

BECOMING AN

EXEMPLARY PEACE OFFICER

THE GUIDE TO ETHICAL DECISION MAKING



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THE GUIDE TO ETHICAL DECISION MAKING

**California Commission on
Peace Officer Standards and Training (POST)
and
Michael Josephson
Josephson Institute of Ethics**

[This publication](#) was created under contract with The Josephson Institute of Ethics. It is part of a suite of materials that develop the concept of the Exemplary Peace Officer and integrate ethical considerations and effective decision making strategies into Basic Academy training and field operations. A POST editorial review board helped produce these materials.

BECOMING AN EXEMPLARY PEACE OFFICER
The Guide to Ethical Decision Making

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POST Mission Statement



The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California law enforcement in serving its communities.

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Foreword

The California Commission on Peace Officer Standards and Training (POST) is pleased to provide this publication: *Becoming an Exemplary Peace Officer* that was developed to support the Commission's Strategic Plan objective to inculcate the essence of leadership, ethics, and community policing throughout the Basic Course – the bedrock of the policing profession.

Becoming an Exemplary Peace Officer is another tool that educates and equips academy students with skills to assist them in making insightful decisions in the field that result in longer-term resolutions of problems encountered by peace officers serving our communities.

The Commission gratefully acknowledges the tireless efforts and extraordinary creativity of Michael Josephson and the Josephson Institute of Ethics. The Commission also extends its appreciation to the members of the Editorial Review Board for their input and active participation in the development of this publication.

You become the benefactor of the collective perception and experience of all who have assisted in the production of this publication.



Paul Cappitelli
Executive Director

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Introduction

There has never been a greater need for extraordinary men and women to serve their community as professional peace officers.

The services you will perform as a peace officer are so critical to the well-being of the community you will serve that every agency needs and expects excellence. Adequacy is not enough.

Despite the highest compensation and best benefit packages in history, the policing profession is understaffed. Few people are qualified in terms of character, commitment, and intelligence and can perform the wide range of vital tasks from suppressing crime to protecting people and property to working to solve community problems.

Your Academy training will be demanding. Not everyone will succeed. Those who do, however, can look forward to a rewarding professional career.

If you have not yet read the introductory booklet, ***Becoming an Exemplary Peace Officer: An Introduction to Peace Officer Training***, please do so immediately. It contains important information not found in this publication.

The objective of your Academy training, plus subsequent field training and in-service supervision and review, is to help you strengthen your character and develop the knowledge, abilities, and skills that will allow you to become an Exemplary Peace Officer (EPO). An EPO is not merely competent or even good. An EPO is excellent – an exemplary model. This excellence will translate into better community service and a safer, more successful, and more enjoyable career.

This booklet lays the foundation for your training and everything you will do once you become a sworn officer. Focus your full attention on mastering these concepts and principles. Nothing is unimportant.

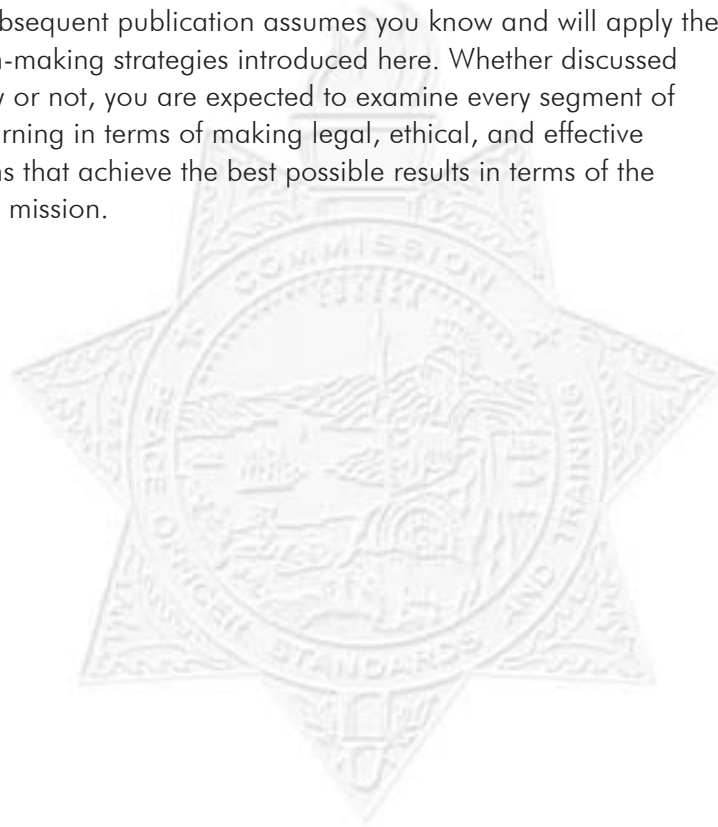
[Parts One](#) and [Two](#) explain the history of modern policing, its role in American society, and the full scope of your mission as a peace officer. Understanding the full range of the policing mission is critical to your ability to meet the expectations of your community and agency.

[Part Three](#) outlines the ethical principles that underlie your obligations and establishes the legal and moral standards by which your conduct will be judged.

[Part Four](#) presents a clear and detailed picture of the special qualities – character, proficiency, professionalism, and leadership – you will need to become an EPO. Academy instructors, field- and police-training officers (FTOs and PTOs), and supervising officers will constantly strive to build these qualities in you, but it is ultimately your responsibility to enhance each aspect until you become an EPO.

Most important, [Part Five](#) provides you with problem-solving and decision-making strategies to assure your safety and maximize the effectiveness of your actions.

Each subsequent publication assumes you know and will apply the decision-making strategies introduced here. Whether discussed explicitly or not, you are expected to examine every segment of your learning in terms of making legal, ethical, and effective decisions that achieve the best possible results in terms of the policing mission.



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PART 1

Policing History and Values

I believe in human dignity as the source of national purpose, human liberty as the source of national action, and the human heart as the source of national compassion.

— John F. Kennedy, 35th President (1917-1963)

To properly understand the many roles you will play as a peace officer, you should know that full-time, professional policing is a relatively new idea. Before Sir Robert Peel established the first police force in England in 1829, law enforcement and other policing duties were handled, if at all, by the military.

As cities grew, the need for a trained force dedicated to domestic policing became evident. Peel drafted legislation creating the London Police Department. Today, the city's police officers are referred to as "Bobbies" in his honor.

PEEL'S NINE PRINCIPLES OF POLICING

While Peel believed the primary purpose of police was "to prevent crime and disorder," he realized that repressive or violent approaches to maintaining order were inappropriate in a democratic society and would be ineffective. Thus, he wrote "Peel's Nine Principles of Policing." These tenets specify that the use of force should always be a last resort. They discuss the importance of community cooperation and support and recognize that judges, not the police, must administer justice. His ideas are as relevant today as they were in 1829.

Peel's Nine Principles of Policing

- 1 The basic mission for which the police exist is to prevent crime and disorder.
- 2 The ability of the police to perform their duties is dependent upon public approval of police actions.
- 3 Police must secure the willing cooperation of the public in voluntary observance of the law to be able to secure and maintain the respect of the public.
- 4 The degree of cooperation of the public that can be secured diminishes proportionately to the necessity of the use of physical force.
- 5 Police seek and preserve public favour not by catering to public opinion but by constantly demonstrating absolute impartial service to the law.

Peel's Nine Principles of Policing (cont)

- 6** Police use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice, and warning is insufficient.
- 7** Police, at all times, should maintain a relationship with the public that gives reality to the tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.
- 8** Police should always direct their action strictly towards their functions and never appear to usurp the powers of the judiciary.
- 9** The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with it.

Peel's principles can be broken down into three major areas:

| | |
|--|--|
| PREVENTING CRIME AND DISORDER | <p>Principal 1: The basic mission for which the police exist is to prevent crime and disorder.</p> <p>Principle 8: Police should always direct their action strictly toward their functions and never appear to usurp the powers of the judiciary.</p> <p>Peel understood and respected the separation between law enforcement and judicial functions. The job of the police officer is to bring suspected criminals to the courts where their guilt or innocence will be determined. Officers are not authorized to inflict punishment. That is the job of the correctional system.</p> <p>Principle 9: The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with it.</p> <p>Although much more is expected of modern police agencies, it is still true that their basic purpose is to protect lives and property by preventing crime and assuring public order.</p> |
| EARNING AND MAINTAINING PUBLIC APPROVAL | <p>Principle 2: The ability of the police to perform their duties is dependent upon public approval of police actions.</p> <p>Principle 3: Police must secure the willing cooperation of the public involuntary observance of the law to be able to secure and maintain the respect of the public.</p> <p>Peel understood that a citizenry that supports the police will assist peace officers in many ways, while citizens who are distrustful, resentful, or hostile will obstruct their performance of duties in a way that makes policing less efficient and more dangerous.</p> |

EARNING AND MAINTAINING PUBLIC APPROVAL (CONT)

Principle 5: Police seek and preserve public favour not by catering to public opinion but by constantly demonstrating absolute impartial service to the law.

Public support is gained and maintained through consistently, effectively, and impartially enforcing the law.

Principle 7: Police, at all times, should maintain a relationship with the public that gives reality to the tradition that the police are the public and the public are the police; the police being the only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.

Today's community policing strategy emphasizes a close and harmonious relationship between the police and the public.

USING FORCE AS A LAST RESORT

Principle 4: The degree of cooperation of the public that can be secured diminishes proportionately to the necessity of the use of physical force.

Principle 6: Police use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice, and warning is insufficient.

Peel's views that physical force tends to reduce public cooperation, that the use of force should be allowed "only to the extent necessary to secure observance to the law or restore order" and only when persuasion, advice, and warnings fail are consistent with contemporary law.

American Values and the Policing Function

In this country, Peel's Nine Principles are strengthened and supplemented by core values rooted in the basic documents on which we were founded: the Declaration of Independence, the Constitution, and the Bill of Rights.

THE DECLARATION OF INDEPENDENCE

The 1776 document that started the American Revolution stated fundamental principles, such as the "inalienable right" to life, liberty, and the pursuit of happiness.

THE CONSTITUTION

The supreme law of the land established the structure of the federal government, including allocating, granting, and limiting the powers of the three branches of government: executive, legislative, and judicial.

THE BILL OF RIGHTS

The first ten amendments to the Constitution specified particular individual rights and freedoms that cannot be violated by government action, such as freedom of religion, speech, and association and rights of those suspected or accused of crimes.

The basic values underlying these documents – respect for the individual, personal liberty, truth, justice, responsibility, service, and the rule of law – are protected and advanced by state and federal statutes and court opinions.

Your commitment as a peace officer to defend and exhibit these American values and fulfill these duties is vital to making this country such an exceptional place to live.

PEACE OFFICERS ARE CONSTITUTIONAL OFFICERS

Every peace officer is a “Constitutional officer” who must take the following oath: *“I solemnly swear (or affirm) that I will support and defend the Constitution of the United States... that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties upon which I am about to enter.”*

By pledging to support and defend the Constitution, you will make a solemn promise to uphold and protect the rights created in that document, including those regulating the power to arrest, search, identify, and interrogate suspects and requiring that all actions honor “due process of law.”

These Constitutional laws are not afterthoughts that hamper law enforcement; they are fundamental provisions arising from the Bill of Rights explicitly designed to protect liberty by placing limits on the government.

The Constitutional laws that regulate how you enforce laws are just as important as the laws you are enforcing.

THE POLICE ROLE

From a Constitutional point of view, your job is narrow, specific, and subject to legislation and judicial review. The separation of powers is continued in other ways as well.

Police agencies arrest suspects, but the district attorney decides what criminal charges will be filed, if any. The courts (usually with the help of juries) determine guilt or innocence and, except in capital cases, the sentence. The legislature makes laws, which create new crimes or new regulations that affect the way you do your job. *You must respect, rather than resent, laws that protect individual rights – even if they make your job more difficult.*

PART 2

The Policing Mission

The most destructive element in the human mind is fear. Only when we are no longer afraid do we begin to live.

– Dorothy Thompson, author (1894-1961)

Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of government.

Each individual officer, employee, or adviser of government must help to earn and must honor that trust by his (or her) own integrity and conduct in all official actions.

– Presidential Executive Order, 1969

THE MISSION STATEMENT

Just as individuals find fulfillment and focus in pursuing a purpose-driven life, effective organizations benefit from a clearly defined statement of purpose. Because the policing mission defines your role and responsibilities as a peace officer, it is important that you understand policing objectives fully.

Sir Robert Peel stated that the basic mission of the police is to prevent crime and disorder. Although this remains a central part of the core mission, *the duties of modern police agencies have expanded beyond mere law enforcement.*

In the 1950s, the International Association of Chiefs of Police (IACP) adopted a statement of the role and responsibilities of peace officers:

“My fundamental duty is to serve mankind; safeguard lives and property; 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.”

However, even this statement is not sufficient to describe today’s policing mission.

From Law Enforcement Officer to Peace Officer

In the past half century, the public’s expectations of police have expanded to include responsibilities that go considerably beyond “law enforcement.” While enforcing the law is still a central objective and a major activity of modern officers, it accounts for only a fraction of what they actually do.

Stopping crime and making good arrests will always be an important part of policing, but to achieve the modern mission, peace officers must also demonstrate leadership skills such as problem-solving and mediation.

Today, there is a general consensus that the concept of “peace officer” is more consistent with public expectations and needs than the narrower notion of “law enforcement officer.” As a result, peace officers must possess a wider range of skills and different set of attitudes than in the past.

THE FOUR ELEMENTS OF THE MODERN POLICING MISSION

Confidence in the government and faith in its dependability and integrity are factors having a vital impact on our ability to carry out its purposes. We can maintain the public confidence only to the extent that every one of our contacts with the public reflects the highest ethical and moral standards. Not only must we act with complete propriety, but we must be sure that none of our actions can be interpreted otherwise.

— Fred Goldberg, IRS commissioner

1 PROTECT AND SERVE THE PUBLIC

Equitably and respectfully enforce laws, preserve peace and public order, ensure public safety, and protect life and property.

The most basic responsibility of policing agencies is to protect and serve the community by equitably and respectfully enforcing the law. Therefore, peace officers must know the laws they’re enforcing, including those regulating how they are to be enforced. You must know the range of your authority as to the activities you are expected to suppress and how you are permitted to do so.

2 ENHANCE THE QUALITY OF LIFE

Prevent and reduce the fear of crime and solve problems in collaboration with other agencies.

As important as it is to protect citizens from crime and make communities safe, it is also important that people feel secure so they can walk the streets, use public parks, and retrieve their cars at night in parking structures without undue concern. Fear of crime affects more people than crime itself. Thus, effective policing must be visible and readily available.

3 GENERATE AND MAINTAIN PUBLIC TRUST

Perform all duties lawfully, effectively, and ethically.

In policing, engendering public trust is both a professional asset and a moral obligation. It is so important, it was identified by Sir Robert Peel as essential to success. “The ability of the police to perform their duties,” he said, “is dependent upon public approval of police actions.”

4
**UPHOLD
INDIVIDUAL
LIBERTIES AND
CONSTITUTIONAL
RIGHTS.**

Protect all rights guaranteed by the Constitution and other laws by demonstrating the highest respect for human rights and personal dignity, and by violating privacy and using force only when reasonable and to the extent necessary to accomplish the mission.

One of the fundamental principles of American democracy is the protection of personal liberty. It is a continual challenge, made more complicated by concerns regarding terrorism, to find a balance between security and freedom.

An armed officer at every corner and prominent watch towers and surveillance cameras throughout a city are effective law enforcement and crime-prevention strategies, but if our cities begin to resemble prisons rather than healthy communities where people are free to work and play, the quality of life is diminished.

As a peace officer, you must understand and respect principles of civil rights that restrict government intrusions into the lives of citizens, including laws regulating searches, detentions, interrogations, and the use of force. You must also understand the concept of due process, which guarantees no person will be deprived of life, liberty, or property without a fair legal procedure. Under these principles, individuals cannot be arrested or even stopped for interrogation. Their cars, clothing, or homes cannot be searched without proper legal cause.

**PROTECT
AND SERVE
THE PUBLIC**

Enforce laws. Detain, question, write citations, search, and arrest suspected violators of criminal laws, local ordinances, and traffic regulations.

Ensure public safety and protect life and property. Protect, rescue, and safeguard human life or property whenever they are endangered by criminal conduct, traffic accidents, natural disasters, terrorist attacks, or other causes.

Preserve peace and public order. Control crowds and handle public nuisances and disturbances of the peace.

**ENHANCE THE
QUALITY OF LIFE**

Prevent crime. Perform community education, problem-solving, and anti-gang/anti-drug activities.

Reduce fear of crime. Foster an environment where people feel free, safe, secure, and well-protected, and confident in the ability of police agencies to protect and serve them.

Solve community problems. In collaboration with other agencies, seek and implement solutions to community issues.

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| GENERATE AND MAINTAIN PUBLIC TRUST | Practice and preserve professionalism and proficiency and avoid any conduct that discredits you or your agency. |
| UPHOLD INDIVIDUAL LIBERTIES AND CONSTITUTIONAL RIGHTS | <p>Protect Constitutionally guaranteed liberties regarding freedom of speech, assembly, and religion; freedom from unreasonable arrests, searches, and seizures; and the rights to remain silent, to an attorney, and to “due process” of law.</p> <p>Demonstrate the highest respect for human rights and dignity by treating all people with respect and by violating privacy and using force only when reasonable and to the extent necessary to accomplish a proper policing purpose.</p> |

NOTE: Sheriff’s departments often have an additional responsibility to provide secure and humane detention and custody services in county jail facilities for persons awaiting trial and already sentenced.

EXAMPLE

After a series of rapes, fear spreads across the neighborhood. To protect the public and prevent future crime, the police should be more visible by increasing patrolling and should seek to investigate and apprehend former perpetrators thoroughly and aggressively. However, that is not enough. To reduce fear and increase a sense of security, the police must inform the public of these activities.

Statement of Values

Many policing mission statements include the agency’s core values that must be honored in pursuit of the mission. A Statement of Values reveals the agency’s objectives and priorities and tells its officers how they are expected to behave.

While such values will vary from agency to agency, certain concepts are universal:

- Accountability
- Excellence
- Collaboration/Teamwork
- Dedication
- Integrity
- Leadership
- Professionalism
- Public trust
- Respect for others
- Responsiveness
- Selfless service

How Mission and Values Guide Decisions

It is the sworn duty of every peace officer to faithfully and selflessly pursue all aspects of the policing mission in a manner that honors the agency's values.

The mission and values establish the objectives of all decision making and the quality of each decision. Thus, you should consider each of the nine mission objectives below and select the course of action most likely to achieve as many objectives as possible. This is called the “best possible result,” the goal of exemplary decision making (see [Part Five](#)).

In addition, the competence and character of each officer will be measured in relation to his or her ability to effectively achieve all aspects of the policing mission.

Nine Mission Objectives

- 1** Equitably and respectfully enforce laws.
- 2** Preserve peace and public order.
- 3** Ensure public safety and protect property.
- 4** Prevent crime.
- 5** Reduce fear of crime.
- 6** Solve community problems.
- 7** Uphold and protect individual liberties and Constitutional rights.
- 8** Respect human rights and dignity.
- 9** Generate and maintain public trust.

EXAMPLE

You are called to the home of an upset and fearful burglary victim to make a report on the crime. If your only objective were law enforcement, you would be expected to politely take the report and get back on the street as soon as possible. But since your mission also includes preventing crime, reducing fear of crime, and generating public trust and support, your call is an opportunity to advise the victim on measures she can take to reduce the chance of a future break-in, to comfort the victim and help her feel protected and safe, and to increase her confidence in and appreciation for your agency.

One approach is to handle the situation the way you would if the victim were your favorite aunt. You would be sensitive to her emotional state and understand her concern about her lost property and fear that the criminal may return.

EXAMPLE (CONT)

Showing empathy – the capacity to feel what another person is going through – can shift the victim’s attention away from the loss and reduce fear and anxiety. Saying something like, “Well, thank goodness no one was hurt. Burglars rarely come back, but I’ll alert the watch commander to keep an eye on your home extra carefully. Call this number if you see anything suspicious.”

This might take less than a minute, but such comments will greatly expand the positive impact of the interaction. By taking another few minutes to assess the victim’s home and suggest precautionary measures, the result will be even better. That’s the best possible result.

IDENTIFYING MISSION OBJECTIVES

In the following situations, determine which objectives and values are involved in how an officer should handle the problem. List the various options the officer has.

- 1** An officer is called by a store owner complaining that a “homeless” woman is scaring away his customers. Upon arrival, the officer sees a shabbily dressed elderly woman panhandling as customers enter and exit the store. When the officer confronts her, she yells obscenities and threatens him with a tennis racket.
- 2** An officer comes upon two boys on an overpass throwing rocks at cars below.
- 3** An officer is called to an apartment where two adults are fighting as three children look on. The female adult appears intoxicated and is abusive to the male, whom both acknowledge is her live-in boyfriend.

Mission and Job-Task Analysis

Another way to look at the police mission is to examine specific tasks. Earlier, we referred to common misperceptions about what peace officers do.

Studies conducted from 1979 to 2006 by the California Commission on Peace Officer Standards and Training (POST) provide a good picture of what entry-level patrol officers actually do. The reports identified the following entry-level job functions:

| | |
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| Advise and Assist the Public | Provide general assistance to the public. It includes such duties as responding to non-emergency calls for service and checking the welfare of persons. |
| Work With the Community to Reduce Crime and Address Concerns | Enhance collaborative problem solving with community members to reduce crime, resolve community concerns, and improve quality-of-life issues. Includes forming neighborhood-watch groups and/or training on crime-prevention techniques. |
| Prepare for and Present Legal Testimony | Prepare for testimony at hearings and trials, give depositions, and testify in court. |

| | |
|---|---|
| Apprehend and Arrest Suspects | Locate, pursue, control, arrest, and process suspects. |
| Detect and Investigate Crimes | Detect criminal activity, identify criminals and inspect, gather, and control property and information needed to investigate and resolve crimes. |
| Manage Traffic | Maintain the safe flow of traffic. Cite and/or arrest violators and investigate traffic accidents. |
| Document Investigations and Enforcement Actions | Document investigative actions and findings, enforcement actions, and other patrol activities and contacts for future reference in legal/administrative proceedings or to comply with federal/state/local requirements. |
| Maintain Community Order | Monitor community activity, mediate disputes, quell disturbances, control crowds, and conduct preventive patrols. |
| Provide Emergency Assistance | Protect and assist persons in emergency situations such as accidents, disasters, and crimes in progress. |
| Develop, Maintain, and Improve Job Readiness | Maintain and improve preparedness and proficiency to perform required job duties. |
| Handle Complaints and Incidents | Respond to complaints/incidents and calls for service ranging from taking notes to making log entries to conducting investigations. |
| Enhance Police-Community Relations | Seek to build public trust, confidence, and cooperation. Includes participation in programs designed to improve public awareness of the police officer's duties and responsibilities. |
| Serve the Public in a Consistent, Professional, and Lawful Manner | Act to ensure that all recipients of policing services are treated in an unbiased, ethical, and lawful manner. Perform all job tasks with the utmost honesty, integrity, and impartiality. |

SAMPLE MISSION AND VALUES STATEMENTS

Here are actual mission and values statements you might want to review before discussing the policing mission:

Los Angeles Police Department

...to safeguard the lives and property of the people we serve, to reduce the incidence and fear of crime, and to enhance public safety while working with the diverse communities to improve their quality of life.

Los Angeles County Sheriff's Department

Lead the fight to prevent crime and injustice. Enforce the law fairly and defend the rights of all. Partner with the people we serve to secure and promote safety in our communities.

Cathedral City, California

...to provide the community with progressive and professional police services, dedicated to ensure public order, a sense of community well-being, and responsiveness with integrity and excellence.

Ventura County Sheriff's Department

We, the members of the Ventura County Sheriff's Department, are committed to safeguard the lives and property of residents of Ventura County and respond to public concerns in a manner which promotes neighborhoods free from the fear of crime.

Our strategy for accomplishing this mission is to preserve the peace, prevent crime, apprehend offenders, facilitate problem-solving community partnerships, enforce laws, provide secure and humane detention for persons lawfully entrusted to our care, and display empathy and respect for the dignity of all individuals.

Oakland Police Department

The mission of the Oakland Police Department is to provide competent, effective public safety services to all persons, with the highest regard for human dignity through efficient, professional, and ethical law enforcement and crime-prevention practices.

Fairness. We value fairness and strive to deliver services, provide assistance, and make decisions that are impartial, unbiased, and without prejudice.

Integrity. We value the trust and confidence placed in us by the public we serve and will not compromise ourselves or allow personal benefit to influence our decision in serving the community.

Respect. We value respect; the respect for ourselves, each other, and all members of our community; showing an understanding and appreciation for our similarities and differences.

Service. We value the opportunity to provide service which is courteous, responsive, firm, and sensitive to the needs of the community.

Teamwork. We value teamwork and cooperation in combining our diverse backgrounds, skills, and beliefs to achieve a common goal.

Fallon, Nevada

The men and women of the Fallon Police Department are committed to the prevention of crime and the protection of life and property; the preservation of peace, order, and safety; the equitable enforcement of laws and ordinances; and the safeguarding of Constitutional guarantees for all residents, businesses, and visitors within the City of Fallon. With community service as our foundation, we are committed to enhancing the quality of life, seeking solutions to community problems, and fostering a sense of peace and security in all people within our city.

We will respond quickly to calls for service and strive to deter crime through aggressive patrol, identifying, and eliminating conditions that provide opportunity for criminal action. We will relentlessly pursue criminals, thoroughly investigate criminal incidents, and professionally prepare cases for prosecution of criminal offenders. Additionally, we will facilitate and maintain the safe movement of people and traffic in the city. We will develop a close communication with citizens and community groups in our city to help determine their perception of problems and work with them to identify solutions and implement activities to address their concerns.

Denver Police Department

In order to accomplish our mission we value and promote:

- The consistent and equitable enforcement of the law.
- Maintaining the highest standards of professional ethics, leadership, and integrity at all levels of the department.
- A community with a collective intolerance for crime, violence, neighborhood decay, and disorder.
- Unity and diversity, recognizing there is strength in both.
- A commitment to problem solving and crime prevention, in partnership with the community and other city agencies.
- Impartially employing both time-tested police methods and innovative approaches in protecting the community.
- Striving to maintain and support the most qualified work force by providing all personnel with high-quality equipment, technology, and training to enhance their skills.
- Impartial and equitable treatment of all employees.
- Openness and accessibility within our community.
- Timely, accurate, and effective internal and external communications.

Fresno Sheriff's Department

Professionalism. While leading by example, we are committed to excellence, honor, and valor in the performance of our duties.

Accountability. Through communication and cooperation, we strive to build community confidence with sensitivity to the diversity of all people, holding all employees to the highest standards of professional conduct.

Integrity. Dedication to the ethical standards of honesty, humility, fairness, and respect.

Trust. Through teamwork to instill mutual respect between ourselves and to promote confidence within the community.

Commitment. To these principles, to the public, and to the Law Enforcement Code of Ethics.

Houston Police Department

- Life and individual freedoms are sacred.
- All persons should be treated fairly and equitably.
- The role of the police is to resolve problems through the enforcement of laws – not through the imposition of judgment or punishment.
- The neighborhood is the basic segment of the community.
- Because law enforcement and public safety reflect community-wide concern, the police must actively seek the involvement of citizens in all aspects of policing.
- The fundamental responsibility of the police is provision of quality services.
- The department's employees are its most valuable asset.
- Employee involvement in departmental activities is essential for maintaining a productive working environment.
- Employees should be treated fairly and equitably in recognition of basic human dignity and as a means of enriching their work life.

PART 3

The Ethical Dimension of Policing

Ethics is central to policing. According to the International Association of Chiefs of Police, one of the greatest challenges facing modern policing agencies is “establishing and maintaining higher ethical standards.”

WHAT IS ETHICS?

Ethics is a branch of philosophy concerning human conduct. ***Ethics are standards of duty and virtue that define what is morally right, good, and proper.***

The ethical aspect of policing refers to an obligation to identify, consider, and comply with standards of right and wrong that prescribe how an exemplary peace officer should behave. An ethical person obeys laws and follows rules as a matter of good citizenship, but ethics is more than compliance. ***Compliance is about doing what you are required to do; ethics is about doing what you should do.*** After all, an act is not proper simply because it is permissible, nor is it ethical because it is legal.

An ethical person often chooses to do more than the law requires and less than it allows. As former U.S. Supreme Court Justice Potter Stewart said, “There is a big difference between what we have the right to do and what is right to do.”

Ethics and character are closely related. A person of character possesses worthy, admirable traits and virtues, and lives a life of honor based on ethical principles. Character is ethics in action. ***It is doing the right thing even when it costs more than you want to pay.***

WHAT ARE VALUES?

Values are deeply held convictions and beliefs about what is effective, desirable, or morally right. Values shape attitudes, motivate actions, and establish criteria for evaluating decisions and conduct. Integrity is not simply being honest; it is living your life in accordance with your values.

- Peace officers shall not allow their personal convictions, beliefs, prejudices, or biases to interfere unreasonably with their official acts or decisions (CPOA Standard 3.7).

Institutional Values. The beliefs embedded in the Constitution and police-agency value statements are examples of *institutional values*. These are external and are imposed on us.

Personal Values. Most people govern their lives by a different set of values consisting of convictions and beliefs about personal, social, and political issues. *Personal values* are often ingrained and lead to many of the key moral judgments that guide one's life.

Personal values are moral judgments. They are opinions, derived from parents, religion, or reflection as to what is ethical and good and what is not. Moral judgments concern broad philosophical issues such as what is a good person, and what is a worthy life as well as personal views on religion, lifestyle choices, personal behavior, and politics. Together, these beliefs are one's personal values.

Some people are so passionate about their beliefs and so certain they are right, they sincerely believe those with contrary views are misguided, wrong, stupid, and/or evil. This perspective can develop into self-righteousness, which can lead to intolerance, discrimination, and persecution. When this happens, personal values can result in unethical conduct.

No matter how confident you are in your moral judgments, it is wise and respectful to recognize that personal values are just opinions. ***It is a mistake to conclude that the intensity of one's personal convictions validates their truth.***

Conflicts Between Personal and Professional Values

In most cases, the values that underlie your professional obligations will be consistent with your personal values. But you may run into situations where your beliefs conflict with your duties.

For example, your views on drug or alcohol use, abortion, civil rights, or political protest may conflict with your duty to enforce the law, protect the public, or uphold rights with which you disagree. ***Your success in policing depends on your ability to fulfill your professional obligations regardless of your personal beliefs.***

EXAMPLE

Officers Bryant and Davis disagree strongly on abortion. Both are called to respond to an anti-abortion demonstration in front of a medical facility known to perform legal abortions. So long as the demonstration is peaceful and lawful, both officers must protect the people within the building as well as the demonstrators' freedom of speech, regardless of the officers' personal beliefs.

Discernment and Discipline

Ethical behavior requires both discernment (knowing right from wrong) and discipline (doing what is right regardless of temptations and pressures to do otherwise).

Discernment. Discerning what is right is often obvious. In some situations, however, it is not. Sometimes, ethical principles collide (such as when being honest may be hurtful or disrespectful or when enforcing the law may be unkind or disloyal to a friend). Sometimes, an officer may act unethically because he or she did not know or understand government ethics laws about accepting gifts or conflicts of interest. Part of becoming an EPO is continually improving your knowledge and ethical judgment.

Discipline. It is not enough to know what is right; it is necessary to do what is right. Sometimes, this requires great moral courage because the consequences can be inconvenient, unpleasant, costly, or dangerous.

In understanding ethics, it is helpful to know the difference between the “is” (what people actually do) and the “ought” (what people should do). Ethics is not about the way things are; it is about the way they ought to be.

Ethics is prescriptive, not descriptive. This means ethics prescribes or commands what we ought to do; it does not describe what people really do.

Relativism and Universalism

A popular approach to ethics is called “ethical relativism” – the view that ethics is a matter of cultural norms or personal opinions. To a relativist, there is no way to distinguish between Adolf Hitler and Mother Teresa because both lived up to their standards of what is right. By this reasoning, we could not draw a defensible moral distinction between street gangs and other groups.

The more dominant view of ethics – the one on which this manual is built – rests on the conviction that *there are certain universal truths (moral standards of right and wrong) that govern the behavior of all people in all settings.* This is called “ethical universalism.”

THE SIX PILLARS OF CHARACTER

The fact that there is so much disagreement on moral issues leads to a common but erroneous view that ethics is a matter of opinion. In fact, beneath the discord is a core group of ethical principles that are so widely accepted, they are viewed as universal moral truths. These core values define what it is to be a good person and to live a good life. ***They transcend time, culture, and personal ideology.***

A national, nonpartisan organization called the CHARACTER COUNTS! Coalition has identified six ethical values – the Six Pillars of Character – that have been endorsed by major policing institutions as well as educational, governmental, and professional organizations as the basis of universal ethical principles that apply to all people.

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

The Six Pillars of Character provide **a list of virtues possessed by the exemplary peace officer** as well as an easy-to-use and understand definition of ethics. They are the values framework for your Academy training and professional life beyond.

The Six Pillars provide an ethical framework to help you determine what is right and good and bind us irrespective of personal beliefs, group practices, or regional customs. They provide objective criteria that we can use to judge conduct.

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| 1 TRUSTWORTHINESS | Trustworthiness embodies four ethical obligations essential to personal credibility and public trust: integrity (consistency between beliefs, words, and actions), honesty (truthfulness, sincerity, and candor), promise-keeping, and loyalty. |
| 2 RESPECT | Respect refers to the moral duty to treat all people with dignity, courtesy, and professionalism regardless of what you think of them personally. There are two aspects to respect: verbal and physical. It is disrespectful and unprofessional to use profanity; to make racial, ethnic, or gender slurs; to make sexual comments; or to engage in other conduct that could reasonably be construed as rude, crude, tasteless, humiliating, or abusive. Respect can also limit the use of physical force. |
| 3 RESPONSIBILITY | Responsibility means being personally accountable for our choices and executing duties with professionalism and proficiency. |
| 4 FAIRNESS | Fairness is treating people equally; being consistent; being open-minded; giving people an opportunity to respond to accusations; and making decisions on the merits while avoiding favoritism, bias, or prejudice. |

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| 5 CARING | Caring is the heart of ethics and ethical decision making. It is scarcely possible to be ethical and unconcerned with the welfare of others. That is because ethics is ultimately about good relations with other people. Caring is being kind, compassionate, empathetic, charitable, and forgiving. |
| 6 CITIZENSHIP | Citizenship as an ethical value does not refer to one's residence or status in one country or another. Rather, it speaks to one's duty to be a constructive, law-abiding member of the community who honors the rule of law, respects lawful authority, and abides by the letter and spirit of the law. Being a good citizen also involves meeting civic responsibilities by voting and participating in the processes of democracy. Good citizens also demonstrate a concern for the well-being of their neighbors and help protect the environment for future generations. |

Code of Honor

Honor is an ethical concept. To be honorable, to act honorably, to bring honor to one's family or profession, to be worthy of honors, and to swear on one's honor are all ways of talking about noble and virtuous character. In 2000, the IACP Committee on Police Ethics developed the "Law Enforcement Oath of Honor" that put ethics at the foundation of the profession:

**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,
the community, and the agency I serve, so help me God.**

Professional Codes of Ethics

One of the qualities that define a profession is the requirement that its members adhere to codes of conduct that are specific to the profession. Lawyers and doctors have obligations to protect the confidentiality of certain communications. Psychologists and teachers have ethical rules against romantic relationships with clients and students. Peace officers have duties to avoid impropriety or even the appearance of impropriety to preserve public trust. They also have an ethical obligation to help people in danger even though such actions may put their life at risk.

Professional codes of ethics are built upon – they do not replace – the ethical obligations of the Six Pillars of Character.

Examples of Ethics Laws and Codes

Peace officers shall not compromise their integrity, or that of their agency or profession, by accepting, giving, or soliciting any gratuity (CPOA, Canon Eight).

Public employees are prohibited from using time, facilities, equipment, or supplies of the City of San Diego for anyone's private gain or advantage (City of San Diego Code of Ethics).

Public employees are prohibited from using official information not available to the general public for private gain or advantage (City of San Diego Code of Ethics).

No City official [or] employee...shall use...the power or authority of his or her office or position in any manner intended to induce or coerce any person to provide, directly or indirectly, anything of value which shall accrue to the private advantage, benefit, or economic gain of the City official or employee, or of any other person. (Governmental Ethics Ordinance, Los Angeles Municipal Code, Section 49.5.5).

Officials and employees are prohibited from using County-owned equipment, materials, or property for personal benefit or profit unless specifically authorized by the Board of Supervisors as an element of compensation (San Bernardino County Code of Ethics, Section 7).

Public employees are prohibited from receiving or accepting, directly or indirectly, any gift or favor from anyone doing business with the City of San Diego under circumstances from which it could reasonably be inferred that such was intended to influence that elected official, officer, appointee, or employee in his or her official employment or duties or as a reward for official action (City of San Diego Code of Ethics).

Peace officers shall not engage in any activity which would create a conflict of interest (CPOA Standard 4.8).

No elected official, officer, appointee, or employee of the City of San Diego shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence or judgment or action in the performance of such duties (City of San Diego Code of Ethics).

Public employees are prohibited from engaging in or accepting private employment or rendering services for private interests when such activities are incompatible with the proper discharge of official responsibilities or duties (City of San Diego Code of Ethics).

No full-time City official shall accept any honoraria or other outside earned income without the prior written approval of the general manager or other chief administrative officer of his or her department (Governmental Ethics Ordinance, Los Angeles Municipal Code, Section 49.5.9).

No City official shall...negotiate the possibility of future employment with any person who has a matter within the regulatory, proprietary, or contractual jurisdiction of his or her agency currently pending before that officer or employee (Governmental Ethics Ordinance, Los Angeles Municipal Code, Section 49.5.12).

California Peace Officer's Association, Standards of Ethical Conduct

Peace officers shall uphold the Constitution of the United States, the State Constitution, and all laws enacted or established pursuant to legally constituted authority.

Standard 1.1 Peace officers shall recognize that the primary responsibility of their profession and of the individual officer is the protection of the people within the jurisdiction of the United States through upholding of their laws, the most important of which are the Constitution of the United States and the State Constitutions and laws derived therefrom.

Standard 1.2 Peace officers shall be aware of the extent and the limitations of their authority in the enforcement of the laws.

Standard 1.3 Peace officers shall diligently study principles and new enactments of the laws they enforce.

Standard 1.4 Peace officers shall be responsible for keeping abreast of current case law as applied to their duties.

Standard 1.5 Peace officers shall endeavor to uphold the spirit of the law, as opposed to enforcing merely the letter of the law.

Standard 1.6 Peace officers shall respect and uphold the dignity, human rights, and Constitutional rights of all persons.

CPOA Code of Ethics

Peace officers shall not be disrespectful, insolent, mutinous, or insubordinate in attitude or conduct (**Standard 4.10**).

Peace officers shall be courteous and respectful in their official dealings with the public, fellow officers, superiors, and subordinates (**Standard 4.11**).

IACP Law Enforcement Code of Ethics

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. I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. I will never employ unnecessary force or violence.

THE ETHICAL WORLD OF THE PEACE OFFICER

The ethical world of the peace officer is complex. In addition to the moral obligation to be a person of character governed by the **universal ethical duties** embodied in the Six Pillars of Character, a peace officer is subject to *professional ethical standards*. These include what we call the *Five Principles of Public Service Ethics*, as well as government ethics codes that apply to all public employees and more specific codes that apply only to peace officers.

As **public employees**, peace officers are bound by a broad set of ethical principles providing an overarching set of standards that require public servants to use their governmental authority in a manner that produces and preserves public trust.

Effective policing depends on the public's cooperation and lawfulness. When trust erodes, their willingness to assist peace officers or comply with the law deteriorates. In an environment of mistrust, the peace officer's job is much more difficult.

If policing functions are not performed ethically, there will be no public trust. Therefore, conduct deemed to be unethical will be grounds for discipline, including termination.

Because public servants have a special responsibility to generate and preserve public trust, they must abide by complex *state and local government ethics* codes regarding such issues as conflicts of interest, moonlighting, and the acceptance of gratuities.

To prevent corruption, waste, and abuse of authority, every state and many local government entities have adopted laws that apply to public employees, including peace officers. In general these laws:

- Prohibit using public office for private gain
- Define and regulate conflicts of interest
- Require openness and accountability
- Demand that public employees abide by the spirit as well as the letter of the law
- Require public employees to avoid even the appearance of impropriety

Your agency has access to legal counsel to help you understand the details of the laws that apply to you. Don't hesitate to seek advice whenever you face a choice that **might** be governed by them. Once you understand the basic philosophy of the Five Principles of Public Service Ethics, you will be better able to avoid legal entanglements.

THE FIVE PRINCIPLES OF PUBLIC SERVICE ETHICS

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| 1 PUBLIC INTEREST | Public office is to be used only to advance public interests, not personal gain. These rules include limitations on accepting gifts, gratuities, and favors (including special discounts) and using public property for personal purposes. |
| 2 OBJECTIVE JUDGMENT | Public employees must exercise objective judgment and act in the best interest of the public. Decisions are to be made on the merits, free of partiality or prejudice and unimpeded by conflicts of interest. Detailed laws require public servants to identify and avoid conflicts of interest that could impede their objective judgment (including rules governing outside employment). |
| 3 ACCOUNTABILITY | Government is to be conducted openly, efficiently, equitably, and honorably so the public can make informed judgments and hold public officials accountable. The Brady Rule, created by the courts, imposes special accountability standards requiring agencies to make available to defense attorneys information in an officer's personnel file that may bear on honesty and integrity. |
| 4 DEMOCRACY | Public employees are required to honor the spirit, as well as the letter, of the law. Gamesmanship strategies and legalistic tactics that evade the law and undermine public policy are unethical. |
| 5 RESPECTABILITY | All public servants must safeguard public confidence in the integrity of the government by avoiding appearances of impropriety and conduct unbefitting their office. Because of their high visibility, it is especially important that peace officers scrupulously conduct their professional and personal lives in a manner that never tarnishes their badge. |

A CLOSER LOOK AT THE SIX Pillars OF CHARACTER

Towers of trust are built stone by stone, yet no tower is so tall or so strong that it can stand when lies and deceptions undermine the stones at its base.

— Unknown

The courage of life is often a less dramatic spectacle than the final moment. [People of courage] do what they must – in spite of personal consequences, in spite of obstacles and dangers and pressures – and that is the basis of all morality.

— John F. Kennedy

You can fool the whole world down the pathway of years, And get pats on your back as you pass, But your final reward will be heartache and tears If you've cheated the man in the glass.

— Dale Wimbrow, poet, artist (1895-1954)

PILLAR ONE: **TRUSTWORTHINESS**

Trustworthiness is one of the most prominent and important qualities of an ethical person or organization. Peace officers and their agencies must earn trust by being trustworthy.

In our personal lives, **trust is essential to meaningful and durable relationships**. It enhances and simplifies transactions because people who trust us take us at our word and, in ambiguous situations, give us the benefit of doubt. When we are trusted, we don't need oaths, written confirmations, or signed contracts for everything we say.

Trustworthiness involves four qualities:

- Integrity
- Promise-Keeping
- Honesty
- Loyalty

Integrity

Although integrity is sometimes used as a synonym for honesty, ethics, or character, it has its own unique meaning. It comes from the same Latin root as "integer," or whole number. A critical aspect of integrity is moral wholeness, or oneness, demonstrated by a consistency of thoughts, words, and deeds.

People of integrity know who they are and what's important. They take time for self-reflection so events, crises, and momentary necessities do not determine the course of their moral life. They stay in control and never demean themselves with obsequious behavior toward people in power. They are trusted because people

know what they see is what they get.

Moral Courage. Moral courage is the psychological strength to resist pressures and hold onto important values even in the face of criticism, embarrassment, unpopularity, or the risk of losing something. For example, an officer of integrity will tell the truth even if it means a guilty person will be set free, a valued friendship will be injured, a desired promotion will be lost, or a disciplinary measure will be imposed.

Moral courage stiffens the backbone and gives us strength to follow our highest values despite temptations and pressures to do otherwise. It helps us do the right thing even when it costs more than we want to pay.

Officers with integrity cannot be influenced by bribes, favors, fears, or threats. They will do their duty regardless of the risks or temptations.

Consistency. People with integrity practice what they preach, are what they say they are, believe what they say they believe, and do what they say they will do.

Honesty

Honesty is the bedrock of trustworthiness. The moral command to be honest requires us to speak and act only in ways that engender and justify trust. There are two dimensions of honesty: **actions and communications**.

Actions. Honest people play by the rules without cheating, fraud, subterfuge, or other forms of trickery. Cheating is a particularly foul form of dishonesty because one not only seeks to deceive, but to take advantage of those who do not. It's a violation of both trust and fairness. Another form of dishonest conduct is theft.

Communications. Honesty requires a good-faith intent to convey the truth. In the language of the courtroom oath, *an honest person tells the truth, the whole truth, and nothing but the truth*. There are three aspects to honest communication: truthfulness, sincerity, and candor.

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| TRUTHFULNESS | Honest people are truthful. They do not intentionally misrepresent facts, intentions, or opinions. (This is called lying.) Intent is crucial. There's a difference between truthfulness and actual truth. Being wrong is not the same as being a liar. Trustworthiness requires an officer to be truthful and avoid all forms of dishonesty, including lies and deliberately misleading statements. Any form of lying could subject the officer to serious discipline. If a misrepresentation takes place under oath, it may justify criminal charges such as perjury, making false statements, or obstructing justice. Policing professionals are afforded a narrow exemption to the strict requirement of honesty during approved and judicially reviewed undercover operations and, to some degree, in interrogations. |
| SINCERITY | Trustworthiness requires sincerity and the avoidance of all forms of deceit (deliberately causing another to believe something untrue without actually lying). Sincerity is genuineness, acting without trickery or duplicity. It precludes all acts – including half-truths, out-of-context statements, and even silence – intended to create beliefs or leave impressions that are untrue or misleading. |
| CANDOR | In certain relationships, there is sometimes a moral obligation to say something even if you are not asked. This is referred to as candor. Unless prevented from doing so by another moral duty, such as confidentiality, a trustworthy person volunteers information when the nature of the relationship creates a fair expectation that such information will be shared. For peace officers, this applies to all communications to a superior officer, official reports, and testimony. A trustworthy officer is forthright to assure the truth is known, even if it means volunteering negative information. |

Lies and Deceptions. Lies are intentional misrepresentations. They are direct and explicit falsehoods intended to cause someone to believe something untrue. Deceptions have the same purpose and effect but accomplish their goal without falsehoods. Instead, deceptions use half-truths, misleading or tricky statements, or even silence to mislead another. All lies and deceptions have in common a dishonest intent as they deliberately cause others to believe something they know is untrue.

From a legal point of view, lies are more serious and more easily provable resulting in crimes such as perjury or fraud. ***From a moral or ethical perspective, there is no difference between a lie and a deliberate deception. Both are dishonest.***

Standards

Peace officers shall maintain the integrity of their profession through complete disclosure of those who violate any of these rules of conduct, violate any law, or conduct themselves in a manner which tends to discredit the profession (CPOA Standard 6.4)

Peace officers shall truthfully, completely, and impartially report, testify, and present evidence in all matters of an official nature (CPOA Standard 2.2).

Mistakes Are Different Than Lies. Dishonesty is a matter of intent. Being wrong is different than being dishonest. Truthful people (those who intend to and believe they are telling the truth) may unintentionally say untrue things. This is a mistake, not a lie or a deception. Like lies, mistakes damage credibility, but they do so in a different way. Mistakes cast doubt on a person's reliability, competence, and carefulness, whereas dishonesty casts doubt on integrity.

Dishonesty About What You Know or Think.

It is dishonest to intentionally misrepresent facts (e.g., what you heard, said, or saw), but it's also dishonest to lie about a state of mind. This includes what you intended, what you knew, and what you remembered.

- ▶ It is dishonest to say you don't remember something when you do.
- ▶ It is dishonest to say you don't know something when you do.
- ▶ It is dishonest to falsely say you're not sure to evade saying what you believe to be true.
- ▶ It is dishonest to falsely state your intent or purpose.

EXAMPLE:

After arresting a suspect and seizing narcotics, an officer leaves the drugs on the back seat of the suspect's vehicle for about 15 minutes while she deals with other matters. Later, she retrieves the evidence and puts it in a marked envelope. At the preliminary hearing, the defense attorney asks her if the evidence was out of her possession for any time after the arrest. Fearing the evidence will be suppressed on a technicality (called "breaking the chain of custody"), but feeling certain no one tampered with the evidence, she falsely testifies that the drugs were in her possession or view at all times.

- Is this testimony justified given the clear guilt of the defendant?
- Could it result in serious consequences to the officer or the case if a videotape is produced revealing the evidence was out of her possession?
- Is it reasonable to expect officers to acknowledge minor errors or deficiencies in an otherwise solid case?

Credibility. It is not enough for an officer to be honest and have integrity; the officer must be believable. *Believability is called credibility.*

In most trials, there are conflicting accounts of the same event, and the judge or jury must decide who to believe. In criminal cases, the prosecutor has the burden of proving every element of the case beyond a reasonable doubt. Therefore, the credibility of witnesses, especially police witnesses, is often crucial to a successful prosecution.

To maintain credibility, officers must generate and justify trust even under the most difficult circumstances. All forms of dishonesty undermine credibility. Whenever people deceive us, we realize if they were willing to do so in the past, they might do so again. Thus, upon discovering someone has lied, we ask ourselves: "What else has he lied to me about? What else is she willing to lie about?"

Dishonesty on police reports, in affidavits, depositions, or courtroom testimony can be fatal to credibility and ruin an officer's career.

There are no small lies in policing. Even seemingly little lies or harmless exaggerations or deceptions can damage credibility and endanger careers. This includes false or misleading statements contained in expense-reimbursement claims, reports about the cause of damage to a vehicle, and misleading statements made to a superior.

Impeachment of Witnesses. Frequently, the testimony of a peace officer is an essential part of a prosecutor's case. If the officer is not believed, the prosecution fails and the defendant will be acquitted. Thus, a common strategy of defense lawyers is to attack the credibility of police witnesses by various means, including referring to past lies and deceptions. This is called "impeaching" a witness.

All the defense attorney has to do is raise a reasonable doubt. Thus, upon discovering a past lie or deception, it is common for the defense attorney to ask:

- "Were you lying then, or are you lying now?"
- "You lied before. Why should we believe you now?"

The Brady Rule. A critical case affecting peace officers was the 1963 U.S. Supreme Court case, *Brady v. Maryland*. The court ruled that the Constitution's "due process" clause requires the government to focus on truth and justice, not winning. Based on that premise, the court ruled ***the prosecutor must disclose to the defense attorney any evidence that could help establish the innocence of an accused.*** This is called "exculpatory evidence." This includes any evidence that might discredit (impeach) the testimony of an important witness including a peace officer.

In 1995, the federal case of *Kyles v. Whitley* expanded the Brady rule by imposing an ethical duty on prosecutors and policing administrators to examine personnel records, internal investigation files, or training files for potentially impeaching evidence that may indicate an officer has been untruthful. Once discovered, such information must be disclosed to the defense.

In some jurisdictions, prosecutors will refuse to file a case if a vital police witness is likely to be "Bradyed" (discredited by past conduct). Prosecutors will not give the officer a chance to explain the situation or give the jury a chance to weigh the impeaching evidence in the context of the whole testimony. In effect, this discretionary policy by prosecutors operates as a disqualification from testimony that can effectively end an officer's career.

Brady Cases

Example 1

After a 12-hour shift, Officer Jones goes home without completing the paperwork on an arrest and car search made at the end of his shift. He is off the next day. When he returns, he completes the paperwork, backdating the report to the day of the events. When his sergeant comments on the date, Jones says he rewrote the report to make it neater. A day later, he realizes this was wrong and tells the sergeant the truth. The date on the report is corrected. Jones is needed as a crucial witness at the trial, but the prosecutor notes the report was filled out two days after the arrest. He asks why and is told the reason. Under the Brady Rule, the prosecutor may be required to disclose the alteration and the initial lie to the defense attorney and may decide to drop the case rather than present the officer as a witness and subject him to impeachment.

Example 2

Officer Canaba returns from a shift with a scratch on her patrol car, acquired when she bumped up against a wall in a parking structure as she picked up her laundry. Canaba says nothing about the damage. When the sergeant asks her about it, she says she has no idea how it got there. The sergeant asks her partner, who reluctantly tells the truth. The sergeant writes up Canaba for running a personal errand while on duty and for lying. When she is called as a witness in a criminal case, the record of this discipline must be revealed to the defense attorney, and it may be used to impeach her testimony.

Promise-Keeping

When we say we will do something, we want people to rely on us. This is another aspect of trustworthiness. Thus, when we make promises or other commitments, we undertake the moral duty to make all reasonable efforts to fulfill them.

Avoid unwise commitments. Before making a promise, consider whether you are willing and likely to keep it in the face of unknown or future events that could make it difficult, undesirable, or impossible. Sometimes, all we can promise is to do our best.

Avoid unclear commitments. Be sure that, when you make a promise or statement that might be construed as a promise, the other person truly understands what you are committing to.

Avoid bad-faith excuses. Interpret your promises fairly and honestly. Don't try to rationalize noncompliance.

Standards

Peace officers shall recognize that their allegiance is first to the people, then to their profession and the government entity or agency that employs them (CPOA Standard 3.8).

Peace officers shall maintain the integrity of their profession through complete disclosure of those who violate any of these rules of conduct, violate any law, or conduct themselves in a manner which tends to discredit the profession (CPOA Standard 6.4).

Loyalty

Loyalty is and should be a highly regarded virtue in policing, but a danger exists of misplaced loyalty. According to an Asian proverb, there is a difference between dog and cat loyalty. Dogs are loyal to their master; cats are loyal to the house. Peace officers swear an oath to be loyal to the house (the Constitution and the public).

Loyalty to one's agency and coworkers is important, but such allegiance must never be used as an excuse to violate the higher loyalty owed to the community and the badge.

Code of Silence. Much has been written about the "Code of Silence," the informal police tradition that prohibits an officer from reporting or testifying against a fellow officer. Perhaps nothing is more difficult and distasteful than providing harmful information about a colleague, but ***it is misplaced loyalty to put the interests of any individual, especially a wrongdoer, over your sworn obligation and the public expectation that you will apply the law without fear or favor.***

Whatever was permitted or tolerated in the past, officers today are more likely to incur serious discipline and be subjected to criminal or civil liability if they withhold information or give false or incomplete information regarding another officer's conduct.

PILLAR TWO: RESPECT

Peace officers have a moral and legal duty to honor human dignity and treat all people under all circumstances with respect. Respect is central to the notion of professionalism, one of the four qualities of an EPO. Peace officers have a particularly strong ethical duty to use their powers to restrict the liberties of another and to use physical force with a high regard for human rights and dignity. As professionals, they must exercise self-restraint, regardless of the provocation.

Respect is how you treat people, not what you think of them. Peace officers often deal with people whose conduct merits condemnation. But even criminals and suspects must be treated with respect, not because they deserve it but because any other approach would demean the policing profession.

EXAMPLE:

Officer Blewitt stops a motorist suspected of intoxication. After the citizen is ordered out of the car, he becomes verbally abusive and spits in the officer's face. Blewitt places the citizen under arrest. While putting him in the car, Blewitt "accidentally" smashes the citizen's head on the door frame. During the drive to the station, the citizen continues to use profanities. Fed up, Blewitt says, "You worthless piece of dogs – t" and slams on the brakes at the next light, causing the handcuffed citizen to hit his head on the screen separating the front seat from the back. Is the officer's conduct justified? What alternatives did he have in dealing with the situation?

The Golden Rule. A historic rule of respect is often referred to as the Golden Rule: “Do unto others as you would have them do unto you.” In policing, there are constant temptations to employ improper variations of this rule, such as “Do unto others as they have done unto you,” “Do unto others before they do unto you,” or “Do unto others as they deserve.” *The ability to be civil and respectful even when dealing with unethical, unpleasant, or despicable people is a mark of a true professional.*

Offensive Words. A peace officer should never use racial or ethnic slurs or insult or demean a person because of gender, religion, sexual orientation, or physical disability. Profanity is unnecessary and always unprofessional, and offensive “police humor” (insensitive jokes or jargon) must be avoided.

Nonverbal Disrespect. Peace officers must also avoid showing disrespect non-verbally by using a condescending or inappropriately aggressive tone, yelling or making gestures such as rolling of the eyes or blatant expressions of disgust or frustration.

PILLAR THREE: RESPONSIBILITY

When you decide your life is your own, it becomes so. No excuses, no one to rely on, no one to blame. You can't control all your circumstances, but you can control your reactions and what you learn.

— Michael Josephson

Peace officers have a wide range of legal and moral duties embodied in the ethical concept of responsibility, a quality essential to being an exemplary peace officer.

Being responsible means being in charge of your choices and, thus, your life. It means being accountable for what you do and who you are.

There are three aspects of responsibility:

- 1 Accountability**
- 2 Pursuit of excellence**
- 3 Self-discipline**

Accountability

Responsible officers are accountable for the consequences of their choices, including words, actions, and attitudes. They may have reasons for their conduct, but they don't make excuses or blame others for their mistakes. They also accept responsibility for developing and maintaining their job skills.

- Responsible officers develop and maintain proficiency in all policing requirements and continually strive for self-improvement.

- Responsible officers develop and use leadership skills to improve themselves and others. They lead by example and teach others that “If you’re not part of the solution, you’re part of the problem.”
- Responsible officers do their best to get the resources they need but, in the end, do the best they can with what they have. Their approach is: “What can I do to make things better?” and “What could I have done to make things better?”
- Responsible officers don’t shift blame or claim credit for others’ work.

Pursuit of Excellence

- Responsible officers pursue excellence rather than adequacy.
- Responsible officers take pride in everything they do.
- Responsible officers prepare diligently and work hard.
- Responsible officers are persistent and finish what they start.

Self-Discipline

- Responsible officers accept personal responsibility for their attitudes and how they deal with their emotions.
- Responsible officers recognize that cynicism, negativism, and prejudices based on race, ethnicity, gender, or sexual orientation are poor choices and that optimism and acceptance of differences are more respectful and effective.
- Responsible officers exercise self-discipline and control negative emotions or desires that might impede their willingness or ability to perform their duties.
- Responsible officers act reasonably and professionally at all times despite feelings and passions that could result in foolish, unethical, or illegal actions.
- Responsible officers discipline themselves to select and express constructive and effective attitudes. They know attitudes are contagious and try to positively influence the way others think and act.

PILLAR FOUR: FAIRNESS

Your living is determined not so much by what life brings to you as by the attitude you bring to life; not so much by what happens to you as by the way your mind looks at what happens.

— John Homer Miller

Our attitudes propel us forward toward our victories or bog us down in defeat. They are the foothold beneath every step we take. They are what others see most of the personality within us. They describe us and define us, projecting the image we present to the world around us. Our attitudes make us rich or poor, happy or unhappy, fulfilled or incomplete. They are the single most determining factor in every action we will ever make. We and our attitudes are inextricably combined.

We are our attitudes and our attitudes are us.

— Shad Helmstetter

Fairness, and its twin, justice, are central concepts in policing.

A fundamental obligation of a peace officer is to pursue justice and assure that lawbreakers are held accountable and that innocent people are never punished for something they did not do. Peace officers also have a duty to honor Constitutional principles of **due process** to assure all legal proceedings are fair.

Even though the concepts of fairness and justice are simple – almost intuitive – applying them to real life can be difficult. Let's start by recognizing that there are two aspects of fairness: the **process** (how the decision is made) and the result (the substance of the decision)

Procedural Fairness

A fair process is crucial in making a fair decision. The legal concept of *due process* is about procedural fairness.

Process is extremely important because *a decision reached through a fair process is presumed fair, while one reached without due process is presumed unfair.*

There are five components to procedural fairness:

- 1 Notice
- 2 Neutrality
- 3 Transparency
- 4 Truth
- 5 Confrontation

| | |
|---------------|--|
| NOTICE | People affected by a decision should be given adequate notice of when and where the decision will be made so they can prepare and present facts and try to influence the decision. In criminal proceedings, due process makes such notice mandatory. Notice also means a person was informed or had reason to know particular conduct was expected or prohibited. |
| NEUTRALITY | The decision-maker must be neutral, objective, open, decide the issues on the facts, and apply rules or principles in good faith. Fair decision-makers suspend judgment until all the information is in and clear their mind of prejudice or predispositions about the person or issues involved. |
| TRANSPARENCY | The criteria for the decision must be announced in advance. The decision-maker must apply those criteria in making the decision. Thus, whereas race or gender is an unlawful and inappropriate consideration in hiring or promotion, the decision-maker should be open and honest about its importance. Decisions should be made, and should appear to be made carefully, honestly, and objectively and the rights, interests, and perspectives of all stakeholders must be fully considered without bias or favoritism. |
| TRUTH | Effort should be made to discover the truth to assure the decision is based on facts, not accusations, assumptions, or opinions. |
| CONFRONTATION | In criminal cases, there is a Constitutional right to confront evidence and cross-examine witnesses. In other settings, a hearing is not required, but those affected by the decision should have an opportunity to be heard before the decision is made. |

Substantive Fairness

I will not permit people to narrow and degrade my soul by making me hate them.

— Booker T. Washington, educator and author (1856-1915)

The moral obligations arising from fairness are often associated with rendering judgments that bestow benefits or impose burdens.

A substantively fair decision is one where people get the benefits and burdens they deserve.

- A fair performance review properly reflects an employee's performance.
- A fair promotion decision applies impartial selection criteria and assures the best person gets the job.
- A fair employee disciplinary measure or criminal sentence is consistent with the facts and is proportional to the offense.

Thus, a substantively fair decision apportions benefits and burdens equitably so people receive what they are due (this is called **distributive justice**).

Principles of Substantive Fairness

There are five components to substantive fairness:

- 1 Impartiality
- 2 Consistency
- 3 Appropriate Criteria
- 4 Proportionality
- 5 Burden of Proof

Impartiality

Fairness requires an objective and impartial decision-maker to decide the issues on the facts and apply rules or principles in good faith without prejudice, bias, or favoritism.

A decision based on conjecture or accusations rather than proof is inherently unfair as is a decision prejudiced against or partial toward a person affected by the decision.

Prejudice or bias can result from:

Self-interest. The decision-maker will benefit from a certain result (this is called a conflict of interest).

Animosity. The decision-maker has negative feelings for the person affected by the decision.

Affection. The decision-maker has positive feelings for the person affected by the decision.

- **Affiliation.** The decision-maker feels affinity toward the person affected by the decision based on an affiliation with the decision-maker (e.g., the person is in the same occupation, works for the same organization, is a member of the same religious or ethnic group, or expresses similar political views).

The decision-maker must be impartial and appear so to reasonable observers. Thus, an officer cannot solicit or accept any favors, gifts, gratuities, or other personal benefits from a person who will be affected by the officer's judgment.

Peace officers shall diligently study principles and new enactments of the laws they enforce (CPOA Standard 1.3).

Peace officers shall assume a leadership role in furthering their profession by encouraging and assisting in the education and training of other members of the profession (CPOA Standard 6.8).

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; and develop self-restraint (IACP Law Enforcement Code of Ethics).

Peace officers, with due regard for compassion, shall maintain an objective and impartial attitude in official contacts (CPOA Standard 3.6).

Peace officers shall not allow their personal convictions, beliefs, prejudices, or biases to interfere unreasonably with their official acts or decisions (CPOA Standard 3.7).

Consistency

Consistency is a basic factor in fairness. It requires that ***similar matters should be handled in a similar manner.***

Courts are bound by law to be consistent and to use ***precedents*** (previous decisions on similar matters) to guide their decisions. This doctrine is called ***stare decisis***. Courts can break from prior law and reverse precedents, but they must state strong policy reasons for doing so and an appellate court will review their decision.

Consistency is also required of peace officers. If motorists driving less than 10 miles over the speed limit are regularly given a warning rather than a ticket or people who drive without their seat belt are generally given a ticket, any departure from these practices would require good and ethically justifiable reasons.

Similarly, if an officer who loses his service revolver is generally given a written reprimand for a first offense, the subsequent sanction of offenders ought to be consistent with precedent unless there is a good reason to do otherwise.

Appropriate Criteria

Judgment criteria must be relevant and appropriate to the decision. ***It is unfair to make a judgment based on improper factors.*** Thus, it is unfair to make an arrest or citation decision or deny a person a job or promotion based on race, religion, gender, or any other factor that does not have a material bearing on the decision.

An improper factor is:

- **Illegal.** In most cases, it is illegal to make a police decision based on race, ethnicity, gender, age, or sexual orientation (court-approved affirmative-action policies are an exception).
- **Irrelevant.** Reasons for making a decision must have a rational relationship to the decision's objective. For example, a patrol officer cannot decide whether to issue a speeding citation based on the attractiveness of a motorist or the quality of a vehicle.
- **Influenced by inducements or threats.** A decision-maker may not allow a judgment to be influenced by any sort of inducement or threat.

Exercising Discretion. Peace officers have substantial authority to affect the lives of citizens in major ways. Because they are professionals, this authority includes substantial discretion. *Discretion is the freedom and authority to exercise sound judgment in deciding how to handle situations.*

Discretion is most relevant ***when an officer is legally allowed, but not obligated, to take an official action*** (e.g., taking a person into custody, conducting a search, or writing a traffic citation). Supervisors are granted the discretion to determine whether and how an officer will be disciplined for misconduct, how

workloads and vacations are assigned, and who is to be promoted. And, of course, judges are granted wide discretion in fixing sentences of convicted criminals within a prescribed range.

Reviewing Discretion. Although peace officers are given wide decision-making latitude, ***discretion doesn't mean officers can do whatever they want for whatever reason they choose.*** Every discretionary judgment is subject to review by supervisors and the courts to assure judgment was exercised in a proper and prudent manner.

Although discretionary-judgment reviews generally give the benefit of the doubt to the officer who has to make on-the-spot decisions, supervisors and judges have the power and responsibility to second-guess such judgments and declare them improper. Thus, ***officers can be disciplined or even prosecuted for abusing their discretion.***

Abusing Discretion. It is an abuse of discretion if a decision is:

Illegal. The officer arrests someone for exercising the right of free speech or assembly.

Based on impermissible or irrelevant criteria. The officer arrests or lets someone go because of race, ethnicity, appearance, political connections, or to curry favor or get revenge.

Based on inadequate evidence. The officer arrests someone based on a secondhand, unsworn accusation.

Limiting Discretion. In some cases, discretion is limited or confined by law. For example, the discretion of courts to fix sentences has been restricted by sentencing guidelines and mandatory sentencing laws. Similarly, an officer's discretion may be limited by a city or agency policy to arrest every person found

EXAMPLE 1:

Officer Goldberg pulls over a driver who ran a red light during moderately heavy early-morning traffic. The driver fails a field sobriety test. Which, if any, of the following factors would justify the officer giving the driver a warning or citation instead of arresting him or her? The driver is:

1. the mayor's wife
2. the police chief's daughter
3. a city councilwoman
4. an off-duty officer in Goldberg's agency
5. an attractive single woman (Goldberg is single)
6. Goldberg's dentist
7. Goldberg's mother-in-law

EXAMPLE 2:

Officer Wong approaches a group of boys smoking in an alley during school hours. Normally, the officer would give the group a warning. Which, if any, of the following factors would justify the officer taking one of the boys into custody and bringing him to juvenile hall? One of the boys:

1. was previously warned by Wong
2. gave Wong the finger
3. is the brother of a notorious gang member
4. had previously beat a marijuana-possession charge because he challenged Wong's search
5. is Chinese, as is Wong
6. is a city council member's son

to possess an unregistered weapon or soliciting a prostitute in a particular area. In these situations, the officer must follow policy.

Proportionality

It is better that ten guilty persons escape than one innocent suffer.

— William Blackstone, English jurist (1723-1780)

A fair decision is one in which the penalties or sanctions for an offense are proportionate to the offense. Minor offenses should receive minor penalties, and major offenses should receive major penalties. In criminal cases, “the punishment must fit the crime.” Crimes are graded in degrees of misdemeanors and felonies to reflect the seriousness of an offense.

Consider the following three situations:

- ▶ Officer Rosen shows up late for her shift two days in a row,
- ▶ Officer Jarc was caught lying to his supervisor about a scratch on his patrol car, and
- ▶ Officer Tibar was caught lying in court to bolster the legality of a search.

The sanctions imposed for these progressively serious infractions must be fair and proportional.

Burden of Proof

A fundamental principle of American jurisprudence is that punishing an innocent person is a far greater injustice than letting a guilty one go unpunished. Thus, in criminal cases there are many safeguards such as the “**presumption of innocence**” and the requirement that the state prove guilt “**beyond a reasonable doubt**.” In civil cases, the burden of proof is less, but plaintiffs seeking a remedy must still prove their case by a preponderance of the evidence.

PILLAR FIVE: CARING

People will forget what you said, people will forget what you did, but people will never forget how you made them feel.

— Maya Angelou, poet

Ethical people care about others. **Caring is demonstrated by kindness, compassion, empathy, charity, forgiveness, and service.**

Peace officers cannot do their duty if they do not demonstrate care for other

people, including victims and their families, witnesses and bystanders, and suspects and defendants.

Although peace officers must frequently ignore or overcome natural emotions such as anger, fear, frustration, and sorrow in the professional exercise of their duties, exemplary officers are not emotionless robots. In fact, the ability to feel and express caring, empathy, and compassion is an important quality of an EPO.

Officers often witness great tragedy and intense conflict where the ability to empathize and express caring words can positively affect the outcome. They also must at times use physical force, make arrests, search persons and private areas, take people into custody for mental-health reasons, take children from parents if abuse is suspected, and much more. In each situation, the officer's actions may affect others in such a way as to cause fear, stress, embarrassment, anger, or resentment.

Exemplary peace officers seek to reduce stress, fear, and embarrassment in those affected by their actions and to provide emotional support through caring, empathy, and compassion for those who have suffered trauma, injury, or loss.

PILLAR SIX: CITIZENSHIP

We have an ethical obligation in a democratic society to ***demonstrate good citizenship by respecting authority, obeying just laws, protecting the environment, and meeting civic responsibilities.***

Good citizenship has special meaning for peace officers. As an official law enforcer, you have a duty to obey not only the letter but the spirit of the law, as well as agency codes of conduct. You are also obligated to aggressively protect others who assert their Constitutional rights and finally, you must obey the laws yourself. Thus, you must also wear your seat belt and, unless you're on a code call, must comply with all traffic laws. Put simply, peace officers must obey the law.

Exemplary peace officers contribute to the well-being of the community by honoring the rule of law and abiding by the letter and spirit of laws, rules, and policies governing their professional and personal conduct.

There are five sets of laws, codes, and policies that regulate peace officers' duties and conduct:

| | |
|---|--|
| 1 CONSTITUTIONAL LAW | All policing actions are governed by the Constitution and Bill of Rights as interpreted by the courts, including arrests, searches, seizures, identifications, interrogations, self-incrimination, and the right to counsel. |
| 2 STATE AND FEDERAL LAWS | Peace officers must stay within the scope of their lawful authority and the limits on their power when depriving individuals of liberty or using physical force in the performance of their duties. |
| 3 AGENCY POLICIES | Many agencies have adopted policies on the use of force (including devices like Tasers and pepper spray), the handling of minors, or other matters. |
| 4 ETHICS LAWS | States and local governments adopt a body of special rules that apply to all public employees, including peace officers. Called ethics laws, these codes prevent the use of public office for private gain and provide procedures on conflicts of interest and appearances of impropriety. |
| 5 CODES OF CONDUCT | The International Association of Chiefs of Police (IACP) and many cities and counties adopt codes of conduct or standards of ethics that provide additional guidance for policing conduct. |

Civil Disobedience. There is a well-recognized moral exception to the obligation to obey the law called “civil disobedience.” Where personal conscience demands, an ethical person may exercise the prerogative of conscientious objection by open and public civil disobedience. Although the violator is still subject to civil or criminal punishment (e.g., civil-rights demonstrators who violated existing laws by sitting in at segregated lunch counters or sitting in bus seats reserved for “whites only” were jailed for their offenses), the action is morally justified.

In policing, as in the military, peace officers cannot use the excuse “I was just obeying orders” when an action is clearly illegal, unconstitutional, or immoral.

A CLOSER LOOK AT THE FIVE PRINCIPLES OF PUBLIC SERVICE ETHICS

Principle 1: *Public Interest*

Public office is a trust to be used only to advance public interests, not personal gain.

In a democracy, the ultimate power of government rests with the people. This power is delegated to elected officials and public employees in the legislative, judicial, and executive branches of government. This delegated power is held in trust and may be used only to advance public interests.

Just as trustees of a charitable foundation are prohibited from using foundation funds for any purposes other than those designated by the donor, public employees (including peace officers) may not use the power and authority vested in them for personal gain.

Improper Use of Government Assets or Position. *Peace officers may not use government time, facilities, equipment, or computers for personal benefit.* Thus, it is improper for an officer to run off 200 copies of a Little League schedule, use the agency's computer on his lunch hour to complete a personal purchase on eBay, or drop off and pick up in a government vehicle.

Peace officers may not use their badge or position to obtain any special treatment or favors for themselves or anyone else. Thus, a police captain may not show her badge and ask for professional courtesy after being stopped for speeding in another jurisdiction or write a letter on official letterhead to influence a banker to give her a personal loan or provide a summer job for her son.

Bribery. *Peace officers may not:*

- **Accept anything of value given for the purpose of influencing the officer's official actions.**
- **Solicit or ask for anything of value in exchange for a promise to take or not take an official action.**

Bribery is a felony consisting of an offer made with intent to alter official behavior. It is not necessary that the officer accepts the bribe or actually alters his or her behavior as a result. Both the citizen who offers the bribe and the officer who seeks or accepts it are guilty of the crime.

Thus, a motorist who seeks to avoid a speeding ticket by offering \$100 (or anything else of value) to an officer is guilty of bribery even if the officer turns him down. If the officer accepts, that individual, too, is guilty of bribery.

A baseball player involved in a domestic disturbance is guilty of bribery if he promises to give an officer World Series tickets to keep certain facts out of a police report, even if he never delivers on his promise or the officer decides not to alter his report.

An officer who is offered a bribe should report it.

Non-Criminal Gifts and Gratuities. *A peace officer should not ask for or accept anything of value from anyone who is, or may be, seeking to influence official actions.*

A much more common situation invoking the rule against personal gain involves gifts or gratuities offered or solicited without the intent to bribe. When offered or given by a citizen, these benefits are generally provided in the hope that the officer's goodwill will be an advantage in the future. When an officer solicits or accepts anything of value under these circumstances, he or she generally views them as legitimate perks that come with the job.

Regardless of the actual intent behind the offer of a gift or gratuity, if the person offering the benefit is someone who **is or could be affected** by the officer's official conduct, the officer must refuse to accept it. Acceptance of improper gifts or gratuities is not a crime, but it is a violation of government ethics laws and, in all likelihood, agency policy.

While the acceptance of free coffee or meals, discounts on clothing or dry cleaning, and holiday gifts of bottles of wine or liquor was commonplace in the past, current policies discourage or outlaw such gifts and gratuities.

State ethics laws allow the acceptance of gifts to a limited extent, but most policing agencies have prohibited the acceptance of even minor gifts or gratuities to avoid the appearance of impropriety and the need for officers to distinguish minor from significant benefits or to guess the gift-giver's intent. The habit of giving and receiving benefits in policing can easily lead to improper conduct and, in today's cynical environment, any personal benefit taken by an officer may create the impression that people who give things expect and may get special treatment.

This rule prohibits accepting gratuities as a sign of appreciation or gratitude for a policing action. Peace officers are not waiters. They may not expect or accept gratuities, and the public must not be led to think otherwise.

Things of Value. The definition of "anything of value" for both criminal and non-criminal violations of the personal-gain rule is very broad. It includes money, gift certificates, property, discounts, special pricing, favors, meals, travel, lodging, and promises to confer some benefit in the future.

In each of the following descriptions, indicate whether the described act is proper, bribery, or a violation of ethics laws:

- 1** After an officer counsels a burglary victim on how to better secure her house, the grateful homeowner gives the officer an old baseball card the officer had commented on. Can the officer accept the gift?
- 2** Same as above, but the homeowner invites the officer for a meal "on the house" at a restaurant she owns. May the officer accept?
- 3** A mall owner, stopped for suspicion of driving under the influence, offers the officer a part-time security job, hoping the officer will not arrest him. The officer does not arrest him although his breath smelled of alcohol. May the officer follow up on the job offer?
- 4** A nightclub owner repeatedly allows customers to stay and order drinks at least an hour after the closing hour designated by a local ordinance. An officer charged with enforcing the law tells the owner he's willing to look the other way if the owner would help him get a date with a waitress who works at the club. Is the officer out of line?

- 5** A neighbor complains that a celebrity athlete is hosting a loud party and that partygoers are leaving in obvious states of intoxication. He also says he overheard two guests talking about cocaine being available inside the house. An officer, a huge fan of the athlete, responds to the call and, without entering the premises, gives the owner a polite warning to keep the noise down, deciding not to investigate the drug allegations. Is this proper?
- 6** The day after the party, the athlete sends the officer two tickets to a game. The officer uses them. Should he have.

Principle 2: Objective Judgment

Public servants must exercise objective judgment and make all official decisions free of partiality or prejudice and unimpeded by conflicts of interest.

As professionals, peace officers have a substantial amount of discretion. It is critical to the maintenance of public trust that this discretion is not influenced by partiality, prejudice, or conflicts of interest. The latter is any private interest or relationship that could influence the officer's performance of duty.

Peace officers must avoid financial, social, and political relationships that might compromise (or give the appearance of compromising) their ability to exercise objective judgment.

Peace officers must exercise their powers fairly and without prejudice or favoritism and never use them to reward friends or punish enemies.

Thus, an officer may not hassle his daughter's former boyfriend or decide not to give a traffic citation to someone for whom he works part-time.

Peace officers must not intervene with decision making, investigatory or adjudicative processes of any governmental body, or allow their own exercise of objective independent judgment to be improperly interfered with.

It is improper for a senior officer to attempt to influence a prosecutor's decision to file a felony charge against a friend's son. Similarly, it is improper for a police commander to ask a detective to drop an active investigation due to the intervention of a city councilman.

Reflection Question

Officer Sharma is a fan of a rock band called Smash that will be performing in a three-day concert run. She is asked by the band's manager to take time off and work all three nights as a security guard. Sharma has plenty of time coming and asks her supervisor, Lieutenant Chase. He has no objection and asks if she could get him free or discounted tickets to the concert. Any ethical problems?

Yes! Sharma should turn the job down. There is a distinct possibility of a conflict of interest if, during her security gig, she observes a band member using marijuana, having sex with a minor, offering alcohol to a minor, or getting into a brawl. Would Sharma act as a police officer or a security guard? If it later came out in a news story that she looked the other way at any offense, her action would damage the credibility of her agency and the policing profession.

Lieutenant Chase should not have given his permission, and he acted improperly in soliciting a gift or gratuity. His agency is responsible for policing the Smash concert, and it is unethical for an officer to seek or accept any gratuity.

Peace officers whose ability to make an objective decision may be impeded because of bias, prejudice, or a conflict of interest must reveal the impeding factors to a supervisor and, if possible, withdraw from the matter. The act of withdrawing from a decision-making situation because of a conflict of interest is called recusal.

Principle 3: Accountability

Public servants must assure that government business is conducted openly, efficiently, equitably, and honorably to permit the public to make informed judgments and hold officials accountable.

Public trust is best gained and maintained when the actions of government are transparent and when public officials, including peace officers, are open and honest about their policies and practices.

Public agencies must be open and honest about their policies and practices even when public disclosure or discussion may be uncomfortable or inconvenient or result in liability, criticism, or policy changes. For example, a policing agency must be open about its policies regarding use of force (including the use of tactical weapons such as Tasers and pepper spray) and be prepared to discuss, defend, or change those policies.

Policing agencies should collect and make publicly available accurate and comprehensive statistics relating to criminal activity, police-response time, overtime payments, and other matters that bear upon public responsibilities. Any attempt to conceal, alter, or distort such data is unethical and may be illegal.

Peace officers have an ethical duty to do their share to improve systems and procedures and avoid waste or inefficiency. Peace officers have a responsibility to make reasonable efforts to prevent waste of time, money or other resources either personally or by reporting the problem to a supervisor – and persisting if the problem is not solved.

Principle 4: Democracy

Public servants must honor and respect democratic principles by observing the spirit, as well as the letter, of the law.

This general principle of public service is especially important to those charged with the responsibility of enforcing laws.

Principle 5: Respectability

Our government is the potent, the omnipresent teacher. For good or for ill, it teaches people by example. If the government becomes the law-breaker, it breeds contempt for law and invites every man to become a law unto himself.

— Louis Brandeis, Supreme Court Justice (1856-1941)

Public servants must safeguard public confidence in the integrity of government by avoiding appearances of impropriety and conduct unbefitting a public official.

Public employees should not engage in any conduct that may create in the minds of reasonable, objective, and fair-minded observers the perception that they have used their public position improperly or otherwise have not conducted themselves in a manner worthy of public respect and trust.

Avoid the Appearance of Impropriety.

Because trust is the product of perceptions and beliefs, conduct that leads others to think your authority has been or may be used improperly violates the obligation to safeguard public trust ***even if the conduct does not actually misuse public office.***

Public servants who appear to do wrong actually do wrong by eroding the trust between citizens and their government. Therefore, peace officers are obligated to avoid even the appearance of impropriety.

The standard to determine whether something is improper is not set by suspicious and cynical people who assume corrupt motives. ***The standard is whether reasonable, objective, and fair-minded citizens, without special circumstances, are likely to believe the conduct is improper.***

In some cases, a balance must be found between the need to preserve public confidence and the responsibility to make sound decisions on the merits.

As important as it is to avoid appearances of impropriety, this ethical obligation should not be used as an excuse for inaction when, on balance, the action is clearly in the public interest.

Peace officers should act in the public interest even if they must confront criticism or unfair denunciation.

Examples of Officer Conduct That Undermines Public Trust

- Corruption (bribery, extortion, skimming)
- Criminal conduct (burglary, drug use, trafficking)
- Unjustified or illegal use of force
- Lying on reports, warrants, or testimony
- Lying for personal gain (hours or expenses)
- Sick leave or worker's comp/disability abuse
- Lying to supervisor to conceal misconduct or avoid consequences
- Special treatment or favors given to politicians or fellow officers
- Failure to stop or report officer misconduct
- Cheating on Academy or promotion exams
- Racially motivated comments or conduct
- Sex while on duty
- Sexual harassment (comments or actions)
- Hazing
- Domestic violence
- Assaults and fights
- Public intoxication
- DUI
- Illegal or improper use of controlled substances
- Illegal or excessive gambling
- Failure to pay debts (alimony or child support)
- Rude, discourteous, or offensive conduct (profanity, threats, insults)
- Sex with prostitutes
- Sexual misconduct with minors
- Marital infidelity or sexual promiscuity
- Pornography
- Dishonest business dealings

Avoid Conduct Unbefitting a Peace Officer. Peace officers should safeguard public trust by refraining from official or personal conduct that discredits themselves or their agency.

When an officer is perceived to be dishonest, disrespectful, irresponsible, unfair, or uncaring, it damages the agency's image. Similarly, if an officer is perceived to be breaking the law or violating rules (e.g., speeding, running red lights without a justifiable police reason, or lying in court), it tarnishes the badge and feeds public cynicism. This can ultimately erode the public's willingness to cooperate with and support the police and undermine their ability to carry out their mission.

The same negative result can occur if a peace officer engages in improper conduct off duty. Thus, an officer attending his child's soccer game should never behave in a manner that brings contempt, ridicule, or discredit to himself or his agency.

If an officer engages in any sort of misconduct, in or outside the jurisdiction in which he or she works, it is likely the matter will be reported to the officer's superior demanding the agency take disciplinary action. Whether or not there is a formal investigation, such complaints create a significant public-relations and management problem that encumbers administrators and distracts them from more constructive activities.

Although some laws and union rules may limit or prevent disciplining some forms of off-duty misconduct, such behavior is always unprofessional and unethical. A peace officer must be on good behavior 24/7.

PART 4

Characteristics of an Exemplary Peace Officer

Great occasions do not make heroes or cowards; they simply unveil them to the eyes. Silently and imperceptibly, as we wake or sleep, we grow strong or we grow weak, and at last, some crisis shows us what we have become.

— Bishop Brooke Westcott, British theologian, (1825-1901)

Character cannot be developed in ease and quiet. Only through experience of trial and suffering can the soul be strengthened, vision cleared, ambition inspired, and success achieved.

— Helen Keller, author and educator (1880-1968)

Character is revealed by how you behave when you think no one is looking.

— Unknown

The central mission of Academy and field training is to help you develop and strengthen the four essential characteristics of an exemplary peace officer:

1 Good Character

3 Professionalism

2 Proficiency

4 Leadership

1 GOOD CHARACTER

Good character is ethical and moral strength demonstrated by six virtues: trustworthiness, respect, responsibility, fairness, caring, and good citizenship.

People with good character possess dispositions, traits, and attributes that are especially worthy, virtuous, or admirable. They know the difference between right and wrong and strive to do what's right for the right reasons.

Another way of putting it is **good character is ethics in action**. Your character will be judged by all your actions, including the choices you make in the face of temptation or pressure.

Intelligence and skill are vital, but no matter how smart or capable you are, you are not fit or qualified to be an EPO unless you have good character.

From the time you enter the Academy and throughout your career, your conduct and decisions will be judged by the ethical virtues comprising character. Words or actions indicating poor character (dishonesty, prejudice, lack of self-control, laziness, carelessness, off-duty conduct unbecoming an officer, etc.) may result in discipline, re-training, or termination.

The Nature of Character

According to Professor Edwin Delattre, “We are born with a potential for good character – and for the dispositions and habits that make up bad or weak character. [Because] we are born in ignorance of moral ideals, we must be instructed or trained if we are to achieve a good second nature. **The habits of feeling, action, and judgment that comprise good character depend on personal self-discipline and powerful aspiration to become a good person, all of which must be drawn from within.**”

Character is not demonstrated by a few powerful characteristics. A person can be extremely honest, responsible, and hard working, yet if she is disrespectful, cruel, or reckless she will not be said to have a good character. Likewise, a person can be respectful, kind, and self-sacrificing, but if he is not diligent, honest, or law-abiding he does not possess the good character required of a peace officer.

Building Character

As a peace officer, your character will be tested and revealed every day. You frequently will face temptations to put your personal interests over your duty, distort the truth to accomplish a desired result, treat people disrespectfully, and do work that falls short of your best.

Just as lifting weights builds muscles, solving challenging problems ethically can and should strengthen your character. Thus, even people who enter policing with unusually good character can fortify each of the six virtues that make up character.

Reflection on Good Character—

- 1 List at least two people you know who have good character.
- 2 List the specific traits and virtues they have that make them morally worthy.
- 3 Do you think they were born with these characteristics, or did they develop them over time?
- 4 What could a person do if he or she wanted to develop traits that comprise good character?

Guarding Reputation

Don't confuse character with reputation. Both are important, especially in police work, but they are quite different. Abraham Lincoln said, "Our character is the tree; our reputation is the shadow." Character is what we really are. Reputation is what others think of us.

As a peace officer, you must guard your reputation because it influences whether others trust you and how they treat you.

A good reputation for honesty, reliability, and professionalism is a tremendous asset. A poor reputation, however, can damage your career and undermine your ability to perform your duty.

The concept of **credibility** – the extent to which people believe in your integrity and competence – is an aspect of reputation. Thus, you should be concerned about how the things you say and do might affect people's perception of you.

Your reputation among fellow officers is important, but so is your reputation with instructors, supervisors, prosecutors, and judges. If you are well-thought of, you will get better opportunities for advancement and, in situations where it matters, the benefit of the doubt.

So remember: Even a single act of sloppiness, uncontrolled anger, dishonesty, or unprofessionalism can create a negative impression that may harden into a bad reputation.

5 PROFICIENCY

It takes many good deeds to build a good reputation, and only one bad one to lose it.

—Benjamin Franklin, statesman and inventor (1706-1790)

Proficiency is a high level of competence demonstrated by the knowledge, skills, abilities, and judgment necessary for the exemplary performance of all aspects of the policing mission.

An exemplary peace officer continually develops and demonstrates proficiency in all policing skills and tasks through 1) training and education, 2) practice and rehearsal, 3) experience, and 4) self-reflection.

Knowledge

The first aspect of exemplary policing is knowledge. You don't have to be a walking encyclopedia to be an EPO nor do you have to have the memory of a computer. Still, **every peace officer must have a ready knowledge of key laws, policies, and effective tactics.** To obtain and retain that knowledge, you must **understand, remember, and apply** vast quantities of information in four major areas:

- A** *Rules governing police conduct.* The highest need for ready and current knowledge concerns laws and policies arising from the Constitution, court cases, state statutes, and agency policies. Especially critical are rules governing detentions, arrests, searches, seizures, interrogations, and the use of force.
- B** *The criminal system.* You must understand how the criminal system works – from arraignments to formal charges to trials. Most important are rules governing the admissibility of evidence. The following rules are complex but essential to know:
1. **Exclusionary Rule.** Everything taken or discovered as a result of an illegal search, seizure, or interrogation is excluded from evidence.
 2. **Authentication.** The requirements that must be met before physical evidence (e.g., a gun, a bag of cocaine, or a document) can be admitted.
 3. **Impeachment.** The rules governing cross-examination, including procedures for discrediting witnesses. Of special importance to peace officers is the Brady Rule requiring the prosecutor to turn over to the defendant's lawyer evidence of past instances of dishonesty.
 4. **Elements of Common Crimes.** In counseling citizens and making arrests, it's helpful to know the elements of the most common crimes and ordinances you will regularly enforce. The more you know, the better, so don't hesitate to refer to resource material.
- C** *Criminology.* Although not essential to everyday decision making, a professional peace officer should have a basic command of fundamental principles of criminology (the sociological study of crime, criminals, and punishment). Particularly useful is an understanding of community policing theories, victimology, the nature and causes of domestic violence, the sociology of gang behavior, and cultural differences.
- D** *Tactics and techniques.* EPOs continually stay on top of the latest tactics and techniques associated with their various responsibilities, including traffic investigations, dealing with missing persons, hazardous materials, terrorist threats, etc.

Skills and Abilities

The second aspect of proficiency relates to skills and abilities. Every peace officer must possess and continue to improve the skills necessary to effectively carry out the policing mission. These include:

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|-----------------------------|---|
| COMMUNICATION SKILLS | <ul style="list-style-type: none"> ■ Reading and understanding laws and legal documents ■ Investigative report writing ■ Writing reports and affidavits ■ Interviewing and counseling ■ Testifying |
| PHYSICAL SKILLS | <ul style="list-style-type: none"> ■ Patrol procedures ■ Vehicle operations ■ Use of force ■ Arrest methods and defensive tactics ■ Vehicle pullovers ■ Crimes in progress ■ Disputes and crowd control ■ Unusual occurrences ■ Traffic enforcement ■ First aid/CPR ■ Firearms/chemical agents |

Judgment

The third aspect of proficiency is judgment, especially under stress conditions. No quality is more crucial than good judgment in the application of your knowledge and skills. Good judgment develops over time and marks the finest and most effective officers. [Part Five](#) is devoted to the process of making good judgments (decisions).

6 PROFESSIONALISM

Professionalism embraces numerous attributes and attitudes that comprise an outstanding peace officer. These qualities inspire confidence and bring credit to all officers, their agencies, and their badge. They also greatly increase effectiveness and maximize safety.

Professionalism is demonstrated by the pursuit of the policing mission with courage, composure, competence, and respect in a manner that upholds the highest standards of policing ethics, displays a commitment to continual self-improvement, and generates public trust, respect, and confidence.

Elements of Professionalism

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| MISSION-FOCUSED | Focuses on all mission objectives and achieves as many as possible in every action. |
| COURAGE | Stands up for what is right with integrity and zeal despite physical, social, or career risks. |
| COMPOSURE | Presents a bearing and demeanor characterized by poise, coolness, and self-control that inspires confidence in the officer's character and leadership. |
| COMPETENCE | Employs expert knowledge, excellent skills, and exemplary judgment in performing all tasks. |
| RESPECT | Treats all people with dignity and courtesy regardless of provocation. |
| ETHICS | Adheres to high standards of policing ethics (including the Six Pillars of Character, the Five Principles of Public Service Ethics, government ethics laws, and professional standards of conduct for peace officers). |
| SELF-IMPROVEMENT | Engages in continual reflection and self-education to strengthen character and improve proficiency, professionalism, and leadership. |
| TRUST | Behaves in a manner that inspires respect and trust. |

Courage

Courage is resistance to fear, mastery of fear – not absence of fear.

—Mark Twain, humorist and author (1835-1910)

Courage is the state of mind or spirit that enables one to face danger, fear, uncertainty, or undesirable consequences with self-possession, confidence, and resolution.

EPOs consistently display both physical and moral courage when aiding citizens, apprehending or restraining suspects, enforcing the law (even with persons of political power and influence), and confronting and, when appropriate, reporting misconduct of fellow officers.

Physical Courage. *A peace officer must be prepared to risk injury or death in the performance of duty.* This is called physical courage.

EPOs are not reckless or careless about their personal safety. They maintain a

high level of training and readiness so that when personal risk is necessary, they can do what needs to be done prudently, but without hesitation.

Moral Courage. *A peace officer must be prepared to risk career goals, disapproval of fellow officers, and public criticism in the performance of duty.* This is called moral courage.

Respect

Talent develops in tranquility, character in the full current of human life.

—Johann Wolfgang Goethe, German author and philosopher (1749-1832)

A peace officer must treat all people in all situations with respect and courtesy. Disrespectful conduct is unprofessional and, in extreme cases, illegal. This aspect of professionalism is also a moral obligation under the Six Pillars of Character.

A peace officer must avoid rude, crude, tasteless, humiliating, and unnecessarily abusive comments or conduct, including ethnic or gender slurs, sexual remarks, and profanity.

A peace officer must use force only when necessary and only to the extent necessary to accomplish a proper purpose.

The most common complaints leveled against peace officers concern allegations of disrespect. The bulk of complaints center around six forms of behavior:

- A** **Racial or ethnic slurs or comments.**
- B** **Sexual remarks or advances.** These include inappropriate attempts to date a witness or victim, lewd gestures, or comments on the physical attributes of males or females and gender stereotypes.
- C** **Profanity.** Although in some circles, profanity is commonplace, many citizens are offended by officers who curse or use vulgarities and other bad language. In any public setting, it is unprofessional.
- D** **Tasteless jokes or remarks.** Certain phrases, police jargon, and jokes used in the presence of civilians can be construed as tasteless and disrespectful.
- E** **Insulting words or gestures.** Regardless of the provocation, peace officers must not utter personal insults or make offensive gestures.
- F** **Improper use of force.** Every use of force or physical touching must be justified by a law and police procedure. An officer is not permitted to put hands on anyone to teach a lesson, hassle, or intimidate.

EXAMPLE 1

Two officers are talking in a courthouse hallway when a woman known to be a stripper passes by. One of the officers makes an inappropriate remark loud enough for several citizens to hear. The conduct is disrespectful and unprofessional.

EXAMPLE 2

At the scene of an auto collision with serious injuries, an officer casually eats a hamburger and chats with another officer while the victims await an ambulance. This conduct would be offensive to relatives of the victims and the victims themselves. It is disrespectful and unprofessional.

Composure

Tenderness and kindness are not signs of weakness and despair, but manifestations of strength and resolution.

—Kahlil Gibran, author and artist (1883-1931)

One's dignity may be assaulted, vandalized, and cruelly mocked, but it cannot be taken away unless it is surrendered.

—Michael J. Fox, actor

Bearing and Demeanor. Bearing and demeanor are important aspects of professionalism. You should always act in a manner that generates confidence in your competence, coolness, and leadership. **Any sign of unprofessionalism, carelessness, disrespect, or fear undermines effectiveness.**

- Dress and carry yourself in a way that conveys dignity and professionalism.
- Take pride in your uniform, personal appearance, and the condition of your equipment.

Coolness Under Pressure. *EPOs demonstrate extraordinary self-control and the ability to remain cool and calm regardless of provocation or pressure.*

As a peace officer, you must:

- Not take provocations or insults personally
- Keep your emotions in check when faced with tragedy, injuries, or threats
- Resist negative impulses and emotions and rise above chaos, panic, and fear

Negative Emotions. One aspect of professionalism is the ability to regulate, suppress, overcome, or ignore negative emotions such as anger, frustration, or fear, regardless of the provocation.

As a safeguard to overcome the temptation to retaliate or express anger at a suspect or citizen, imagine your words and actions are being recorded.

Conflicting Values. Another aspect of professionalism is the ability to do your duty despite personal opinions or values that might impede the exemplary performance of all aspects of the policing mission. *Professional peace officers identify personal reactions and convictions that challenge their objectivity and consciously set them aside in making policing decisions.*

EXAMPLE 1

An officer spots four known gang members loitering in front of a convenience store. As soon as they see him coming, they shout profane insults at him. When the officer orders them to disperse, they start moving, but slowly. The officer pushes one of them gently along. The young man knocks the officer's hand off and says, "Don't touch me or I'll kill you, motherf---r!"

1. Did the officer have a legal right to put his hand on him? Legal or not, was it a wise thing to do?
2. How much force is the officer justified to use?
3. Does this situation warrant the use of firm and profane language by the officer?
4. What are his options to best achieve his mission and honor core police values? (See the Best Possible Result in [Part Five](#).)

Responsibilities Associated with Professionalism

- Professionals are accountable. They don't dwell on their lack of power.
- Professionals consider the consequences of their choices and lead by example.
- Professionals know attitudes are contagious and accept responsibility for their power to influence the way others think and react.
- Professionals know others rely on their knowledge and ability to perform their duty safely, effectively, and ethically.
- Professionals strive for excellence, do their best, and are diligent, careful, prepared, and informed.
- Professionals don't complain about lack of resources or time. They do their best to get the resources they need but, in the end, do the best they can with what they have.
- Professionals always look for ways to do their work better and continually seek out educational and experiential opportunities to improve their skills and knowledge in a quest toward excellence.

7 LEADERSHIP

The fourth essential quality of the exemplary peace officer is leadership.

Leadership is demonstrated by the ability to improve a situation or achieve a socially positive change by influencing the way others think and act and by the ability to take command of a situation.

Every Officer Is a Leader

In policing, leadership is not simply a matter of rank or official authority. Every officer is expected to possess and use leadership skills.

In times of stress, a peace officer is often the dominant authority figure on site. It is the officer's job to assess and take control of a situation, take decisive action, and give clear instructions to assure public safety and the integrity of the crime or accident scene. In addition, an officer must be a role model for the public and fellow officers.

To some degree, leadership is required in every contact with the community. Since no member of a policing agency has more direct contact with the public than the line-level officer, these officers must continually exercise leadership skills.

Leadership also is essential to effective problem-solving because a good leader engages all stakeholders, including peers, supervisors, and members of the community.

Leadership builds respect, confidence, and influence. The better the leader, the greater the professional success, public trust, and personal growth.

Influential Leadership

Another form of leadership is influencing the way others think and act.

Leadership is demonstrated by the ability to influence the thoughts or actions of others through the ethical use of authority, persuasion, or credibility. Good leaders use influence to make things better.

Influence is exercised whenever one person deliberately changes the way another thinks or acts. Leadership is essentially about the strategic use of influence to accomplish some purpose. In the case of a peace officer, the purpose will always relate to one or more elements of the policing mission.

An EPO uses both formal (rank and legal authority) and informal (personal credibility and persuasion) sources of power to influence the way others think or act.

Ethical Leadership

Know what you don't know. Leadership and learning are indispensable to each other

—John F. Kennedy

There is a difference between an effective leader and a good leader. Although history is filled with examples of effective leaders like Adolf Hitler and Osama Bin Laden who preached messages of hate and violence, **a good leader uses the ability to influence others in an ethical way and only for ethical purposes.**

Good leaders:

- Are trustworthy and do not lie, deceive, mislead to gain, exercise power, or motivate actions
- Treat people with respect; do not motivate through insults, threats, or manipulation; or appeal to prejudices, hate, or negative impulses
- Are responsible, well-informed, capable, and accountable
- Treat people and use their influence fairly
- Care about the people they lead and others affected by the actions of those they lead
- Seek to contribute to the betterment of society

Good leaders always try to improve a situation or create a socially positive result.

Sources of Leadership Influence

Effective leaders create a climate where people's worth is determined by their willingness to learn new skills and grab new responsibilities, thus, perpetually reinventing their jobs. Leaders honor their core values but are flexible in how they execute them.

—Colin Powell, Secretary of State

There are three major sources of leadership influence: **authority, persuasion, and credibility.** In your quest to become an EPO, you should understand each and strive to develop your ability to effectively use all three.

Authority. Authority is the right to demand obedience. Authority can be conferred by law or organizational hierarchy (rank or management status). Authority alone is often sufficient to accomplish what needs to be done, but often it is not.

When authority is used to **compel** a person to comply with a law or command, the result is a change in behavior, but normally there is no change in attitude. Forced compliance may suffice in certain circumstances, but change in behavior depends on the credible threat that serious consequences will result if the order is disobeyed. Whether this threat is expressed or implied, the change of conduct

is not truly voluntary. In contrast, leadership techniques that *induce voluntary commitment* generate more enduring and rewarding results.

Persuasion. Another source of leadership power is persuasion. Persuasion changes minds or induces action by **reason** rather than authority. Persuasion can work alone or be combined with authority and/or credibility. The benefit of this method is that persuasion changes behavior *and* attitude. As a result, behavioral changes will be voluntary and more likely to persist even without a threat of sanction.

Credibility. The final source of leadership influence is personal credibility. ***Personal credibility gives a leader power to influence beliefs or motivate actions because of the respect and confidence others have in the leader's good intentions, wisdom, character, and/or competence.*** Credibility can cause even high-ranking public officials or superior officers to defer to and follow a peace officer's lead.

In policing, training officers use both their formal position of authority and the credibility they have with their trainees to influence attitudes and actions.

EXAMPLE 1

In dealing with citizens, peace officers have the authority to direct behavior and issue commands that must be obeyed. A person's failure to comply with a lawful order can result in arrest or the application of force. Similarly, a police sergeant has the power to direct the conduct of officers in his or her command.

EXAMPLE 2

A patrol officer exercising leadership can influence a police chief or mayor through persuasion. Even when officers have authority, persuasion is often more effective and less risky because it induces voluntary compliance and eliminates the possibility of resistance or defiance.

EXAMPLE 3

Officer Martin, a patrolman with 10 years experience, comes upon a crime scene with four other officers, including a sergeant. He speaks authoritatively and confidently as he gives directions to the other officers, demonstrating he has had experience with this sort of incident. If they believe he is competent and his directions make sense, they will let him lead, not because of his authority but because of his credibility.

EXAMPLE 4

Lt. Jones, a new supervisor, is given a complex assignment in an area in which she does not have expertise. Demonstrating an important quality of leadership – knowing one's limitations and the needs of the situation – she identifies someone on her team who does have the skill and ability to take over.

EXAMPLE 5

Mahatma Gandhi never ran for nor was elected to public office, yet he was the primary leader of India during a peaceful revolution and helped his country win its independence from the United Kingdom. He was a role model for many contemporary leaders, including Martin Luther King, Jr., who similarly affected history as a leader of the civil-rights movement. Neither Gandhi nor King had authority, but they both wielded enormous power through credibility and persuasion.

Leadership Qualities

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| Character | Strong leaders have strong character marked by such virtues as courage, tenacity, accountability, and an inner drive toward significance. |
| Credibility and Integrity | Effective leaders must engender trust from others in their judgment. In policing, leaders need to possess knowledge and decision-making competence to win the confidence and respect of fellow officers. Integrity – a visible consistency between beliefs, words, and actions – is an important quality of leadership because people won't voluntarily follow a person they do not trust. |
| Communication Skills | Effective leaders need effective communication skills to convey their ideas and vision and to generate intellectual and emotional commitment in others. |
| Emotional Intelligence | Effective leaders have a high degree of emotional intelligence including well developed empathy – the ability to understand in a deep and sympathetic way others' feelings and motivations. |
| Empowerment | Effective leaders not only attract followers, they empower them by promoting positive feelings of competence and worthiness. |
| Judgment | Effective leaders have the ability to assess situations, devise options, and make sound judgments. |
| Vision | Effective leaders are idealists without illusions. They are not naïve about human nature and do not underestimate difficulties, but they possess and pursue a vision of something different and better. |

Command Presence

One aspect of leadership is command presence. This is the ability to take command and direct others in a manner that effectively responds to the needs of a situation. ***Command presence is presenting yourself as someone in authority who is to be respected and obeyed.***

Command presence could also be considered an aspect of professionalism because it is essentially a matter of bearing and presentation.

There are four elements to command presence:

- A** ***How you look.*** Without appearing arrogant, you should convey a sense of pride in your uniform and position. Command presence is enhanced if you look the part. Since you never know when you will be thrust into a leadership role (e.g., you could be the first one at the scene of a crime or traffic accident), always be neat, sharp, and clean – and ready to take command.

- B** *How you carry yourself.* Leaders stand straight and walk with purpose, head up, eyes forward and alert. They look people in the eye. Their body language says, “I am in charge.”
- C** *How you act.* People who appear confident engender confidence. Your training should be evident in your bearing and actions. Whatever you do should appear purposeful and convey the impression that you know what you are doing. Remember, people are watching you even when you are not talking to them. Do not look worried, bored, or angry. Do not go overboard. Do not act pompous or overbearing. You must demand respect, but you must also give it.
- D** *How you speak.* Speak loudly enough to be heard by everyone who needs to hear you, but never yell. Use a firm but real voice (do not try to sound like a radio announcer). There should be no hint of uncertainty or fear in the tone of your voice.

Leading and Following

EPOs can both lead and follow, operate on their own, lead a team as well as be a member of a team. In addition to being a leader, EPOs are always members of the policing team. As team members, they must follow orders, perform assigned duties, and be continually alert for opportunities to give support to fellow officers.

Community Policing

When peace officers and community members share common values, communicate openly and regularly, and have a common regard for each other, the result is trust. Trust is the critical link in the community/policing partnership.

Officers who exercise ethical leadership are effective problem-solvers, better skilled to mobilize communities to address issues of crime and disorder and proactive in developing crime-prevention strategies.

PART 5

Making Exemplary Decisions

Every day, peace officers make decisions that may have great consequences. Each situation requires the officer to choose what to do and how to do it. Should the officer make an arrest or give a warning? Should the officer intervene immediately or let the situation unfold? Should the officer act alone or call for backup? Should the officer approach the situation aggressively or take a friendlier tone and attitude?

In policing, poor decisions can jeopardize lives, destroy relationships, and undermine careers. In contrast, officers who make exemplary decisions will better protect and serve the public, enhance the quality of community life, engender public trust, and safeguard individual liberties and Constitutional rights.

THE QUALITY OF A DECISION: ACCEPTABLE TO EXEMPLARY

Decisions, like movies, can be rated. Some are clunkers that never should have been made. Some are decent but not exceptional. Relatively few are extraordinary, deserving the highest ranking.

Policing decisions can be ranked as poor, acceptable, good, and exemplary. If you understand the differences, you will become better able to avoid poor choices and make more good and exemplary decisions.

Because judgment is a skill enhanced by experience, your ability to make exemplary decisions will improve during your Academy training and will continue to grow in the field.

Let's start with the basics: **All decisions must have at least three qualities: 1) they must be legal, 2) they must be ethical, and 3) they must be effective.**

The distinction between an acceptable, good, and exemplary decision is found in its effectiveness.

Acceptable decisions are minimally effective because they accomplish only the primary policing purpose (e.g., making an arrest or disarming an enraged citizen).

Good decisions also accomplish the primary policing purpose, but in addition they avoid unintended and/or undesirable consequences.

Exemplary decisions require a more thoughtful appraisal of the possibilities of a situation so the tactic employed will accomplish as many mission elements as possible. The objective of an exemplary decision is the Best Possible Result (BPR).

| | |
|---------------------|---|
| Poor Decision | A poor decision is unacceptable because it is illegal, unethical, and/or ineffective. |
| Acceptable Decision | An acceptable decision legally, ethically, and effectively accomplishes only the primary policing purpose. |
| Good Decision | A good decision legally, ethically, and effectively accomplishes the primary policing purpose without causing unintended and/or undesirable consequences. |
| Exemplary Decision | An exemplary decision employs expert knowledge, excellent skills, and exemplary judgment in performing all tasks. |

EXAMPLE 1

A motorist pulls next to a patrol car at a red light and asks where the football stadium is. The officer could give the motorist just the cross streets; that would be acceptable. But suppose the officer knows there is a traffic snarl ahead and an easier way to go. To be more helpful and avoid the unintended and undesirable consequence of a frustrated citizen, he could direct him on the best way to get to the stadium. That would be a good decision. If the directions are complicated and the light is about to change, the officer could invite the motorist to pull over and, in a visibly helpful way, provide detailed instructions. This would be an exemplary decision. It accomplishes the primary policing purpose of serving the public by giving directions, but it does so with such respect and professionalism that it will likely engender appreciation and good future relations – all of which will help enhance the quality of life in the community and build public trust.

The Legal Dimension of a Decision

The first requirement of every policing decision is legality. **A decision is legal if it complies with the Constitution, state and local statutes, and agency policies.**

You must have a substantial working knowledge of the law and the ability to find out efficiently what you don't know. This is an aspect of proficiency.

The Ethical Dimension of a Decision

Compliance with the technical requirements of the law is just the beginning. Every decision must also be ethical. **A decision is ethical if the results and means are consistent with ethical principles and professional responsibilities.**

Although we have already discussed the Six Pillars of Character, the Five Principles of Public Service Ethics, and professional ethics codes, let's look at them again in the context of ethical decision making.

Principled Reasoning

Good intentions and intuition are important to ethical decision making, but they are not enough. Ethical decisions require a commitment to think and act morally according to fundamental ethical principles. This is called principled reasoning.

Principled reasoning is a way of thinking about choices that involves a systematic consideration of ethics. In effect, ethical principles become a series of filters through which every decision must be processed. Will my actions promote trust? Am I treating people respectfully? Am I being responsible, fair, and caring? Is my conduct lawful?

SIX PILLARS OF CHARACTER

An acceptable decision avoids dishonesty, disrespect, and unfairness. A good decision engenders trust, treats people with courtesy, considers all stakeholders, and reduces unintended consequences. An exemplary decision takes the Six Pillars of Character to their highest level.

Trustworthiness

Integrity. When making decisions, peace officers should never compromise their integrity. They should do their duty with moral courage, resisting all attempts to intimidate or induce them to do otherwise.

Honesty. Honesty is a critical attribute of trustworthiness and is essential to credibility. **Except in narrowly drawn situations (e.g., undercover operations and interrogations, both subject to judicial review), peace officers must be scrupulously and fully honest. They may not lie or deceive.**

In court, and in all official statements and reports, a peace officer must tell the truth, the whole truth, and nothing but the truth. This requirement precludes deliberate omission of important facts as well as fabrications and misrepresentations. Thus, on a post-arrest report, an officer must assure that all pertinent information is recorded, including statements or observations that may undermine the government's case against a defendant.

Loyalty. Another aspect of trustworthiness is loyalty. Because conflicting loyalties complicate the decision-making process, officers must place **loyalty to their oath and badge above loyalty to individuals**. Thus, officers may not cooperate with, conceal, or cover up misconduct of fellow officers. For example, you must refuse a fellow officer's invitation to join him in accepting a bribe. But an exemplary decision requires more. To achieve the BPR, you should try to convince your colleague to refuse the bribe as well and, failing that, report the illegal action to a supervisor.

Respect

Treat everyone with courtesy. Don't engage in profanity, insults, or racial slurs. Most important, do not use unnecessary force, threats, or intimidation. As a mission-focused professional, you must perform all your duties in a way that demonstrates a high regard for human rights and dignity, and generates public trust.

An exemplary decision often involves going "beyond the call of duty" to demonstrate respect and caring for victims and their families, witnesses, suspects, and their families. For example, while interviewing the parents of a rape victim, you might offer consolation to the parents and advice on sources that could help their daughter deal with the trauma of being raped.

Responsibility

Exemplary decisions reflect self-discipline and the pursuit of excellence. Don't shift blame, succumb to negative emotions, or be satisfied with less than your best. Exemplary decisions demonstrate leadership and accountability.

Fairness

Your job as a peace officer is to pursue justice. Any decision influenced by prejudice, bias, favoritism, or a conflict of interest results in unfairness and is unacceptable. Treat people fairly, be consistent, open-minded, and objective.

Caring

Although decisions must be made coolly and professionally, good policing also requires empathy and compassion. Callousness and unkindness violate this ethical principle and can undermine public trust. Look for opportunities to lessen anxiety or fear by expressing empathy and compassion and providing victims with help and comfort.

Citizenship

Policing decisions must abide by the law and agency policies. In most cases, it's acceptable simply to follow the letter of the law. You should go further, however, by seeking to advance the spirit of the law. For example, the law might permit handcuffing a suspect arrested at home for failure to pay traffic tickets, but unless agency policy specifically limits your discretion or you believe using handcuffs is necessary to safety, you might decide not to use the cuffs in the presence of the suspect's children.

FIVE PRINCIPLES OF PUBLIC SERVICE ETHICS AND PROFESSIONAL CODES OF CONDUCT

In addition to complying with the Six Pillars of Character, an ethical policing decision fulfills the special responsibilities imposed by government ethics laws and professional codes of conduct.

Thus, decisions where an officer accepts or seeks personal gain from the use of his policing authority or allows his judgment to be influenced by personal interests are unacceptable. In addition, an officer must not be seen to be evading the clear spirit of the law by legalistic hair-splitting interpretations or gamesmanship tactics.

Every officer has an ethical duty to generate and maintain the public trust. Therefore, it's unethical to make any decision that could discredit the officer's agency or the policing profession. This applies to both on-duty and off-duty conduct.

Which ethical principles are involved in the following decisions?

EXAMPLE 1

While testifying, Officer Shanahan is asked if he saw the suspect throw a weapon into a dumpster. He did not, but he heard the weapon hit the bottom of the dumpster. Shanahan has had several bad experiences with the judge, who kicked out a number of good cases on technicalities. Rather than tell the whole truth, he says, "Yes, I saw him throw the gun."

EXAMPLE 2

Officer Benson suffers a minor back injury while on duty. She's feeling fit but knows of fellow officers who extended their disability leave for months with similar injuries. When her doctor offers to give her the required documentation, she decides to stretch out the disability claim as long as possible.

EXAMPLE 3

At the end of his 12-hour shift, Officer Rankin responds to a domestic dispute call. He finds one suspect smoking marijuana. Because he has an important meeting scheduled with contractors who are remodeling his home, he flushes the marijuana down the toilet and cuts the suspect loose because it will take too much time to book the suspect and the evidence.

EXAMPLE 4

During a traffic stop for erratic driving, Officer Menendez orders a field sobriety test. The driver is hostile and abusive and Menendez is sure he deliberately vomited on her. Disgusted and angry, she arrests and handcuffs the suspect. On the way to the station, she decides to get even by giving the driver a "screen test." At an opportune time, she slams on the breaks, causing the man to crash face first into the metal screen between the front and back seats of her patrol car.

EXAMPLE 5

While attending a soccer game involving one of his children, Officer Cohen gets into a shouting match with the opposing team's coach. He uses profanity and says he's going to circulate the man's vehicle license number to his fellow officers so he won't be able to drive five miles without getting a ticket. In fact, he has no intention of doing so.

WHEN ETHICAL PRINCIPLES CONFLICT

When ethical principles conflict (e.g., when being honest may be unkind) and there is no clear-cut right response, you must choose which principle to honor. Ethical conflicts are best resolved by decision-making strategies that help you see the moral implications of diverse choices, sort out competing claims, and evaluate the consequences of each option. The following methods may help you in such situations:

The Publicity Test

The Publicity Test asks you to consider what you would do if you knew your decision would be reported on the front page of the newspaper or your actions were being videotaped and would be shown on the 10 o'clock news. This decision-making strategy instructs you to ***make decisions that, if publicized, would strengthen trust and build your reputation for integrity and competence.*** Choices that look good only if no one knows about them are almost always bad ones. A choice that jeopardizes your reputation or subjects you or your agency to criticism or disgrace should be avoided.

The Role-Model Test

The Role-Model Test asks you to think of the person whose judgment and character you most respect (your role model). Then ask yourself, "What would that person do?"

THE GOLDEN RULE

The Golden Rule – do unto others as you would have them do unto you – is one of the oldest and best guides to good decision making. This most basic and useful ethical theory, sometimes called the Rule of Reciprocity, has a long history in both scripture and philosophy:

- Confucius: "What you do not want done to yourself, do not do unto others."
- Aristotle: "We should behave to others as we wish others to behave to us."
- Judaism: "What you dislike, do not do to anyone."
- Hinduism: "Do nothing to thy neighbor which thou wouldst not have him do to thee thereafter."
- Islam: "No one of you is a believer unless he loves for his brother what he loves for himself."
- Buddhism: "Hurt not others with that which pains thyself."
- Christianity: "Do unto others as you would have them do unto you."

If you ***treat people the way you want to be treated***, you're living up to the Golden Rule. Applying the "do unto others" standard will often reveal if your action is ethical or not. For example, if you don't want to be deceived, don't deceive others. If you want others to keep their commitments to you, keep your commitments to them.

Immanuel Kant, the German philosopher, proposed two principles underlying the Golden Rule:

- Rule of Respect. Never treat others as the means for your own gain or gratification.
- Rule of Universality. When considering an action, ask yourself, "If everyone did it, would it be a good thing?"

The Bell, Book, and Candle Test

The Bell: Is there a problem? Be alert to situations that may be covered by laws, rules, or policies. Outside employment, gifts, gratuities, and special discounts are among the "bells" that should induce you to check the law.

The Book: Is it legal? Check agency resources to confirm that your contemplated conduct is legal.

The Candle: Is it right? Even if legal, how would your conduct look in the light? If a reasonable person could conclude you acted improperly, the act could damage you and your agency's reputation.

THE EFFECTIVE DIMENSION OF A DECISION

An effective decision safely and efficiently accomplishes its purpose. A decision is more effective if it also avoids unintended negative consequences. It is most effective if it accomplishes the BPR.

Safety

Safety is an important consideration in all policing decisions. An effective decision reduces the risk of injury or danger to victims, bystanders, perpetrators, suspects, and officers. Be careful and consistently use professional techniques designed to protect you. When possible, avoid tactics that increase the likelihood of resistance in favor of those that tend to induce peaceful compliance.

Efficiently

An effective decision accomplishes its goals in an efficient manner using the least amount of time, effort, personnel, and money.

Purposefully

All policing decisions should be purposeful. That means the officer has a particular objective in mind related to the policing mission. An effective decision accomplishes the objective without causing unintended and undesirable consequences.

You will recall there are four elements to the policing mission: 1) protect and serve the public, 2) enhance the quality of life in the community, 3) generate and maintain public trust, and 4) uphold individual liberties and Constitutional rights. In every situation, you should try to accomplish each of these objectives.

The **primary policing purpose** is to protect and serve the public by enforcing the law, dealing effectively with situations that require police action, and safely performing assigned tasks (e.g., executing a search warrant or testifying in court at an appointed time).

Be aware, though, that situations can change continuously and new circumstances can alter your objective. For example, if you stop a vehicle for running a red light and find a seriously injured passenger in the car, your objective should shift from giving the driver a citation to helping the passenger get medical assistance.

EPOs understand that all situations are fluid. Good judgment and exemplary decisions require flexibility and creative problem-solving. This includes assessing and re-assessing the relative importance of various policing objectives and determining their priorities.

A good question to ask yourself is: **“What needs to be done now?”**

EXAMPLE 1

Officer Sanchez responds to a residential disturbance. She finds two adult sisters in an apartment threatening each other with knives. Sanchez concludes she has enough grounds to arrest both women, but there are three young children in the apartment and no other adults. She decides the BPR would be to restore peace and order in the home without causing further trauma and dislocation to the children. Rather than make the arrest, she disarms the women and counsels them to think of the children. After a few minutes, the combatants calm down and Sanchez decides it is safe to leave. The effectiveness of this decision will be determined by what happens next. If no further incidence of violence occurs, her decision was effective because it accomplished its purpose. If, on the other hand, the fight resumes and one of the women is stabbed, the decision was ineffective.

EXAMPLE 2

An officer on the way to testify in court sees a fallen pedestrian on the sidewalk in distress. Afraid to be late, he calls for an ambulance and rushes off to court, leaving the citizen alone. This is an unacceptable decision. The officer's duty to provide for the safety of citizens is more important than meeting a court appointment. He should have reported to his superior that he was handling an emergency situation, rendered whatever aid he could, and waited until the citizen was turned over to capable hands.

EXAMPLE 3

Officer Jackson is instructed to serve a bench warrant and take into custody a man named Jeffers for failure to appear in court. Jackson finds Jeffers in his home. Jeffers says he didn't appear in court because his daughter was in an auto accident and he only recently returned from the hospital. He says his daughter is in critical condition and his wife is distraught. His wife is crying and verifies his story. Jeffers asks if his appearance could be postponed. He pleads with the officer not to take him into custody, as he wants to return to the hospital.

A decision to execute the warrant may be acceptable, but a better decision would be for Jackson to call her supervisor and ask for guidance. An exemplary decision by his supervisor would be to call the prosecutor, explain the situation and ask if the appearance can be postponed. The BPR would be to meet the court's needs in a way that demonstrates respect and compassion for Jeffers' situation.

Unintended and Undesirable Consequences

Sometimes a thoughtful decision that effectively accomplishes an intended result also causes an undesired but unavoidable result (e.g., you jump into a hotel pool to save a drowning child but ruin your best suit doing it).

In many cases, a little forethought will help you anticipate such consequences and avoid them. For example, the words you use and the way you approach a suspect can increase or decrease the likelihood of verbal or physical resistance. Consider your alternatives and use the approach that permits you to accomplish your primary policing purpose in a way that avoids resistance and results in cooperation.

Stakeholders

Most decisions affect quite a few people. Because these people have a stake in the decision, they are called "stakeholders." **Exemplary decision makers consistently identify and take into account the interests of the stakeholders.** By doing so, they are better able to foresee possible consequences and take steps to avoid undesirable and unintended results.

THE BEST POSSIBLE RESULT

An exemplary decision goes beyond acceptability and adequacy. It achieves the BPR by advancing as many policing mission elements as is reasonably possible under the circumstances.

A high level of professional knowledge and skill, good values and intentions, and a commitment to the mission are all essential to exemplary decisions. But they are not enough. **The essence of an exemplary decision is the ability to identify and achieve the BPR.**

Let's review the elements of the policing mission as a guide to discovering the BPR:

- 1 Protect and serve the public.** The primary policing purpose is to protect and serve the public by enforcing laws, protecting life and property from criminal or negligent human conduct and natural forces, and preserving peace and public order.
- 2 Enhance the quality of life.** An important secondary policing purpose is to foster an environment where people feel free, safe, secure, and well-protected by preventing or discouraging crime, reducing the fear of crime, and solving community problems.
- 3 Generate and maintain public trust.** Policing actions should be carried out in a manner that generates and sustains public trust.
- 4 Uphold individual liberties and Constitutional rights.** Policing actions that violate Constitutional rights are illegal. Those that disregard human dignity and moral rights to freedom, liberty, and privacy are unethical.

The first two elements of the mission describe the "what" of policing--the ends. The second two describe the "how" – the means. In policing, the means and ends are inextricably intertwined. A decision that accomplishes either or both of the first two mission elements but creates widespread public distrust and disapproval because it violates either or both of the other two is usually counterproductive.

Lack of citizen cooperation, embarrassing and career-destroying media criticism, expensive and life-ruining lawsuits, and onerous and unwise laws restricting police conduct can so undermine a police agency that it becomes ineffective.

Consider, for example, the Rodney King episode where the force used in the arrest of a resisting suspect created a nationwide furor that was very destructive to police-community relations and resulted in new rules governing the use of force.

An exemplary decision-maker is always aware of potential negative public reaction. While this consideration should not dictate policing

Reflection Question

At 1 a.m., Officer Axel is patrolling an area known for its nightlife. He spots three teens he knows to be gang members. One of the boys, Carlos, gives Axel the finger, and the three laugh. Axel pulls over and says, "I hope you weren't flipping me off, punk." Carlos repeats the gesture and says, "You mean like this? I wouldn't do that." The other two look at Axel and say, "Are you going to take that s – t from him?" Axel gets out of his vehicle and orders all three against a wall to frisk them. Carlos does not immediately comply, saying, "This is bulls – t." Axel tells him he's busted for resisting a lawful order and starts to cuff him. Carlos pulls his arms away. Axel, who outweighs Carlos by about 50 pounds, puts his forearm on the boy's throat. The other two shout, "Police brutality!" Axel orders them to back off and shut up. He radios for backup. Identify each decision Axel made and assess it in terms of effectiveness and ethics.

behavior, it usually should influence it.

Conflicting Policing Objectives

The responsibility to protect and serve the public is so broad that conflicting demands are inevitable. An exemplary decision-maker looks at the overall good from a high perspective, assessing each situation to determine what needs to be done immediately and what the BPR would look like.

Using the perspective of the BPR, it can be wise in certain situations to let minor infractions go or to delay accomplishment of one policing objective to a safer or more opportune time in order to achieve a greater good.

For example, after a flood, it would be proper to allocate police resources to help victims even if looters will go unpunished. Similarly, if an officer knows where to find a particular suspect who is presenting no danger, he can properly delay taking the suspect into custody rather than do so in a highly volatile and potentially dangerous situation. Additionally, it is sometimes in the public interest to bargain with a low-level drug user to get a drug dealer and to deal with a drug dealer to get to leaders of an organized-crime syndicate.

The concept of the BPR provides a framework to prioritize goals.

SEVEN STEPS TO THE BPR

Decisions can be significantly improved by the “Seven-Step Strategy”:

- 1 Stop and reflect.
- 2 Clarify goals.
- 3 Get and evaluate information.
- 4 Determine your options.
- 5 Consider the consequences.
- 6 Choose a course of action.
- 7 Monitor and modify as needed.

Stop and Reflect

Many situations require rapid response. Others allow for reflection. **A common mistake of inexperienced peace officers is the tendency to act reflexively when there was an opportunity to act reflectively.**

Whenever you can, slow down! If you look for the opportunity to stop the momentum of events long enough to allow calm reflection, you will be less likely to act unwisely. Just as you learned to look both ways before you cross the

street, develop the habit of looking “both ways” in your policing decisions. Look for the BPR.

Don’t be stampeded into making critical decisions before thinking them through. Be especially careful about what you say and do when you are angry, tired, or under the influence of other strong emotions like fear or frustration. Similarly, when you are under unusual stress or pressure, take extra time to get your bearings.

Unless immediate action is imperative, force yourself to pause and reflect. When you can, talk to people you trust.

Clarify Goals

Exemplary decision-makers think about formulating their goals. They decide what is most important and prioritize their objectives.

First, focus on the primary policing purpose of protecting and serving the public and be prepared to make trade-offs where there are conflicting objectives. Generally, priority decisions should put protecting human life over the protection of property and even above the enforcement of law. Thus, it is proper for an officer to damage a vehicle in an effort to free a person pinned under it. Similarly, it may be wise to allow a hit-and-run driver to flee in order to attend to critically injured pedestrians.

Second, once you have devised a strategy to meet the most important policing need in a manner that generates public trust and demonstrates respect for human dignity and rights, consider whether there is a safe and effective way to achieve the secondary policing purpose: improving the quality of life in the community by discouraging future crime, reducing the fear of crime, and/or solving a community problem.

Get and Evaluate Information

A good decision requires good information. Be sure you know what you need to know to support an intelligent choice. To do that, you will have to use and evaluate three types of information: 1) personal perceptions, 2) evidence of facts, and 3) opinions.

Personal Perceptions. Usually, the best form of information comes from our own firsthand observations. We trust most what we see with our own eyes and hear with our own ears. Unfortunately, in many instances we don’t have such knowledge and have to rely on information provided by others.

Statements. Statements are not the same as facts. Whether they are contained in sworn testimony or reports of bystander interviews, statements purporting to describe events are simply evidence (i.e., “purported facts”).

In many cases, one version of the truth will be contradicted by another or undermined

by inconsistencies or ambiguities. ***Part of making sound decisions is to determine who and what to believe despite contradictions, inconsistencies, and ambiguities.***

Here are five guidelines on how to evaluate evidence:

- 1** ***Character and Credibility.*** When we hear versions of an incident, we tend to believe the people we trust the most. Such trust may be based on past experience or on an assessment of character. In court, lawyers are permitted to discredit a witness with **character evidence** in the form of past felony convictions and specific instances of dishonesty. ***In determining who and what to believe, consider the character and credibility of the person providing the information.***
- 2** ***Errors in Perception or Memory.*** Even people of good character can be wrong. Neither good faith nor honesty is a guarantee of accuracy. ***In determining who and what to believe, consider the possibility that the person providing the information may be mistaken.*** He may not have seen what he thought he saw or heard what he thought he heard. Perhaps it was dark or the witness didn't have her glasses. Perhaps a hearing impairment, distractions, or background noise made it difficult to discern what happened. Maybe the witness simply jumped to a conclusion because she expected to see or hear certain things. Finally, consider the possibility that the witness doesn't accurately remember what he once knew.
- 3** ***The Basis of Purported Facts.*** In evaluating testimony or statements, determine if the source of information has firsthand knowledge or is merely telling you what someone else said. When a witness does not have personal knowledge, this is usually called hearsay, a form of evidence generally considered unreliable.
- 4** ***Attitudes and Motives.*** Consider whether the source of the information has a motive to lie, conceal, or distort or a bias that could affect how he interpreted his observations. Generally, people who stand to gain or lose something by virtue of their testimony are less credible than those who have no stake in the outcome. Nevertheless, even people with bias and bad motives may be telling the truth. In fact, lots of criminal cases rely on people who have plea-bargained in exchange for their testimony.
- 5** ***Opinions.*** Opinions are not facts and are often not permitted in court unless they come from qualified experts. It's important to distinguish well-grounded opinions from speculation, conjecture, and guesswork. Still, the opinions of intelligent and informed people can be a valuable source of information. In making a decision, it's often wise to seek out the opinions of people whose judgment you respect.

Determine Your Options

Once you've determined your goals and made your best judgment as to the relevant facts and the BPR, you must determine your options – specific things you could do to accomplish your objectives. This is the point at which creative problem-solving is demonstrated.

If you can, seek the input of others you trust to test your ideas and get new ones. Even in the heat of police work, there are almost always opportunities to talk to a supervisor or colleague. Where there's plenty of time (e.g., decisions about your career or long-term community strategies), it's often helpful to make a written list of options with pros and cons.

Consider the Consequences

Two techniques reveal the potential impact of a decision:

Identify the Stakeholders. Everyone likely to be affected by a decision is called a stakeholder, one whose interests should be considered in a fair and systematic way. Thus, identify the stakeholders and determine how your decision may affect them. If a decision is likely to injure, disadvantage, disappoint, or anger any stakeholder, take special care to consider these reactions from both an ethical and effectiveness perspective. If you conclude your choice is still appropriate, look for ways to mitigate the negative impact.

"Pillarize" Your Options. To address the ethical dimension of the decision, filter your choices through each of the Six Pillars of Character (we call this "pillarizing"). Be sure the choices you are considering are consistent with your obligation to be trustworthy, respectful, responsible, fair, caring, and a good citizen.

Choose a Course of Action

Once you have reflected, defined your objectives, gathered the facts, devised your options, and considered the consequences, it's time to make a decision. Sometimes, the process itself yields a clear choice. In other cases, you might benefit from filtering the decision through any or all of the decision-making strategies previously discussed.

Monitor and Modify As Needed

Since most hard decisions involve imperfect information and "best effort" predictions, some will inevitably be wrong. Monitor the effects of your choices. If they are not producing the intended results or are causing unintended and undesirable results, reassess the situation, and your methods, and make new decisions.

Nine Rules for Making Exemplary Decisions

- 1** You are responsible for choosing your words, actions, and attitudes and for the consequences of your choices.
- 2** Make every decision so that if it, and the reason you made it, became public, you could reconcile it with your ethical obligations.
- 3** When you are tired, frustrated, or stressed, be especially careful to detect and override negative emotions and impulses that could impede ethical and effective decisions.
- 4** Avoid unforeseen and unintended consequences by carefully assessing the possible impact of your decisions on all important stakeholders.
- 5** Treat choices with special care that could result in physical harm, emotional pain, diminished reputation, damage to important relationships, or obstruction of long-term goals.
- 6** Everything you say and do sends a message. Ask yourself: "What message am I sending?"
- 7** Never underestimate the importance of facts. Evaluate the credibility of evidence and distinguish personal perceptions from opinions and qualified opinions from speculation and conjecture.
- 8** Be cautious, but decisive. Make decisions when they need to be made.
- 9** Consult important stakeholders when practical, and communicate your decisions promptly and respectfully once your decision is made.

APPLYING WHAT YOU'VE LEARNED

A white male officer stops a vehicle for rolling through a stop sign. When he asks the African-American female driver for her license and registration, she argues that there was no reason for him to stop her and calls him a racist. The officer asks again for her registration and license. Rather than comply, she escalates her accusation. A crowd gathers. The woman starts screaming about racism. The officer orders her out of the car. She shouts, "Police harassment!" and does not comply. He leans into the window and calmly urges her to comply. She spits in his face and curses him. He draws and displays a Taser and commands her one more time to exit the car. She refuses. What can the officer do? What should the officer do?

Acceptable Decision

The Actions Must Be Legal. Before deciding what to do, the officer must determine what he lawfully can do. He needs to know what crimes the driver has committed and what the law and his agency's policies allow him to do in light of her resistance. Was it proper to draw his Taser? Under what circumstances can he use it? Can he grab her and pull her out of the car? Can he arrest and cuff her for failing to show him her license and registration, for resisting arrest, or for assault?

You will learn in another setting what legal options the officer has and what tactical approaches are available. Generally, an officer may use whatever force is reasonably necessary to accomplish a legitimate police purpose. Since it appears some force is going to be necessary, the officer must also take into account any local laws and agency policies that may restrict his options. Agencies that issue Tasers, for example, have guidelines and policies governing their use.

The Actions Must Be Ethical. From an ethical standpoint, the officer must maintain professionalism and treat the driver respectfully, regardless of the provocation. He must conduct himself in a way that justifies public trust.

The Actions Must Be Effective. If the officer's only goal is to give the driver a traffic citation and, after her resistance, take her into custody for resisting an arrest, any use of lawful force to accomplish those goals is effective.

Good Decision

A good decision is better than an acceptable one because it not only legally, ethically, and effectively achieves the officer's primary policing objectives, but does so *without causing any unintended negative consequences*.

In the case above, this is a major concern because a crowd is gathering and further resistance from the driver could result in violence from the crowd. If the officer forcibly pulls her out of the car and handcuffs her, that might legally, ethically, and effectively deal with her noncompliance, but to make this a good decision, he should do whatever he does in a way that avoids, to the extent possible, unintended negative consequences.

Exemplary Decision

An exemplary decision goes further than a good decision. In addition to being legal, ethical, and effective, it accomplishes the **best possible result in terms of all aspects of the policing mission**.

Making exemplary decisions requires an officer to re-examine the objectives of an action. In the above example, the officer clearly can't allow the driver to refuse his lawful request to show her license and registration. He must keep in mind, however, that the incident has now morphed into resisting arrest and a possibility of further resistance and negative crowd involvement. An exemplary decision would achieve the best possible result. In this case, that includes achieving the officer's primary policing objective, unless the value and importance of doing so is outweighed by the need to protect public safety and order by avoiding a possible riot. It also requires the officer, despite all provocation, to treat the woman in a manner that respects her Constitutional rights and human dignity. If possible, the methods chosen should enhance the quality of life in the community by reducing (or at least not exacerbating) racial tensions and violence. Finally, the decision should engender public trust. This is a tall order, but that's the challenge of exemplary decision-making.

As a peace officer, you are to be congratulated for choosing a career dedicated to the service of others. Continue to honor the profession by demonstrating exemplary perseverance and decision making that achieves the best possible result.



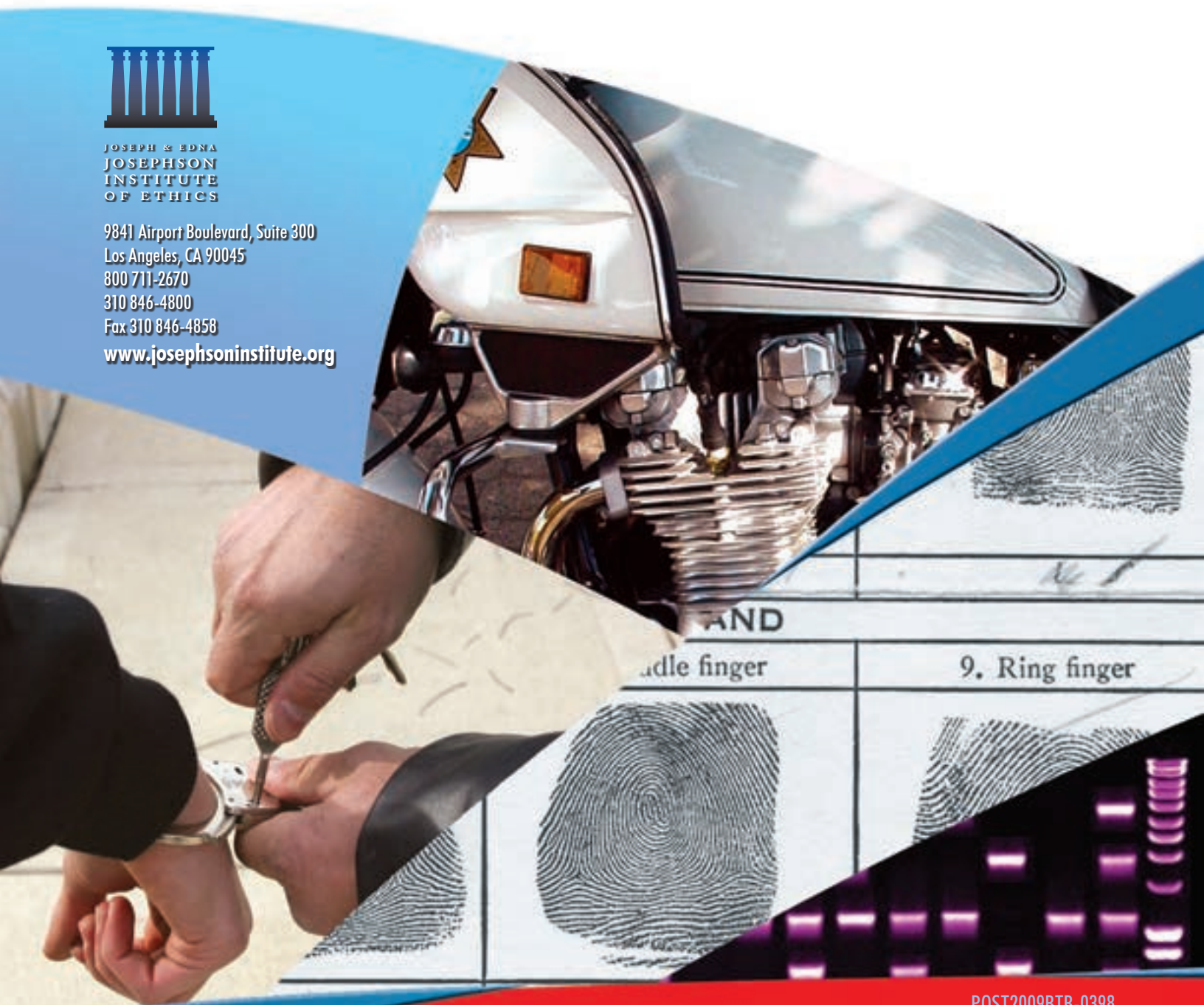
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