

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



The Center for Law Enforcement Ethics is accepting nominations for the annual **Ethical Courage Award**. Established in 1998, this award is intended to recognize an individual or an organization for especially meritorious leadership or moral courage related to law enforcement ethics and integrity. Included among the annual awards are those for Ethical Courage; Noble Service; and Ethics Achievement.

To learn about past recipients of the Ethical Courage award and to download a nomination form, visit:

<http://www.cailaw.org/ilea/ethicsaward.html>

“Generation-ism” ... Is It Fair to Your Employees?

by Pete Van Dyke

Think of the most offensive remarks one employee could make to or about another around the workplace. In doing so, be sure to consider hurtful words or references that are racist, sexist, misogynistic and/or homophobic. And by all means, make certain those remarks include the full range of faulty stereotypes which prejudice individuals based on ignorance and a flawed belief in the assumed char-

acteristics of people belonging to certain demographic groups.

Needless to say, if any individual employed in a law enforcement workplace were to utter indefensible remarks like those suggested above, that person would be – rightly so – subject to harsh and immediate disciplinary action. Moreover, it is difficult to imagine anyone reading this publication who would condone that sort of behavior.

Yet in law enforcement agencies nationwide, in police publications, in contemporary textbooks, and in many training programs, individuals who fall within a **specific** demographic category – Generation X’ers - are consistently labeled as:

- Self-centered
- Skeptical...demanding proof of everything and never just “taking the supervisor’s word” on issues
- Lacking in a “real” work ethic
- Not committed to the profession ... viewing police work as a “job” rather than a career or way of life
- Having no respect for the past ... questioning the way things have always been done
- Always challenging authority
- Being too “high-maintenance” ... always needing positive feedback on their work

Instead of objecting to this stereotyping, the assignment of the foregoing characteristics to those who fall within the age parameters of

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CORNER

ETHICS

Crash and Burn...Recent Examples of Ethical Missteps in Public Service

- In July 2006, Reuters reported that two British police officers were arrested by fellow officers for stealing "significant amounts of candy" from the police station sweetshop. Operated on the honor system, the shop trusted officers to leave money in a tin for candy and drinks.
- The *Dallas Morning News* reported that a Dallas Police Detective was fired after an investigation (including interviews of her co-workers) concluded that on at least three occasions, she stole paper towels and toilet paper (total value, approximately \$8.40). The *Morning News* reported that she was the 15th officer fired for misconduct between early June and late July. Criminal charges were not filed because the contract cleaning company declined to prosecute.
- Earlier this year, the *Associated Press* reported that a New York City parking enforcement officer was charged with issuing dozens of fraudulent parking tickets, even writing some while sitting in her car miles away from the alleged violations. At one

point in the investigation, she was observed sitting in her police vehicle, in a handicapped parking spot, more than a mile from where the vehicles cited on her falsified tickets were "illegally parked." If convicted, she could face up to four years in prison.

- A former police officer from Pilot Point, Texas whose past assignments included conducting internet stings by pretending to be a teenaged girl to ferret out adult predators, was convicted in June this year of six counts of sexual impropriety with a 16-year old girl. He was sentenced to ten years in prison.
- As a result of a complaint filed with the department's Professional Standards Section, a Chandler, Arizona police officer was recently terminated. An investigation concluded that the officer had initiated a traffic stop for "no lawful purpose..." he simply wanted to ask the woman driver out on a date. The notice of termination, which as of September 20, 2006 was being appealed by the officer, included the verbiage, "...Your actions violated the citizen's constitutional rights and also violated the public trust and brought discredit to the organization."

Having that big talk with your kids about.....lying?

Ethical decision-making models, including those taught by the Center for Law Enforcement Ethics, often include "ethics check questions" through which choices that aren't always "black and white" can be measured. One such ethics check question is based on the concept of "if you chose this course of action, could you explain it to your child?"

In a day and age where telling so-called "little white lies" is often thought of as just part of doing business, and in the field of law enforcement where investigators and undercover officers—and patrol officers seeking answers to what *really* happened—often have to lie, how would you address a child who observed and then confronted you after *you* told a lie?

The website www.notmykid.com offers advice on handling that conflict, and teaching kids that even though lying is a prevalent part of today's society, it's still something to avoid whenever possible. Advice about encouraging your child to be honest includes:

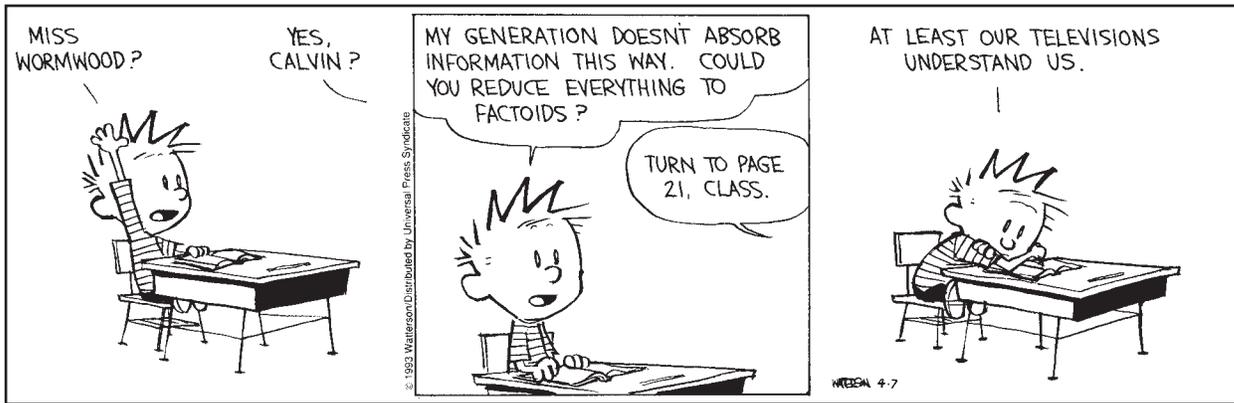
- If you catch yourself lying in front of your child, make sure that you explain your reasons for doing so. If you made a mistake by telling the lie, admit to it.
- Avoid telling your kids lies to get them to do things they do not want to do—like telling them that the vaccination shot they are about to receive "won't hurt."
- Remember that young children don't automatically understand the difference between "white lies" and more serious lies—the younger the child, the more black and white they evaluate what was said.

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INTEGRITY IS
TELLING MYSELF
THE TRUTH. AND
HONESTY IS
TELLING THE
TRUTH TO OTHER
PEOPLE.

SPENCER
JOHNSON

CALVIN AND HOBBS



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"Generation-ism"

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Generation X seems almost universally accepted. As evidence, one could review articles in professional journals, DOJ-funded research briefs ... or ask a senior officer who might comment "it sure isn't like it used to be when I joined the force."

Employees born between 1961 and 1981 (thus between the ages of about 25 and 45) fall into the demographic often referred to as "Generation X." Interestingly, the term "Generation X" was popularized in the 1991 novel *Generation X: Tales for an Accelerated Culture* by Douglas Coupland who used the "X" of Generation X to refer to the namelessness of a societal group dwarfed and overshadowed by the Baby Boomer generation from which it eventually separated.

Earlier this year, an interesting discussion took place during an Ethics Train-the-Trainer course, when one participant held that supervisors should consciously adjust to the younger officers they supervise. In other words, he suggested that managers adapt to communication style differences and approaches to task completion, as well as younger workers' need for more information (the reasons behind things; not just commands to do things a certain way). As he spoke, a few heads nodded in agreement. When he finished, though, his remarks were met with an eruption of sharp disagreement, and the familiar platitudes about younger officers described above.

In a similar discussion at another recent course, a number of participants commented that they objected to being lumped into the "Gen-X category," arguing that they reject the negative stereo-

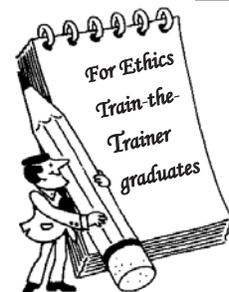
types often associated with that group. "I've put in as many hours and worked as hard - or harder - than anyone in my agency to accomplish what I have," one said. "I knew I wanted to be a cop from age three and can't imagine ever doing anything else, or even working at another agency," added another. A third said "I certainly do **not** respond to every order or command with 'why?'," going on to express her resentment at being criticized for wanting to be in the loop on what upper administration saw as the vision and path of the agency, and having her interest characterized as a negative Gen-X stereotype.

In a 2002 article, the Institute for Criminal Justice Education estimated that 33.6% of the workforce is made up of Generation X workers. Perhaps it's worth pondering whether pre-judging the work ethic, loyalty to police work, respect for authority, and commitment to the agency of 1/3 of the employees with whom we work - based solely on the generation into which they were born - is fair, just, and ethical.

Mark Your Calendar!

The Advanced Ethics Train-the-Trainer will be offered February 20-22, 2007 at the headquarters of the Center for American and International Law, 5201 Democracy Drive, Plano, Texas.

www.theLEA.org
972.244.3430 or 800.409.1090



IF YOU HAVE
INTEGRITY,
NOTHING ELSE
MATTERS. IF
YOU DON'T
HAVE INTEGRITY,
NOTHING ELSE
MATTERS.

ALAN
SIMPSON

Ethically Speaking...

by Dr. Lynn Mabe

Police officers, of all ranks, experience, departments and divisions, are burdened with being labeled “non-communicative”. They tend to get a “bad rap” when it comes to communication in their relationships. Is this stereotype accurate? If so, are there reasons behind their lack of engaging in personal self disclosures, even sometimes to the people they feel closest to? How does ethics relate to these communication issues?

Police officers tend to want to protect the people they love the most from the gritty and grimy details of the work that they do. It is not glamorous, and most often is somehow related to the filthy portions of the darker side of humanity. Why would someone “dump” something disgusting on someone they love? That seems to be the police officer’s side of the communication issue, especially when the communication issues surround the police work environment. Often, departments or divisions even mandate some form of confidentiality, thereby restricting communication regarding work. Therefore, it could be argued that a lack of communication is a police officers’ sworn ethical duty to uphold.

Yet, where does this stance leave the spouse of the law enforcement officer? Very often the non-police spouse can feel shut-out and isolated; left out of what may have become a major portion of the police officer’s life, i.e. work. The spouse sees couples not involved in law enforcement having a reciprocal flow of information regarding work and personal issues. Ethically, the commitment in marriage is to communicate openly and honestly. Sometimes, these two ethical positions can leave the police officer in an emotional bind.

Extensive research and counseling with law enforcement officers and couples reveals that the issue lies within each individual’s perception. The police officer feels that he or she is rightfully and ethically protecting the spouse from “what’s really out there.” The non-police spouse finds this lack of communication to be troubling and sees it as a gap that could continue to widen between the couple.

As is true with almost any issue, if we can try to see both sides of the communication coin,

there is no right or wrong; however, police officers that report higher levels of marital satisfaction indicate that they do share personal information about themselves to their spouses, but share work related information only up to a certain point. Possibly this middle ground could yield a compromise on the communication issue for both the police officer and the police officer’s spouse. Police officers can work towards balancing the ethical dilemmas between a sworn career in law enforcement, along with the negative experiences and lack of communication that it can bring, while also holding closely to the ethical bonds of marriage, which require open communication. If this balance can be achieved, it can lead to happier and more ethical relationships both in and out of the law enforcement arena.

Dr. Lynn Mabe is a professor at the University of Texas at Dallas. She has worked for the Dallas Police Department, and has been counseling police officers in her private practice for over 10 years.

Trainers’ Tips

Establishing rapport, creating “buy-in,” and convincing students that they should pay attention to the content of a training course they are about to sit through is challenging for any law enforcement topic. It can be even more so for topics like cultural diversity and ethics.

One way to grab the attention of most students in ethics training courses is to give real-life, local and regional examples of what has happened to those who made the **wrong** decisions.

Trainers might consider keeping a three-ring binder “scrapbook” for, say, six months and include copies of various media sources profiling public safety, government, and high-profile public figures who have been disciplined, fired, arrested—or even convicted—for violations that link to poor ethical decision-making. Trainers could highlight particularly poignant and/or timely examples and put them in the beginning of a powerpoint presentation, and make the binder available for students to view on breaks.

With a collection like this, trainers can start a presentation with a comment like: “...here are dozens of examples of officers whose bad decisions ended their careers and threw their families’ lives into turmoil. Today’s class will give you tools to make sure that you never end up in this binder.”

Trainers with tips, successes and experiences “from the field” to share are invited to submit them for future issues, please email to pvandyke@cailaw.org.

TO KNOW WHAT
IS RIGHT AND
NOT TO DO IT IS
THE WORST
COWARDICE.

CONFUCIUS

They Never Even Said They Were Sorry...

by Dan Carlson

Standing in the shattered doorway of his residence, the man quietly surveyed the damage to his property, while coughing and wiping his eyes (a result of the tear gas that still permeated his house). The homeowner had been summoned from the night shift at his job by a neighbor awakened by the sound of a police tactical team - acting on an informant's tip - making a dynamic entry into the man's home to execute a drug warrant.

The tactical team, upon learning that they had entered the wrong premises, had already departed, leaving the frustrated homeowner to meet with a patrol sergeant who (1) told him that the city would make repairs, (2) gave him a form to list damage to his property, and (3) departed ... without offering an apology. Two days later - at a press conference - the police department publicly acknowledged that the informant's information should have been corroborated, and said they had "made a mistake."

Accidents, of course, sometimes happen, and in the case of this raid-gone-awry, it was determined that tactical officers had not intended to enter and damage the home and property of an innocent citizen; in other words, someone had made a mistake of the mind and not of the heart. But what about the police response after the raid? What sort of treatment should the aggrieved citizen have received? Should the agency take steps to ease his discomfort? And what about this "apology" thing ... what benefit can be served by that?

In other professions, practitioners have long recognized the benefits of acknowledging responsibility and apologizing when a mistake has been made. In the medical field, for example, it has been shown that injured patients are inclined to sue less frequently and financial settlements tend to be lowered considerably when doctors admit having erred, and then make concerted, good faith efforts to correct the problem.

Since 1987, the Veterans Administration Hospital in Lexington, Kentucky, has followed a

policy which requires that in cases of accident, possible negligence or malpractice, personnel must notify the patient that there was a "problem with the care" they received; hold face-to-face meetings to disclose all aspects of the event; and offer continuing assistance to patients in obtaining compensation. According to an article in *AORN Journal* (August, 2005), the effects of this policy have been startling: average malpractice awards have dropped from \$98,150 to \$15,622, less than 10% of malpractice claims are filed in court, and most of these are dismissed before trial. Following the adoption of a similar policy, the University of Michigan Health System was able to reduce its legal budget from \$3 million to \$1 million in 18 months.

Writing in the *Annals of Internal Medicine* (December, 1999), Dr. Albert Wu pointed out that although less than 20% of medical malpractice cases involve negligence, almost all involved a breakdown in the physician-patient relationship. More to the point, he quotes one malpractice attorney who put it this way:

In over 25 years of representing both physicians and patients, it became apparent that a large percentage of patient dissatisfaction was generated by physician attitude and denial, rather than the negligence itself. In fact, my experience has been that close to half of malpractice cases could have been avoided through disclosure or apology but instead were relegated to litigation. What the majority of patients really wanted was simply an honest explanation of what happened, and if appropriate, an apology. Unfortunately, when they were not only offered neither but were rejected as well, they felt doubly wronged and then sought legal counsel.

In law enforcement circles, the link between a sincere apology and a concomitant reduction in citizen dissatisfaction is not entirely unknown. Several years ago in a large northeastern city, the police SWAT team mistakenly entered the wrong premises in executing a drug warrant, with the shock of the entry causing the elderly homeowner to suffer a fatal heart attack. The

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REPUTATION IS
CHARACTER
MINUS WHAT
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MICHAEL
IAPOCE

IF YOU WANT
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ON THEIR
SHOULDERS.

ABIGAIL
VAN BUREN

They Never Even Said...

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police chief of this community - acting against the advice of risk management personnel - immediately offered an apology, attended the wake and funeral for the deceased citizen, and initiated a highly visible investigation in an effort to prevent future tragedies such as this. And while citizens in this community were, clearly, not happy that an innocent citizen had died as a result of police action, the chief's actions tended to ease much of the outrage that would have otherwise ensued.

Experienced internal affairs personnel understand, better than most, how this works. It doesn't take long in that assignment, after all, before investigators learn that most citizens who call with questions or concerns about police behavior simply want to be heard and treated with respect. Or, to paraphrase the malpractice attorney quoted above: "... what the majority of [citizens] wanted was simply an honest explanation of what happened, and if appropriate, an apology."

When it comes to apologies, the British novelist Orczy Emmuska said this: "An apology? Bah! Disgusting! Cowardly! Beneath the dignity of any gentleman, however wrong he might be." On the other hand, Lynn Johnston, creator of the comic strip "For Better or Worse" put it this way: "An apology is the superglue of life. It can repair just about anything."



Participants of the September 11-15, 2006 Ethics Train-the-Trainer class held at the Institute for Law Enforcement Administration headquarters in Plano, Texas.

Having that big talk...

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- Be sure to praise truth-telling, especially when the act of telling the truth under a specific circumstance was particularly difficult for the child to do.

And

- Whenever possible, keep your word to your children. Steven Covey discusses this in the bestseller *Seven Habits of Highly Successful People* when he talks about the difference between telling a child that you will try your best to do something versus "promising" that you will do something. He also points out that failing to accomplish the first is far less damaging to trust than the second.

The same website offers parents some helpful tips on what to do when your child lies, including:

- Remember that even children raised in the most truthful households sometimes tell lies. It's important to remember that this is part of growing up, and that the most effective approach is to remain calm and in control while keeping in mind that the lie is not a personal attack.
- Try and discover why the child told the lie. In other words, what is it the child is trying to hide? This is almost always more important than the lie itself.
- Try and keep the consequences for lying separate from the consequences for whatever the lie was meant to conceal.
- Be careful not to over-react to the lie. Often times excessive punishment backfires by creating a fear of punishment that makes it less likely that your child will confess the next time.
- Along the same lines, make it easy for the child to tell the truth, and always give him or her the opportunity to confess.

And perhaps most important:

- Remember to tell your children that you love them, even if you catch them lying. Stress that **they** aren't bad, it's the **behavior** (telling a lie) that is unacceptable.

Loyalty to Others vs. Loyalty to the Oath of Office

by Dr. Frank Kardasz

This is a story about an ethical dilemma. The names and locations of those involved are not relevant. The situation involved a detective who committed misdemeanor theft of a suspect's property at the scene of a search warrant. In some agencies, such misconduct might result in termination of the employee, but this case was not that simple.

Normally theft is not an ethical dilemma. Theft, to wit; taking the property of another with the intent to permanently deprive, is a clear violation of law and policy everywhere. This incident was a little different. In this case the property taken was a bottle of water from the suspects' refrigerator. The retail value of the water was approximately two dollars.

The theft was observed by a fellow detective who anguished about what he had seen and confronted the offending detective at work the next day. In an attempt to repair the damage, and only after being confronted with his misconduct, the offender returned to the scene of the search warrant and replaced the bottle of water with a six-pack of water which he left with the apartment manager there. The suspect whose apartment was the subject of the search was still in jail. Later, the offending detective phoned the suspect and explained the removal of the water bottle. The suspect responded sarcastically, "Why didn't you also grill a steak while you were there?"

The detective who witnessed the incident anguished over whether or not to report the theft and subsequently did advise a supervisor who then initiated an investigation. The detective knew that if he did not report the theft that he would become an accomplice to the wrongful act.

The offending detective solicited assistance from the police union. The union attempted to divert attention from the guilty officer by blaming lack of supervision at the search warrant scene. They also rationalized the theft of water as being similar to a situation where a detective must use a toilet at a suspect's residence, thus also using water. They also likened the incident as being similar to switching on an air-conditioning unit at a search warrant scene and thus using electricity.

The offending detective who took the water bottle readily admitted his error and was truthful during the investigation.

The otherwise personable and gregarious offending detective had a checkered disciplinary history. He had been found untruthful during one prior internal investigation several years earlier and as a consequence remains on the "Brady List" with the local prosecutor's office. The Brady list contains names of employees who have had past incidents of deception. Prosecutors must reveal the names of such officers to defense attorneys who can then use the information to attack the officers' credibility. The past incidents involving the offending officer in this case had occurred over five years prior to the theft and, in accordance with department policy, could not be considered in the disciplinary action for the present incident.

The well-liked offending detective was also a friend and golfing partner of a command-staff member of the department.

The location of the search warrant and misconduct incident was an adjoining city. The police agency in that city chose not to investigate the theft.

The detective who reported the offense worked on the same squad as, and sat at a work-station next to the detective who committed the offense. Working relationships on the squad deteriorated immediately. The offending detective immediately requested and received a voluntary transfer to a patrol assignment.

The investigating supervisor informally polled both law enforcement officers and prosecutors as to what they believed the appropriate discipline should be for such conduct. Opinions were mixed. Prosecutors believed the officer should be terminated since the incident irreparably damaged his credibility. Law enforcement officers believed that the punishment should be a lesser disciplinary action.

The incident polarized departmental employees, some of whom thought the incident was trivial because of the value of the property taken; a two-dollar bottle of water. Others believed that theft is theft, regardless of the amount. Few appreciated the courage it took for the reporting employee to come forward against the offender.

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**THE PRICE OF
GREATNESS IS
RESPONSIBILITY.**

**WINSTON
CHURCHILL**

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Article and idea submissions are always welcome. For further information, or to submit a contribution for a future issue, please e-mail: pvandyke@cailaw.org.

Loyalty to Others...

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The detective who reported the offense had anguished over the decision as to whether or not to report the misconduct. Few appreciated the emotional impact of reporting misconduct on the officer who did the right thing.

The command staff succumbed to pressure from the union. The resulting disciplinary action was less than that which was outlined in the departmental policy manual and disciplinary matrix that exhaustively describes punishments for every conceivable offense. The command staff decided to give the offending detective a written reprimand instead of the prescribed suspension.

The police union that had taken up the cause of the officer who committed the theft did nothing to support the officer who had reported the incident. He felt alienated and isolated. A minor retaliatory act occurred. Someone anonymously sent the reporting officer a slice of cheese wrapped in plastic. The reporting officer sought help from the city employee assistance program that maintains contracted psychologists and counselors.

The theft of a water bottle seems like a trivial incident but it was very big in the lives of those involved ("stakeholders," as they are also described). The most discouraging part of the incident involved the well-oiled defense and

counter-attack mounted on behalf of the offender and the lack of support for the reporting officer.

The situation reminds one of the 1971 testimony of Det. Frank Serpico of the New York City Police Department before the Knapp Commission¹. He said, "The problem is that the atmosphere does not yet exist in which an honest police officer can act without fear or ridicule or reprisal from fellow officers. We must create an atmosphere in which the dishonest officer fears the honest one and not the other way around. I hope that this investigation and any future ones will deal with corruption at all levels within the department and not limit themselves to cases involving individual patrolmen. Police corruption cannot exist unless it is at least tolerated at higher levels in the department. Therefore, the most important result that can come from these hearings is a conviction by police officers, even more than the public, that the department will change."

(1) Serpico, F. (1971). Testimony before the Knapp Commission on Police Corruption. New York., Retrieved May 17, 2003 from <http://www.hellskitchen.net/develop/olympics/kriegel/nyt711215b.pdf>

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