

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 12th Annual International Ethics Conference, Dr. Gary Sykes, Director of the Institute for Law Enforcement Administration (left), presents an Ethics Achievement Award to Mr. Thomas Hammarstrom, Executive Director of Arizona Peace Officer Standards and Training.



Ethics Achievement Award Presented to Arizona Peace Officer Standards and Training

On October 16, 2003, at the headquarters of the Center for American and International Law, Mr. Thomas Hammarstrom, Executive Director of Arizona Peace Officer Standards and Training, provided the keynote address for the 12th Annual International Ethics Conference. In his remarks, he discussed the positive impacts of the “zero tolerance” stance his agency had adopted when it came to certifying peace officers who had lied, along with some of the unintended consequences of such a policy.

Among agencies charged with oversight or certification of peace officers, Arizona POST has consistently distinguished itself through its forward-looking emphasis on character and ethics as integral to the law enforcement profession. In recognition of that fact, Mr. Hammarstrom, at the conclusion of his address, accepted an Ethical Achievement Award on behalf of his organization (see picture at left).

In a plenary address on October 17, 2003, Mr. Pierce Murphy, Community Ombudsman for the city of Boise, Idaho, outlined the process by which he carries out his charge of investigating complaints of police misconduct, while ensuring that police policies and practices reflect the needs of the community. He also discussed the process of effective civilian oversight of law enforcement, along with the development and role of the office of Community Ombudsman.

In addition to the keynote and plenary addresses, participants at the Ethics Conference (who were drawn from fourteen of the United States and three Canadian provinces) had an opportunity to hear and participate in a range of other law enforcement ethics-related discussions including: Ethics and the “Whistleblower,” Management Ethics, “Noble Cause” Corruption, Stress and Ethical Decision-Making, and the Influence of Organizational Culture on Values, Policy and Practice.

The dates for the 13th Annual International Ethics Conference are October 20-22, 2004.

INSIDE THIS ISSUE

| | | | |
|---|---|---|---|
| Ethics Corner | 2 | True Police Protection | 4 |
| Ethics Center Memberships | 2 | Remembering 9-11 | 5 |
| Piled Higher and Deeper | 3 | Cheating Cops | 6 |
| A Discussion on the Arizona Peace Officer Standards and Training Response to Peace Officer Dishonesty | 4 | “Gettin” Unemployed | 6 |
| | | Ethical Counseling: Using the Tools in the Real World | 7 |

INSTITUTE FOR LAW ENFORCEMENT ADMINISTRATION (THE CENTER FOR AMERICAN AND INTERNATIONAL LAW) 5201 DEMOCRACY DRIVE PLANO, TX 75024 972.244.3430 972.244.3431 FAX WWW.THEILEA.ORG

ETHICS CORNER

If the recent literature is any indication, there is a lot of cheating going on in our schools. But as a report in *The Poughkeepsie Journal* (October 27, 2003) shows, this type of problem behavior is not confined just to students ... teachers cheat too! According to a New York Deputy Education Commissioner, very little of the reported cheating by teachers occurs in high schools where testing can determine whether a student graduates. Instead, most takes place in elementary and middle schools, where standardized tests are used to judge the performance of teachers and institutions in "school report cards." From 1999 through the spring of 2002, state records revealed 21 cases of proven cheating by teachers, including:

- ◆ Teachers who ignored cases of cheating by other teachers.
- ◆ Colleagues who protected cheaters in statements later recanted.
- ◆ A high school teacher who reported all his students passed a chemistry exam, though investigation showed 62 of 63 exams were scored higher than deserved, with 16 students failing.
- ◆ A teacher who coached students in a global studies test, and even wrote in correct answers. This same teacher had previously been accused of telling a student what questions were wrong on a math test.
- ◆ An elementary school teacher who coached her fourth-grade math students through a test, including telling them when they made an error. She said she "does this all the time during tests and saw nothing wrong with it."

According to a spokesman for New York state's largest teachers' union, the overwhelming majority of teachers do not cheat. Instead, he says, "Teachers care a lot, sometimes they care too much and try to provide too much help."

VISIT WWW.THEILEA.ORG
FOR A MEMBERSHIP APPLICATION

Ethics Center Memberships

In September, 2003, the Institute for Law Enforcement Administration began accepting applications for membership in the Center for Law Enforcement Ethics. Twenty-two organizations and forty-five individuals (representing seventeen US states and two Canadian provinces) are now listed as members of the Ethics Center. Current member organizations are:

- ◆ Allen, TX, Police Department
- ◆ Addison, TX, Police Department
- ◆ Baylor Health Care System DPS, Dallas, TX
- ◆ Carnegie, PA, Police Department
- ◆ Coppell, TX, Police Department
- ◆ DeSoto, TX, Police Department
- ◆ Frisco, TX, Police Department
- ◆ Grand Prairie, TX, Police Department
- ◆ Haltom City, TX, Police Department
- ◆ Hurst, TX, Police Department
- ◆ Irving, TX, Police Department
- ◆ Longview, TX, Police Department
- ◆ Manchester, CT, Police Department
- ◆ Ovilla, TX, Police Department
- ◆ Plano, TX, Police Department
- ◆ Roanoke, TX, Police Department
- ◆ Richland Hills, TX, Police Department
- ◆ Sachse, TX, Police Department
- ◆ Saline County, KS, Sheriff's Department
- ◆ San Angelo, TX, Police Department
- ◆ Texas Peace Officers Association, Dallas, TX
- ◆ Tulsa County, OK, Sheriff's Department

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: theILEA.org or by calling the ILEA at 972.244.3430.

CALVIN AND HOBBS



CALVIN AND HOBBS © 1992 Watterson. Reprinted with permission of UNIVERSAL PRESS SYNDICATE. All rights reserved.

Piled Higher and Deeper

by Dan Carlson, MDCC/NEA

In this modern age of swindles and “half-truths,” one particularly inventive scam stands out for the creative way it blends truth and lies. It involves someone receiving a mailed notification announcing “guaranteed ... you have won a new speedboat!” Impressed by the picture that accompanies this announcement, the “lucky winner” sends in a small sum of money to cover “administrative and shipping fees,” after which he receives his prize ... a miniature toy, shipped in a box about the size of a pack of cigarettes. In other words, the reality of the prize is far less than what had been implied and expected. And despite the buildup, the whole thing was a fake.

Speaking of “fakes,” it has been both interesting and entertaining, of late, to watch various highly-placed individuals attempting to defend their reported academic credentials after it became known that their “degrees” were obtained from unaccredited institutions. One police chief, for example, was recently forced to explain why the founder of the institution granting his degree had gone out of business, pleaded guilty to tax and mail fraud and been sentenced to prison. The fact that the chief had been appointed to his position on the strength of that diploma complicated the situation even further.

Clearly, the recipient of the “free speedboat” and the person with the “diploma mill” degree each hold something of little value. But the major difference between these two individuals lies in the fact that the first will likely discard his “prize” and be ashamed of himself, while the second will hang it on the wall and include it prominently in his curriculum vitae. But to give credit (no pun intended) where it is due, we really

must stand in awe of a person who, while purchasing a PhD. from an unaccredited source is, at least, candid about his reasons for doing so: “I just want to be able to put those initials after my name...”

Incidentally, for those who may have overlooked the letters following my name at the top of this article, for any and all future contacts kindly keep in mind my honorific: MDCC/NEA (Main Dude in Complete Control/When There’s Nobody Else Around). Thank you.

As the law enforcement profession has, over the years, placed greater emphasis on academic credentials, awareness of - and respect for - the time and effort it takes to earn a college degree has grown as well. But anyone familiar with law enforcement humor will not be surprised at the light-hearted ways in which the acronyms for various degrees have occasionally been altered. A BS degree, for example, means “Bull S***”. And MS, obviously, stands for “More S***”. What about a PhD.? Everyone knows that means “Piled Higher and Deeper.” In the case of a worthless degree from an unaccredited vendor, of course, that last descriptor is supremely accurate.

It is easy to look askance at individuals who try to make themselves appear more important and accomplished than they really are, but this is not a recent phenomenon. Aristotle, as a matter of fact, talked directly to that issue when he observed: “Dignity consists not in possessing honors, but in the consciousness that we deserve them.”

A Discussion on the Arizona Peace Officer Standards and Training Response to Peace Officer Dishonesty

On October 15, 2003, at the 12th Annual International Ethics Conference, Mr. Thomas Hammarstrom, Executive Director of Arizona Peace Officer Standards and Training, accepted an Ethical Achievement Award on behalf of his organization. In the discussion which follows, Mr. Hammarstrom outlines and clarifies the potential responses by Arizona POST Board in cases where officers are accused of lying:

During the past several years the Arizona Peace Officer Standards and Training Board has placed substantial emphasis on the issue of peace officer honesty. The Board considers personal integrity to be the single most important qualification of an Arizona peace officer, and has shown zero tolerance in cases where officers have lied.

Honesty and integrity have always been the cornerstones of the law enforcement profession. Perhaps more than any government official, a peace officer has authority to impact the liberty of individual citizens. This authority is only legitimized if the public trusts the officers it employs. Recent court decisions applying *Brady v. Maryland* have emphasized the importance of this relationship of trust by requiring prosecutors to share information with defense attorneys about officers who have been untruthful in the past. This can result in impeachment of the officer as a witness and severely limit his or her effectiveness. While this is an important consideration, it is secondary to the Board's responsibility for insuring that a relationship of trust exists between the citizens of Arizona and the officers that POST certifies.

The Board realizes that the pursuit of truth is not an easy task. Lies come in many forms, and not every lie impacts upon the public trust in the same way. It is, however, the Board's position that any instance of dishonesty will be thoroughly investigated and considered for action, and while each case is evaluated on its individual merits, some general guidelines are emerging.

In cases such as perjury or false reporting that relate directly to the exercise of peace officer authority, the Board has and will continue to take

aggressive action. Such lies will result in revocation. Likewise, when an officer lies in reference to a duty-related matter during an official departmental inquiry, especially after the officer has been provided with a Garrity warning, the Board believes that revocation is the appropriate action.

In instances where an officer may have been untruthful on relatively minor administrative matters, such as individual time accounting, leave use, off duty employment, or personal relationships not connected to the job, the Board will closely examine and evaluate the facts. Even in these seemingly minor incidents, when lying is shown the Board may seek to suspend or revoke the officer's certification.

In summary, the Board reaffirms its commitment to confront any official untruthfulness on the part of an officer who holds POST certification. While the Board is committed to a fair and reasonable evaluation of each individual case, it will continue to act swiftly and decisively when the evaluation reveals that an Arizona Peace officer has lied.

*From Arizona POST Integrity Bulletin #8
(June-November, 2001)*

True Police Protection

When the League City, TX, Police Department recently replaced thirteen bulletproof vests, there was no question about what would happen to the old ones ... they were donated to the Police Service in Ghana, Africa. The vests, which are still usable, were replaced because the manufacturer's warranty was only good for five years. According to Assistant Chief Chris Reed (*Galveston County Daily News*, August 13, 2003), the only vests the police in Ghana receive are those obtained through donations like those from his agency. The League City Police have a history of providing help of this nature, with twenty-five vests shipped to Ghana in 2002, and similar gear shared with law enforcement agencies in Mexico. Without the donated body armor, officers in Ghana would have no protection whatsoever, according to Reed, who added "They'll feel a lot more safe and their families are going to know they have some level of protection."

Remembering 9-11

by Gary W. Sykes, Ph.D.

On September 11, 2003, the Institute for Law Enforcement Administration hosted a Remembrance Day Ceremony at the headquarters of the Center for American and International Law. Following are Dr. Gary Sykes' remarks from that event.

This day, September 11th, is seared in our memory for the rest of our lives, and will be a watershed event in the history of our nation.

In thinking about what would be appropriate for this time and place as we gather to honor the most noble of us all, I wanted to say something that has not been said. To say something that would capture the moment. To say something that represents the solidarity that we feel when we express our nation's grief. But words tend to fail us in the face of such an atrocity.

We think of the mothers, fathers, brothers, sisters, relatives and close friends who did not come home that terrible day. They are mourned for their innocence, their promise and their goodness- they will be missed. They were ordinary people doing what most people do in their everyday lives. They happened to be in the wrong place at the wrong time when the incomprehensible and unthinkable happened.

But, there is a special category of victim we honor here today - the men and women who responded not by running *from* the towers, but by running *toward* the towers. The police officers, firefighters and emergency personnel who stood in harm's way for their fellow citizens, and who accepted the risks of public service.

This flag, which flew over "Ground Zero," sent to us by Chief Len Mackesy of the New York-New Jersey Port Authority Police, this hallowed flag, serves to remind us of the sacrifice that these men and women made on that dark and infamous day.

What can be taken away from this ceremony that can renew us, that will remind us of who we are and what we stand for, that will motivate us to stand taller, and walk straighter as we go forward from this time and place?

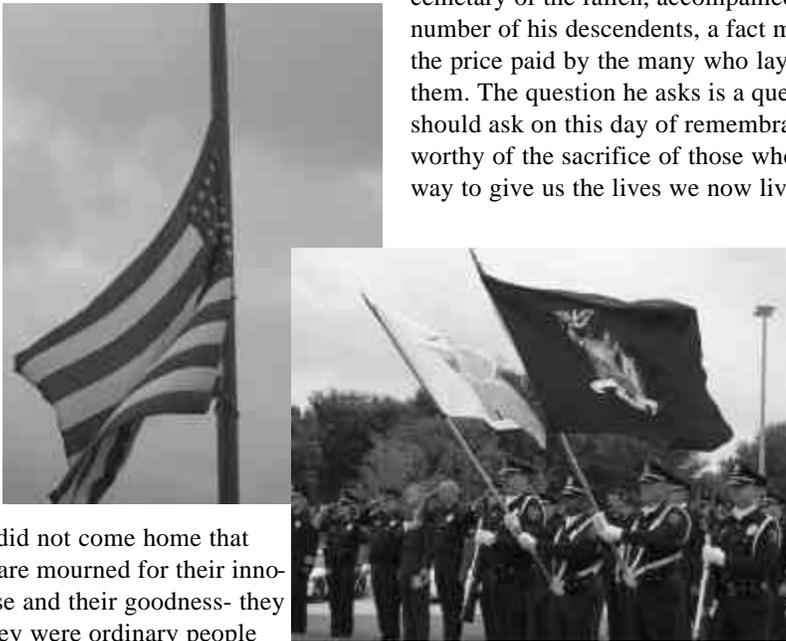
I am reminded of that great film about World War II titled, *Saving Private Ryan*. I am inspired by the last scene, when an older Private Ryan stood at the cemetery of the fallen, accompanied by a large number of his descendents, a fact made possible by the price paid by the many who lay at rest before them. The question he asks is a question we all should ask on this day of remembrance: Are we worthy of the sacrifice of those who stood in harm's way to give us the lives we now live?

How can we best honor those who can no longer stand watch? I think one answer is that we can resolve to live up to the highest ideals of public service. They gave their

lives and we can rededicate our lives, to the performance of our duties in order to prove worthy of their sacrifice.

In other words, we can do no more to honor them than by living honorably. To do less, to allow personal, political or pecuniary matters to diminish ourselves in the performance of our calling, is to fail to be worthy of the price they paid.

Our fallen brothers and sisters deserve no less.



In his weekly *New York Times* column titled "The Ethicist," Randy Cohen dissects and responds to ethical dilemmas submitted by readers. As readers of his highly informative and entertaining work know, occasionally he examines issues of special interest and importance to the law enforcement community. In his August 24, 2003, column (reprinted with permission), he discusses one such case:

Cheating Cops

After an acquaintance was mugged, the apparent perpetrator, an African-American youngster, was promptly caught near the scene with the victim's belongings. At the station, the (white) acquaintance heard a (white) detective say that the young man was stopped simply for appearing suspicious (i.e., being black and running down the street in a white neighborhood in the wee hours). Only after he was in custody did the officers hear his description on the police radio. The detective instructed the officers to report that they heard the description before detaining him. This could affect the legitimacy of the arrest and even the prosecutor's ability to pursue the case. Should I notify anyone - the victims' lawyer, the police or other authorities? Does my obligation change because I am an attorney?

You should indeed come forward. Do so for the suspect's sake; even if he did the crime, he's entitled to fair treatment. Running While Black is hardly grounds for police action. And do so for our sake, the sake of the community; we want cops to obey the law - so we don't get railroaded when we get arrested, and so those who rob

us don't get their cases thrown out of court. Your speaking up helps hold the police to acceptable standards of behavior. And indeed in some states falsifying an official record is itself a crime.

I can understand your uneasiness. If you speak up, you may free a guilty man. (This is not likely to delight your acquaintance.) But is justice for a single crime more important than maintaining the integrity of the criminal justice system? In many ways, our society (rightly, I believe) gives greater weight to the latter. The exclusionary rule, for example, forbids the use of illegitimately obtained evidence, one way our system regulates police conduct.

Having decided to come forward, you have no obvious way to do so, no address to which you can send a "Dear Courts" letter. And cynics like me (or do I mean realists?) are skeptical that contacting the police will do much good. Andrew G. Celli Jr., former chief of the civil rights bureau in the New York attorney general's office, sent me a note saying, "I'd probably inform both the criminal-defense lawyer and the prosecutor in a single letter - to avoid any taint of favoring one side or the other." I'd suggest that you also send a copy to the presiding judge if you can.

Your being an attorney doesn't really matter. A lawyer must report a colleague's misconduct, but he is no more obliged than anyone else to report a non-lawyer's crime. Even if the acquaintance were also an attorney, he was not acting in his professional capacity, so I'm not certain that you'd be bound to report him, but it's a tricky matter and one you might want to confirm with your bar association.

"Gettin" Unemployed

Stating it was to be used for traffic patrol, a twenty-year veteran lieutenant from the Brazoria County, TX, Sheriff's Department purchased a special \$14,000 Harley-Davidson motorcycle that is sold only to officers for use in official police business. According to the *Houston Chronicle* (August 4, 2003), the lieutenant resigned after an investigation revealed that he had presented the dealer with a bogus letter of authorization, ostensibly from one of his supervisors. While some internal affairs matters are more complex than others, it wasn't hard for investigators to confirm the falsity of the approving signature ... it had been endorsed by "Captain I. B. Gettin." Nobody by that name works for the Brazoria County Sheriff's Department.



Mr. Kevin Daniels (US Drug Enforcement Administration), left, and Mr. Dan Carlson (Institute for Law Enforcement Administration) at the Ethics Train-the-Trainer class conducted September 22-26, 2003. Both Mr. Daniels and Mr. Carlson are retired members of the New York State Police.

Ethical Counseling: Using the Tools in the Real World

Recently, while sitting at my desk sorting through the accumulated paperwork police supervisors handle, Officer Smith stepped in and asked, "Have you got a minute? There's something I want to talk to you about." With a familiar sense of foreboding I replied, "Sure, come on in. What's on your mind?"

Over the next 15 minutes, Smith described a problem that was reaching crisis proportions ... it had no easy solution ... no "right" reply. But Smith was asking for my help.

I didn't have an instant, crisis-busting answer to comfort this officer. I could see alternatives, but each one carried a price for him. If he followed my suggestion and the cost was too high, he would blame me. And a relationship built on trust and respect could be damaged, perhaps permanently.

Any supervisor who has counseled an officer struggling with unique issues outside the realm of everyday problems, knows how complex the process can become. In those situations, here are a few points that ought to be clarified up-front:

- *Does the officer just want you to listen and to help sort out the issues?*
- *Is the officer seeking advice based on your personal experience?*
- *Does the officer want you to offer a solution?*

In many cases, officers may just need a sounding board or the opportunity to verbalize the problem. But supervisors often offer opinions or advice. Sadly, when the answer doesn't match their expectations, officers wonder why they asked the supervisor in the first place.

In situations like these, there is an effective tool supervisors can employ in the process of counseling others: ... Think ... then A.C.T.

The use of the "A.C.T." decision-making model occurred to me one evening while counseling an officer who faced a tough dilemma. I remembered learning the "A.C.T." formula in an Ethics Train-the-Trainer course taught by the Center for Law Enforcement Ethics. The "A.C.T." acronym, by the way, encourages us to, first, list **Alternatives**, second, project the **Consequences** of each alternative, and third, **Tell Your Story** (that is, be able to defend your actions).

That evening, I handed the officer a pad of paper and a pencil, and asked him to consider a simple question: "What are your **Alternatives**?" When he looked at me as if I were crazy, I suggested he list all the alternatives he could think of, no matter how absurd or unworkable.

Next, we took on the second part of the exercise: **Consequences**. For each listed alternative he projected the consequences for every individual involved (also known as "**Stakeholders**"). My only function at this point was to help him identify realistic consequences for each alternative.

Finally, I asked him to think of the one individual whose opinion he valued more than any other. For many of us, it could be a parent, spouse, one of our children, or someone who has had a great impact on our lives. With that person in mind, I asked him to go down his list one alternative at a time, with this question in mind: "Would I want to tell this story to the most important person in my life?" If the answer was "**no**," the choice was eliminated. Finally, he had two or three alternatives with "**yes**" answers.

I then asked, "Which of the remaining choices would you be most proud of?" Smiling, he said, "Thanks. It's now clear what I need to do."

As he left, the officer seemed satisfied that he had made a choice and found an answer he could live with. I had simply guided him through a decision making process, and given him an opportunity to organize his thoughts independent of outside ideas or opinions. And ultimately, the process required that he assume personal responsibility for the solution.

When I first began to analyze issues this way, I had no idea it would become so valuable to me, both at work and at home. As a matter of fact, it took years for me to recognize the value of applying the "A.C.T." decision-making model, and not only in counseling sessions; this process helps me make solid, defensible personal and professional choices. Here's a suggestion: put this extremely versatile decision-making model to use yourself, and the next time you are confronted with a complex decision simply "Think ... then A.C.T."

Chris Cherry holds the rank of Lieutenant in the Midland, TX, Police Department. He is a graduate of the Ethics Train-the-Trainer program at the Center for Law Enforcement Ethics.

Ethics Roll Call is published quarterly by the Ethics Center at the Institute for Law Enforcement Administration, 5201 Democracy Drive, Plano, Texas 75024. Telephone: 972/244-3430. Fax: 972/244-3431. This publication is not operated for pecuniary gain, and articles may be reprinted provided due credit is given to the Ethics Roll Call. Signed articles are accepted with the understanding that the Institute for Law Enforcement Administration possesses the exclusive right of original publication. Authors are requested to assign copyright to the Institute for the collected work, while permitting the author unlimited use of the article and ordinary copyright protection. Opinions expressed do not necessarily reflect the views of the The Center for American and International Law.

Editor.....Daniel P. Carlson
Staff Assistant.....Tracy B. Harris

A Heart Behind the Badge

When Dallas, TX, Officer Kara Beth Gray was dispatched to a disturbance call at a squalid residence in September, 2002, she reacted quickly and naturally to what she saw. Knowing she could not leave the four young children she found there in such deplorable conditions, she immediately reached into her own pocket and bought the family food, cleaning supplies and diapers. At a ceremony on October 25, 2003, Officer Gray received the Johnny Sides Rookie of the Year award. Named for an officer shot and killed in 1951 during a traffic stop, the award is presented, annually, to new officers who exhibit superior integrity, professionalism and job performance. "I love my work," said Officer Gray. "When we get to help people, it's even better."

Dallas Morning News
October 26, 2003



Group photograph of the Ethics Train-the-Trainer class conducted September 22-26, 2003, at the Institute for Law Enforcement Administration in Plano, Texas.

THE CENTER FOR
AMERICAN AND INTERNATIONAL LAW



Institute for Law Enforcement Administration
5201 Democracy Drive
Plano, TX 75024-3561
972.244.3430

Visit the Institute for
Law Enforcement Administration
at
www.theILEA.org

Nonprofit Organization
U. S. Postage
PAID
Permit No. 3778
Dallas, Texas

PLEASE NOTE: The The Center for American and International Law utilizes outside mailing lists. Therefore, if you receive a duplicate of this announcement, please pass it along to an interested associate.

Please let us know of corrections needed in your mailing address.