial Service Professionals in March, 2001 (*New York Times*, July 15, 2001), two out of three said they had engaged in some form of “technology abuse” during the past year, and 84 percent said they had witnessed such behavior by a co-worker. There was, however, disagreement about the ethics of various forms of “abuse.” For example, while 93 percent of respondents said it would be wrong to sabotage the systems and/or data of an employer, less than two-thirds said they find “exchanging vulgar or offensive e-mail messages” to be “highly unethical.” About 37 percent of those surveyed said it was “highly unethical” to use work hours to network/search for another job,” but only 14 percent said it would be “highly unethical” to “use company e-mail for personal reasons.”

The three most popular forms of “abuse” in terms of frequency were:

- (1) Personal web surfing or shopping at work (68 percent observed a co-worker, and 41 percent did it themselves).
- (2) Using company e-mail for personal reasons (67 percent observed a co-worker, and 39 percent did it themselves).
- (3) Playing computer games during work hours (65 percent observed a co-worker, and 34 percent did it themselves).

Respondents to this survey generally agreed that efforts to curb “technology abuse” at work were doomed to fail. Of the nine employer initiatives suggested, only one (installing software to block selected web sites) was rated as more than 50 percent likely to be “highly effective. The strategy viewed as least likely to succeed was “encouraging employees to police their co-workers”; only 7 percent of those surveyed felt that would work.

Book Review



Principles for Promoting Police Integrity: Examples of Promising Police Practices and Policies

By Thomas E. Engells

Policing research has blossomed in The United States during the last decade. The literature is now replete with exploration of the multiple ethical dilemmas faced by police in this third decade of our ‘War on Crime’. Into this environment, The United States Department of Justice (DOJ) has contributed **The Principles of Police Integrity** (available at no cost on the DOJ website <http://virlib.ncjrs.org/LawEnforcement.asp>.)

As one of the last publications issued by Attorney General Janet Reno, she notes in the introduction that in policing, “Our goal must be professional law enforcement that gives all citizens of our country the feeling that they are being treated fairly, equally and with respect.” To that end, the publication is brief (less than fifty pages) and divided into four sections. There are also two appendices, including sample directives and a summary of federally funded policing research and resources.

This publication outlines roughly eighty principles, grouping them under one of six headings: Use of Force; Complaints and Misconduct Investigations; Promoting Accountability and Effective Management; Training; Non-Discriminatory Policing and Data Collection; and Recruitment, Hiring and Retention. Written with a minimum of jargon and legalese, the principles address some of the most vexing and controversial issues in policing – to include racial profiling, use of force and misconduct Early Warning Systems.

Appendix One (“Examples of Promising Police Practices and Policies”), is an eclectic collection of written directives from various law enforcement agencies and Policy Reviews from the National Law Enforcement Policy Center. Appendix Two is a nineteen-page review of DOJ research, resources and programs on police practices as of January 2001. Most include a hypertext link to the referenced document.

To reinforce ethical conduct within an organization, supervisors and managers must nurture and foster an environment of integrity that is supportive of ethical conduct. Well-crafted and progressive written directives are a fundamental first step in the creation of such an environment. To that end, **The Principles of Police Integrity** contributes to the ongoing effort to improve police practices throughout the nation.

Thomas E. Engells holds the rank of Captain with the University of Texas at Houston Police Department.

Doing The Right Thing. And Paying For It!

By Dan Carlson

If you ask Eric Lehre how he feels about “doing the right thing,” be prepared for an earful.

In June, 2001, things were looking pretty good for Lehre; after a 25 year career, he had attained the rank of Commodore in the Canadian Navy, and was in charge of naval forces in the Pacific. Things changed, though, when he learned he might be chosen to serve on a disciplinary panel hearing the case of a young sailor charged with using a government computer to visit “adult” web sites on the Internet. When he learned of the assignment, Lehre knew he had a problem. He also knew he was honor-bound to report it.

Lehre immediately contacted his boss and admitted that he – like the young sailor – had visited some “Penthouse-style” web sites in the past. In his defense, he said he had only visited the sites during off-duty time and using his own internet account. But like the accused, he had used government equipment (his assigned laptop computer) to access the web. As such, he recognized a conflict of interest, and asked to be excused from sitting in judgment in this case.

At this point Lehre learned how people are sometimes treated when they “do the

right thing” ... he was charged with “conduct prejudicial to good order and discipline” and relieved of his command. In treating him that way, Lehre’s bosses missed a great opportunity. They could have sent a powerful message about the importance of character by admonishing him for a technical breach of a regulation, while recognizing the good example he set for his people in stepping forward. Instead, a very different message was transmitted ... *keep your mouth shut!*

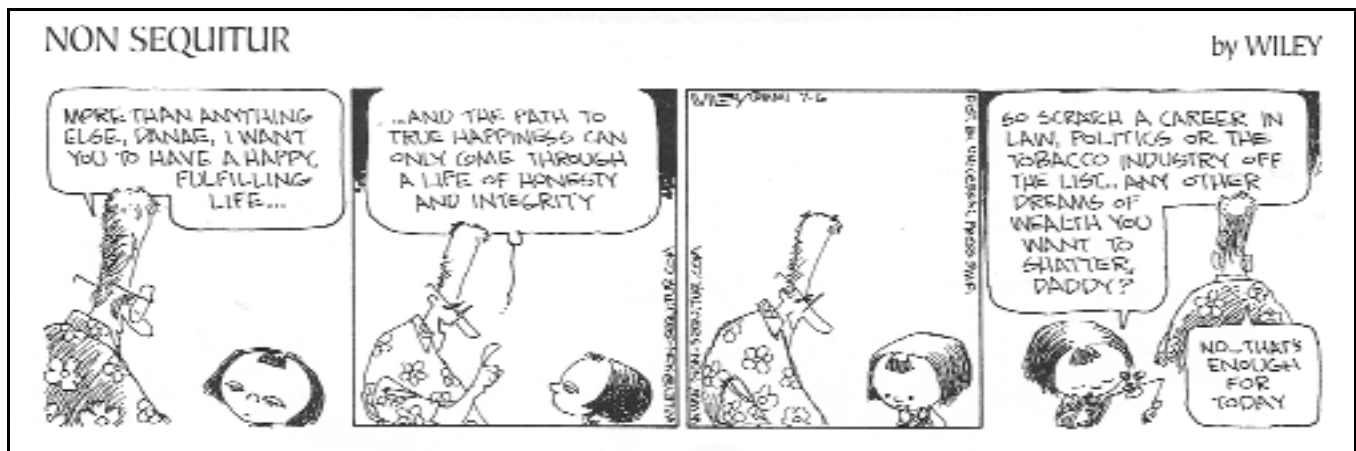
Every year, about this time, an interesting thing happens around the Ethics Center as we begin the search for candidates for the Ethical Courage Award. The names of various people are discussed, but when those individuals are asked if they would like to be considered for that honor the most common response is “Thanks, but no thanks.” While disappointing, that is an understandable reaction. What it says is this: “I appreciate the thought, but when I stepped forward it resulted in a lot of stress and uneasiness both personally and professionally. Things are just starting to cool off, and I’d rather not stir them up again.”

Cops are not ignorant. They have seen what happens to people who have stood up for the “right thing,” and noticed that sometimes the results are not pretty. Consider, for example, the case of Perry Dunlop, recipient of the 2000 Ethical Courage Award. He is the former constable from Cornwall, Ontario, who – despite orders from his agency – had the courage to report a case of suspected child sexual abuse to the Children’s Aid Society. Almost a year later, Perry

Dunlop is still unemployed. He has tried to get back into law enforcement, but without success. As a matter of fact, he recently received a rejection letter from a department where he was being considered. He was turned down over concerns about his “honesty and integrity.”

Across the law enforcement profession, ethical organizations have bought into the importance of rewarding acts of moral courage. That is a step in the right direction, but it is not enough. As a matter of fact, something even more essential must happen first. Simply stated, leaders must stand up and let it be known that ethical behavior is both encouraged and protected, and that people who step forward will be supported. Failing that, there should be no surprise when officers take stock of what has happened to people like Perry Dunlop, and decide they are unwilling to pay a similar price for doing “the right thing.”

The English author and clergyman, Charles Caleb Colton (1780-1832) put it this way: “Physical courage, which despises all danger, will make a man brave in one way; and moral courage which despises all opinion, will make a man brave in another.” Work at the Ethics Center over the past ten years has been rewarding in a number of important ways. Nothing has been more uplifting, though, than the interactions we have had with the multitude of physically brave – and morally courageous – men and women who populate the law enforcement profession.



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Many police executives have talked about shifting from a “rules-based” to a “values-based” form or leadership, but few have moved as dramatically as the management team in Wheaton, Illinois. In the following article, Chief Mark Field and Deputy Chief Tom Meloni discuss problems and limitations of traditional policies, and what they have done to move their agency in an exciting new direction. This article will be published in two segments; Part II will appear in the Fall, 2001, edition of “Ethics Roll Call.”

THE POLICY PROBLEM: Taking Exception to the Rules

Part I

A few years back, the politicians in Manatee County, Florida, decided that thong bathing suits were pushing the modesty envelope, so they responded like governmental entities usually do – they passed an ordinance. When we read that part of the law stating “the maximum portion of the buttocks that may be legally bared is two-thirds,” we thought of our own department’s collection of unwieldy rules, regulations, policies, orders and directives.

It also reminded us what a risk management consultant once told us he found in conducting liability assessment profiles for a number of police agencies. One of his best examples of a department with “rules problem” was the one regulating the wearing of uniform trousers, but with no use of force policy.

Law enforcement is notorious for elevating incident-specific and excessive rule-making to ridiculous heights. A contemporary example is racial profiling. Will rules solve the problem? Don’t respect, fairness and dignity already address the issue? Lectures usually suggest data collection as a shield from such allegations, but little time is spent discussing ethical principles. Collecting data does not equate to changing either culture or officer’s behavior.

A popular misconception in law enforcement is that policies and rules solve problems. To the contrary, policies **ARE** problems.

So, how did we get here? What purposes do rules and policies serve for leaders and organizations? Do they guide employees or are they there to be used against them if they step out of line? The 1970’s litigation explosion, as redress for social wrongs, sent a number of law enforcement leaders running – many are still running – scared. Civil liability is indeed a problem; extremely costly and damaging to careers and personal lives. But, rather than liability, “principles” should be the framework of rules.

In court, will voluminous policy manuals hurt or help? Close your eyes, envision an officer on the witness stand, and ask, “Do employees really know and understand department policies?” How will they testify to their understanding of it? The reality is that most lawsuits are lost because an officer disregarded the fundamentals – important guiding principles – not rules. In an attempt to “cover all the bases,” most department policies are so complicated and wordy that even the best officer will twist and turn on the witness stand. That being the case, can policy be used as a weapon instead of providing a shield?

It is human nature to make a rule, requirement or policy, and to try to hide from decisions. We’ve all heard Chiefs say with pride, “We totally rewrote our policy manual,” inferring that somehow this would magically prevent future problems. In reality, all they needed to do was enforce the current rules. Legislators are no different. In Illinois, a recently-passed law makes it a felony for police officers to lose or misplace evidence in murder and sexual assault cases. Guess which state already has such a law on the books. Why not enforce the law already in place?

Rather than being employed as a guiding light to truth, rules are used for three reasons: (1) to control unproductive people who produce substandard work, (2) as punishment to deal with problem

employees, and (3) to stop or cause an activity.

This is not an anti-management treatise. We are not suggesting rules books should be thrown out the window. Instead, we want to redirect “punitive rule-making” and substitute “rule-guiding.” Every organization must set expectations and ground rules, and when officers behave otherwise, corrective action must be undertaken immediately. But rules, when taken to extreme, can be counterproductive and destructive to morale and performance.

Setting limits early in an employee’s career will provide clear boundaries. People are often driven by impulses and feelings, which, if not controlled, may result in punitive action. Yet some would dismiss the need for boundaries, contending such restraints limit individuals and organizations. In other words, they believe total freedom yields total creativity. But without limits, organizations become fragmented, ineffective and unfocused. We will clarify the connection between “limits” and “values” in Part II of this article.

Professional officers will rise to meet – and often surpass – expectations that are clear and understandable. On the other hand, lengthy, all-inclusive policy statements containing various exemptions are impossible to internalize. Yes, they may provide some measure of liability protection, but policies can be so poorly-crafted that they confuse the reader, and actually increase liability exposure as a result. When all is said and done, they often do not effectively communicate what the agency stands for. Let’s face it, policies are often the last place someone should look for a statement of the agency’s values.

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 and tmeloni@wheaton.il.us

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have an opportunity to discuss successful ethics training techniques and strategies in a "Ethics Train-the-Trainer Roundtable."

On October 12, the Ethical Courage Award will be presented to Officer Keith Batt, Pleasanton, CA, Police Department (See story this page).

The 10th Annual International Ethics Conference will be held at the Dallas Marriott Las Colinas Hotel, 223 West Las Colinas Boulevard, Irving, Texas. Tuition is \$139/\$119 (Non-member/Member). For registration information contact the Southwestern Law Enforcement Institute at 972-664-3471.

Hold On Back There!

If you find yourself being transported by the Philadelphia Police, you'd better mind your manners ... or else. According to a recent report (Associated Press, June 2, 2001), at least twenty individuals over the last few years have suffered injuries ranging from a broken tailbone to paralysis as a result of officers' driving erratically to deal with "difficult suspects" riding in the back of police vans. Called the "nickel ride" (dating to the days when amusement park rides cost five cents), the erratic driving (which may involve sharp turns, accelerating quickly or slamming on the brakes) is often falsely attributed to traffic, bad roads or a sudden stop made to avoid an animal. According to a former PD in-house corruption monitor, "What better way to show who's in control than stopping at a light and slamming on the brakes knowing that they're going to go flying?" Most victims had clean records and were arrested for minor offenses like talking back or arguing with police. Two were permanently paralyzed. No officers have been disciplined for giving "nickel rides," but the city has paid more than \$2.3 million to settle lawsuits. And according to a retired Philadelphia police corporal, rookies learn about it "as part of street training."



Officer Keith Batt to Receive 2001 Ethical Courage Award

Born in San Francisco, Keith Batt grew up in Sebastopol, CA, before going on to Sacramento State University where he earned a Bachelor's Degree in Criminal Justice

Administration. Upon graduation, he decided to pursue a life-long dream ... becoming a police officer. Keith joined the Oakland, CA, Police Department, and in November, 1999, graduated number one academically from his Recruit Training class. When he was assigned to Field Training, his vision of law enforcement was badly shaken as he witnessed officers (including his FTO) engaging in brutality, falsifying reports and planting evidence. In his words, Batt said, "They took everything I valued about policing, everything I had looked forward to, and ruined it."

Deciding to take a stand against what he saw, Batt (*a rookie officer on probation!*) reported his observations and experience to the Oakland PD Internal Affairs. His allegations (later corroborated by citizens) resulted in a supervisor being demoted, and the filing of thirty five felony and multiple misdemeanor counts against four Oakland Police officers. Considerable media attention was given to the legal process involving those four rogue cops (known locally as "The Riders"), but through it all one fact is indisputable ... without Keith Batt's courageous stand there would have been no investigation and no criminal case.

Though he was encouraged to remain, Batt resigned from the Oakland Police Department. He was hired by the Pleasanton, CA, PD, where Chief Timothy Neal says "My agency is better for having Keith Batt employed as a police officer ... all of us in law enforcement stand a little taller because of Keith Batt."

On October 12, 2001, at the 10th Annual International Ethics Conference, Keith Batt will receive the Ethical Courage Award in recognition of his willingness to stand up for "the right thing," and for his unhesitating demonstration of character and integrity.

Smile for the Camera

One of the hot issues in the media over the recent past has been the discussion of placing cameras at intersections to capture red light violators. Maintaining that the practice smacks of "big brother," some are opposed because they say it is just another way for government to chip away at personal privacy. Others wonder why there is any objection at all, holding that people caught on film are simply lawbreakers caught red-handed. Another group takes issue with the fact that, in some cases, the contractor installing the red light technology gets a cut of the fine for each ticket issued. Through it all, police groups have remained relatively silent ... but no longer. According to the Associated Press (July 19, 2001), members of the San Diego, CA, Police Union recently pronounced themselves firmly opposed to red light cameras. The reason for the strong stand? Five on-duty officers have received citations for disobeying red lights.

Economic Interest vs. Public Interest: An Ethical Issue

By Gary W. Sykes

One of the central tenets of a profession is that the practitioner puts the interest of others above his or her personal interest. For accountants, architects, engineers, clergy, physicians and lawyers, this means that the patient, penitent or client is primary. For police officers, the commitment is to the general public and as a profession it shares an ethic of public service with other professions such as political leaders and judges. In the real world, we know that sometimes, if not often, members of all professions fail to live up to the ideals of their professional commitment. All of us understand the temptations of pecuniary considerations, and have seen examples of how money sometimes tends to corrupt one's ethics.

The cynic will say that the commitment to professional ethics is a "smokescreen" designed to mask control over services that leads to an escalation of fees. For example, the ways in which the American Medical Association monopolizes certification to practice and often discriminates against other forms of medical practice, i.e., acupuncture or "holistic medicine." It is not difficult to find examples where people practicing a profession violate and take advantage of others for their own economic benefit.

On the other hand, every professional group has members who point the way to the standards that embody the commitment of service above self. For medicine, there is an international organization of Doctors Without Borders, whose members volunteer their services to victims in war-torn areas, or provide free surgery to deformed children in poor countries. In the legal profession, there are commitments, backed by state bar associations, to provide pro bono legal services to low income groups. In short, there are people in every profession who strive to live up to the ideals that set the practitioners apart

and grants them special status in the eyes of the community.

It is easy to accept the cynic's view given the multitude of news stories and sometimes personal experiences that drive the perception of corruption (Lawyer jokes seem to carry some validity given the personal experiences some people have with attorneys). At the same time, everyone knows that important public services are provided by attorneys, and there are many lawyers who give of their time in public interest causes and on behalf of victims in civil matters.

But the naysayer aside, most people would be proud to have their children grow up to be a physician or a lawyer. Why is that? It is because most practitioners still adhere to the ideals of their profession and, in the public's mind, live up to the commitment of service above

self. That kind of public trust and esteem can be undermined if a profession allows its economic self interest to override its commitment to public service.

We were reminded of this recently when someone told us about a change in the personnel rules of a major police department. After negotiations with employees, that organization very quietly instituted a new sick-leave policy allowing for fifteen "undocumented sick days" for each sworn officer every six months! While satisfying, no doubt, to employees, the new rule in that agency raises some interesting ethical issues. For example, does such a policy create the perception that members of that police department are putting personal interest ahead of public interest? If so, how – and at what point – should professional values and economic interest be weighed against one another in the creation of organizational policy?



Group photograph from the Advanced Management College, May 17-20, 2001, at the Aspen Institute, Aspen, CO.

Let's Hear It for the Home Team

According to a recent report (MSNBC, December 21, 2000), an examination of the backgrounds of 500 NFL players revealed that twenty one percent had been

charged with a crime; among the wide range of offenses were homicide, robbery, assault, DWI, and kidnaping. A similar study conducted at ten major universities found that male student-athletes committed twenty percent of sexual assaults while accounting for just three percent of the undergraduate population.

Zero Tolerance: City Must Not Encourage or Condone Police Lawlessness

Depositions and other federal court records show that, under two police chiefs, officers in a Houston anti-gang task force routinely harassed citizens and rode rough-shod over their civil rights. The officers were following a policy of exhibiting “zero tolerance” of crime, however petty, but the officers and their supervisors tolerated all manner of illegal, improper and abusive behavior by police sworn to uphold the law.

Former Police Chief Sam Nuchia, who formed the task force in 1994, admitted in his deposition that he directed officers to “go to the line, into the gray area” in searches, seizures and arrests of suspects. Houstonians must hope that Nuchia, now a state appellate judge with jurisdiction over both civil and criminal cases, is no longer sympathetic to the trampling of civil rights he once encouraged.

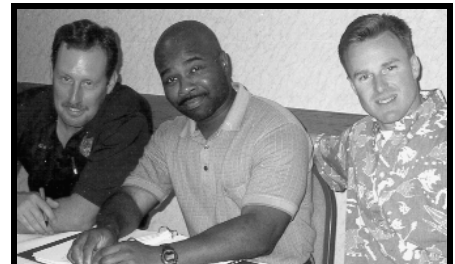
Officers charged with conducting the nation’s war on drugs have a thankless task, but the absence of thanks does not excuse the systematic violation of citizen’s constitutional rights. If “zero tolerance” has a place in American jurisprudence, it must apply to infractions, abuses and lawlessness exhibited by those whose duty it is to enforce the law.

*Excerpted from a “Houston Chronicle”
editorial, January 24, 2001*

Every kind of peaceful cooperation among men is primarily based on mutual trust and only secondarily on institutions such as courts of justice and police.



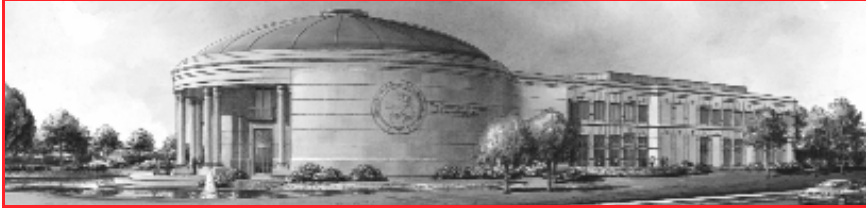
Class photographs of Ethics Train-the-Trainer classes; (top) Oregon Police Academy, Monmouth, OR, June 4-8, 2001; (bottom) Washington Criminal Justice Training Center, Seattle, WA, June 18-22, 2001.



Scenes from the Ethics Train-the-Trainer, May 14-18, 2001, in San Diego, CA: (Clockwise from top left) Cheri Maples, Madison, WI, P.D., Linda Ruzicka, Wisconsin Training and Standards, and Mike Koval, Madison, WI, P.D. (left to right); Carl Alm, Greeley, CO, P.D., Nate Harley and Bob Ramsey, Fontana, CA, P.D. (left to right); Class photograph.

A New Building ... A New Name

On July 16, 2001, ground was broken to begin work on our new home in Legacy Park, Plano, Texas. Construction is expected to be complete within fourteen months. When it opens, this beautiful 45,000 square foot facility will contain state-of-the-art educational and conference facilities, including several multi-purpose classrooms and an auditorium seating more than two hundred. If all goes as planned, the 11th Annual International Ethics Conference will take place in our new headquarters.



Our building is not the only thing that is new. The name of the Southwestern Legal Foundation has been changed to "The Center for American and International Law." The overriding reason for the change was that the original name implied we were a regional institution, when in fact we are truly global. For example, Southwestern Legal Foundation program participants over the last 54 years have come from all 50 states and 128 countries.

Founded by former Southern Methodist University Law School Dean Robert G. Storey, the Foundation has always been an autonomous not-for-profit organization. Invited first to be on the campus of SMU and later housed at the University of Texas at Dallas, the "Center for American and International Law" will now have its own campus for the first time.

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