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Master of Science in Criminal Justice

Ethical Issues in Criminal Justice Administration
CRJ 530
Officer Command School – Marion County Sheriff’s Office
Spring, 2006

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It should be no surprise that experts continue to disagree on an answer to the question “What is Ethics?” The current debate between so call experts in the field of Police Ethics will continue for years to come. This article is not about the debates going on, but on possible solution to an on going problem.

The victim of an unethical act is not the only one who loses. There are also other very serious consequences resulting from an unethical behavior by an officer. First there is possible civil litigation taken against the agency. Second, an unethical act often reflects badly on all law enforcement officers. In addition the agency defending itself against a charge of unethical behavior by one of its officer can often find itself financially drained by the legal process involved in the case. In most cases however, we all know that the case will be settled out of court; but nonetheless the ordeal can be expensive and emotionally and psychologically taxing.

Before we examine possible solutions to such problems, let’s try to define ethics. Ethics is about the choices we make intentionally in our everyday lives. Ethics does not refer to behaviors that are accidental or unintentional, even if these behaviors cause bad things to happen.

For example if I am handcuffing an individual and his hand is injured during the process due to the subject actively resisting; I have not acted unethically instead this case is an accident. However, take the same scenario and after handcuffing the subject I pull out my taser and deploy the taser causing the subject to strike the ground hard. This act was unethical and could very well be consider illegal. I intentionally committed an act which I knew would cause pain.

In our profession we are required to think and act rational in situations involving people who are often irrational. Enforcing the law requires more of us than simply making citizens comply with the law or doing what we tell them. We must also carry out our duties ethically. However, this is not easy to do. We are constantly exposed to ethical conflicts every time we go to work. We must face issues such as police brutality, corruption, perjury, tampering with evidence, and falsifying reports to name a few. The officer who is unprepared for the ethical risks inherent in our profession and chooses to “go with the flow” will sooner or later commit an unethical act.

The immediate justification for practically every unethical act claimed by an officer is to gain some advantage that would otherwise be difficult, or impossible to acquire by more honest means. An officer, for example, who is faced with a choice of deciding whether to commit an unethical act to advance his or her own interest, has already committed the act. Anyone who has to think about whether to act ethically is already one decision from stepping over the line.

Sometimes, however, it is the agency, not the officer, that unknowingly pressures the individual officer to commit an unethical act. Consider all the demands placed on the officer in a month’s time. Pressure on officers mounts with agency questions such as:

- 1) How many arrests do you have for the month?
- 2) How many tickets did you write?

- 3) How many self initiated report did you write?
- 4) How many warrants did you serve?

The pressure to succeed, to beat the number game, will motivate the officer to view questionable actions as more acceptable in their efforts to meet the activity quota set by the department. One wonders if the agency places more value on an officer's self-reliance than the integrity of the officer. It's unfortunate, but in many situations the rewards outweigh the punishment. If the officer thinks he or she can get away with it, then the act is more likely to be committed. (Ferrell, Gardiner, 1991)

WHY GOOD COPS GO BAD

In 1985, the public ranked the police officer fifth out of twelve professions in moral confidence and trust. In 1995, the police officer ranked tenth in moral confidence and trust by the public. We were just ahead of lawyers (11), and politicians (12) (Vicchio, 1997). Personally I am not very happy about being linked with lawyers and politicians.

An ever changing society also creates ethical problems for police officers. Many believe the moral standards in America have fallen below the norms of the past. Rapid social change may explain in part why norms have dropped. "In 1970, A. Toffler proposed the term "future shock" to describe the result of social change that has become too rapid for people to assimilate" (Territo & Sewell, 1999). The results of that rapid change have created a deteriorating social environment that creates problems for law enforcement. Today it is very difficult for officers to hold on to their ethical principles, while many of the people that they are sworn to serve and protect keep acting unethically and unlawfully. Regrettably, many of the deteriorating standards that we see in our society today seem to be the norm. Unethical behavior that a few years ago would have been considered appalling has become acceptable. Dishonesty, cheating, lying, and sexual misconduct, is not only common, but in most cases is expected.

Another factor influencing officers is the belief held by many that most criminals that commit a crime are not responsible for their actions. The "bad guy" is always blaming someone else for his behavior. The courts instead blame the upbringing and the environment of the individual as the cause for their actions (International Association of Chiefs of Police [IACP], 1996). We see this everyday in our courts, where attorneys try to excuse the criminal acts of the perpetrators by pointing to their bad upbringing. Such claims can lead to frustration causing the officer to become angry, cynical, and disillusion with their jobs. Many may ask themselves "Why bother being fair with a criminal when the legal system will not back you up?" Such soul searching could lead to low performance, perjury, tampering with evidence, and in some cases excessive use of force. The idealism from the academy and the Code of Ethics does not relate to the reality that they confront on the streets.

The Code of Ethics are guidelines that protect the officers from themselves, as well as those who abuse the power of their profession. It sets the minimum standards that an agency expects from its officers. However, "These minimum standards of behavior often become the goal, rather than a "trip wire" to signal unacceptable behavior" (Schafer, 2000). Once an officer has reached the minimum standards of the agency, there is no reason to reach higher standards and the officer becomes less devoted to the Code (Schafer, 2000). The Code then becomes nothing more than words on paper.

TRAINING

If an ethical guideline is of little use, we have to ask, "Is it possible to train an individual in ethical behavior"? Many experts in the field would claim that ethics can not be taught. In addition, many officers consider the study of ethics as merely an academic undertaking with little value. "Historically, police officers have been particularly prone to think that philosophy has nothing to do with real life on the street" (Perez & Moore, 2002).

Critics of studying ethics argue that ethics is a behavior that is learned over a period of time in an individual life. So, the question that instructors have to ask is "How do you train officers in ethics who are already set in their moral standards"?

Experienced officers know that the training in ethics should begin on the very first day the recruits enter the academy. It should be part of the curriculum until graduation but this is not always the case. A nation-wide survey reveals that the average training in ethics in the police academy is only three and one-half hours. Instructors in the field find this disturbing, considering all the ethical dilemmas that

an officer faces everyday they are on the job (Perez & Moore, 2002). An ideal curriculum should deal with the debating, analyzing, and studying the ethical issues that will be confronted by the officer.

It should also address the areas where officers are more vulnerable. Traditionally, the hot topics discussed in the academy and at agency in-service training sessions deal with shootings, vehicle pursuits, arrest, use of force, survival tactics and report writing. In addition, curriculum should include material concerning topics covering what gets cops in trouble: domestic violence, using drugs, fraud, sexual harassment, larceny/theft, false statements, and civil rights violations. These are all ethical issues that officers deal with everyday on the job. However, all too often those who train recruits spend very little or no time at all on how to deal with these issues (Huntington, 1999).

An important step in establishing a good ethics program in the academy is the selection of instructors. Traditionally a course in ethics has always been taught by either an attorney or someone from a local agency's internal affair division. This training is nothing more than a lecture from a "lists of do's and don'ts", which has little impact on recruits who have already developed a cynicism towards attorneys and Internal Affairs personnel. Research also shows that many attending these sessions complain that their instructors also have a tendency to come across as "holier than thou" and often do nothing more than preach to the recruits (Perez & Moore, 2002).

The second crucial step in maintaining a good ethical training program is to follow-up the academy training with a strong FTO program. The training officers should be those of the highest ethical and moral character. A basic foundation in ethical behavior should be established from the beginning. From day one in the FTO program the rookie should be exposed to the process on how to make good ethical decisions: What should I do? What will I do? How does the decision I make comport with my personal orientation? (Schafer, 2000) During the training the FTO should attempt to expose the trainee to every possible ethical dilemma that he or she may be confronted with on the job. This training should continue until graduation from the FTO program.

The third and last step is in-service training. Both rookie and veteran officers should be required to attend a course in ethics once a year. The training should cover topics such as the department's code of ethics, stress and anger management, and use of force. Other possible areas of discussion should include topics identifying why officers do not know the right course of action, why they are having difficulty doing what is right, or why finding the wrong choice to be very tempting (Pollock & Becker, 1996). Discussions on the core values of policing, such as telling the truth, using minimum force when possible, treating all persons fairly, giving true and impartial testimony, protecting civil rights of citizens, and personal integrity, is an important part of this phase in the training of all personnel (Jones, Owen, & Smith, 1995).

CONCLUSION

Ethical decisions are the standards of conduct based on moral duties and are derived from the principles of right and wrong. Law enforcement officers are faced with ethical dilemmas everyday on the job. Doing the right thing may cost an officer more than they want to pay and will depend on their personal beliefs and values. The decision to do the right thing will be difficult at times and will be even harder for officers who have little or no guidance. That is why a good ethical training program is so important. Once, the program is in place, law enforcement personnel can be trained to recognize ethical issues and how to deal with them.

Ethics training in law enforcement has become more important than ever before. There has never been a better time than now to address the issue of ethics in the academy. More individuals are entering the academy with a college education. They are better prepared to understand the ethical problems facing the modern officer and discuss the issues involving the ethical dilemma (Perez, Moore, 2002).

Our profession has also become more decentralized and community-based and the public is demanding more accountability for our actions. The public will only demand the best and they will not tolerate unprofessional acts. The law enforcement officer should exemplify the highest ethical behavior while on duty. Nothing less will be accepted.

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