

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



Ethics Roll Call: Continuing the Dialogue

If you have been an avid reader of *Ethics Roll Call*, you may have noticed that it has been a while since our last issue was published. If you are new to this publication, welcome! Either way, this is truly a forum for you, the reader. For example, inside this issue you'll find - among other things - discussions about college cheating, internal affairs and ethics, and public thinking on the honesty of different professions.

One area that we intend to build upon in the future is more coverage of the **good** things police officers are doing. And in the September issue, we will include discussion of innovative programs that openly encourage and support ethical behavior. Examples might include community and departmental efforts to enhance the public opinion of men and women in uniform, and information about successful programs being implemented nationally and, in some cases, internationally, that provide opportunities for recognition and reward of good, ethical behavior.

Has your agency implemented a program to reward GOOD behavior? Is there a local officer who has made the news for doing the right thing? Does your Chief or Sheriff do something beyond the call of duty in setting an example of ethical conduct? Let this be the forum to share that. Submissions - whether in article format or just as ideas - can be made via email to pvandyke@cailaw.org.

Additionally, the next issue of *Ethics Roll Call* will detail the 50th anniversary of the founding of the

continued on page 5



ILEA Staff from left to right: Peter M. Van Dyke, Associate Director; Tracy Harris, Staff Assistant; Daniel P. Carlson, Director; and Gregory Smith, Associate Director

An Introduction...

In January, 2006, following a nationwide search, the Institute for Law Enforcement Administration hired Mr. Peter Van Dyke as Associate Director. Since joining the ILEA staff, Pete has taken on a number of teaching and administrative responsibilities, with none more important than his new duties as editor of *Ethics Roll Call*. As readers will soon see, he brings a fresh and invigorating viewpoint to this venerable publication, while remaining true to the core mission of stimulating examination and discussion of issues that go to the very heart of law enforcement.

INSIDE THIS ISSUE

Ethics Corner.....	2	Policing the Police - Ethical Issues of the Internal Affairs Investigator	4
Show Me The Money.....	2	We're All In This Together.. Right?	5
Ponder This	2	What Junior REALLY Learned in College	7
Student Attitudes on Business Ethics — The Good News and the Bad News	3		

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CORNER

ETHICS

Since 1976, Gallup has conducted an annual nationwide poll on the perceived honesty and ethics of different professions. In November, 2005, a telephone survey of 1002 randomly selected adults ranked the top ten and the bottom ten professions.

The Top Ten “most honest/ethical” professions for 2005:

1. Nurses
2. Druggists/Pharmacists
3. Medical Doctors
4. High School Teachers
5. Police Officers
6. Clergy
7. Funeral Directors
8. Bankers
9. Accountants
10. Journalists

The Bottom Ten for 2005:

1. Building Contractors
2. Lawyers
3. Labor Union Leaders
4. Senators
5. Business Executives
6. Stockbrokers
7. Congressmen
8. Advertising Practitioners
9. Car Sales People
10. Telemarketers

Noteworthy in the study’s trend analysis is that public perception of police “honesty and ethics” averaged 46% during the 1980’s and 1990’s, and has averaged 60% since 1999.

These survey results can also provide comfort on another level ... the next time you are on the eleventh hour of a twelve hour shift being berated by an angry citizen who is streaming a chain of profanity about the ticket you’ve written for his failure to stop for a red light, you can ask yourself “I wonder what he says to telemarketers about THEIR mothers...”



Show Me The Money

According to *The Boston Globe* (September 8, 2004), police officers in Boston have been paid for working overtime details in separate locations

at the same time on 724 occasions during the two years ending July 31, 2004. In analyzing the practice - know as “double dipping” - over that period, *The Globe* found that 396 officers representing ranks from patrolman to captain (including a commander of the Boston PD’s Paid Detail Assignment Unit), were paid for overlapping shifts. One individual officer collected double pay 23 times, involving a total of 44 shifts; in one particularly noteworthy case, he was paid for working three details at once!

Against the backdrop of a city law requiring that at least one Boston police officer be present at every road construction site, Boston Police officers, during 2003, were paid a total of \$26.3 million for 129,909 details. And to compound the problem identified by *The Globe*, department officials concede that their system for tracing overtime detail pay has no effective mechanism for identifying double-payments. Vowing to aggressively discipline anyone found to have violated either the law or regulations of the Boston Police, Commissioner Kathleen O’Toole said: “There’s nothing more important than integrity.”

Ponder This...

In a recent lunchtime discussion between course participants at the Institute for Law Enforcement Administration, the topic of “group influence on bad decision-making” came up. One fellow made a very interesting point, suggesting that “a group is more likely to make a risky decision than any individual person in that group would, because no single member of that group would be held *individually* responsible for the outcome.”

This led to the follow-up question: “Is it ethical to make decisions by group consensus to avoid individual responsibility?” Some examples of this line of thinking might include “Hey, I didn’t think it was a good idea, but the group decided that was the way we should proceed ...” (as a scapegoat excuse after the fact), or “I’m not really sure I want to be held responsible for this if it goes wrong, but if twenty of us vote on it, they can’t punish us all ...can they?”

HOW MANY
TIMES DO YOU
GET TO LIE
BEFORE YOU ARE
A LIAR?

MICHAEL
JOSEPHSON

Student Attitudes on Business Ethics — The Good News and the Bad News...

by Pete Van Dyke

In July, 2005, as part of the “Excellence through Ethics Curriculum,” Harris Interactive Polls conducted a survey of 777 U.S. teenagers for Junior Achievement and Deloitte & Touche USA LLP. Depending upon your point of view, the results can either make you celebrate or despair for the ethical future of the American workplace.

First the good news:

2005 was the third year that the survey was conducted, and showed a steady increase in student perceptions that “...people who practice good business ethics are more successful...than those who don’t” (69% of respondents). Similarly, 63% of those polled felt that you do not have to “bend the rules to succeed,” about the same as the two previous years. Also in the 2005 study, when asked, “if your boss told you to do something you thought was unethical, would you do it anyway?”, 53% said they would not.

Now the not-so-good-news:

In the same survey, when asked “do you think the business leaders of today are ethical?”, only 12% answered “yes” (48% answered “no” and 39% answered “not sure”).

For the question “If you knew for sure you would never be caught, would you act unethically to make more money to get ahead?”, 22% answered “yes” and another 22% answered “not sure.”

In another section, 35% of the teenagers, unfortunately, replied that they would be “Likely...to lie to (their)

boss to cover up a mistake that (they) made at work.” In sum, significant numbers of students polled felt today’s business leaders are not ethical, would act unethically to get ahead if they knew they wouldn’t get caught, and admitted they would lie to their boss to cover up mistakes made at work.

What does this mean?:

One interpretation of the study is that today’s teens feel that practicing good business ethics will result in a higher rate of success, but they also believe that most business leaders today are not ethical. In addition, a significant number would sacrifice their ethics to make more money if they knew they would never be caught, and would lie to a boss to cover up a mistake.

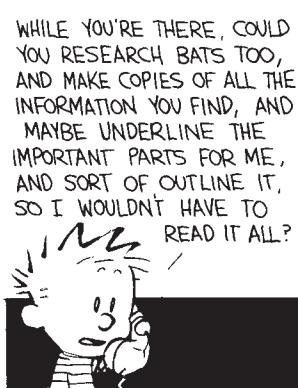
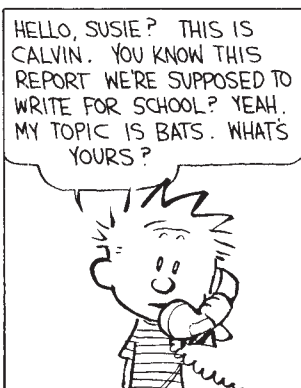
While the study does not say whether mentoring or case studies of ethical leaders might overcome the belief that modern business practitioners are generally unethical, it does suggest that there exists a foundation belief that “doing the right thing” results in success later. Perhaps there is a message in here somewhere that university business classes should highlight corporations with goals and missions of integrity, instead of just mesmerizing undergraduate students with the rags-to-riches exploits of those who “won at any cost...”

In their press release, Harris Interactive Polls stated that the science of the study included weighting the results for age, gender, ethnicity, level of education (and that of their parents) and region to match that of the US population for a margin of error of +/- 4%.

HONESTY PAYS,
BUT IT DOESN'T
SEEM TO PAY
ENOUGH TO
SUIT SOME
PEOPLE.

F.M. HUBBARD

CALVIN AND HOBBS



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Policing the Police - Ethical Issues of the Internal Affairs Investigator

Assignment to the Internal Affairs division is not a transfer often sought by officers on the street, but once there you quickly learn the necessity of the position along with its ethical and moral challenges. As a detective in the Internal Affairs Unit of a large agency you quickly learn where the loyalty of your zone partners lie.

I.A. assignment includes receiving telephone calls from disgruntled citizens about a myriad of issues; about the third time someone threatens to sue and/or go to the media because the response they receive isn't what they expect, the natural reflex is to develop a canned response that satisfies the caller and hopefully won't result in the complainant wanting to speak with one's supervisor. Over time, many of those assigned to Internal Affairs divisions undergo personal and professional transformations as they evolve from line officers with street experience to an active arm of the administration and begin to think in terms of supervision and liability.

To keep from becoming calloused, the Internal Affairs investigator must keep in mind the reason that a citizen has ended up on the other end of the telephone. With most agencies experiencing increases in calls for service far out-pacing the increases in staffing, the resolutions provided by street officers or their immediate supervisors might be unsatisfactory, solely based on the lack of explanation. These issues can be quickly resolved with some patience, attention, and empathy to the caller's situation.

Obviously, not all complaints are misunderstandings resulting from increased work load and lack of time for proper citizen service. When an inmate complains of excessive force or a citizen feels they were profiled, they must be left feeling that their complaint was effectively dealt with, or damage can be done to the internal "check and balance" system that was formed to protect officers and those they serve. This is especially the case when an agency's officers fail to act appropriately in a given situation either on or off duty. For the I.A. Investigator, failure to actively listen may result in missing key information that can turn a random complaint into a formal investigation and open the investigator and an agency to a wide variety of litigation.

Banks (2004) defines an adversarial system of justice where the judge acts as a referee and is mainly

concerned with due process and procedures. This provides a great example of an Internal Affairs investigator/detective's role in a formal investigation, for it is molded around legal constraints and/or guidelines such as Garrity, agency policy and standards, and criminal law.

As an Internal Affairs investigator you must ethically remain neutral to the parties involved. You must not side with the officer with whom you have worked for years (and perhaps fished with on your days off), nor must you side with the victim of a crime. In each case there are potential implications that may reflect upon your profession. Impartiality is essential, both with the employees you like as well as the ones you don't.

One of the great advantages of being strictly a **fact finder** in your cases is it alleviates a lot of the decisions that can start you on an ethical "slippery-slope" (remember the "A.C.T. model" taught in the ILEA Ethics classes where you identify Alternatives, potential Consequences, and whether you can Tell the story later...if you are impartial, no one can fault your investigation, even if they are unhappy with the outcome).

A quandary I.A. investigators sometimes face is that of identifying and balancing the conflict between the motives and actions of the "informal organization," with those of the department's formal ethical ideals. One of the biggest challenges the investigator may face is described by Pollock (2004) as the "blue curtain of secrecy" which refers to a police department or other organization where the members refuse to inform on each other and will cover up the wrongdoing of individual members. For the I.A. investigator, it is an "us versus them" mentality where you have now traversed to the other side, same uniform or not.

When I had a tough day on the street it was not unusual for me to meet with friends or my spouse to discuss certain calls for service to confirm the accuracy of my actions and obtain another officer's perspective on the situation. The position of internal affairs investigator, though, severely limits these options, as confidentiality is vital to investigations, which are sometimes very personal in nature. We often advise witnesses and subject officers not

continued on page 6

**MEN STUMBLE
OVER THE TRUTH
FROM TIME TO
TIME, BUT MOST
PICK THEM-
SELVES UP AND
HURRY OFF AS
IF NOTHING
HAPPENED.**

**SIR WINSTON
CHURCHILL**

Contemporary Issues and Ethics Conference



Speakers shown clockwise from top left: Len Mackesy, Deputy Chief (retired), Port Authority of NY and NJ Police; Dr. John Jones, Professor (retired), Law & Justice Centre, Sir Sanford Fleming College, Ontario, Canada; Warren J. Riley, Superintendent, New Orleans Police Department, Louisiana; Ronnie Bastin, Assistant Chief, Lexington Division of Police, Kentucky

ETHICS ROLL CALL: CONTINUING THE DIALOGUE
continued from page 1

Institute for Law Enforcement Administration (formerly the "Southwestern Law Enforcement Institute"). The Institute is planning to commemorate this important event in a number of ways, including the unveiling of a new online learning system for program delivery. The next issue will also share nomination information for the Ethical Courage Award, and - hopefully - input from you.

For more than twelve years, *Ethics Roll Call* has been a consistent resource for those seeking to take part in the dialogue about character and integrity across the law enforcement profession. As this important ethics conversation continues, you may rely upon this publication to help provoke and guide examination of a range of important issues. We look forward to your assistance in making this discussion both vibrant and meaningful into the future.

We're All In This Together ... Right?

by Dan Carlson

You know people are tough when they start writing jokes about their plight. Take the residents in the Gulf Coast region of the United States, for example. After being pummeled by a series of hurricanes over the past two years, one intrepid resident in Florida posted a plucky item on the internet listing ways to ascertain whether someone is really from the Sunshine State. Titled "You Know You're a Floridian If ..." the list includes items like: you think of your hall closet/saferoom as "cozy;" you, too, haven't heard back from the insurance adjuster; and your street has more than three "no wake" signs posted.

As storm after storm pummeled the region, it was inspiring to watch the way residents in some of the most heavily-damaged areas reached out to help one another. Whether it involved taking in a newly-homeless neighbor, preparing common meals to feed families in shelters, fixing the roof of an elderly neighbor, or merely sharing scarce resources, people seemed to be of one mind in helping others make the best of often-tragic circumstances.

With the lives of such a large number of people over an entire state so badly disrupted, one could probably

take for granted that everyone in the region would be pulling together to help one another. One could take that for granted ...but one would be wrong.

Consider, for instance, the events that played out at a Florida building supply store shortly after one hurricane cut a deadly path through a community. As citizens lined up across the parking lot waiting in the heat and humidity to be admitted four-at-a-time into the store to look for plywood, tarps, roofing materials and generators - the usual assortment of much-sought-after items following a damaging weather event - five members of a sheriff's department were granted access to the store through the employee's entrance. Once inside, each was given - free of charge - a new generator (valued at \$700 each) for their personal use.

When this scenario comes up for discussion in law enforcement ethics classes, the conversation usually unfolds in several predictable ways:

- ◆ Police officers are out there protecting others, and they need electrical power to cool their homes so they can be rested when they go to work. Right. Try telling that to the nurse who lives down the street who

continued on page 6

**WITHOUT THE
STABILITY OF
CHARACTER,
YOU WILL NOT
SURVIVE.
WITHOUT THE
NOBILITY OF
CHARACTER,
YOU SHOULD
NOT SURVIVE.**

**RICHARD
MARCINKO**

WE'RE ALL IN THIS TOGETHER...
continued from page 5

has to do exactly the same thing without the benefit of electricity.

◆ The store manager gave the officers the generators; people are entitled to give free things to anyone they choose. True. But this situation is far less about someone getting a free generator, and far more about officers using their positions for personal gain (using the employee entrance to enter the store). Skeptics might want to check with number seventy-five in line waiting to enter the store; ask him how he feels about somebody jumping ahead of everyone else to obtain a resource that many others desperately need.

◆ Who would know about them getting the generators anyway? Who, indeed. Of all the rationalizations offered in defense of the officers obtaining the generators, this is the one that goes closest to the heart of the issue. After all, it doesn't really matter whether anyone else knows about my actions or not ... I know. And one of the truest measures of a person's ethics is how he or she behaves when nobody else is looking.

As a matter of fact, that is exactly what caused this incident to become publicly known. One of the five officers who received the free generators took it home and then, upon reflection, decided that it "just didn't feel right." He then reported the matter to his supervisor.

If the five officers in this case had accepted the generators with the intention of taking them to a nursing home to cool the day room, or the child care facility so youngsters could have a hot meal, people would have applauded their caring and selflessness. But, as one of the five officers came to realize, using official position to obtain something for purely personal gain simply doesn't "feel right." Especially when measured against the heartbreaking state of affairs extant across the community where this happened.

The availability of scarce resources in the wake of a disaster always becomes a critical element in the recovery process. Understanding that, it is both interesting and ironic that another of the ways to determine whether someone is a Floridian is "... your therapist refers to your condition as generator envy."

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

SPENCER
JOHNSON



Group photo of Ethics Train-the-Trainer held May 8-12, 2006 in Plano, Texas.

POLICING THE POLICE...
continued from page 4

to discuss the incident in question, as it hinders the ability to conduct a thorough investigation. The confidentiality of your position rivals that of attorney-client in its seriousness, especially because of its potential to impact current ongoing investigations, and when an officer may have trusted you enough to report the actions of another.

It takes a resilient and seasoned officer to undertake the demands of a position which requires that you remain absolutely impartial, and in which you are personally involved on an emotional level in every case. The successful Internal Affairs Investigator takes pride in both the work product and the agency, and is able to balance the good of the department with the needs of the complainant and the employee. The best course of action is to continue to rely upon your intuitive level of moral thinking, which Hare (1987) and Banks (2004) suggest provides us with relatively simple principles derived from our upbringing, and the past experience of ethical decision making.

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A nine year veteran of the Hillsborough, FL, Sheriff's Office, Detective Christine Leonard has been an Internal Affairs investigator for over two years.

What Junior REALLY Learned in College...

As more and more law enforcement and public safety agencies move towards requiring at least some college experience for new applicants, the debate rages on regarding whether “a college degree makes a better cop.”

Some argue that recruit officers with college degrees are more difficult to supervise because they demand to know the “why” behind every assignment and order. Others counter that requiring a two-year or even a four-year degree for applicants is a way to refine applicant pools to those who have demonstrated the ability to focus and accomplish a goal. Many on both sides of the fence would agree that applicants with college experience absorb new knowledge and training—particularly recruit academy training—better than those without, because they have been exposed to that type of learning environment already (what they DO with that knowledge and training, well, that is the subject of many debates...).

The expansion of the Internet in the last decade, and the incorporation of internet access on university campuses has multiplied student research capabilities exponentially. No longer limited to the archives of the campus library for term paper research data, technology has truly opened the door to learning opportunities that past generations never imagined. It has also created an entire marketplace: a brand new variety of academic fraud, plagiarism, and outright cheating.

One particularly disappointing example is that today’s college student can take advantage of literally HUNDREDS of “term paper services.” These companies purchase already-submitted and graded written papers from university students for a fee, index them through a database, and sell them online to students with credit cards. Fees are often based on a graduating cost scale determined by the university the paper was originally submitted to, the grade received, how many references are cited within the paper, and how many pages are contained in the product.

A stressed (or lazy) student who has to write a paper on John Locke’s “Tabula Rasa” concept, as an example, can connect to the internet and decide how much money he or she wants to spend on a paper. Instead of spending hours researching the topic, he or she can simply pay the fee and download the file in APA or MLA format, change the title page, and submit the paper (hoping they don’t get caught) and wait for their final grade.

For this article, a quick GOOGLE search popped up hundreds of term paper “services,” only a handful of which state “this is to assist your research only,” most opting instead to use advertising hook language like the following:

- ◆ Over 15000 pre-written **college term papers** available for instant download.
- ◆ School Sucks | free term papers | free term **papers** | free homework
- ◆ Custom Term **Papers**. Fast Delivery. Money-Back Guarantee. 24/7 Help. (from www.affordabletermpapers.com)
- ◆ (www.term-paper-relief.com includes:) Non-plagiarized **papers**. 100% Money-Back Guarantee.
- ◆ Non-Plagiarized Research **Papers** 100% Satisfaction. \$17.95 per page (from www.JunglePage.com)

Fortunately, the advances of the internet are also a wonderful thing for instructors.

Those professors and/or graduate assistants who don’t want to simply “cut and paste” specific language from a student’s paper into a search engine to check for improper cites, can subscribe to online-based services that provide plagiarism-busting for colleges and universities. On average, charging around \$2,500 a year plus \$.60 per full-time student, many companies permit faculty to upload term papers, after which specialized software will process the submissions. In many cases, the programs can print a copy of the student paper with highlighted blocks of text that have been plagiarized – stolen – from sources without citation (even showing the original resource). If you are interested, you can take a look at one example at:

<http://www.plagiarism.phys.virginia.edu/>

Nearly all colleges and universities have specific academic fraud and cheating policies, but surprisingly few enforce them when students are caught in violation. Once in a while a student will receive a failing grade from a specific course for blatantly cheating. When this happens, it’s usually from submitting a purchased term paper or one full of plagiarized material or, the latest trend, using camera phones or text messages to sneak quiz answers. All this having been said, it is rare to see a student actually being expelled.

As an example, the September 2003 Campus Report for the University of Saskatchewan reported that 67 students (of 79 cases) were found guilty of academic cheating—2/3 plagiarized essays and assignments, the remaining 1/3 used or passed notes in class or had other students take exams for them. Of the 67, 9 were suspended and only three expelled.

continued on back page

IF WE DO NOT
MAINTAIN
JUSTICE,
JUSTICE WILL
NOT MAINTAIN
US.

FRANCIS BACON

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WHAT JUNIOR REALLY LEARNED... continued from page 7

In February of this year, the University of Maryland's Student Honor Council reported that they anticipate 300 academic dishonesty cases to be heard during the 2005-2006 school year, about the same as the 291 from the previous year, anticipating 60% of those cases to be plagiarism cases—most of which are caught by professors searching strings of text on GOOGLE. The Council noted that in ZERO of the 291 cases referred in 2004-2005 were students expelled.

Finally, the Kenan Institute for Ethics at Duke University released a report written by Don McCabe in June of 2005 detailing their Center for Academic Integrity's Assessment study of 50,000 undergraduate students on more than 60 campuses over a three year period. Key results included:

- ◆ 70% of students admitted to some cheating
- ◆ Most students felt that "cut and paste" plagiarism (taking a sentence or two from an uncited source and placing it into a paper as their original material) was not a serious issue
- ◆ 44% of university faculty reported being aware of student cheating and not reporting it.

And perhaps most telling:

- ◆ 77% responded that "cheating is not a very serious issue."

Regarding the statistics about the number of university faculty that are aware of cheating but do not report it, a tenured professor at an ivy-league university was recently asked by a junior faculty member about a dilemma regarding the obvious discovery of poorly-hidden plagiarized material in a paper submitted by a public service executive in a ten-week administration course who sought advice on how to handle it. Part of the dilemma was whether the plagiarism had been committed deliberately or whether it was accidental (since many of the attendees in this program had not been in an academic setting in many years). The senior professor's response was, "I don't know what to tell you, I have three graduate assistants, I've never even READ a term paper, they are responsible for making sure no one cheats, and I imagine a lot of the students do."

The Jury is still "out" on whether a college-educated applicant will make a better police officer. One question that personnel responsible for recruitment, applicant screening, field training, and first-line supervision should consider however is, "what exactly **did** our new officer learn in college...?"

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