

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 Center to Host I.A.C.P. Image and Ethics Committee

On April 23-25, 2004, the Center for Law Enforcement Ethics at the Institute for Law Enforcement Administration will host the mid-year meeting of the Image and Ethics Committee of the International Association of Chiefs of Police. The gathering will take place at the headquarters of the Center for American and International Law in Plano, Texas.

Chaired by Ronald McBride, former chief of Ashland, KY, attendance at the meeting is expected to include approximately twenty committee members, invited guests, and various other professionals with an interest in character, ethics and integrity in law enforcement. Among the dignitaries scheduled to participate are IACP 4th Vice President Ron Ruecker, Superintendent of the Oregon State Police; Carlos A. Vega Saldana, Director General of Police, Morelia, Michoacan, Mexico; and Assistant Commissioner Michel Seguin, Ethics and Integrity Advisor for the Royal Canadian Mounted Police. Also in attendance will be Mr. Charlie Higginbotham, of the International Association of Chiefs of Police staff.

Among the agenda items scheduled for discussion or action are an update on the Collaborative Leadership Project in the Lexington-Fayette (KY) Urban County Division of Police; an annual police ethics survey; the law enforcement ethics poster project; and dis-



Group photograph of the Ethics Train-the-Trainer class conducted January 12-16, 2004, in San Bernardino, California.

cussion of the creation and funding of an award to recognize best public image by a law enforcement organization. Finally, Chief Richard Melton, Los Alamos (NM) Police Department, and Chair of the Awards Subcommittee, will discuss the development process for an award to acknowledge and honor exceptional ethical behavior by a police executive.

Mark Your Calendar!

The 13th International Ethics Conference will take place October 20-22, 2004, at the Institute in Plano, Texas. Persons interested in presenting a "break out" session (about 90 minutes in duration) on a law enforcement ethics-related topic should contact Dan Carlson at 972.244.3430 or via e-mail at dcarlson@cailaw.org.

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CORNER

ETHICS

Organizations spend a lot of time and energy trying to convince employees to behave ethically, and to treat clients in a respectful and honest fashion. But what about the organization itself? How does it treat the people who work there? Or, to borrow the words of Jack Nicholson at the end of the movie "A Few Good Men," how do employers "handle the truth?"

If a 2003 survey by consulting firm Towers Perrin (*Fort Worth Star-Telegram*, January 19, 2004) is accurate, the answer is "not very well." For example, when employees are asked whether they trust information received from their organizations, more than half said they believed employers habitually "spun" the truth, and nearly a fifth (19%) said their companies are not truthful.

According to this survey, employee trust levels appear to be linked to the rung within the organizational hierarchy from which information is received; high-level managers were deemed the least credible, while direct supervisors were seen as the most honest. Age may be a factor as well; two-thirds of workers under 35 believe their employer to be forthright, while less than one-half of those 50 and older agree with that assessment.

Finally, income appears to play a role, with 57 percent of workers earning more than \$100,000 annually believed what their company told them. Only 44 percent of those making less than \$50,000 shared that point of view.

Internet Ethics

Evidence continues to mount about the growing influence of the Internet (and e-mail) in the workplace. Unfortunately, it is sometimes felt in truly unhappy ways ... just ask the police in one Florida city. According to a report in the *Miami Herald* (November 26, 2003), an investigation in Pembroke Pines revealed police department computers had been used to e-mail thousands of sexually explicit images over the Internet between March, 2002, and September, 2003. The materials were sent between a group of friends belonging to several area law enforcement agencies, and according to one spokesperson, "... the e-mails

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Group photograph of the Ethics Train-the-Trainer class conducted December 8-12, 2003, in Plano, Texas.

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. Twenty-eight agencies now belong to the Ethics Center, including these new members:

- ◆ Arizona Peace Officer Standards and Training Board
- ◆ Carrollton, TX, Police Department
- ◆ Canadian National Railroad Police, British Columbia
- ◆ Colleyville, TX, Police Department
- ◆ Edmonton Police Service, Alberta
- ◆ City of Southlake, TX
- ◆ West Covina, CA, Police Department

For a full listing of organizational members, visit our web site at www.theILEA.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: theILEA.org or by calling the ILEA at 972.244.3430.

**VISIT WWW.THEILEA.ORG
FOR A MEMBERSHIP APPLICATION**

Give Me a Break!

by Dan Carlson

As the speeder decelerated and pulled his car onto the shoulder of the highway, Mike slowed as well, stopping his patrol vehicle a safe distance behind. After calling in his location and the plate number of the violator's car, Mike stepped out of his unit and started walking forward. Almost immediately his suspicions were aroused ... all the signs were there ... there was little doubt ... after all, he had seen it many times before.

The first clue was the "plate badge" securing the license tag on the rear of the vehicle. Next, it was the "P.B.A." sticker on left corner of the rear window. The police uniform shirt hanging inside the rear passenger window was a nice touch, he thought, especially since it helped confirm what he knew he would see when he reached the driver's window ... an opened police badge and I.D. case, and a sheepish grin on the face of the violator (an officer from a neighboring agency).

The ensuing "professional courtesy" ritual did not take long ... "Sorry," said the violator/officer ... "No problem ... take care" said Mike. As he turned and walked back toward his patrol unit, Mike felt strangely uncomfortable about the "break" he had just extended to another officer ... but he couldn't understand why. It wasn't like this was something new; he'd been overlooking traffic violations by fellow officers for years. Shaking his head, Mike got back in his vehicle and comforted himself with the thought that "At least this guy stopped ... the last cop I tried to pull over for

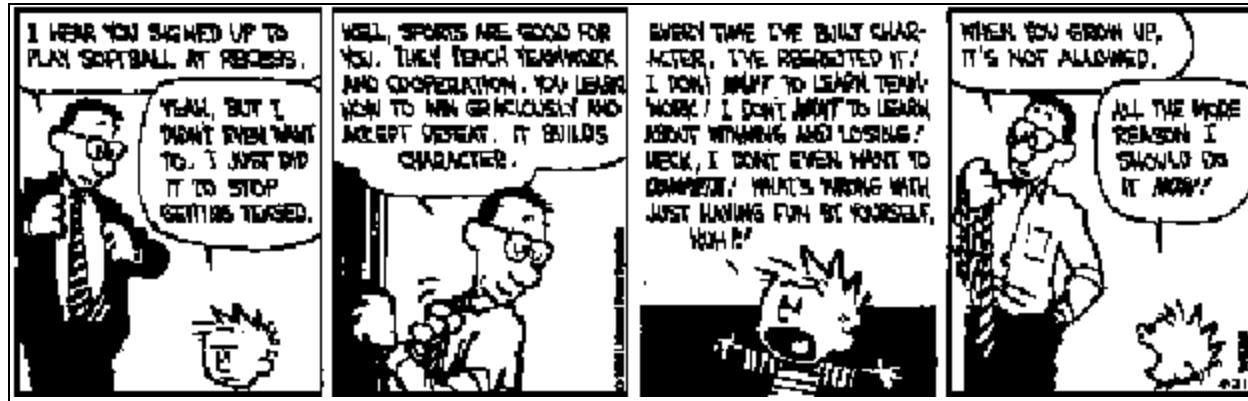
speeding out here didn't even slow down ... he just put his badge against the window and kept on driving." Pulling back into traffic, Mike noticed the nagging sense of unease was still there, and wondered what could be causing it. Then it hit him ... it was that ethics program he'd attended yesterday in his city, and the class discussion about "professional courtesy." He had never given it much thought before, having always looked upon the practice as an accepted - and expected - part of the culture. But that ethics class ... it had made him look at the issue from a different perspective.

Mike had never been a trainer, but he couldn't help noticing the tension in the room when the ethics instructor raised the issue of "professional courtesy" the day before. It was a simple question ... "Why don't cops write tickets to other cops?" ... but it fell within the realm of things officers don't like to talk about openly, and it made them uneasy. And even though he, himself, regularly extended "professional courtesy," Mike had been left feeling uncomfortable at some of the ways his fellow officers defended their iron-clad refusal to write traffic tickets to other cops. For example:

I don't write tickets to police officers because I may need them to back me up some day. As a patrol officer, Mike knew how important it was for cops to be able to depend upon one another for physical assistance. But he also saw this as a flimsy justification for "professional courtesy." From his own experience he

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CALVIN AND HOBBS



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For more than ten years, participants in various management and supervision courses at the Institute for Law Enforcement Administration, have been given the opportunity to engage in - and then report on - some sort of volunteer activity as part of the program. Following is an essay outlining one such volunteer experience recently undertaken.

To Serve and Protect; Supervising Volunteerism in Law Enforcement

By William Clem

There are - and there will continue to be - many challenges facing the law enforcement community. From a supervisor's perspective, among the most important and daunting is that of inspiring and motivating employees to seek ways of bettering the community and themselves. Unfortunately, some of today's officers and managers have forgotten why they joined the ranks of this noble profession, and seem content to do little more than punch the clock. In response, inspired police leaders must seek ways to remind employees - and themselves - of the key values of police service ... integrity, service and honor.

I recently had such an opportunity when I chose to volunteer at the Life Shelter in Arlington, Texas, as part of a project at the Institute for Law Enforcement Administration. In doing so, I was reminded of something very important: that many of us enter this noble-but-often-thankless profession out of a sincere desire to help those less fortunate than ourselves. Somewhere along the way, while being spat upon and cursed, we may lose sight of that righteous calling, and begin to believe the worst about people. During my visit to the Life Shelter I saw both good and bad in people. But, most importantly, what I saw was just that ... people. No different than you or me, misfortune had changed them into people we don't recognize on the streets; perhaps because we don't want to acknowledge that, but for our own good fortune, we might be among them.

On that night at the Shelter, I met and played with children who, through no fault of their own, found themselves without a permanent home. I helped one young girl work in her coloring book, appar-

ently unaware that anything about her might be different from other children. And, of course, in the end, there wasn't. I met many good-hearted people who had fallen on hard times. Some had prison records. Some didn't. Some used drugs. Some avoided them. Some were working to better themselves. Some were not. The point is that we, as police officers, cannot choose to help only those whom we like the most. If we do, we may overlook those in most need of our help.

In a society filled with disdain and distrust for our fellow man - and where many police officers are discontented with their jobs - we need to remind ourselves of our original goal of making the world a better place ... one person at a time. I strongly believe in the words of Helen Keller when she said: "Many people have a wrong idea of what constitutes real happiness. It is not obtained through self-gratification, but through fidelity to a worthy purpose." It is through this commitment to a worthy purpose that real excellence on our patrol shifts, in our departments, across our communities and - most importantly - in ourselves, can be achieved.

As leaders of the next generation of police, it is important that we actively seek opportunities such as this. In an age of management when we are ever-watchful for ways to motivate employees, we should help fulfill what our officers really want and need - their desire to help other people. Our success and our worth as police officers and human beings depends on it!

William Clem is a Sergeant with the North Richland Hills (TX) Police Department, and a graduate of the 79th School of Police Supervision. ♦



Debra L'Angevain and Patrick Davidson, Henderson, Nevada, Police Department, at the Ethics Train-the-Trainer held in San Bernardino, California, January 12-16, 2004.

The Line Between Personal and Professional

by Gary W. Sykes, Ph.D.

Recently in the news there were several incidents in which the line between personal and professional conduct surfaced in controversial ways. In one case, a commercial airline pilot for a major carrier spoke on the intercom and asked his passengers to raise their hands if they were "Christians." He then proceeded to request that those passengers so identified discuss their religious beliefs with fellow passengers.

In another nationally-discussed incident, a pharmacist in Texas refused to fill a young woman's prescription for Preven. Commonly known as the "morning after pill," this medication would cause a fertilized egg to be expelled if she happened to be pregnant. The fact that she had been raped was complicating but not controlling, since she had a legal right to the medication. The pharmacist cited religious beliefs as the basis for the refusal to honor the doctor's order.

In both cases, American Airlines and Eckerd Drug disciplined their employees for violating company policy. And according to CNN, Joan Gallagher, vice president of communications for Eckerd Corp., released a statement saying: "Apparently there was a request for a prescription to be filled and the prescription was denied based on a moral or ethical decision made by the pharmacist, *and that's not in accordance with our corporate policy.*"

Such events bring to mind similar instances in law enforcement. Several years ago, a Washington State Trooper discovered during a traffic stop that a young woman was on her way to get a legal abortion. He took her to members of his church for counseling, and she was kept several hours while they tried to persuade her to not proceed with the abortion.

Another example from the Arlington (TX) Police Department comes to mind. A sergeant in that agency, citing religious beliefs, refused an order to remove a small crucifix attached to his uniform. Though given every opportunity to comply he continued to refuse the order and was fired from his job, a termination which was ultimately upheld. At what point do personal beliefs override professional obligations?

While there is no easy answer, there may be a few bright lines about which people can agree. On the one hand, we do not want moral automatons who simply follow orders regardless of the moral consequences of their actions. We refuse to accept this excuse from war criminals and others who argue they were just following orders. In fact, we can admire individuals of conscience who stand up at the cost of their careers to make a moral or ethical statements through their actions. But, should we? Don't we have obligations that supercede personal principles in deference to a higher principle?

For some, if not most, it depends on what the principle is. For example, would the people who wrote admiring letters about the airline pilot be just as sympathetic if he had asked for those committed to Islam and the prophet Mohammed to talk with fellow passengers?

One way to think about solving such a dilemma is to ask where the bright line might be. Pilots, pharmacists, and police officers share a sense of professionalism that is based on a commitment to serve their publics. In other words, the core idea of professionalism is to place service to others above self. What this means is that when there is a conflict between your personal beliefs and professional imperatives, the latter takes precedence. Why is this the case?

It has been said that a statesman is a politician who can rise above principle. One sense of that axiom means that at some point, a true professional recognizes that achieving compromise does not mean a failure to live up to principle. Rather, it is a recognition that people see the world differently, value the world differently and commit to different beliefs about that world. Therefore, in the realm of personal belief we could be wrong and nobody has a window on absolute truth. The higher principle is the recognition that in public service, ultimately, we submit our personal beliefs to the principles of toleration and compromise. If we find that this demand is intolerable, perhaps we have to make another career choice.

In other words, the pilot, pharmacist, trooper and sergeant may wish to consider entering the ministry, where there would be no conflict between personal beliefs and professional values. ♦

GIVE ME A BREAK!

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knew that reputable officers would always come to the aid of one another, even in jurisdictions where they might have received a citation. They may not hang around and chat or go for coffee afterwards, but physical assistance is never an issue.

I don't write tickets to other cops because I might get stopped in their jurisdiction some day, and I would like to receive the same consideration. Recognizing this argument as the “quid pro quo” (something for something) rationale, Mike knew it was another weak justification. Over the course of his career he had come to value the legitimate discretionary power to which he had access, and the manner in which it had allowed him to seek and bring about just outcomes in a variety of official situations. To that end, he had always felt it was wrong to use that essential law enforcement tool for personal benefit (avoiding the inconvenience, cost or penalty he might face if he were to receive a traffic citation).

The real purpose of traffic enforcement is to achieve compliance, so simply stopping a speeding off-duty cop is enough to get him to change his behavior.

Open and sustained laughter filled the room after someone offered this argument, and Mike was quietly pleased that he was not alone in recognizing how ridiculous it sounded. As the class gradually returned to order, he wondered if any officer - anywhere - truly believed that the mere act of stopping a speeding off-duty officer would actually deter him from speeding again.

Members of other professions give colleagues “breaks” all the time, and the act of one police officer extending “professional courtesy” to another is no different. When Mike heard this particular justification it resonated well, for it gave voice to an argument he believed in. Doctors and lawyers were known to provide services to their colleagues at no charge, after all, and his own brother-in-law worked for a major airline which allowed him to travel anywhere he wanted on a “space available” basis at no cost. Consequently, Mike had always viewed the law enforcement “perk” of giving fellow officers a “pass” on traffic violations (or receiving that benefit himself) as identical to the “perks” enjoyed by members of other professions.

The ethics class experience, though, had made the water very muddy. Yes, it is true that medical and legal practitioners give financial “breaks” to other members of their professions. But Mike agreed that those are economic decisions, and business owners - universally - have the right to make choices affecting

the income they and their organizations earn. They can even give away their services for free if they choose to do so. But when a police officer makes a decision to avoid enforcing the law - to give “professional courtesy” to another officer who has committed a traffic violation, for example - it can reasonably be argued that he is “giving away” something that he does not own, and which is not his to give away.

In like fashion, when Mike’s brother-in-law takes a cost-free airline trip, he is taking advantage of an employee benefit that is openly administered and utilized, regulated by company policy, and often included as part of an employee’s compensation package. In other words, it is transparent. The granting and acceptance of law enforcement “professional courtesy,” on the other hand, takes places in the shadows. Police officers know about it ... they learn the protocol in various informal ways ... they practice it out of the public eye ... and they have enormous difficulty discussing it in a public setting.

For Mike, this last point had been driven home in vivid fashion during the ethics program the day before. Despite the fact that everyone had introduced themselves at the start of the day, he and his classmates had forgotten that among the participants in the room were a number of civilian workers from other city agencies. As the spirited discussion of “professional courtesy” raged, it was brought to an immediate (and uncomfortable) halt by a worker from the parks department who raised her hand. “I am not a police officer, but I find this conversation enlightening,” she said. “Can one of you officers tell me why I should not be bothered by the fact that if I am caught speeding I can probably expect to receive a citation, while off-duty police officers are permitted to get away with that same behavior without fear of the consequences?”

The ensuing silence in the room was deafening. It became readily apparent to all police officers in attendance, that the glib justifications for allowing other cops to commit traffic violations and not be held responsible tend to fall flat when uttered in the presence of people who don’t understand the law enforcement culture ... people like ordinary citizens, for example.

As Mike pulled his patrol unit into the highway median and adjusted his radar unit, he remembered how quiet the room had become after the parks department worker posed that simple question the day before. It occurred to him that this may be the reason he was feeling uneasy about the whole “professional courtesy” thing today ... and that perhaps Muhammad Ali was right when he noted “Silence is golden when you can’t think of a good answer.” ♦

For the past several years, the Dallas (TX) Police Department has been embroiled in a scandal involving criminal cases in which evidence purported to be illegal drugs was actually billiard chalk. In response to the recent acquittal of one undercover officer charged in that case, Ed Gray (a Dallas criminal defense attorney and former prosecutor) expressed his concerns in a Letter to the Editor (Dallas Morning News, December 14, 2003):

When Police Lie

There is a simple explanation for the [recent] acquittal [of a Dallas police officer]. The jury found that the affidavits were false, but the officer had no “evil intent.”

Citizens are strangely loath to believe that police officers can be evil or corrupt. When officers are caught lying in criminal trials, prosecutors brush it off as an “honest mistake.” Police are never charged with perjury or disciplined by the district attorney when false testimony is obvious. It seems firing a bad cop is more difficult than impeaching the mayor.

If we are going to restore the reputation and credibility of our police, the prosecutors need to take off the kid gloves and make it clear “the whole truth and nothing but the truth” is required and demanded from police witnesses.

After a recent trial in which I defended a teenager charged with an illegal pocketknife (after being arrested for skateboarding on a sidewalk), the judge threw out the case because the search was illegal. Later, in the prosecutor’s office, I chastised the suburban officer for poor judgement and exaggerated testimony. The prosecutor ordered me out of her office. She should have been as indignant as I was. The state wasted valuable resources on a bad case, and a youngster became a permanent skeptic of police.

Only the prosecutors can influence police witnesses to be truthful. Jurors can only say “guilty” or “not guilty.”

Ed Gray is a board-certified criminal defense attorney in Dallas, Texas. He previously served for five years with the Dallas County District Attorney’s office. (Letter reprinted with permission.) ◆



Scenes from the Ethics Train-the-Trainer class conducted January 12-16, 2004, in San Bernardino, California. (Top-left to right) Dr. Dan Primozic, Santa Fe (NM) Community College; Bill Luemmen, Pomona (CA) Police Department; Ken Gillespie, Pomona (CA) Police Department; Dave Schmirler, Justice Institute of British Columbia, Canada. (Bottom-left to right) Tim Fosnaugh, Tulare County (CA) Sheriff's Department; Dave Barras, West Covina (CA) Police Department; Pedro Mena, West Covina (CA) Police Department.



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

Internet Ethics

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are not pornographic in the legal sense, although they may be considered offensive." As a result of an internal affairs investigation in Pembroke Pines, the police department has recommended suspensions for three employees, and written reprimands for four others.

In Glendale, AZ, the City Attorney resigned in November, 2003, because of allegations that he repeatedly tried to gain access to pornographic Internet sites using his city computer. Despite a policy stating that workers may not, except as part of an approved investigation, use the city computer system to send or access pornographic or sexually explicit material, he made 169 attempts to enter such sites between September 12 and September 30, 2003. According to *The Arizona Republic* (November 27, 2003), most of the attempts were made during the week, with some as late as midnight and others in the middle of

the day. Access to the Glendale network, incidentally, requires that employees enter a user name and several passwords.

While the inappropriate use of government resources makes the situations in Pembroke Pines, FL, and Glendale, AZ, especially complex, similar problems have pervaded other work environments as well. According to a survey by the Employment Law Alliance (*Fort Worth Star-Telegram*, February 16, 2004), almost 25 percent of those polled reported co-workers using work computers for questionable, romantic, or "adult-related" online purposes. Included among those activities were visits to traditional online dating services, viewing pornography, and participating in sexually-oriented chat rooms. At least one finding of the survey should come as no surprise ... 43 percent of respondents said that Internet usage at the workplace has a negative impact on worker productivity. ♦

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