

**Unit Goal: Understand and respect professionalism as it applies to law enforcement.**

**1.1. Discuss the concept of professionalism.**

Varying definitions of “professionalism”:

- Its earliest meaning comes from those professing the vows of a religious order. It meant the act of professing, a spiritual commitment, a range of academic expertise or both.
- By 1675 the term was secularized.
- The Oxford English Dictionary offers the following definitions:
  - Profession - "The occupation which one professes to be skilled in and to follow. A vocation in which professed knowledge of some branch of learning is used in its application to the affairs of others, or in the practice of an art based upon it. Applied specifically to the three learned professions of divinity, law, and medicine; also the military profession."
  - A professional is one who is "engaged in one of the learned or skilled professions, or in a calling considered socially superior to a trade or handicraft."
- Webster's New Universal Unabridged Dictionary offers this definition of profession:
  - "A vocation or occupation requiring advanced training in some liberal art or science, and usually involving mental rather than manual work, as teaching, engineering, writing, etc.; especially, medicine, law, or theology (formerly called the learned professions)."
- Professionals profess to know better than others the nature of their specialty, and to know what is best for their client (or people they serve) in this specialty.
- Although law enforcement officers are not typically included in the secular definition of a “professional,” law enforcement officers are professionals by every definition of the word. Additionally, the law enforcement profession meets every criterion of a “profession.” A profession is a vocation that meets the following requirements:
  - The members possess a specialized body of knowledge, not easily acquired, accomplished through advanced education or training.
  - The members share a commitment to serving the public (or community they serve).
  - The members share a commitment to promoting the common good.
  - The members share a professional creed or code of ethics that effectively holds themselves and their colleagues to a higher standard of behavior than is the norm for other vocations.

**Lecture Scenario:** Consider the following objectives related to law enforcement as a profession.

- Identify the characteristics of a “profession” that make law enforcement a “profession.”
- Identify the characteristics of a “professional” that make the law enforcement officer a “professional.”
- Discuss the importance of professionals in the law enforcement profession.

**Source:** Hughes, Everett C., “Professions,” In Kenneth S. Lynn, ed., *The Professions in America*. Houghton Mifflin Co.: Boston, (1965)

"Every calling is great when greatly pursued." - Oliver Wendell Holmes

The best way to understand the concept of professionalism is to think of occupations differing as to the degree that they are professional. The degree to which an occupation meets the definition of "profession" should be assessed by measuring the occupation on certain key characteristics. It also follows individuals will vary as to their compatibility with the characteristics and qualities of professionalism.

**Lecture Scenario:** Consider the following objectives related to professionalism.

- Discuss the advantages of professionalism.
- Discuss the disadvantages of professionalism.
- Discuss the necessity of professionalism as it relates to procedural justice, legitimacy, and unbiased law enforcement decisions.
- Identify both positive and negative examples of professionalism.

## **1.2. Discuss the characteristics of professionalism.**

Characteristics of professionalism:

- Service to others
- Assessment of needs to others
- Theoretical body of knowledge obtained through extended pre-service education.
- Standards for entry, practice, and ethical conduct
- Professional association to maintain standards.
- Continuing education and lifelong learning

Police Legitimacy and Procedural Justice:

- Police legitimacy means people have trust and confidence in the police, accept police authority and believe officers are fair. Officers build public confidence by:
  - Treating people with dignity and respect
  - Making decisions fairly, based on facts, not illegitimate factors such as race.
  - Giving people “voice,” a chance to tell their side of the story.
  - Acting in a way that encourages community members to believe that they will be treated with goodwill in the future.
- Departments that employ such principles – supported by a wealth of research – experience higher levels of public cooperation with police efforts to address crime, increased compliance with the law, stronger public support for police, and greater deference to police in interactions with community members.

### Police Legitimacy and Procedural Justice Applied:

- Fairness and Consistency
  - The first pillar of procedural justice is fairness and consistency of rule application. Perceptions of fairness are driven not only by outcomes but also by the fairness and consistency of the processes used to reach those outcomes. The perception of fairness is not just about outcomes. People consider both the outcome of a decision and the process by which the decision was made when forming their opinion about whether a decision was fair. Often, the outcome of an interaction is less important than the interaction itself—whether respectful treatment was experienced by the parties involved. In short, the process of decision-making matters, the process of having a respectful conversation with a community member matters, and the process through which an outcome is arrived at matters.
- Giving Voice to all Parties
  - The second pillar of procedural justice concerns voice. All people want to be heard and involving people or groups in the decisions that affect them affects their assessment of a given situation. Everyone wants to feel as though they have a measure of control over their fate; having voice in situations that may be somewhat out of their control (such as whether they get a traffic ticket) helps them to feel that their opinions matter and that someone is listening to their side of the story, taking them seriously, and giving some consideration to their concerns.
- Transparency
  - The third pillar of procedural justice is transparency and openness of process. Transparency means that the processes by which decisions are made do not rely upon secrecy or deception. In other words, decisions unfold out in the open as much as possible as opposed to behind closed doors. Nobody likes to feel that their future is being decided upon another person's whim; we like to be able to see how things are unfolding so that we can come to understand the ultimate result of a decision. When officers are as transparent as possible, community members are more likely to accept officers' decisions—even if they are unfavorable to them.
- Impartiality
  - The fourth pillar of procedural justice is impartiality and unbiased decision making. Impartial decisions are made based on relevant evidence or data rather than on personal opinion, speculation, or guesswork. Americans have a strong sense of fairness, and especially in our media-driven society— which allows for instant answers to nearly every question via the Internet—we want the facts. When people take the extra few minutes to make apparent to others the data used to make decisions, understanding and acceptance readily ensue.

**Source:** Houle, Cyril O., *Continuing Learning in the Professions*. San Francisco: Josey-Bass, (1981)

**Source:** Laura Kunard and Charlene Moe, *Procedural Justice for Law Enforcement Agencies: Organizational Change through Decision Making and Policy* (Chicago: Center for Public Safety and Justice, 2015)

Misuses of the term:

Many confuse professionalism with an image of the officer who is cool and aloof, showing no feeling, with a crisp uniform, shined shoes, reflective sunglasses, using high technology as an expert at fighting criminals or, it has been used in the context of sports to mean anyone who is paid for their work (i.e., the opposite of amateur).

**Lecture Scenario:** Consider the following objectives related to professionalism, legitimacy, and procedural justice.

- Discuss how professionalism, legitimacy and procedural justice relate.
- Discuss how legitimacy and procedural justice can be applied to everyday law enforcement situations.
- Identify examples of how legitimacy and procedural justice can both be enhanced and/or compromised within a community.

The value of the professional model for law enforcement

Advantages:

- Public better served.
- Quality of peace officers is improved.
- Ethical conduct
- More effective problem-solving
- Stronger community support and respect
- Stronger role in the criminal justice system
- More effective innovations
- Financial rewards

Disadvantages

- Cost of training and development
- Higher salaries or remuneration for job occupant
- Limited entry into the work force from poor because of limited opportunity for educational attainment

Cultivating Relationships through Procedural Justice and Community Policing: A Model for Law Enforcement Officers and their Organizations

- Partnerships
  - Refers to collaborative partnerships between law enforcement agencies and the individuals and organizations they serve to develop solutions to problems and increase trust. Partners with law enforcement may include local government agencies or departments, community groups, SART, nonprofit organizations, social service providers, private businesses, and members of the media.
- Problem-Solving

- Refers to the process of engaging in the proactive and systematic examination of identified problems to develop and rigorously evaluate effective responses. Key components of problem solving include the following:
  - Scanning: Identifying and prioritizing problems.
  - Analysis: Researching what is known about the problem.
  - Response: Developing solutions to bring about lasting reductions in the number and extent of problems.
  - Assessment: Evaluating the success of the responses.
  - Using the crime triangle to focus on immediate conditions (victim/offender/location).
- Organizational Transformation
  - Refers to the alignment of organizational management, structure, personnel, and information systems to support community partnerships and proactive problem solving. Community policing, like procedural justice, should permeate the agency at all levels.

It is important to be able to distinguish between professional and non-professional behavior. Sometimes the line is very narrow; sometimes there is a behavioral continuum.

**Lecture Scenario:** Consider the following objectives related to recent law enforcement case studies.

- Identify recent case studies and/or examples of law enforcement officers acting professionally and ethically.
- Identify recent case studies and/or examples of law enforcement officers acting unethically and unprofessionally.
- Discuss the potential impact of both ethical and unethical behavior on community-police partnerships.

**Source:** Adapted from Laura Kunard and Charlene Moe, *Procedural Justice for Law Enforcement Agencies: Organizational Change through Decision Making and Policy* (Chicago: Center for Public Safety and Justice, 2015)

**Unit Goal: Understand and accept the crucial role of ethics as related to professionalism.**

### 1.3. Discuss the Law Enforcement Code of Ethics.

#### Code of Ethics: Example

- Professional law enforcement organizations embrace a strict code of ethics. Additionally, professional law enforcement organizations adopt a personal code of ethics they expect their organization and personnel to embrace. The following is the International Association of Chiefs of Police Code of Ethics:
  - 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.

- 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.
- 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.
- 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.
- 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.
- I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement.

**Lecture Scenario:** Consider the following objectives related to a Code of Ethics in law enforcement.

- Discuss the significance of a Code of Ethics in law enforcement.
- Discuss what the Code of Ethics is or should be to a law enforcement officer.
- Discuss the meaning of a Code of Ethics to you.

Refer to Chapter Resources: Code of Ethics

#### **1.4. Discuss ethical dilemmas in law enforcement.**

Much current public and private concern centers on our own values or our lack of them. Many of our institutions and, indeed, the American way of life are attacked for placing value on the wrong things. Every aspect of human behavior is influenced by personal values, but values are not easily defined or achieved. Their definitions and interpretations vary from period to period, location to location, person to person, group to group, and situation to situation. Some human values have remained intact through centuries (for example, courage) and some have declined and been revived (for example, respect for life).

**Lecture Scenario:** Consider the following objectives related to values, morals, and ethics.

- Discuss the values, morals, and ethics that have changed in law enforcement.
- Identify needed changes as law enforcement advances into a new era of policing.

- Discuss how legitimacy and procedural justice relate to law enforcement's Code of Ethics.

#### DESCRIPTION OF THE ETHICAL ROLE

The ethical role is performed by being objective, impartial, neutral, and ethical in personal behavior and in functioning as a representative of the criminal justice system. The ethical role is also that of a professional. Being ethical is a critical component of being professional. Being professional is a critical component of being ethical. Considering legitimacy and procedural justice, law enforcement officers and their organizations cannot and should not separate and/or differentiate between the two – they go hand in hand.

Elements of the ethical role:

- To act in a manner that reflects belief in the fundamental value of ethical behavior and in application of this value to your job.
- To conduct daily activities in an objective manner striving to be uninfluenced by emotion, personal prejudice, or insufficient evidence.
- To provide objective and constructive assistance or information to all persons, regardless of personal feelings.
- To assist the public to understand how they can help in achieving objective and ethical behavior.
- To embrace fairness and consistency, giving a voice to all parties, transparency and impartiality.

Cornerstone of the ethical role: Pillars of Character

- Trustworthiness
- Respect
- Responsibility
- Fairness
- Caring
- Citizenship

**Lecture Scenario:** Consider the following objectives related to character.

- Students should discuss how the pillars of character describes them.
- Discuss the significance of character in the law enforcement profession.

Benefits from role performance:

Behavior that ignores the basic goals of the criminal justice system and which only serves individual or agency-oriented motives tends to confuse people, causes them to lose confidence in the system, and runs counter to the reason that the system exists. This can be referred to as the *degradation of legitimacy*. Sometimes short-term goals (such as getting promoted), or those of the agency (such as getting a new computer or obtaining approval of a budget), seem to be the most important. When this is allowed to happen, the long-term goals established for the organization, such as crime prevention, justice for all, and protection of the rights of the individual and society, tend to become obscured or displaced by the short-term goals. To

prevent this from happening, remember: that the prime beneficiary of the criminal justice system is the public served.

#### Motivation for Ethical Behavior

- Inner Benefit: Virtue is its own reward.
- Personal Advantage: It is prudent to be ethical. It is good business.
- Approval: Being ethical leads to self-esteem, the admiration of loved ones and the respect of peers.
- Religion: Good behavior can please or help a deity.
- Habit: Ethical decisions can fit in with upbringing or training.

#### Obstacles to Ethical Behavior

- Self-interest
- Pursuit of happiness

**Lecture Scenario:** Consider the following objectives related to ethical motivation.

- Identify motivation for both ethical and unethical decisions.
- Identify what motivates your ethical and unethical decisions.

#### Ethical behavior:

Ethics involves the definition and achievement of what is good or bad, right, or wrong, in relation to moral duty and obligation. It also includes the need to act in accordance with the principles of right and wrong governing the conduct of a particular group, such as doctors and lawyers. Suggested police ethics have been spelled out in the Code of Ethics of the International Association of the Chiefs of Police. In the study of ethics, it is critical to understand that the motive is as important as the act. If a person refrains from stealing only because s/he fears prison, s/he cannot really be viewed as ethical.

#### Components of Consistent Ethical Behavior

- Moral sensitivity – the ability to recognize the presence and nature of ethical issues; the awareness that a situation represents an ethical problem that requires an ethical decision.
- Moral judgment- the ability to make the right ethical decision; to determine the morally correct and wisest course of action. This requires the use of critical thinking skills and the ability to prioritize competing ethical principles and values.
- Moral motivation – the desire to do the right thing and to be a good and ethical person.
- Moral character – possessing the maturity, courage, and discipline to follow through and do what you know is right in situations of strong temptation and/or great pressure from others.

Moral progress depends on the willingness to improve the consistency of ethical judgment and behavior and to apply the same principles more thoroughly to conduct involving other people. Primitive people recognized few, if any, obligations to those outside their tribe. But modern people in this shrinking world must recognize their obligations to humanity in general.

It is much easier to hold ideals than to live up to them. To convince someone of his/her duty by reasoning does not necessarily induce him/her to do it. Our decision of what to do in a given situation depends on our understanding of basic ethical principles and our commonsense knowledge of the way of the world and its people. The professional behavior of peace officers and others in the criminal justice system needs to come closer to "ideal" ethical behavior than may be possible in private life.

**Example:** If you obey the law, you will set a good example for others and spare your fellow officers the discomfort of having to intervene in your private affairs.

### Representing the Criminal Justice System

In the business community, there are those who live by the concept of "anything for a price." Some politicians behave as though they would do "anything" to stay in office. And some may. Both groups defend themselves by such excuses as "everybody's doing it." In the light of readily available evidence, one could easily believe that the person of honesty and integrity no longer have a chance in our society. The presence of these people in our society provides the major reason that confidence in the system survives. Ethical people are made, not born, and peer pressures can work for or against ethical behavior. Ethical problems such as corruption and official dishonesty must be acknowledged and discussed if solutions are to be found. Every profession must have the ability and the willingness to police itself. Some may argue that ethics cannot be taught. And they may be correct. But research suggests ethical behavior can be taught. In other words, an ethical person can make unethical decisions and an unethical person can make ethical decisions.

**Example:** Ethical problems are not always clearly seen. A peace officer may accept free meals from a restaurant owner who wants to discourage rowdy drunks and armed robberies. The people could reason that the cost of the food is a very small price for the extra protection they provide. Once a peace officer begins to excuse away such behavior, it becomes easier and easier to graduate from accepting a breaded veal cutlet to a case of scotch.

Practicing honesty and integrity in our personal lives is important. But as we interact with people we serve, participate in community relations and education programs, and work with other criminal justice professionals, doing what is right *rather* than what may be more rewarding financially or simply more expedient is even more important. It contributes to legitimacy within the law enforcement profession, but more importantly, the legitimacy of the community and police partnerships that are established. The reason a peace officer's behavior has a great impact on larger numbers of people inside and outside the system is because of their place of honor and their highly visible job.

### Ethical Decision-Making Model

- Is it legal?
- Is it permitted by your organization's code of conduct?
- How would it be viewed by your organizations code of ethics and shared values?
- Does your personal code of ethics approve?

- Is it a true ethical dilemma? Do both choices appear to be right?
- Can you apply the ethical decision-making model for your organization?

### Ethics in Relationships

The relationships with people who are clients (or the people they serve) can be either positive or negative. Differences in priorities and values can complicate these relationships. If standards of right and wrong are not consistent with the law, peace officers' actions may have a negative effect. If officers fail to hold themselves accountable in the same way that suspects or offenders are, people will believe that the officers' position and the criminal justice system as a whole are unjust. It ultimately erodes the legitimacy of the law enforcement officer and their organizations. For example, advising an individual to refrain from gambling--or arresting those for it when the officers are known to gamble frequently themselves can have negative effect on the public image of policing. Attitudes and actions must be in line with the basic moral codes and the laws of the land if they are to have a positive effect upon the public. People's attitudes affect their ethical behavior. Consistently going to work with bitter, negative attitudes about yourself, your job, your interpersonal relationships, or your life in general is a pretty accurate predictor that unethical actions and decisions will follow.

There are different attitude stages an officer goes through during his/her career that can motivate either ethical or unethical behavior. Consider these stages that can develop over a law enforcement officer's career.

- Idealistic
  - This stage is exemplified by new officers, confident of their values and ability to succeed. High expectations and goals, but confidence is naïve.
- Frustrated
  - Begin to experience "the way things really are." Idealism crashes into wall of reality. Present circumstances are a far cry from original goals and desires. Initial reactions are often dominated by fear, indecision, and anxiety. The world is not as simple as we had believed or hoped. Young officers at this stage might be susceptible to negative peer pressure.
- Defiant
  - Fear and indecision are overcome as we realize that we take some responsibility in our own hands. However, actions taken at this stage are usually negative and destructive, especially when covert or hidden. Some people continue to live for years with this hidden, internal resentment before they lash out in defiant rage. This can pollute relationships with family, coworkers, supervisors, the community, and even society at large. (Consider Timothy McVeigh, Unabomber, 9/11 terrorists, etc.) You can see how officers might "go bad" at this stage, acting in ways that harm themselves, others, the agency, the community, and the profession.
- Resigned
  - Some people who have harbored covert defiance eventually slip into resignation to the disappointment and aimlessness of their lives. The lights go out in their

eyes. They may continue punching the clock to get to retirement, but they have lost all joy in their lives and their jobs. This stage and the defiant one are when officers are most vulnerable to making poor decisions that could cost them their jobs and careers.

- **Aware**
  - Hopefully, some self-analysis goes on and we eventually become aware of some of the damage that our defiance and resignation have caused to our own lives and other people we care about. This awareness is the first step toward developing a more positive outlook on life. We realize that we must change.
- **Decisive**
  - We consciously do something different and positive, taking responsibility for our own lives and our happiness. These changes begin the process of making our lives more vital, creative, and meaningful.
- **Commitment**
  - This is the final result of the positive life changes we made. We don't expect perfection of ourselves or others, yet we are committed to attempt our best ideals, with our best abilities, while remaining realistic about our talents and results. This is not a fragile idealism, but a purposeful and prudent devotion – sincere, flexible, and open to learn and grow further.

**Refer to:** Emotional Survivor for Law Enforcement. The Hypervigilance Biological Rollercoaster – Chapter 6.

**Lecture Scenario:** Consider the following objective related to attitudes.

- Discuss the impact of attitudes on professional and ethical behavior.
- Discuss whether a police officer, who finds reasons to disregard the law, can enforce the law effectively? If so, to what extent?
- Divide the class into two sections and discuss the pros and cons of being an "honest cop" in today's world. What kinds of behavior or conditions could the restaurant owner expect the police officer to overlook because of this relationship? How should the police officer react to such expectations?"

**Source:** This attitude scale was originally developed by Donald Osgood to describe stages people go through in any organization. It was adapted for law enforcement professionals by Mike Alexander of the Austin (TX) Police Department.

Ethics in Community Relations and Education Programs

Peace officers should maintain the highest standards of personal and professional behavior possible. They must serve the entire community and never represent any particular special interest group - impartiality. While it may be difficult to achieve these ideals in the real world, we should maintain an awareness of them and constantly work toward them. All of us need to present our views on ethics in community relations and education programs. If doing and

describing what we believe to be right produces improved behavior, understanding, or happiness for the majority, we may consider that as a desirable goal reached.

**Lecture Scenario:** Consider the following objectives related to outcomes of ethical behavior.

- Discuss the possible outcomes of a law enforcement officer's ethical behavior.
- Discuss the possible outcomes of a law enforcement officer's unethical behavior.
- Discuss whether police officers should issue traffic citations for violations committed on or off duty by other police officers (from their own agency or others). What about an arrest for an observed petty theft? An assault?

#### Working Ethically with Other Criminal Justice Personnel

Mutual respect and trust among criminal justice personnel is extremely important in achieving system goals. A serious effort to perform in accordance with basic ethics, the law, and departmental regulations reinforces feelings of respect and trust and helps reach desired goals.

**Example:** If an officer has obtained an admission or confession without having properly advised the subject of their rights, it should be included in the report and discussed with the prosecutor prior to any court action. Regardless of the seriousness of the offense, if some improper action is brought to light during a court proceeding, it not only damages the officer's credibility, but it reflects on the prosecutor and the system and could cause an otherwise solid case to be lost. The big picture catastrophe is that legitimacy of the law enforcement officer and the organization may be eroded.

#### Objective Behavior

For purposes of this training, objectivity involves the expression or use of facts without distortion by personal feelings or prejudices - neutrality.

- In achieving objectivity, it is essential to gather all of the available relevant information on a topic and also strive to establish the validity of the information. Efforts would include things as ensuring the accuracy of tests detecting drug and alcohol use, comparing stories from witnesses to the actual event for common elements, and checking the reliability of an informant.
- The ability to be objective - neutral is learned and improved with practice. To become aware of personal feelings, prejudices, "blind spots," implicit bias, and other elements of personality, we have taken a giant step toward introducing objectivity into our behavior.
- Having achieved this awareness, we can then view things in their proper perspective. More than 30 years of research in the areas of neurology and social and cognitive psychology, has shown that we hold implicit biases even in the absence of conscious, heartfelt bigotry, simply by paying attention to the social world around us. According to Keesee, (2015) "**implicit bias** describes the automatic association people make between groups of people and stereotypes about those groups—stereotypes that even members of the targeted group can internalize."

Areas where bias often comes into play include:

- Race/ethnicity
- Behavior
- Gender
- Sexual orientation
- Religious

Within the context of criminal justice and community safety, implicit biases can significantly, and most often negatively, influence outcomes of interactions between police and citizens. Consider the scenario where someone has been sexually assaulted under the following circumstances:

- Assaulted by a person they knew at party hosted by their friends.
- Was drinking prior to, and at the time of, the assault.
- Had engaged in flirtatious behavior with the suspect prior to the assault.

Within the context of these circumstances implicit bias can distort one's perception of, and subsequent treatment, either in favor of or against a given person or group. In the end, the victim still had the right to say NO to the advances of their attacker.

**Instructor note:** Discussion may center on the differences between implicit and unconscious bias and how to distinguish between the two. Essentially, unconscious bias is an automatic reaction: "I hate broccoli." Implicit bias is less direct and less clear. "If they were doing x, then maybe they weren't fully aware of what they said or did."

Keesee, T. (2015, July 2). Three ways to reduce implicit bias in policing. Can we correct for unconscious prejudice in law enforcement? Former police officer Tracie Keesee says yes. Greater Good Magazine. Retrieved from [https://greatergood.berkeley.edu/article/item/three\\_ways\\_to\\_reduce\\_implicit\\_bias\\_in\\_policing](https://greatergood.berkeley.edu/article/item/three_ways_to_reduce_implicit_bias_in_policing)

**Lecture Scenario:** Consider the following objectives related to objectivity in law enforcement.

- Discuss whether police officers are objective with all persons regardless of their:

Attitude	Appearance
Race	Gender
Social class	Membership in a particular organization
Age	Type of offense
Prior criminal history	Sexual Orientation
- Discuss the importance of awareness of personal biases. Explore term "Implicit Bias."
- Identify some of your personal biases.
- Identify three scenarios in which police officer's decisions may be influenced by personal biases.
- Identify three ways in which a police officer may prevent the influence of bias in decision making.

### Objectivity - Neutrality in Personal Behavior

Police officers and other criminal justice personnel, even when they are not at work, stand out as representatives of the system. The standards by which they are judged, even in their private lives, are often higher than those required for other members of society. If biases, animosities, and friendships are allowed to influence decisions in their personal lives, it is likely that they will influence their professional decisions as well. Associating with persons of questionable moral character as a private citizen may carry over into professional life. Practicing objectivity in your personal life makes it easier to practice it in your professional life.

The degree to which mutual respect and trust are enjoyed in the personal relations of criminal justice personnel influences the efficiency and effectiveness of the work. Word gets around if an officer is biased, prejudiced, and unfair, and his/her ability to serve is diminished. Word also gets around if an officer is fair and objective in their work, and their ability to serve is increased. Time must be devoted to exploring motives, possible omissions, and assessing the truth if justice is to be served.

Acceptance of Gifts: The acceptance of gifts by a public servant could be problematic.

List of potential gifts:

- Any amount of money
- An opportunity for sexual intercourse
- A weekend at a resort hotel
- A radio for your personal car
- The use of a camper for a weekend
- A pistol
- Two tickets to a ball game
- Use of a hunting lease
- Bottle of liquor
- Free meal
- Half price meal
- A cup of coffee and/or a doughnut

Conditions associated with the gift:

- Does it make a difference who offers the gift?
- Does it make a difference when the gift is offered?
- Does it make a difference why the gift is offered?
- Does it make a difference where the gift is offered?

**Lecture Scenario:** Consider the following objectives related to the acceptance of gifts as a peace officer.

- Discuss the acceptance of gifts as a peace officer. Is it okay to accept gifts as a peace officer? If so, why; if not, why not?
- Identify three examples in which accepting a gift as a peace officer could become problematic.
- Identify three possible personal consequences to accepting a gift as a peace officer.

- Identify three possible professional consequences to accepting a gift as a peace officer.

**Practical Scenario:**

Officer: You stop a motorist for speeding 11 mph over. The vehicle has out-of-state license tags. You ask driver for license. Attached to the license is a fifty-dollar bill.

Citizen: You are from out-of-state where to avoid the hassles of court it is common practice to attach money to the license. You want to avoid a jump in insurance rate.

- Identify the ethical dilemma.
- Discuss the difference in perceptions.
- Discuss the possible personal consequences.
- Discuss the possible professional consequences.

**Practical Scenario:**

Officer: You have just finished a lunch of a cheeseburger, chips, and a Pepsi at the local cafe. When you ask for the check, the waitperson says the manager said, "Meals for police officers are on the house because it provides added security to the cafe."

Waitperson: You like having officers come by to eat because it makes you feel safer since the cafe is in a rough neighborhood. You know the Manager would be mad if you gave an officer a check.

Citizen: You are a customer in the restaurant. You have recently been laid off because of the slow business cycle. You have three kids, and your spouse is working two part-time jobs trying to keep a roof over your heads. You overhear the waitperson's comments to the officer.

- Identify the ethical dilemma.
- Discuss the difference in perceptions.
- Discuss the possible personal consequences.
- Discuss the possible professional consequences.

**Refer** to Penal Code Chapter 39.04(b): it is a criminal offense for improper sexual activity with a person in custody; increasing a criminal penalty to a 2nd degree felony.

**1.5. Discuss the differences between physical and moral courage.**

Courage is the state or quality of mind or spirit that enables one to face danger with self-possession, confidence, and resolution; bravery; valor. Moral courage is the courage to take action for moral reasons despite the risk of adverse consequences. Courage is required to take action when one has doubts or fears about the consequences. Moral courage therefore involves deliberation or careful thought.

Discuss "duty to intervene" with students. Refer to Code of Criminal Procedure Chapter 2.1387.

Examples of physical courage:

- Facing barricaded, armed suspect
- Duty to intervene.

Examples of moral courage:

- Refusing gratuities

- Refusing to participate in cover-up.
- Refusing to participate in ethnic or gender-based humor or practical joking, etc.
- Duty to intervene.

**Lecture Scenario:** Discuss a situation where duty to intervene would apply through both moral and physical courage.

**Unit Goal: Understand the civil and criminal laws related to unethical behavior of peace officers.**

**1.6. Discuss Title 8 of the Texas Penal Code in relationship to an officer's behavior.**

Offenses against public administration:

- Chapter 36: Bribery and Corrupt Influence
  - Definitions – Penal Code Chapter 36.01
  - Bribery - Penal Code Chapter 36.02
  - Coercion of Public Servant or Voter - Penal Code Chapter 36.03
  - Improper Influence - Penal Code Chapter 36.04
  - Tampering with Witness - Penal Code Chapter 36.05
  - Obstruction or Retaliation - Penal Code Chapter 36.06
  - Acceptance of Honorarium - Penal Code Chapter 36.07
  - Gifts to Public Servants - Penal Code Chapter 36.08
- Chapter 37: Perjury and Other Falsification
  - Definitions - Penal Code Chapter 37.01
  - Perjury - Penal Code Chapter 37.02
  - Aggravated Perjury - Penal Code Chapter 37.03
  - False Report to Peace Officer or Law Enforcement Employee - Penal Code Chapter 37.08
  - Tampering with Or Fabricating Physical Evidence - Penal Code Chapter 37.09
  - Tampering with Governmental Record - Penal Code Chapter 37.10
- Chapter 39: Abuse of Office
  - Definitions - Penal Code Chapter 39.01
  - Abuse of Official Capacity - Penal Code Chapter 39.02
  - Official Oppression - Penal Code Chapter 39.03
  - Violation of Civil Rights of Person in Custody; Improper Sexual activity with Person in Custody - Penal Code Chapter 39.04
  - Failure to Report Death of Prisoner - Penal Code Chapter 39.05
  - Misuse of Official Information - Penal Code Chapter 39.06

**1.7. Explain relevant federal criminal law in relationship to an officer's behavior.**

Criminal law relating to officer behavior:

- Unethical conduct on the part of peace officers can result in federal prosecution.
- There are specific statutes aimed at peace officers to prevent violations of civil rights.
- The FBI has a special role to investigate those accusations.

- Those investigations are controlled out of Washington, DC to prevent friendships and working relationships between locally stationed FBI agents and the peace officer being investigated from being compromised.

**18 USC 241: Conspiracy Against Rights:**

If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured --They shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life.

(As amended Apr. 11, 1968, Pub.L. 90-284, Title I, § 103(a), 82 Stat. 75; Nov. 18, 1988, Pub.L. 100-690, Title VII, § 7018(a), (b)(1), 102 Stat. 4396.)

**18 USC 242: Deprivation of Rights Under Color of Law**

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if bodily injury results shall be fined under this title or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

(As amended Apr. 11, 1968, Pub.L. 90-284, Title I, § 103(b), 82 Stat. 75; Nov. 18, 1988, Pub.L. 100-690, Title VII, § 7019, 102 Stat. 4396.)

**1.8. List civil penalties for sexual harassment and inappropriate officer conduct.**

Officers are accountable for their conduct at all times. This includes conduct within their respective agencies. There exist many examples of civil rights violations and sexual harassment in law enforcement. It is not only unprofessional and against the law; it can subject you and your department to civil penalties.

Civil penalties for inappropriate conduct:

- Sexual Harassment - EEOC definitions 42 USC 1983 Violation of Civil Rights
- Sexual Harassment - Penal Code Chapter 39.03
- Texas Commission on Human Rights - Sexual Harassment
- Equal Employment Opportunity Commission-Sexual Harassment
- The definition of harassment as opposed to sexual harassment - EEOC.

There exist many examples of civil rights violations and sexual harassment in law enforcement. It is not only unprofessional and against criminal law; it can subject you and your department to civil penalties.

See Penal Code Chapter 39.03 - description of sexual harassment.

**Lecture Scenario:** You and your senior partner stop to visit a motel. They tell you they will be back in the car in thirty minutes.

- Identify the ethical dilemma.
- Identify your alternatives.
- Discuss your response and why.

**Lecture Scenario:** Another officer tells you that they have been getting the services of a prostitute who they got overly involved with.

- Identify the ethical dilemma.
- Identify your alternatives.
- Discuss your response and why.

**Lecture Scenario:** Your F.T.O. stops a motorist going 20 M.P.H. over the speed limit but accepts their phone number in lieu of a ticket.

- Identify the ethical dilemma.
- Identify your alternatives.
- Discuss your response and why.

**Lecture Scenario:** You are working an off-duty job at a bingo parlor. Several officers work there. The senior officer in charge explains to you that officers receive a percentage of the profits designated for charities.

- Identify the ethical dilemma.
- Identify your alternatives.
- Discuss your response and why.

**Lecture Scenario:** You and two other officers find a paper bag containing \$200,000 in cash. Your partners take the money to the property room. You read in the paper that \$50,000 was recovered.

- Identify the ethical dilemma.
- Identify your alternatives.
- Discuss your response and why.

**Lecture Scenario:** You and another officer are investigating a suspect for drug smuggling. The suspect tells you, "You will never get me on this." They let you search their apartment. You look in a dresser drawer, and it is empty. Your partner five minutes later finds a rock of crack in that drawer.

- Identify the ethical dilemma.
- Identify your alternatives.
- Discuss your response and why.

**Lecture Scenario:** You are aware that a fellow officer has developed a serious drinking problem. When you are in roll call, you smell alcohol on that officer's breath.

- Identify the ethical dilemma.
- Identify your alternatives.

- Discuss your response and why.

**Lecture Scenario:** Your first night on the job you are riding with your F.T.O. They pull into a secluded area turns off the engine and turns up the radio. They tell you to wake them if you get a call.

- Identify the ethical dilemma.
- Identify your alternatives.
- Discuss your response and why.

**Lecture Scenario:** You go into a bar where the bartender and the owner have supplied you with information on some folks that allowed you to bust them for cocaine usage. As you come into the bar you notice an underage person being served alcohol.

- Identify the ethical dilemma.
- Identify your alternatives.
- Discuss your response and why.

## RESOURCE MATERIAL

### Law Enforcement Code of Ethics

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 persons to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all and will conduct myself 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 in both my personal and official life. I will be exemplary in obeying the laws of the land 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.

I WILL never act officiously or permit personal feeling, 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 of favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

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 the 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.

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.

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

## **LAW ENFORCEMENT CANONS OF ETHICS**

(Adapted from the International Association of Chiefs of Police)

### **PRIMARY RESPONSIBILITY OF JOB**

The primary responsibility of law enforcement, and of the individual officer, is the protection of people of the United States through the upholding of laws. Chief among these laws is the Constitution of the United States and its amendments. The law enforcement officer always represents the whole of the community and it's legally expressed will and is never the arm of any political party or clique.

### **LIMITATIONS OF AUTHORITY**

The first duty of law enforcement officers, as upholders of the law, is to know its bounds upon them in enforcing the law. Because they represent the legal will of the community, be it local, state, or federal, they must be aware of the limitations and proscriptions which the people, through the law, have placed upon them. They must recognize the genius of the American system of government, which gives to no person, groups of people, or institutions, absolute power; and they must ensure that they, as prime defenders of that system, do not pervert its character.

### **DUTY TO BE FAMILIAR WITH THE LAW AND WITH RESPONSIBILITIES OF SELF AND OTHER PUBLIC OFFICIALS**

Law enforcement officers shall assiduously apply themselves to the study of the principles of the laws, which they are sworn to uphold. They will make certain of their responsibilities in the particulars of their enforcement, seeking aid from their superiors in matters of technicality or principle when these are not clear to them. They will make special effort to fully understand their relationships to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.

### **UTILIZATION OF PROPER MEANS TO GAIN PROPER ENDS**

Law enforcement officers shall be mindful of their responsibilities to pay strict attention to the selection of means in discharging the duties of their office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must be by those who enforce it.

### **COOPERATION WITH PUBLIC OFFICIALS IN THE DISCHARGE OF THEIR AUTHORIZED DUTIES**

Law enforcement officers shall cooperate fully with other public officials in the discharge of authorized duties, regardless of party affiliation or personal prejudice. They shall be meticulous, however, in assuring themselves of the propriety, under the law, of such actions and shall guard against the use of their office or person, whether knowingly or unknowingly, in any improper or illegal action. In any situation open to question, they shall seek authority from their superior officer, giving them a full report of the proposed service or action.

### **PRIVATE CONDUCT**

Law enforcement officers shall be mindful of their special identification by the public as upholders of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable person. Following the career of a police officer gives no person special perquisites. It does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American republic. The officer who reflects upon this tradition will not degrade it. Rather, they will so conduct their private lives that the public will regard them as examples of stability, fidelity, and morality.

### **CONDUCT TOWARD THE PUBLIC**

Law enforcement officers, mindful of their responsibility to the whole community, shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. Law enforcement officers shall conduct their official life in a manner such as will inspire confidence and trust. Thus, they will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in neither awe of them nor a right to command them. The officers will give service where they can, and will require compliance with the law. They will do neither from personal preference or prejudice but rather as duly appointed officers of the law discharging their sworn obligation.

### **CONDUCT IN ARRESTING AND DEALING WITH LAW VIOLATORS**

Law enforcement officers shall use their powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen concerned. Their office gives them no right to prosecute the violator or to mete out punishment for the offense. They shall, at all times, have a clear appreciation of their responsibilities and limitations regarding detention of the violator. They shall conduct themselves in such a manner as will minimize the possibility of having to use force. To this end, they shall cultivate a dedication to the service of the people and the equitable upholding of the law, whether in the handling of law violators or in dealing with the law abiding.

### **GIFTS AND FAVORS**

Law enforcement officers, representing government, bear the heavy responsibility of maintaining, in their own conduct, the honor and integrity of all government institutions. They shall, therefore, guard against placing themselves in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, they should be firm in refusing gifts, favors or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing their judgment in the discharge of their duties.

### **PRESENTATION OF EVIDENCE**

Law enforcement officers shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. They shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, they will ignore social, political, and

all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer's word.

Law enforcement officers shall take special pains to increase their perception and skill of observation, mindful that in many situations they are the sole impartial testimony to the facts of the case.

#### **ATTITUDE TOWARD PROFESSION**

Law enforcement officers shall regard the discharge of their duties as a public trust and recognize their responsibility as a public servant. By diligent study and sincere attention to self-improvement, they shall strive to make the best possible application of science to the solution of crime and, in the field of human relationships, shall strive for effective leadership and public influence in matters affecting public safety. They shall appreciate the importance and responsibility of their office and shall hold police work to be an honorable profession rendering valuable service to their community and country.