

ETHICS ROLL CALL

L I S T E N I N G T O T H E I N N E R V O I C E



At the mid-year meeting of the IACP Image and Ethics Committee, Director Carlos Alfredo Vega, Michoacan, Mexico (left) and Assistant Chief Ronnie Bastin, Lexington-Fayette (KY) Urban County Division of Police, prepare for their presentation on Spanish Language Immersion Programs.

Ethics Center Hosts IACP Image and Ethics Committee

From April 23-25, 2004, the Institute for Law Enforcement Administration hosted the mid-year meeting of the International Association of Chiefs of Police (IACP) Image and Ethics Committee. Over that weekend, representatives from law enforcement organizations in the United States, Canada, Mexico and Ireland, gathered at the headquarters of the Center for American and International Law in Plano, Texas. Chaired by Mr. Ron McBride,

Chief of Police (Retired), Nicholasville, KY, the committee heard from a number of speakers, and examined a wide range of issues relating to ethics and character in law enforcement. Among the topics discussed and considered were an Annual Image and Ethics Survey, a Poster Project to build ethics awareness, a Police Image and Exceptional Ethical Conduct Award, and the concept of Contact Officer Override.

During the meeting, the committee was introduced to an innovative Spanish Language Immersion Program connecting police agencies and citizens in United States and Mexico. Assistant Chief Ronnie Bastin, Lexington-Fayette (KY) Urban County Division of Police, and Director Carlos Alfredo Vega, State Police Academy, Morelia, Michoacan, Mexico, provided an overview of their joint project, and the manner in which their two agencies share personnel and resources. They also outlined the successes of their program, including increased understanding across cultures, professional cooperation, and rapid development of strong conversational skills in a second language.

Each year, the work performed at the mid-year gathering of the Image and Ethics Committee helps prepare the agenda for the annual meeting. This year, the annual meeting of this committee will take place during the 111th Annual IACP Conference, November 13-17, 2004, in Los Angeles, CA. ♦

Mark Your Calendar!

The 13th International Ethics Conference will be held October 20-22, 2004, at the Institute in Plano.

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In April, 1963, Dr. Martin Luther King, Jr., wrote his eloquent "Letter from Birmingham Jail." Crafted in response to a published statement of concern from eight fellow Alabama clergy, it beautifully outlines his views on a number of important issues, including that of civil disobedience. In a recent Internal Affairs, Professional Standards and Ethics class at the Institute for Law Enforcement Administration, Milwaukee (WI) Police Lieutenant James Harpole wrote a brief analysis of Dr. King's letter (excerpted below):

Obedience to Law

In his response to those who expressed concerns about planned peaceful demonstrations and sit-ins in Birmingham, Alabama, Dr. Martin Luther King, Jr., focused heavily on the subject of injustice black citizens – everywhere - were forced to face on a daily basis. And in answer to the complaint that he and his followers were outsiders, he wrote, "Injustice anywhere is a threat to justice everywhere," and went on to remind the clergy that while they "... deplore the demonstrations taking place in Birmingham ... [they failed] to express a similar concern for the conditions that brought about the demonstrations in the first place."

In reference to worries about his willingness to break laws, King acknowledged the concerns of the

clergy, especially in light of his diligent support for the Supreme Court's decision of 1954 outlawing segregation in public schools. In his view, though, there are two types of laws: just and unjust. Consequently, he explained that he could advocate breaking some laws while urging obedience to others.

Dr. King wrote that he would not advocate disobeying "just" laws, but pointed out that "One has a moral responsibility to disobey unjust laws." To make the point further, he made reference to St. Augustine, who held that "an unjust law is no law at all." Describing an unjust law as a code out of harmony with moral law, he added: "Any law that uplifts human personality is just. Any law that degrades human personality is unjust."

Providing additional examples of "unjust" versus "just" laws, Dr. King wrote that "An unjust law is a code that a ... majority group compels a minority group to obey but does not make binding on itself. This is difference made legal [sic]." Likewise, a "just" law is one "that a majority compels a minority to follow and that it is willing to follow itself. This is sameness made legal."

Contrasting his views with those of the rabid segregationist, Dr. King held that a person who breaks an unjust law must do so openly, lovingly, and with the

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CORNER

ETHICS

What factors could cause an employee to believe that it's acceptable to bend the rules at work? According to the 2003 Business Ethics survey conducted by the Society for Human Resource Management and the Ethics Resource Center, 52% of those who responded said they felt pressure to compromise standards (up from 47% in 1997). Among the most-frequently cited reasons for this increasing pressure:

- ◆ Following the orders of a boss.
- ◆ Meeting overly aggressive performance measures.
- ◆ Meeting scheduling pressures.
- ◆ Being a team player.

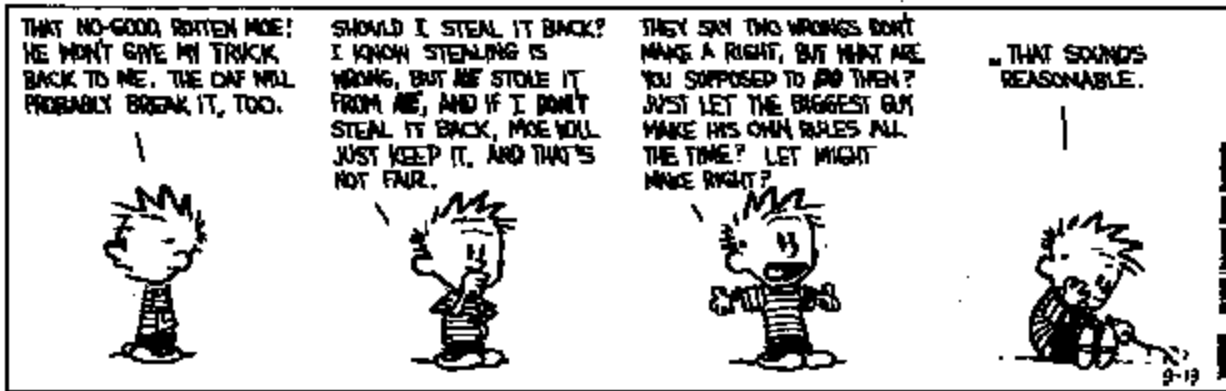
The role of management in this discussion is an important one. In the Walker Report for Loyalty and Ethics in the Workplace, only 54% of workers believed their senior leaders to be highly ethical individuals. The message, of course, is that

employees will model their behavior on that of their supervisors and managers, so leaders must be especially careful to not only talk the talk of ethics, but also to walk the walk.

According to AHI's Business Ethics Rulebook, comprehensive and explicit ethics policies can help employees distinguish between acceptable and unacceptable behavior. According to AHI, an effective policy will provide clear examples of unethical activities, such as:

- ◆ Accepting gifts, money, etc., from a client in exchange for information or services.
- ◆ Revealing confidential information about either the agency or a client.
- ◆ Using company property for personal gain.
- ◆ Falsifying documents.

CALVIN AND HOBBS



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But Not For Me

by Dan Carlson

Anyone old enough to remember George and Ira Gershwin is also likely to recall, with fondness, several of the musical numbers from their 1930 Broadway hit production “Girl Crazy.” One song in particular, titled “But Not for Me,” will usually conjure up an array of fond memories. The opening lyrics of that classic tune are: “They’re writing songs of love - but not for me.” And if you’re like many other people, once you hear that particular melody, it tends to linger, and you find yourself humming it hours after it was played.

Recently, a group of leaders preparing to take part in a law enforcement Executive Development program, was asked to answer two questions: (1) what are the most important training needs in your organization, and (2) what are your most important personal training needs. A review of the survey results revealed something very interesting: while participants, overwhelmingly, identified ethics training as among the “most important” needs for their organization, not one person saw ethics as an area in which they - personally - needed instruction.

If you listen closely, you can almost hear the melody of that famous Gershwin song, but with slightly different lyrics. For the members of this management course, the words have become: “They’re doing ethics training - but not for me.”

In defense of that group of law enforcement leaders, their expressed views about people who need ethics

training (and those who don’t) is not unusual ... it tends to mirror the manner in which many of us think about this issue. As a matter of fact, one “ice breaker” commonly used in ethics training classes asks students (using a “1-10” scale) to rank the ethics of society. Next, they are asked to rank their personal ethics on the same scale. Without exception, every group asked to take part in this exercise sees itself as being more ethical than society in general.

When selecting a leader for a police organization, it is probably wise to choose someone with confidence in the strength of his character and the ability to distinguish right from wrong. But what does it mean when that person excludes ethics from the list of subjects likely to make him an even better leader? At a time when the media are replete with examples of high-profile individuals who - despite outward appearances of stellar integrity - fall short, what could cause people to assume scandal could never overtake them or their organizations?

One reason could be the belief that it is not possible to “teach” ethics anyway, and that when an agency institutes ethics training, those in attendance are somehow suspected of being unethical. But law enforcement professionals are regularly assigned to attend firearms training, and that is not because officers are thought to be inept or unfamiliar with their weapons; such training is intended to refresh skills and build confidence. Officers are not sent to Emergency Vehicle Operation courses because they are bad drivers (well, okay,

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Ethics for the Law Enforcement Professional

by Lance D. Jones

Ethics is principles or standards of human conduct. Put differently, ethics can be defined as “doing the right thing when no one is watching.” Numerous high-profile corporate and political scandals over the past few years have made “ethics” nearly an incantation, chanted in the hope of warding off evil spirits and media investigations.

In law enforcement, ethics is an essential ingredient regardless of department size, rank or position. In that discussion, several core principles are especially important:

- **Uphold the values of your community, and support its goals.**

The police department is an integral part of a healthy community, and officers can assist by providing an example of appropriate conduct. By their mere presence, officers help create a more peaceful and pleasant place to live and raise a family.

- **Adhere to the truth, and have the courage to tell people things they might not want to hear, even if they outrank you.**

Honesty is the cornerstone of law enforcement. To that end, when a police professional is in possession of information that may bear upon a decision being made by another person, he is obliged to bring it forward.

- **Use force and authority judiciously and sparingly.**

Force should be used against another person only as a last resort, and only in keeping with law and policy. In fact, non-violent situations can often be resolved by mediation rather than arrest or citation.

- **Treat members of the public as you would like to be treated.**

Though it is sometimes necessary for an officer to raise his voice or speak bluntly, few people appreciate being spoken to in an officious manner. Every interaction with a citizen should be conducted civilly.

- **Conduct yourself appropriately, both on and off-duty.**

Officers should conduct themselves with dignity and restraint, and be mindful that they are representatives of the entity for which they work. Even when off-duty, inappropriate conduct can bring embarrassment upon a department and peers.

- **Refrain from accepting gifts and gratuities.**

The acceptance of gratuities, regardless of the form or value, tends to reduce public faith in the impartiality of the police. Officers are hired and paid a salary to perform their duties, and using an official position for individual gain is never acceptable.

- **Do not allow your personal feelings to affect your official conduct.**

Everyone holds individual, personal beliefs. For police officers, though, those beliefs cannot be allowed to impact the performance of official duty. Without exception, quality, efficient and impartial service must be provided to all persons.

- **Treat all information as confidential.**

Police officers often come into possession of sensitive information. Whether it relates to city affairs or is truly personal in nature, such information must be held in confidence unless it is required for some legitimate official purpose.

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Group photograph of the Ethics Train-the-Trainer class conducted April 26-30, 2004, at the Center for American and International Law in Plano, Texas.

“Dirty Harry” In Memoriam

by Gary W. Sykes, Ph.D.

Many of our readers know that last year, Carl Klockars, professor, chief deputy sheriff, and life-long police scholar died after a prolonged battle with juvenile diabetes. Carl, who was scholar in residence at our Advanced Management College a few years ago, wrote many outstanding works including *The Idea of Police*; *Thinking About Police*; and *The Contours of Police Integrity* (published posthumously). His classic, “The Dirty Harry Problem,” provides one of the outstanding discussions of ethical dilemmas in police work and remains largely misunderstood.

Everyone knows that “dirty Harry Callahan,” based on Clint Eastwood’s cinema character, engages in what might be called “street justice.” More recent discussions about officers who go beyond the law in order to achieve the goal of “getting the bad guy” have referred to this phenomenon as “noble-cause corruption.” What is less understood is that Klockars’ maintained there is actually an unstated expectation that police will engage in such “unofficial” tactics as long as they remain below public visibility. In other words, flowing from the community - if not their leaders - is an unofficial mandate which contradicts the formal message embodied in the oath, professional values, policy and training of law enforcement. The dilemma for police officers, of course, is that if their actions are discovered, they will be disciplined in order to preserve the integrity of criminal, administrative and civil due process ... the rule of law.

What Klockars described was a classic double bind where the formal (official) expectations and informal (custom and practice) expectations are in opposition, and where individuals are expected to resolve the conflict and assume personal responsibility for the consequences. What many people missed in Klockars’ explanation was that if you acted on the informal message and were caught, you had to be punished – you were damned if you did and damned if you didn’t.

So how does the “dirty Harry” theory apply? How does one meet the difficult challenge of preserving one’s integrity in double bind situations, especially in times of crisis and perceived threats?

As the discussion of recent highly-publicized episodes of alleged Iraqi prisoner abuse unfolds, it

will likely center - at least in part - around whether leaders had tacit knowledge of or even encouraged such behavior. In reflecting upon anti-terrorist responses to the September 11th attacks, ethical discussions in our courses and among our staff sometimes probe the issue of whether torture could be justified if an officer knew someone had information regarding a devastating attack in which hundreds or thousands of lives could be lost. Other discussions ask participants to consider whether - or which - civil liberties should be sacrificed in order to protect national security.

In times of crisis, whether it is a “safe streets” initiative or national security, there is an expectation by some members of the public that business as usual must be put aside, and that more aggressive measures are necessary. And if there is a subtle, unacknowledged message communicated by leaders that operatives must use illicit means to achieve good ends, the people who carry out those implicit orders are placed at risk.

One corollary related to this theory is “plausible deniability.” In other words, leaders who want to distance themselves in case of public exposure will try to make sure that any communications are informal, vague or that nothing is in writing. Then, when things go awry, the front-line people can be “hung out to dry”.

The late Carl Klockars would have understood the dilemma of officers as well as prison guards caught in double binds. That does not mean they would be excused, but it does mean they become victims also. They become the victims of organizational leaders who abandon them when the duplicitous cover is blown. Don’t soldiers as well as police officers deserve better? Do leaders sometimes look the other way and thereby enable the behavior? Shouldn’t leaders be held accountable for what they fail to do as well as what they do?

For failed leaders, when the *[custard] hits the fan*, they play of the game of “seek and hide.” That is, when investigators begin to “seek,” they “hide” behind the veil of ignorance. Too bad Carl is not here to have his say. It would have been interesting to hear his observations. He is missed in the conversation. ♦



At the mid-year meeting of the IACP Image and Ethics Committee, Mr. Charles Higginbotham, IACP Staff (left), and Chairman Ron McBride, Chief of Police (retired), Nicholasville, KY.

But Not For Me

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maybe sometimes!). Most often, driver training is an opportunity to refresh pursuit techniques or test the performance capabilities of a newly-assigned vehicle. Ethics training is exactly the same; it is an opportunity to discuss important issues that affect the profession and individual careers alike, while developing the ability to identify ethical dilemmas and make informed, defensible choices. In other words, ethics classes - just like firearms and driver training - provide tools for making the job both easier and safer.

Where there is doubt about the importance and value of ethics training, the impetus for change must come from the top. By virtue of their position and visibility, leaders - obviously - are perfectly situated to make a significant difference through their words and actions, and by setting an example for others in the agency to follow. Without question, when the police chief or sheriff stands up at the start of an ethics course and voices her support for the program, it sends a loud, clear and unmistakable message that "we take the issue of ethics seriously around here."

The Gershwin brothers are not the only entertainers whose work can be adapted to the discussion of ethics in law enforcement. In the memorable 1948 John Huston movie "Treasure of the Sierra Madre," there is a scene in which a Mexican bandit is challenged by Humphrey Bogart to show his badge as evidence that he is a Federale. In response, the bandit utters the memorable line: "Badges? We don't need no stinking badges!" If that bandit were part of the discussion of ethics training in law enforcement, his words - with only very slight modification - could ring powerfully and true: "Ethics? We don't need no stinking ethics!" ♦

Ethics

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■ Accept personal responsibility for your acts and omissions.

Police professionals must refrain from "passing the buck" when they make mistakes or bad choices. Ethical and mature individuals accept responsibility for their actions, along with any sanctions that may follow.

■ Understand the difference between reporting misconduct and being a "rat".

In the interest of preventing harm to individual departments and the law enforcement profession in general, police personnel have an absolute duty to immediately report misconduct by peers and superiors alike.

Traditionally, police practitioners have been mistrustful of their own department administrators, internal affairs units, and other entities that attempt to impose social mores upon them, apart from the ones they choose themselves. In that environment, it has never been easy or popular to be a vocal proponent for ethics. Sadly, this condition has manifested itself in several prominent cases of misconduct, where corruption and brutality have been found to have been occurring for years. Today, law enforcement professionals have the opportunity to take a proactive approach, and demonstrate to the community their willingness to take a stand in favor of ethical behavior.

Lance D. Jones is the District Director of Public Safety for the North Harris Montgomery Community College District, in Houston, Texas. A December, 2002, graduate of the Ethics Train-the-Trainer program, he holds an Individual Membership in the Center for Law Enforcement Ethics. ♦



Group photograph of the Ethics Train-the-Trainer class conducted May 17-21, 2004. Co-hosted by the New York State Sheriff's Association, the training took place at Siena College, Loudonville, New York.



This editorial cartoon relates to the ongoing inquiry into whether recruits may have cheated on exams at the Charlotte-Mecklenburg (NC) Police Academy (see related story below). It appeared in the *Charlotte Observer* (April 30, 2004), and is reprinted with permission of the artist, Kevin Siers.

Cheaters Never Prosper ... Right?

You hear it all around you: “Kids today! There are no standards anymore! Cheating is rampant in our schools, and nobody is doing anything about it!” For evidence of that fact, one need look no further than the Josephson Institute, which annually surveys and then reports on attitudes of school-age children about honesty and trust. Sadly (but not surprisingly), their most recent report shows that 74% of public high school students admit cheating on tests. For parochial high schools, the number who admit to the same behavior is 78%.

But as we wring our hands over the acknowledged willingness of teenagers to cheat in school, an important question begs consideration: where could those youngsters have possibly gotten the idea that this kind of behavior was acceptable? Where, indeed.

■ According to the *New York Times* (March 12, 2004), the president a Connecticut university has been accused of plagiarizing material from at least three sources in an article he wrote for a newspaper in Hartford. Admitting no wrongdoing, he abruptly announced his retirement.

■ A recent audit of educational credentials of teachers in the state of Georgia revealed that eleven had earned salary increases on the basis of advanced degrees obtained from unaccredited “institutions of higher learning.”

■ According to the *Fort Worth Star-Telegram* (May 22, 2004), a New Hampshire pastor resigned after acknowledging that he had claimed credit for sermons he did not write. Instead, he found them on the Internet and then presented them as his own.

But what about the law enforcement community? Do similar conditions exist in the hallowed halls of police academies?

According to the *Charlotte Observer* (May 11, 2004), the ongoing inquiry aimed at determining whether recruit officers may have cheated on exams at the Charlotte-Mecklenburg (NC) police academy, will result in more than 150 officers - including members of the training staff - being subject to intensive internal reviews (see editorial cartoon above). Speaking to the issue of public confidence in law enforcement, Charlotte-Mecklenburg Police Chief Darrel Stephens put it this way: “This has been an enormous source of embarrassment to the department, and has had a significant impact on each and every member of the organization.” ♦

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Obedience to Law

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willingness to accept the penalty. As a reflection of his support for obedience to law, he suggests that: "... an individual who breaks a law that con-

science tells him is unjust and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law." Reminding the clergy that law and order exist for the purpose of "establishing justice," Dr. King pointed out that everything Adolf Hitler did was "legal," while the actions of freedom fighters in Hungary were "illegal."

While firmly advocating obedience to "just" laws, Dr. King took a far different stand when it came to "unjust" laws which suppress the basic rights people; in those cases, he argued, there is a moral obligation to disobey in order to ensure that justice is achieved. But he did not advocate violence to rectify injustice. Instead, he urged his own supporters to remain "just" in their responses to those who would target them during direct action campaigns. And rather than retaliating, he wanted to make sure that they were willing to be imprisoned in their quest for justice, because even though a law was unjust, it was still a law.

Dr. Martin Luther King, Jr., understood the distinction between "just" and "unjust" statutes, and the moral issues driving obedience to law. He lived what he believed until the day he was murdered. ♦

Ethics Center Memberships

In September, 2003, the Institute for Law Enforcement Administration began accepting applications for individual and organizational membership in the Center for Law Enforcement Ethics. Thirty-three agencies now belong to the Ethics Center, including these new organizational members:

- ♦ Alhambra, CA, Police Department
- ♦ Burleson, TX, Police Department
- ♦ Eastern Missouri Police Academy
- ♦ Lethbridge, Alberta, Police Service
- ♦ University of California, Riverside, Police

For a full listing of organizational members, visit our web site at:

www.theILEA.org

Memberships bring with them a range of benefits, foremost being the knowledge that members will be helping support the continued examination and discussion of ethics across the law enforcement community. Membership information may be obtained at our website or by calling the ILEA at 972.244.3430. ♦

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