

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



Chief Henry Fluck, Cedar Park, TX, Police Department, is the 2008 Ethics Achievement Award recipient and is shown speaking at the Contemporary Issues and Ethics Conference.

Ethics Achievement Award

On March 27, 2008, during a special ceremony at the annual Contemporary Issues and Ethics Conference, the Center for Law Enforcement Ethics at the Institute for Law Enforcement Administration presented Chief Henry Fluck of the Cedar Park, TX, Police Department, with the prestigious Ethics Achievement Award.

Chief Henry Fluck was nominated for the “Ethics Achievement Award” by the many members of his staff who prize him as a “man of vision dedicated to the continuous improvement of his organization.” Chief Fluck inspires and maintains professional integrity by not only requiring that the employees in his organization

know and enact their organizational values, but also by modeling those values both in his personal and workplace life.

Prior to his appointment as Chief of Cedar Park, Fluck’s thirty year career took him from Baltimore, MD, to El Paso, TX, where he rose to the position of Assistant Chief. One of his first acts upon taking the post at Cedar Park was to draw together a committee from all levels of the agency to take part in the development of a Mission Statement and set of Core Values, each of which is recited—along with the IACP Oath of Honor—at departmental ceremonies. Chief Fluck also founded the “Chief’s University” which is open to all sworn members of the department. The “Chief’s University” is an on-going, organized mentoring program dedicated to teaching future leaders about city government, budgets, administration, leadership, ethical excellence, and integrity.

We congratulate Chief Fluck for his achievements and are delighted to raise him up as a model of ethical behavior and leadership integrity.

Since being awarded for the first time in 1998, this award has been intended to recognize an individual or an organization for especially meritorious leadership or courage related to law enforcement ethics and integrity. Included among the annual awards are those for Ethical Courage, Noble Service and Ethics Achievement. Details on all recipients of the Ethics Award may be found on our website at www.theILEA.org.

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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

THE GREATEST
DISCOVERY OF MY
GENERATION IS
THAT A HUMAN
BEING CAN ALTER
HIS LIFE BY
ALTERING HIS
ATTITUDES OF
MIND.

WILLIAM JAMES
US PRAGMATIST
PHILOSOPHER &
PSYCHOLOGIST
(1842-1910)

Organic Morality?

There is a recent *New York Times Magazine* article by Steven Pinker, a psychologist from Harvard, that provides an invaluable summary shedding a certain scientific and psychological light on the answers and explanations for some of the most nagging questions in human intellectual history: those being “is there a sort of ‘moral switch’ that is thrown when we are faced with a moral situation or quandary,” “are there moral universals, or is it all relative,” “when issuing a moral judgment, are we not merely ‘rationalizing’ what we prefer, what we feel,” “is morality innate, is there something like a ‘morality gene’,” “is morality simply the evolutionary residue of thousand of years of common practice that is somehow left in our biological makeup, perhaps in the tissues and electronic impulses of our human brains,” “is morality a legacy from an all-powerful sacred deity, and therefore something that exists with or without us on the grand, cosmic stage,” “is morality just a figment of the human imagination, or something of an ephemeral, albeit socially useful, piece of wishful thinking?”

Pinker’s tentative answers (he is careful to call them “explanations”) to those questions are as

fascinating as they are well written. He finds reason and evidence to say that, indeed, in all of us there is a sort of “moral switch:” a toggle that is thrown when we are faced with a moral situation. Pinker calls it a “moralization switch.”

Moralization is a psychological state that can be turned on and off like a switch, and when it is on, a distinctive mind-set commandeers our thinking. This is the mind-set that makes us deem actions immoral (“killing is wrong”), rather than merely disagreeable (“I hate brussels sprouts”), unfashionable (“bell-bottoms are out”) or imprudent (“don’t scratch mosquito bites”) . . . We all know what it feels like when the moralization switch flips inside us – the righteous glow, the burning dudgeon, the drive to recruit others to the cause. ⁱ

He goes on to give explanation for the other question listed above, to be brief, by saying that there are universal ways in which we react to moral situations but there are somewhat radical, relative ways in which we codify, rank, and esteem those reactions. Much of the time, he will say, we are rationalizing what we feel about the morality or immorality of certain human behaviors: starting with the conclusion of our judgments and then scrambling to find reasons, evidence, and arguments for those

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CORNER

ETHICS

In an article written by Angela Rozas and Mary Owen, of the *Chicago Tribune* (March 18, 2008) it was well noted that newly-appointed Chicago Police Superintendent, Jody Weis, recently issued a new “core values” statement to officers, referring to it as one of the “big changes he has made since taking over the department Feb. 1.”

Weis commented that “these core values are on display by many police officers every day, but we want to ensure that every police officer knows, accepts and displays the tenets that define what a Chicago police officer should be.” The core values are assembled into the acronym POLICE: professionalism, obligation, leadership, integrity, courage and excellence. These values are intended to be taught to recruits at the academy and regularly discussed at roll calls in stations across the city.

University of Chicago law professor Craig Futterman, who has personally filed lawsuits alleging misconduct by Chicago officers, said: “I actually think stuff like this is incredibly important . . . It’s more than symbolic. That statement is supposed to define who they are and what they do.”

We at the Center for Law Enforcement Ethics could not agree more. Closely aligned with this very kind of thinking, the Center for Law Enforcement Ethics recently presented its Ethics Achievement Award to Chief Henry Fluck for his regular and insistent emphasis on the core values of his Cedar Park Police Department. At a ceremony on March 27, 2008, Chief Fluck was applauded for “walking the talk” of those values in both his personal and professional life. See the article devoted to the Ethics Achievement Award elsewhere in this issue.

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Who Best to Teach Ethics to Police?

by Dr. Dan Primozić

“Police Ethics Training: Preferred Modes of Teaching in Higher Education Law Enforcement” is a very insightful dissertation that came to the attention of ILEA a short time ago through the generosity of its author, Jeffrey Matthew Van Slyke. There are many pieces of it that we can engage productively here in these pages of *Ethics Roll Call*, and with the permission granted by Van Slyke, we occasionally will do so. The first of these concerns the critical question: “who most effectively teaches ethics to police?”

As it turns out, there are quite a few answers to that question. My own first answer, not included in the list that Van Slyke provides, is that if the person really wants to learn ethics and especially the ethics of policing, *anyone* can teach it to them. And, the reverse is also true: i.e., if the person really does not want to learn ethics, for whatever reason, then *no one* can teach it to them. This set of facts is not only true of my experience with teaching ethics in the law enforcement setting, but it is also true of the business, corporate, medical, legal, and general undergraduate and graduate academic settings as well. It is also true when I have tried to teach ethics to my own children and the children of others. It has also been true of me and my own desires of the moment and the learning and failures to learn thereunto pertaining. It seems simply true on the grand, human scale.

Even so, Van Slyke points out that:

The literature related to police ethics training concludes that there are three prevailing models regarding who should teach police ethics (Cohen, 1983). The first model suggests that ethics instructors should be academicians who maintain a strong background in ethical and moral philosophy and are generally familiar with the practice of policing (Souryal, 1998). The second model suggests that ethics instructors should be savvy officers who have experienced and have endured the ethical and moral dimensions of police work (Crank & Caldero, 2000). The third model recommends a team-teaching approach that uses both informed academicians (moral and ethical philosophy background) and experienced practitioners (street-wise officers) (Crank & Caldero, 2000).ⁱ

According to Van Slyke, Crank and Caldero maintain that the second model, wherein the teaching falls to instructors from law enforcement agencies, appears to be the most recommended way for teaching police ethics. The reasons for that go in two separate directions. The first, positive direction amounts to the idea that those “internal” instructors have a profound influence insofar as they tend to teach many introductory students in large sections, and that, very often, they are admired as role models.ⁱⁱ

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TRAINING IS
EVERYTHING.
THE PEACH WAS
ONCE A BITTER
ALMOND;
CAULIFLOWER IS
NOTHING BUT
CABBAGE WITH
A COLLEGE
EDUCATION.

MARK TWAIN
PUDD'NHEAD
WILSON (1894)

Can Good Cops Act Unethically And Still Be Considered Good Cops?

By Stephen Wilde

Can a police officer act unethically and still be considered a good cop? For many of us the answer lies within our own personal ethical framework. Those of us who are teleological oriented will argue that an immoral act that ends in a good result can be considered a good act. On the other hand, those of us who are deontological oriented will tend to feel that an immoral act is always bad, even if the end result is good.

“Dirty Harry” - The Utilitarian Ethical System

I recently polled a class of twenty-five college juniors and seniors in an ethics course that I was teaching. I described a situation similar to the *Dirty Harry* plot, where a suspect was in police custody and refused to tell the police where he had buried a young girl who was just hours from running out of air. I asked the class if under that set of circumstances if it would be ethically correct to physically torture the suspect in order to get him to reveal the girls location, thereby, saving her life. To my surprise, all but one of the twenty-five students said that they believed it would be ethically correct to torture the suspect. Although the act of torturing a prisoner will always be considered immoral, one must take into consideration the importance of the desired result when judging ethical righteousness. In the *Dirty Harry* example, the class clearly felt that the value of saving a little girls life decidedly outweighed the immorality of torturing a child predator.

The *Dirty Harry* example is an extreme case where the facts leading up to the immoral act are severe. Police officers, however, rarely have the luxury of making ethical decisions in an environment that is black or white. In reality, police officers make the vast majority of their decisions in the gray area. These shades of gray tend to be the most hazardous areas for officers when making critical ethical decisions.

The Role of the Working Environment

We make critical ethical decisions on a daily basis. These decisions often reflect the unique climate of our working environment. It

would be fair to say that not every worker in this country has the privilege of working in a principled environment. The truth of the matter is that some of us do not, and the law enforcement community is not exempt. The working environment plays an important role in the framework of a police officers moral compass. A police officer who works in an environment that accepts immoral behavior, for example, may feel that it is acceptable to move evidence into plain view in order to make a charge stick, or, to administer pretrial “street justice” to a man who has been arrested for raping a child. In these examples, the answer is crystal clear. It is always wrong for an officer to tell a lie about where evidence was found, and it is always wrong for an officer to abuse a prisoner. But how do we judge officers when the answer is not so clear? After all, police officers make most of their decisions in the gray area, right?

Take, for example, a situation where a mother of a 19-year-old fatal accident victim asks the responding officer, “Did my daughter suffer before she died?” Perhaps the young girl was gasping for air or in noticeable pain when the officer first arrived. One can argue that the ethically correct answer to the mother’s question is, “Yes, she was in great pain when I first arrived”, because it is wrong to lie. However, when one compares the morality of the act (lying to the mother) with the result of telling the truth (shielding the mother from unnecessary emotional suffering) one may feel that the immoral act of lying was still a good act, because the

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BE GREAT IN ACT,
AS YOU HAVE
BEEN IN
THOUGHT.

WILLIAM
SHAKESPEARE



Group photograph of the Ethics Train-the-Trainer class conducted February 11-15, 2008, at the Justice Institute of British Columbia in Canada.

The Long Fall to Earth

by Dan Carlson

It was like watching a train wreck ... you didn't want to stare, but you just couldn't look away.

It was a spectacle to behold in March, 2008, as the Governor of New York found himself with no option except to resign his office over revelations of his carousing with high-priced prostitutes. For his legion of critics, his downfall and public mortification were especially sweet given his finely honed reputation as a moral crusader with a penchant for punishing and, yes, humiliating those with the misfortune to be caught in his prosecutorial cross hairs. As one pundit noted with some glee, the Governor had been "hoisted on his own petard."

And in much the same way as a train running off the tracks can cause widespread damage and injury, the Governor's very public acknowledgment of misbehavior and subsequent resignation caused incalculable pain and embarrassment for others. Yes, he had let down the citizens of the state to whom he had promised much more and better. And, of course, he had revealed himself as a hypocrite to those who had admired his oft-voiced support of ethics in government. But anyone watching the broadcast of his resignation could not have missed the clearest example of the hurt and damage he had wrought, for as the camera recording his remarks panned slightly to the left, there stood ... his wife.

For a woman whose world had just been turned upside down by behavior over which she had no control, she seemed to be holding up reasonably well. Yes, her eyes looked a bit puffy, but she stood stoically with a solemn face beside her now-disgraced husband. Watching this spectacle one could not have helped wondering at the thoughts that must have been going through her mind ... can I ever trust this man again? ... how will this affect our three teen-aged daughters? ... how could this man not have seen how much he stood to lose?

Although few of us will ever have the opportunity to rise to the exalted level of state Governor - or to stumble and fall from that height - each of us can draw a number of important lessons from this debacle. The first should be clear to

anyone involved in teaching ethics: avoid, at all costs, representing yourself as a paragon of virtue. Every human being, after all, has fallen short, and an ethics instructor who suggests to a class that he is unblemished will find himself quickly on the defensive. Many adults are repelled by hypocrites, and given the chance, they will spare no effort in bringing the high and mighty to their knees (*see Spitzer, Eliot*).

A second important lesson falls - literally - closer to home. As the Governor made the choice to engage in the behavior that brought him to ruin he, obviously, neglected to ask himself a central question: who will be affected by the decision I am making here? Did he consider the hurt and humiliation his wife would face, and the certain strain on his marriage of twenty years? Did he think about his three teenaged daughters and what they might have to endure from their peers? What about his larger family and their dashed faith and hopes as they watched him and his career crash to earth?

In law enforcement ethics classes this issue - the identification and consideration of stakeholders - often bubbles to the surface when the discussion gravitates toward officers recently disciplined or even dismissed for making indefensible decisions and engaging in inappropriate behavior. Most often, individuals who have violated the public trust and ruined their careers in this fashion have also caused distress for others outside the department ... their families, for example. One memorable newspaper article reporting on a veteran police officer arrested for robbing a bank concluded with this heartbreaking quote from a close family member:

I won't believe it until he tells me he did it, and then I still won't believe it [the officer's] 13-year old son said outside the family home Tuesday night.

In our society citizens agree to invest others - public servants - with enormous powers and authority. This is called a public trust. When a public servant violates that trust and, in doing so, forsakes his oath of office, he is unfit to serve any longer. Among all the others, this may be the most important lesson we can draw from this incredibly sad event.

**EDUCATE YOUR
CHILDREN TO
SELF-CONTROL,
TO THE HABIT OF
HOLDING
PASSION AND
PREJUDICE AND
EVIL TENDENCIES
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HAVE DONE
MUCH TO
ABOLISH MISERY
FROM THEIR
FUTURE AND
CRIMES FROM
SOCIETY.
BENJAMIN
FRANKLIN**

HE HAS ALL THE
VIRTUES I DISLIKE
AND NONE OF THE
VICES I ADMIRE.

SIR WINSTON
CHURCHILL



The Honorable Terrance W. Gainer, Sergeant at Arms, United States Senate, giving the keynote address at the Contemporary Issues and Ethics Conference.

WHO BEST TO TEACH ETHICS TO POLICE?

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The negative direction mentioned by Crank and Caldero works under the idea that there is:

negativity associated with having faculty teach police ethics: Criminal justice departments are frequently presented with an anomalous instructional environment. The full-time faculty has often been drawn from educational fields that provide a critical overview of criminal justice institutions and agencies. Faculty who are openly critical of criminal justice risk alienating their students and consequently risk negative student evaluations.ⁱⁱⁱ

In 1983, a researcher named Cohen claimed that, for the academic, this “externality” also can affect the instructor’s credibility. Van Slyke recounts Cohen as claiming that:

Police are typically wary of opinions of anyone outside the profession, particularly journalists and academics. They expect to be judged unsympathetically by members of those groups, and consequently come to a course on police ethics with great caution.^{iv}

I know that Crank, Caldero, and Cohen are correct when they indicate this understandable aversion of the police professional about being taught by academics. Their opinions about journalists are not very high either. However, I also have seen both academics and journalists of certain types overcome that negative bias, though these “outsiders” must spend a fair amount of time winning the trust of this audience. But that, too, is not so dissimilar to what

an instructor must do with any audience in every context.

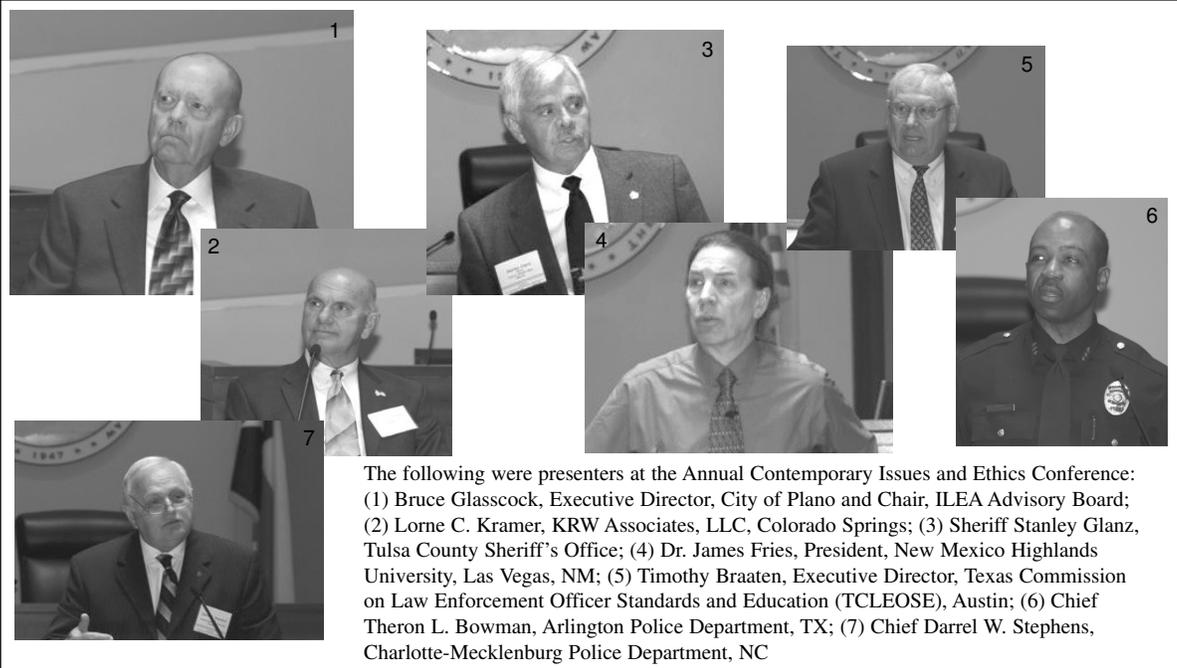
I favor a combination of model two (savvy, seasoned officers) and model three (the team approach) to be the most effective in reaching police with ethical insights and decision-making models. Certainly, it is the approach taken by ILEA for many productive years with much evident success. But, even more than that, it simply makes good, common sense.

Academic philosophers, especially those who have made a long study of ethics, applied and practical ethics, and professional ethics have a solid grasp of the wealth of treasures stored in centuries of thinking about how best to make one’s ethical decisions and live the honorable life. However, just as when they teach other kinds of working professionals, they must be able to make those treasures accessible to police officers and leaders whose focus is and must be on the practical end of all that is written and said concerning ethical issues and theories in order to gain some sort of “ethical product:” i.e., police officers and police cultures of integrity. Frankly, there is a notable shortage of my colleagues (trained philosophers) in academia that can and are willing to achieve that rather tricky task. Many of my colleagues in philosophy have a parallel aversion to teaching police not unlike that which the police have about being taught by academics. Obviously, I do not harbor such sentiments about the matter. Yet, academic philosophers, as highly trained and willing as they may be to engage the ethical issues of the law enforcement profession, will inevitably fall short concerning the experiential dimensions of the working life of police practitioners.

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The Dallas County Sheriff’s Department Honor Guard at opening ceremonies of the Contemporary Issues and Ethics Conference.



The following were presenters at the Annual Contemporary Issues and Ethics Conference: (1) Bruce Glasscock, Executive Director, City of Plano and Chair, ILEA Advisory Board; (2) Lorne C. Kramer, KRW Associates, LLC, Colorado Springs; (3) Sheriff Stanley Glanz, Tulsa County Sheriff's Office; (4) Dr. James Fries, President, New Mexico Highlands University, Las Vegas, NM; (5) Timothy Braaten, Executive Director, Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE), Austin; (6) Chief Theron L. Bowman, Arlington Police Department, TX; (7) Chief Darrel W. Stephens, Charlotte-Mecklenburg Police Department, NC

WHO BEST TO TEACH ETHICS TO POLICE?

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Savvy, seasoned police officers obviously contribute the most wisdom to the discussion of ethical issues in policing and obviously bring and should bring much credibility to those as well. I have found that although many such instructors may be a bit short concerning the time honored foundations of ethical decision-making, when teamed with the right kind of academic ethicists, some very profound learning takes place in the police training classroom – and it is learning that tends to “stick” and to generate the desired “ethical product.” It also possesses the intellectual integrity it needs to be called “ethics” in the highest and the most practical sense of that term.

This ILEA team approach may not always amount to a “marriage made in heaven,” or the “most perfect solution,” and to the question of who best to teach law enforcement ethics, it may not be the instructional model most preferred by law enforcement professionals. But we must be careful not to commit what is known as the “naturalistic fallacy” when it comes to what our audiences prefer or desire: we must not mistake what is *desired* with that which is *desirable*. We, instead, must go forward with what we know works and with what is *best, most complete, and adequate*.

We, at ILEA, long have believed this team approach as the best and most promising

method available to bring high ethical thinking, behavior, and integrity to the heart of policing – to bring all of that to life for officers, leaders, the policing community, and also for the communities and people they police.

Jeffery Matthew Van Slyke is Chief of Police at The University of Mississippi. He wrote this dissertation because, in his words:

The primary mission of higher education law enforcement is to promote and maintain the safety and welfare of the campus community. Doing so requires police officers to nurture the trust of the public by exhibiting a commitment to ethical based conduct. Thus, it is incumbent upon law enforcement administrators to exert the leadership necessary to develop and prepare police officers with an ethical skill set. For that reason, this dissertation seeks to assist leaders in the law enforcement profession with a better understanding of the inherent responsibility associated with teaching police ethics.

ⁱ Jeffrey Matthew Van Slyke, “Police Ethics Training: Preferred Modes of Teaching in Higher Education Law Enforcement”, Ed. D. diss., University of Texas at Austin, 2007.

ⁱⁱ *Ibid.*, p. 137.

ⁱⁱⁱ *Ibid.*

^{iv} *Ibid.*, p. 237.

**CHARACTER IS
LIKE A TREE AND
REPUTATION
LIKE ITS
SHADOW. THE
SHADOW IS
WHAT WE THINK
OF IT; THE TREE
IS THE REAL
THING.**

**ABRAHAM
LINCOLN**

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Editor.....Daniel T. Primozić
Staff Assistant....Tracy B. Harris

ORGANIC MORALITY? continued from page 2

forgone conclusions. And, yes, he cites some brilliant experiments and findings which seem to show that, though we have not yet found anything like a "morality gene," there is an innate evolutionary residue built up after thousands of years in the make-up of our brains. Hence, morality is not just a figment of our imaginations nor is it a legacy from all all-powerful and knowing cosmic entity. It is actually a part of our anatomy, much like any other. And therefore, since the mystery is unraveled and explained, we can know more about ourselves and rest in the solace that there is a moral sense, albeit seated in the electronic impulses of our brains. We recommend that article to you.

ⁱ Steven Pinker, "What Makes Us Want to Be Good? How Evolutionary Psychology and Neurobiology are Changing Our Understanding of What Morality Is." *New York Times Magazine*, January 13, 2008. pp. 2-3 of 17.

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. Forty agencies and fifty-one individuals now belong to the Ethics Center.

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

www.theLEA.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 or 800.409.1090.

CAN GOOD COPS ACT UNETHICALLY... continued from page 4

end result was good. Therefore, the officer that lied is a good cop. When I ask the students in my ethics classes to list values that they feel police officers should have inevitably someone suggests *compassion* and *caring*. I agree. Police officers must be compassionate and caring professionals, and sometimes it is necessary to commit immoral acts to achieve those values.

How Do We Prepare Young Officers?

Police organizations tend to be extremely efficient when providing employees training for task oriented duties. Police academies typically offer many classes and seminars for firearms training, first aid training, criminal investigations, traffic investigations, and the like. Regrettably, all one has to do is pick up the morning newspaper to find out that officers are not getting "jammed up" for performing CPR the wrong way or for botching a burglary investigation. These types of blunders can have damaging outcomes; yet, when officers make honest mistakes in good faith, the public tends to be somewhat forgiving. The public, however, will not be as accepting when an officer commits an immoral act for personal or organizational gain, such as lying to protect a partner who steals an expensive drill from the property room, or falsifies a report in order to make a charge stick.

For most officers, making sound ethical decisions is second nature. For others, doing "the right thing" may not be an easy decision. An officers personal values and ability to make ethical decisions are influenced by many factors, including, maturity, education, socialization into their agency and formal ethics training. The leaders of today's police organizations must create an environment that is ethically sound. It is equally important, however, to make the officers under their command feel comfortable enough in their own working environment to inform supervisors of police misconduct that they have witnessed. An ethically sound environment can be achieved through formal ethics training and proper organizational socialization. Proper training and socialization will provide officers with the tools they need to make virtuous ethical decisions while operating in the treacherous gray areas of law enforcement. As time passes, more and more police officers will receive formal ethics training. Through proper training and education, the shades of gray will dissipate and officers will begin to view ethical decision making in black and white.

Stephen Wilde is a 21-year veteran of the Cranford Police Department in Cranford, N.J. where he serves as Investigative Division Commander. He is also an adjunct professor at Seton Hall University where he teaches courses in Ethics and Criminal Justice. Lieutenant Wilde completed the Ethics Train-The-Trainer Course in 1997.