

Ethics in Law Enforcement

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Abstract

This paper explores how ethics has affected the law enforcement community. The Oath of Honor as well as the law enforcement Code of Ethics will be explored in detail to give one a better understanding of the expectations and ethical issues facing all law enforcement officers. Examples will show how everyday decisions affect the law officer's life as well as those of the community. Everyday heroes putting their lives on the line to "Protect and serve."

Ethics in Law Enforcement

Rodney King. A name that does not need defined for most people middle age and older. To some, the name is synonymous with police brutality, injustice and hatred. Others may have a different view point. What people can agree on is that the name Rodney King brings to mind the controversy over law enforcement ethics and police brutality. Was what happened to Rodney King justified? Do we as a nation have standards that have been breached so much that we no longer have a clear definition of what is ethical? Have the lines been blurred so much that people do not have a definite understanding between right and wrong? What is acceptable or not acceptable? What is fair or not fair? There must be a solid, uncompromising standard for people to follow when law enforcement is involved. This standard is defined as the Code of Ethics and is a document that sets down the philosophies and principles that govern law enforcement conduct. Strict adherence to this code is expected but is it enforced and what effect does it have on the community and the nation in general?

The uniform is starched and ironed. The shoes are shined. Family is present. The Chief and the Mayor are seated. The swearing in ceremony starts. The right hand is raised and the Oath of Honor is repeated. (International Association of Chiefs of Police, 2000)

“On my honor,

I will never betray my badge,

my integrity, my character,

or the public trust.

I will always have

the courage to hold myself

and others accountable for our actions.

**I will always uphold the constitution
my community and the agency I serve.”**

A few more words are spoken and then the badge is pinned on and the officer is ready to begin serving their community. Does the officer understand the oath that was just repeated? Does he or she understand that an oath is a solemn pledge someone makes when he or she sincerely intends to do what he or she says? The Code of Honor is repeated verbally for everyone to hear but the Code of Ethics is more studied and defined in the training that is required for each law enforcement officer. First we will review the Oath of Honor to see how it relates to ethics and the law enforcement officer.

“On my honor” – What is honor? What does it mean to be honorable? What does it mean to honor others? In this text, the word honor is defined by Merriam Webster (n.d.) as: One's word is given as a guarantee. A law enforcement officer's honor is emphasized and should be of utmost importance to the officer so that when challenged in a court of law his or her word is spoken with conviction and truth.

“I will never betray my badge, my integrity, my character, or the public trust.” – How does one define what to betray means? Is it an opinion or are there straight facts of what betrayal is? Does the code of ethics, which we will discuss later, set the perimeters of what would constitute what betrayal would be? The word betray, is defined by the I.A.C.P. (2000) as “breaking faith with the public trust”. Does a police officer betray the public trust when they are told information and they then have to use that information to testify in court against that person? Does betrayal depend more on what each person has as their own philosophy of life? The badge of an officer is the symbol of their office. Each officer is issued a badge which is one of the first ways people use to identify whether a person is a law enforcement official or not. People relate a

badge to authority. The badge shown can either bring peace or terror to people, depending on the circumstance. Regardless of the situation, the badge is recognized as a universal symbol of authority and order. When a badge is shown in a situation, the community has expectations of what the officer is going to do, whether positive or negative, depending on their prior experiences with law enforcement. The badge is also a symbol of integrity. Integrity is described by the IACP (2000) as being the same person in both private and public life. The single most important quality a law enforcement officer can develop is the value of integrity. It will influence every part of one's life. Having integrity means being totally honest and truthful in every part of life; personally and professionally. Integrity is a value, like persistence, courage, and intelligence. It is a choice of values and a resolution to live by those values that form your character and personality. It is integrity that enhances all your other values. The quality of person you are is determined by how well you live up to the values that are most important to you. According to Love (2004), integrity is the quality that locks in your values and causes you to live consistent with them.

Character means the qualities that distinguish an individual. A simple definition of character is what you are when no one else is around. What someone does or finds funny when no one else is around is a good indication of their character.

Character Unlimited.com (n.d.) lists this definition of character:

Character: The action you take to carry out the values, ethics and morals that you believe in. Consistency between what you say you will do and what you actually do. Putting the ethics into action. Defines, builds, or breaks your reputation. Moral strength. It takes moral courage to do what is right when it may cost more than you are willing to pay. Who you are and what you do when no one is looking.

"What is wrong is wrong, even if everyone is doing it. Right is still right, even if no one else is doing it." - William Penn

Because of societal issues, people are not apt to trust each other. Family issues, corporate betrayal, deportation issues, have all shaken the foundation of people's trust in one another. When officers make poor decisions and those decisions are made public, the public trust of the people for law enforcement is shaken. The I.A.C.P. (2000) defines the public trust as a charge of duty imposed in faith toward those you serve. There is a saying that "Trust is hard to earn, easy to lose." Longman (2011) states that trust makes for a sense of being safe or of being free of fear, enough so that one's focus can be on other matters. According to noted sociologist, Giovanni Sartor (2003), if there was no trust, co-operation would end, and the whole fabric of society would collapse. For hundreds of years, law enforcement officers have worked diligently to maintain the public's trust. In the matter of a few moments that trust can begin to fade quickly. An example of this brings us back to Rodney King. In March 1991, amateur photographer, George Holliday captured footage when Rodney King became a symbol of police brutality. The videotape Holliday recorded showed several white Los Angeles police officers using their batons to beat King. This instance caused the loss of confidence in communities for police departments. This is a prime example of the loss of trust and the effects that four police officers had on the Los Angeles Police Department. According to the Los Angeles Police Foundation (n.d.) the department had over 7,200 officers at the time.

"I will always have the courage to hold myself and others accountable for our actions."-

In 2011, a movie was made about police officers and their families. The name of the movie was Courageous. The movie was about being courageous in your spiritual life, home life and your professional life. Being a police officer is not for the faint of heart. One must be courageous to

attempt to be a police officer and to persevere on this career path. The I.A.C.P. (2000) defines courage as having the strength to withstand unethical pressure, fear or danger. Courage, of course, needs to be coupled with wisdom to know what is right or wrong, when to fight or when to flee and when to persevere or to just preserve. No matter what decisions are made, there should always be accountability in law enforcement. The I.A.C.P (2000) says that accountability means that you are answerable and responsible to your oath of office. What does that mean to an officer? Does this mean an officer is accountable to all the citizens no matter if he or she is 'on the clock' so to speak? Accountability is of high priority. From calling in whereabouts to keeping mileage log books and superiors being advised on activities, accountability procedures are in place. Although at times some of the procedures for accountability can seem monotonous, they are actually in place to help protect the officers from lawsuits and allegations that would be unbecoming of an officer.

“I will always uphold the constitution, my community and the agency I serve.”

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights that among these are Life, Liberty and the pursuit of Happiness. ~The Declaration of Independence~

It is imperative that, as a law enforcement officer, one must understand that each United States citizen is entitled to certain rights. According to the constitution these are called unalienable rights. The U.S. Legal website (n.d.) defines unalienable rights as rights that cannot be surrendered, sold or transferred to someone else. Law enforcement personnel go through intensive training to be able to decipher what those rights are and the best methods in which to enforce laws while protecting the rights of the individuals in the community in which they serve.

Like earlier stated, the Oath of Honor is what is repeated during the swearing in ceremony but the Code of Ethics is what is taught and studied in the training academies. Does the Oath of Honor replace the Code of Ethics? Absolutely not! It is important, however, to understand the distinction between these powerful processes, and to recognize that they are mutually supportive and not in conflict with one another. The Code of Ethics, even as modified to reflect local values, is a very powerful and comprehensive document that provides considerable specificity and detail with respect to ethical values and expectations. It has and will continue to have significant applicability. The Oath of Honor reflects these same values and expectations, but in a more easily understood and powerful manner. The Oath of Honor will be repeated through verbal reaffirmation, incorporation in training materials, placement on brochures and equipment and continual reinforcement through a variety of media.

To fully understand how the Oath of Honor is carried out, one must also study the Law Enforcement Code of Ethics. The Code of Ethics is a document that sets down the philosophies and principles that govern our conduct. The Code of Ethics was put together by the I.A.C.P. Looking at the Code of Ethics in separate sections will help one to better understand its meaning.

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice. It is a law enforcement officer's duty to protect, to defend and to serve. I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the

welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department.

Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

Law enforcement officials must be honorable and honest in their personal life and also their professional life. They must be trustworthy.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

Law enforcement officers must not bully, shirk nor favor. They must not be haughty, arrogant or cruel. They must not victimize.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

The law enforcement officer must realize that the badge is not their badge or the law their law. Both belong to the people, the community. It is a privilege bestowed upon the officer by the people. The law enforcement officer must do their best to be worthy of that privilege. The officer must not be able to be bribed into treating people with special treatment.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

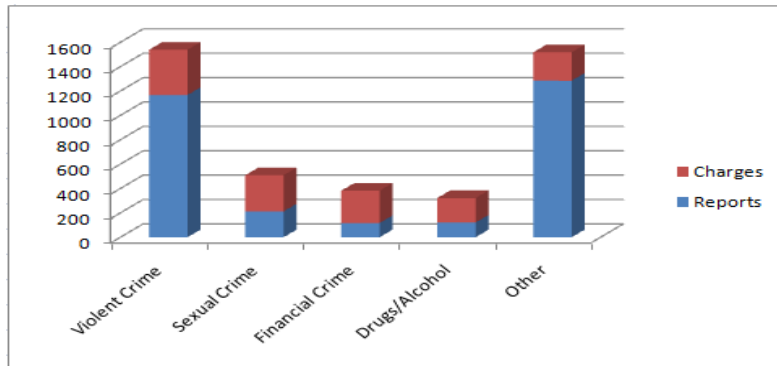
The law enforcement officer must realize that they are responsible for themselves. No one can be to blame for their actions except them alone. The officer must also commit to never stop learning and never stop trying to become better at what they do.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . Law Enforcement.

Each officer chose this profession on their own and commits to do their best. They give their all to protect and serve the communities in which they have sworn to serve.

Having reviewed both the Oath of Honor and the Code of Ethics, one gets a better idea of what is expected from law enforcement officers. Do all officers uphold these? Absolutely not. Do the majority of the officers uphold these? Absolutely! According to Packman (2010), in 2009 there were 706,886 law enforcement officers in the United States. Of those 706,886, there were 4,012 law enforcement officers involved in reported instances of police misconduct. Of those, 1,363 were criminally charged and of those, 92 were people in law enforcement leadership roles of sheriff or police chief.

Charges Verses Reports – 2009



These figures show that in 2009, less than 1 percent of police officers were criminally charged with crimes. This is not to say that law enforcement officers do not commit crimes, obviously. Harris (2011) describes five recent examples of poor judgment by police officers which are summarized below.

1. Oakland, CA. 2009. Oscar Grant was shot dead by Bay Area Rapid Transit law enforcement officer Johannes Mehserle, age 27. Officer Mehserle and other police officers had been responding to reports of a fight, and arrested and handcuffed Oscar Grant, age 22, and several others in a subway station. Mr. Grant was handcuffed, unarmed and lying on the ground when Officer Mehserle pulled out his gun and shot him in the back. In court Mehserle claimed he thought his gun was his Taser. He was sentenced to two years in jail and let out on parole in June 2011.
2. Seattle, WA. 2009. Christopher Harris was walking home when sheriff's deputy Matthew Paul slammed him into a wall after mistaking him for an assault suspect. Paul was left in a coma, and still requires massive medical care after suffering permanent serious head and spinal cord injuries. Paul escaped all charges in the incident and remains a police

officer. A local police spokesman explained the incident by saying that sometimes " ... bad things happen to good people."

3. New York, NY. 2010. Iraq war veteran Walter Harvin suffered a vicious beating at the hands of police officer David London. Officer London had been closing the door to a building in a housing project when Mr. Harvin, who lived there, tried to slip in. An altercation began, in which Officer London beat Mr. Harvin with his baton and then continued to hit and kick him after he was on the ground and not moving. Officer London, who told the court Mr. Harvin had pushed him, was acquitted.
4. New Orleans, LA. 2005. Robert Davis, a retired school teacher, was beaten and arrested by four law enforcement officers. He was 64 at the time of the assault. The beating was captured by passing Associated Press journalists, one of whom was also beaten by police. He was accused of public drunkenness. One officer was fired over the incident, one was suspended and another was acquitted of all charges. Mr. Davis said he was teetotal and had not had a drink for at least 25 years.
5. Shreveport, LA. 2008. Angela Garbarino was severely beaten by police officer Wylie Willis after becoming angry in a police booking room. Ms. Garbarino, who was drunk, got into an argument with Officer Willis, who manhandled her to the floor. Officer Willis then switched off a camera in the room. When it was turned on again, Ms. Garbarino was lying in a spreading pool of blood on the floor and was removed from the room on a hospital gurney. She suffered two black eyes, broken teeth and a broken nose. Officer Willis claimed the woman fell on her face while trying to leave the room. Ms. Garbarino settled out of court and Willis was reinstated to his job.

All of the previous examples, including the example of Rodney King, have, at times, overshadowed the heroic acts that law enforcement officers do every day. Of the less than 1 percent that betrayed their oath, there are 99 percent that are doing the job that many would not do. The following poem by an unknown author summarizes best the life of a police officer.

What is a Policeman?

A policeman is a composite of what all men are... a mingling of saint and sinners... dust and deity. Cold statistics wave the fan over the stinkers...underscore instances of dishonesty and brutality because they are news.

What that REALLY means is they are exceptional, unusual - not commonplace. Buried under the froth is the fact that less than one half of one percent of policemen misfit that uniform. And that's a better average than among clergymen.

What is a policeman made of? He of all men is at one the most needed and the most unwanted... a strangely nameless creature who is "sir" to his face... and "pig" to his back. He must be such a diplomat that he can settle differences between individuals... so that each will think he won... But if the policeman is neat, he's a flirt. If he's not, he's a grouch.

In an instant he must make decisions which require months for a lawyer. But if he hurries, he's careless. If he's deliberate, he's lazy. He must be first to an accident... infallible with a diagnosis... he must be able to start breathing, stop bleeding, tie splints and above all be sure the victim goes home without a limp, or expect to be sued.

The police officer must know every gun... draw on the run... and hit where it doesn't hurt. He must be able to whip two men twice his size and half his age....without damaging his uniform and without being brutal. If you hit him, he's a coward. If he hits you, he's a

bully. A policeman must know everything and not tell. He must know where all the sin is and not partake. The policeman must, from a single human hair, be able to describe the crime, the weapon and the criminal, and tell you where the criminal is hiding. But if he catches the criminal he's lucky... if he doesn't he's a dunce. If he gets promoted he has political pull. If he doesn't, he's a dullard.

The policeman must chase bum leads to a dead end and stake out ten nights to tag one witness who saw it happen, but refused to remember. He runs files and writes reports until his eyes ache to build a case against some felon who will get dealt out by a shameless shamus or an honorable who isn't. A policeman must be a minister... social worker... a diplomat... a tough guy... and a gentleman. And of course he will have to be a genius... for he will have to feed a family on a policeman's salary.

-Author Unknown

Conclusion

The training has been done. The Oath of Honor repeated. The badge pinned on. The gun placed in the holster. The rookie starts the first shift of their career knowing that every decision he or she makes will be scrutinized. Every move will be monitored. Every word and action may need to be accounted for in a court of law. The strict adherence to the Code of Ethics is expected and, as shown by previous examples, enforced. One bad decision or breach of conduct by a law enforcement officer has an effect on every officer nationwide. Every community is affected positively or negatively by the conduct of law enforcement officers. Young children are introduced to these heroes in their schools, high school students have school resource officers to help them deal with trouble in their lives and adults reach out for help everyday with problems they are experiencing. During all of these times, the officers must exercise compassion, concern,

fearlessness and heroism while trying to make sure he or she is able to make it home to their own family that night.

The officer then can say:

“On my honor,

I did not betray my badge,

my integrity, my character,

or the public trust.

I had the courage to hold myself

and others accountable for our actions.

I upheld the constitution

my community and the agency I serve.”

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