

POST



# ETHICAL DECISION-MAKING TOOLS FOR CALIFORNIA LAW ENFORCEMENT

Version 1.0

POST.LTRC.2004-01

California Commission on Peace Officer Standards and Training



# Ethical Decision-Making Tools for Law Enforcement

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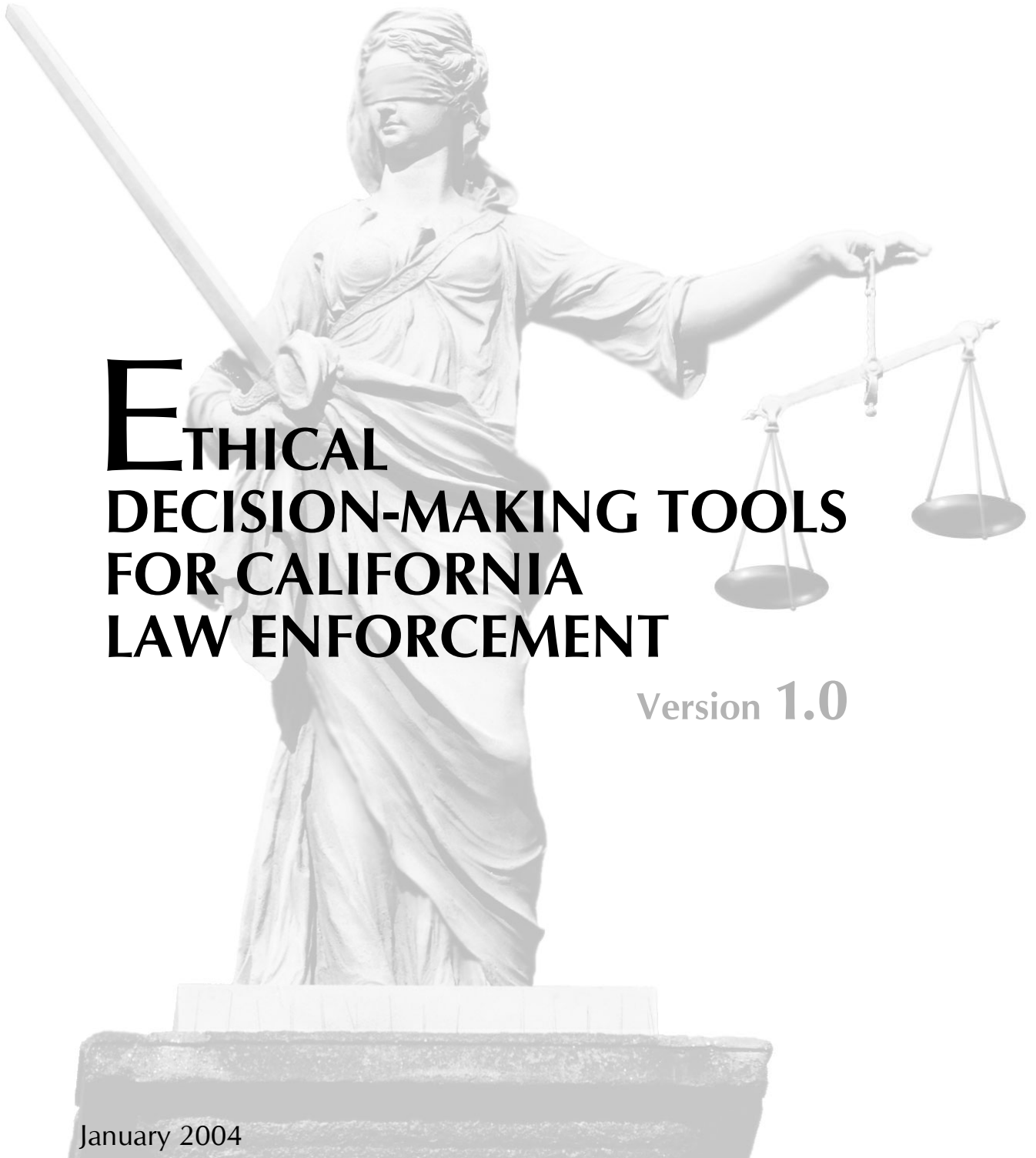
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POST.LTRC.2004-01



# **E**THICAL DECISION-MAKING TOOLS FOR CALIFORNIA LAW ENFORCEMENT

Version **1.0**

January 2004

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**T**he mission of California POST is to continually enhance the professionalism of California law enforcement in serving its communities.





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## FOREWORD

***In matters of principle, stand like a rock.***

— Thomas Jefferson

*Ethical Decision Making Tools for California Law Enforcement* was developed to support the POST Strategic Plan objective to integrate leadership, ethics, and community policing into California law enforcement training.

The manual grew out of the process of integrating leadership, ethics, and community policing into the Basic Course curriculum. It is divided into two sections: Ethical Tools, and The Continuum of Compromise. Ethical Tools is further divided into Character, Ethical Choice Strategies, and Decision Making. Each section contains tools from the leading authorities on ethical behavior. These tools provide peace officer instructors, trainers, and students with useful, practical support in making the right ethical decisions in a difficult and challenging law enforcement environment.

The ethical tools contained in *Ethical Decision Making Tools for California Law Enforcement* are the intellectual property of the following individuals and organizations. All have graciously given their consent to POST to publish and distribute the tools for use in training California peace officers. POST gratefully acknowledges their contributions.

- Dr. Sara A. Boatman
- The Center for American and International Law
- Gilmartin, Harris and Associates
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- The Hastings Center
- The International Association of Chiefs of Police
- The Josephson Institute of Ethics
- Leadership Education and Development, Inc.
- The Markkula Center for Applied Ethics
- The National Institute of Engineering Ethics

FOREWORD *continued*

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POST also gratefully acknowledges the efforts of Lieutenant Regina Scott of the Los Angeles Police Department. Lieutenant Scott had the vision to see the value of these tools and the drive to locate, assemble, and deliver them to POST. POST Senior Training Officer Graham Breck did the concept design, and coordinated and edited the manual, and POST Graphic Designer Nancy Lewis did the cover design, layout and final edit.

In any learning situation, the instructors and students determine the success or failure of new initiatives. This will be true in the California law enforcement academies as they begin to integrate leadership, ethics, and community policing material into all the learning domains in the Basic Course. The instructors will determine how the material is presented to the students and what processes the students will undertake to learn the material. The students, as responsible adult learners, will determine how well they learn the material and how to successfully apply it to the field training experience and throughout their law enforcement career. Resources like the ethical tools contained in *Ethical Decision Making Tools for California Law Enforcement* are one way to provide support for this important task.



*Kenneth J. O'Brien*

Kenneth J. O'Brien  
Executive Director





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## CHARACTER

### SIX PILLARS OF CHARACTER

#### ■ Trust-worthiness

- Be honest
  - Don't deceive, cheat or steal
  - Be reliable — do what you say you'll do
  - Have the courage to do the right thing
  - Build a good reputation
  - Be loyal — stand by your family, friends and country
- Honesty*  
*Reliability (promise-keeping)*  
*Loyalty*

#### ■ Respect

- Treat others with respect; follow the Golden Rule
  - Be tolerant of differences
  - Use good manners, not bad language
  - Be considerate of the feelings of others
  - Don't threaten, hit or hurt anyone
  - Deal peacefully with anger, insults and disagreements
- Civility, courtesy and decency*  
*Dignity and autonomy*  
*Tolerance and acceptance*

#### ■ Responsibility

- Do what you're supposed to do
  - Persevere — keep trying!
  - Always do your best
  - Use self-control
  - Be self-disciplined
  - Think before you act — consider the consequences
  - Be accountable for your choices
- Accountability*  
*Pursuit of Excellence*  
*Self-restraint*

*Continues*

SIX PILLARS... *continued*

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■ **Fairness**

- Play by the rules
- Take turns and share
- Be open-minded — listen to others
- Don't take advantage of others
- Don't blame others carelessly

*Process*

*Impartiality*

*Equity*

■ **Caring**

- Be kind
- Be compassionate and show you care
- Express gratitude
- Forgive others
- Help people in need

*Kindness*

*Gratitude*

*Forgiveness*

■ **Citizenship**

- Do your share to make your school and community better
- Cooperate
- Stay informed — vote
- Be a good neighbor
- Obey laws and rules
- Respect authority
- Protect the environment

*Participation*

*Awareness*

*Lawful conduct*

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## HOW OFFICERS RATIONALIZE, NEUTRALIZE OR JUSTIFY BEHAVIOR

***Nearly all men can stand adversity, but if you want to test a man's character, give him power.***

— Abraham Lincoln

We judge ourselves by our best intentions, our noblest acts and our most virtuous habits. But others tend to judge us by our last worst act. So in making tough decisions, don't be distracted by rationalizations. Here are some of the most common ones:

- **If It's Necessary, It's Ethical**

This rationalization rests on the false assumption that necessity breeds propriety. The approach often leads to ends-justify-the-means reasoning and treating non-ethical tasks or goals as moral imperatives.
- **The False Necessity Trap**

As Nietzsche put it, "Necessity is an interpretation, not a fact." We tend to fall into the "false necessity trap" because we overestimate the cost of doing the right thing and underestimate the cost of failing to do so.
- **If It's Legal and Permissible, It's Proper**

This substitutes legal requirements (which establish minimal standards of behavior) for personal moral judgment. This alternative does not embrace the full range of ethical obligations, especially for individuals involved in upholding the public trust. Ethical people often choose to do less than the maximally allowable, and more than the minimally acceptable.
- **It's Just Part of the Job**

Conscientious people who want to do their jobs well often fail to adequately consider the morality of their professional behavior. They tend to compartmentalize ethics into two domains: private and occupational. Fundamentally decent people thereby feel justified doing things at work that they know to be wrong in other contexts. They forget that everyone's first job is to be a good person.

*Continues*

HOW OFFICERS RATIONALIZE... *continued*

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- **It's All for a Good Cause**

People are especially vulnerable to rationalizations when they seek to advance a noble aim. "It's all for a good cause" is a seductive rationale that loosens interpretations of deception, concealment, conflicts of interest, favoritism and violations of established rules and procedures.
  
- **I Was Just Doing It for You**

This is a primary justification for committing "little white lies" or withholding important information in personal or professional relationships, such as performance reviews. This rationalization pits the values of honesty and respect against the value of caring. An individual deserves the truth because he has a moral right to make decisions about his own life based on accurate information.
  
- **I'm Just Fighting Fire with Fire**

This rationalization overestimates other people's desire to be "protected" from the truth, when in fact most people would rather know unpleasant information than believe soothing falsehoods. Consider the perspective of people lied to: If they discovered the lie, would they thank you for being thoughtful or would they feel betrayed, patronized or manipulated?

This is the false assumption that promise breaking, lying and other kinds of misconduct are justified if they are routinely engaged in by those with whom you are dealing. Remember: when you fight fire with fire, you end up with the ashes of your own integrity.
  
- **It Doesn't Hurt Anyone**

Used to excuse misconduct, this rationalization falsely holds that one can violate ethical principles so long as there is no clear and immediate harm to others. It treats ethical obligations simply as factors to be considered in decision-making, rather than as ground rules. Problem areas: asking for or giving special favors to family, friends or public officials; disclosing non public information to benefit others; using one's position for personal advantage.

- 
- **Everyone’s Doing It** This is a false, “safety in numbers” rationale fed by the tendency to uncritically treat cultural, organizational or occupational behaviors as if they were ethical norms, just because they are norms.
  - **It’s Okay, If I Don’t Gain Personally** This justifies improper conduct done for others or for institutional purposes on the false assumption that personal gain is the only test of impropriety. A related but narrower view is that only behavior resulting in improper financial gain warrants ethical criticism.
  - **I’ve Got It Coming** People who feel they are overworked or underpaid rationalize that minor “perks” — such as acceptance of favors, discounts or gratuities — are nothing more than fair compensation for services rendered. This is also used as an excuse to abuse sick time, insurance claims, overtime, personal phone calls and personal use of office supplies.
  - **I Can Still Be Objective** By definition, if you’ve lost your objectivity, you can’t see that you’ve lost your objectivity! It also underestimates the subtle ways in which gratitude, friendship and the anticipation of future favors affect judgment. Does the person providing you with the benefit believe that it will in no way affect your judgment? Would the person still provide the benefit if you were in no position to help?

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## THE ETHICAL APPROACH

Facts by themselves only tell us what is; they do not tell us what ought to be. In addition to getting the facts, resolving an ethical issue also requires an appeal to values. Philosophers have developed five different approaches to values to deal with moral and ethical issues.

■ **The Utilitarian Approach**

*The principle states:* “What is ethical is what develops moral virtues in ourselves and our communities.”

■ **The Virtuous Approach**

*The principle states:* “Of any two actions, the most ethical one will produce the greatest balance of benefits over harms.”

■ **The Fairness (or Justice) Approach**

*The principle states:* “An action or policy is morally right only if those persons affected by the decision are not used merely as instruments for advancing some goal, but are fully informed and treated only as they have freely and knowingly consented to be treated.”

■ **The Rights Approach**

*The principle states:* “Treat people the same unless there are morally relevant differences between them.”

■ **The Common Good Approach**

*The principle states:* “What is ethical is what advances the common good.”

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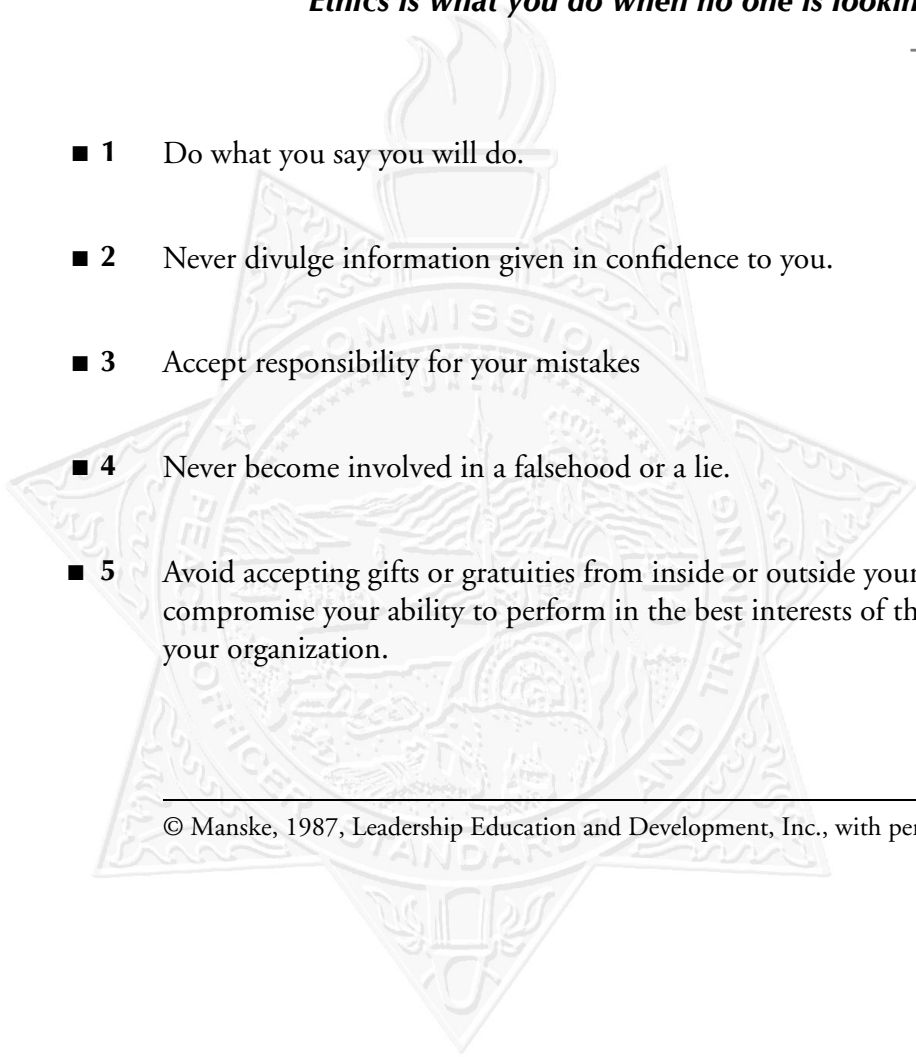


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## FIVE CORNERSTONES TO ETHICAL BEHAVIOR

*Ethics is what you do when no one is looking.*

— Anonymous

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- 1 Do what you say you will do.
  - 2 Never divulge information given in confidence to you.
  - 3 Accept responsibility for your mistakes
  - 4 Never become involved in a falsehood or a lie.
  - 5 Avoid accepting gifts or gratuities from inside or outside your agency that compromise your ability to perform in the best interests of the public and your organization.

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# ETHICAL CHOICE STRATEGIES

## GUIDELINES FOR FACILITATING SOLUTIONS TO ETHICAL DILEMMAS

- 1 *Determine the facts in the situation* — obtain all of the unbiased facts possible related to the situation.
- 2 *Define the stakeholders* — those with a vested interest in the outcome.
- 3 *Assess the stakeholder's motivation* — using effective communication techniques and personality assessments.
- 4 *Formulate alternative solutions* — based on most complete information available, using basic ethical core values as guide.
- 5 *Evaluate proposed alternatives* — short-list ethical solutions only; may be a potential choice between/among two or more totally ethical solutions.
- 6 *Seek additional assistance, as appropriate* — engineering codes of ethics, previous cases, peers, reliance on personal experience, prayer.
- 7 *Select the best course of action* — that which satisfies the highest core ethical values.
- 8 *Implement the selected solution* — take action as warranted.
- 9 *Monitor and assess the outcome* — note how to improve the next time.

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Based on “Guidelines for Facilitating Solutions to Ethical Dilemmas,” with permission from The National Institute of Engineering Ethics, J.H. Murdough Center for Engineering Professionalism, College of Engineering at Texas Tech University.

## THE BELL, BOOK & CANDLE MODEL

*The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.*

— Martin Luther King, Jr.

- **The Bell**                      Do any “bells” or warning buzzers go off as I consider my choice of action? Does it sound right?
  
- **The Book**                     Does it violate any laws, written codes, rules or policies, etc.?
  
- **The Candle**                  Will my decision be able to withstand the light of day, or the spotlight of publicity? If in tomorrow’s paper/family found out.

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## A.C.T.

- **A** *Identify Alternatives.* What alternatives are available to you personally?
- **C** *Project the Consequences* for you for each alternative, within and outside the agency.
- **T** *Tell your story. Consider your defense within/outside the agency.*

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## FOUR STEPS IN CRITICAL THINKING

- **1** Recognize and identify the ethical issue.
- **2** Gather all available information.
- **3** Decide on the best solution and do it.
- **4** Be ready to defend your decision.

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Source unknown.

## ETHICS CHECK QUESTIONS

This system suggests that you ask three main questions, although it offers some more specific sub-questions.

- 1
  - Is the action that I am considering *legal*?
  - Does it violate any rules, laws, or policies?
  
- 2
  - Is the action *balanced*?
  - Is it fair for all concerned? — Short term? Long term?
  - Is anyone being exploited or harmed?
  
- 3
  - How will the action make me *feel about myself*?
  - How would I feel if this action were made public?
  - If it were in tomorrow's paper?
  - On the news? If my family found out?
  - Can I explain it to others?

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Excerpt from the book *The Power of Ethical Management* by Ken Blanchard and Norman Vincent Peale. Copyright 1988, Blanchard Family Partnership and Dr. Norman Vincent Peale, used herein with permission.

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## ETHICS TESTS

***In law a man is guilty when he violates the rights of others. In ethics he is guilty if he only thinks of doing so.***

— Immanuel Kant

- **Test of Common Sense** Does this behavior make sense generally, and could I easily gain acceptance for my action in conversation with an average group of citizens? (Does the act make sense or would anyone look somewhat askance at it?)
- **Test of Publicity** Would I be uncomfortable if this issue suddenly appeared as a newsworthy item for media publication? (Would you be willing to see what you did highlighted on the front page of your local newspaper?)
- **Test of One’s Best Self** Does this action measure up to the best perception I hold of myself? (Will the act fit the concept of ourselves at our best?)
- **Test of One’s Most Admired Personality** Would this be handled the same way by persons of integrity for whom I have a high regard? Would those who hold me in high regard continue in their respect? (What would mom, dad, your minister/priest/rabbi do in this situation?)
- **Test of Hurting Someone Else** Would my inaction cause unwanted consequences? Would anyone be alienated or upset by the course I am taking? (Will the act contribute to “internal pain” for someone?)
- **Test of Foresight** What are the long-term negative repercussions possible arising out of this issue? (What is the long-term negative result?)

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# DECISION MAKING

## TEMPLATE FOR DECISION MAKING

The decision-making template defines six steps for making ethical decisions. The first step involves defining the ethical question being posed. This is a “should” question, and it contains an element of controversy or conflict. The next step involves identifying the relevant facts of the case, including scientific information, legalities, etc. Next comes identification of the stakeholders in the case — those individuals, organizations, or entities that are directly affected by the outcome of the decision being made. Step four involves considerations of the moral values that apply to the case. These can include a wide variety of qualities, such as fairness to the various shareholders, privacy, freedom of choice, respect for life or property, etc. In the fifth step, all of the possible solutions to the dilemma are considered. Finally, the best solution is identified by determining which of the possible solutions is most consistent with the facts, values, and stakeholders identified.

- **Template:**
  - Step 1** Identify the ethical question(s) raised by the case.
  - Step 2** List all relevant facts of the case.
  - Step 3** Identify the stakeholders in the case.
  - Step 4** Identify the values that play a role in the case.
  - Step 5** List several possible solutions to resolve the conflict. (What *could* you do?)
  - Step 6** Choose the best solution(s) and justify. (What *should* you do?)

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## ETHICAL DECISION-MAKING MODEL FOR YOUR ORGANIZATION

- 1 Is it legal?
- 2 Is it permitted by your organization's code of conduct?
- 3 How would it be viewed by your organization's code of ethics and shared values?
- 4 Does your personal code of ethics give a thumbs-up?
- 5 Is it a true ethical dilemma? Do both choices appear to be right?
- 6 Can you apply the ethical decision-making model for your organization?

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Source unknown.

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## SEVEN-STEP PATH TO BETTER DECISIONS

### ■ Step 1 Stop and Think

One of the most important steps to better decisions is the oldest advice in the world: think ahead. To do so it's necessary to first stop the momentum of events long enough to permit calm analysis. This may require discipline, but it is a powerful tonic against poor choices.

The well-worn formula to count to 10 when angry and to a hundred when very angry is a simple technique designed to prevent foolish and impulsive behavior. But we are just as apt to make foolish decisions when we are under the strain of powerful desires or fatigue, when we are in a hurry or under pressure, and when we are ignorant of important facts.

Just as we teach our children to look both ways before they cross the street, we can and should instill the habit of looking ahead before they make any decision.

Stopping to think provides several benefits. It prevents rash decisions. It prepares us for more thoughtful discernment. And it can allow us to mobilize our discipline.

### ■ Step 2 Clarify Goals

Before you choose, clarify your short- and long-term aims. Determine which of your many wants and don't-wants affected by the decision are the most important. The big danger is that decisions that fulfill immediate wants and needs can prevent the achievement of our more important life goals.

### ■ Step 3 Determine Facts

Be sure you have adequate information to support an intelligent choice. You can't make good decisions if you don't know the facts.

To determine the facts, first resolve what you know and, then, what you need to know. Be prepared to get additional information and to verify assumptions and other uncertain information.

Once we begin to be more careful about facts, we often find that there are different versions of them and disagreements about their meaning. In these situations part of making sound decisions involves making good judgments as to who and what to believe.

*Continues*

SEVEN-STEP PATH... *continued*

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■ **Step 3**  
**Determine Facts**  
*cont'd*

Consider the reliability and credibility of the people providing the facts.

Remember that assumptions, gossip and hearsay are not the same as facts.

Consider all perspectives, but be careful to consider whether the source of the information has values different than yours or has a personal interest that could affect perception of the facts.

Where possible seek out the opinions of people whose judgment and character you respect, but be careful to distinguish the well-grounded opinions of well-informed people from casual speculation, conjecture and guesswork.

Finally, evaluate the information you have in terms of completeness and reliability so you have a sense of the certainty and fallibility of your decisions.

Consider the basis of the supposed facts. If the person giving you the information says he or she personally heard or saw something, evaluate that person in terms of honesty, accuracy and memory.

■ **Step 4**  
**Develop Options**

Now that you know what you want to achieve and have made your best judgment as to the relevant facts, make a list of options, a set of actions you can take to accomplish your goals. If it's an especially important decision, talk to someone you trust so you can broaden your perspective and think of new choices. If you can think of only one or two choices, you're probably not thinking hard enough.

■ **Step 5**  
**Consider**  
**Consequences**

Two techniques help reveal the potential consequences.

- “Pillar-ize” your options. Filter your choices through each of the Six Pillars of Character: trustworthiness, respect, responsibility, fairness, caring and citizenship. Will the action violate any of the core ethical principles? For instance, does it involve lying or breaking a promise; is it disrespectful to anyone; is it irresponsible, unfair or uncaring; does it involve breaking laws or rules? Eliminate unethical options.
- Identify the stakeholders and how the decision is likely to affect them. Consider your choices from the point of view of the major stakeholders. Identify whom the decision will help and hurt.

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■ **Step 6**  
**Choose**

*It's time to make your decision. If the choice is not immediately clear, see if any of the following strategies help:*

- *Talk to people whose judgment you respect.* Seek out friends and mentors, but remember, once you've gathered opinions and advice, the ultimate responsibility is still yours.
- *What would the most ethical person you know do?* Think of the person you know or know of (in real life or fiction) who has the strongest character and best ethical judgment. Then ask yourself: what would that person do in your situation? Think of that person as your decision-making role model and try to behave the way he or she would. Many Christians wear a small bracelet with the letters WWJD standing for the question "What would Jesus do?" Whether you are Christian or not, the idea of referencing a role model can be a useful one. You could translate the question into: "What would God want me to do?" "What would Buddha or Mother Teresa do?" "What would Gandhi do?" "What would the most virtuous person in the world do?"
- *What would you do if you were sure everyone would know?* If everyone found out about your decision, would you be proud and comfortable? Choices that only look good if no one knows are always bad choices. Good choices make us worthy of admiration and build good reputations. It's been said that character is revealed by how we behave when we think no one is looking and strengthened when we act as if everyone is looking.
- *Golden Rule: Do unto to others, as you would have them do unto you.* The Golden Rule is one of the oldest and best guides to ethical decision-making. If we treat people the way we want to be treated we are likely to live up to the Six Pillars of Character. We don't want to be lied to or have promises broken, so we should be honest and keep our promises to others. We want others to treat us with respect, so we should treat others respectfully.

■ **Step 7**  
**Monitor and**  
**Modify**

Since most hard decisions use imperfect information and "best effort" predictions, some of them will inevitably be wrong. Ethical decision-makers monitor the effects of their choices. If they are not producing the intended results or are causing additional unintended and undesirable results, they re-assess the situation and make new decisions.

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## GROUNDWORK FOR MAKING EFFECTIVE DECISIONS

***Always do right — this will gratify some and astonish the rest.***

— Mark Twain

### ■ Taking Choices Seriously

We all make thousands of decisions daily. Most of them do not justify extended forethought. They are simple, repetitive or without significant consequence. In such cases, it may be safe to just go with our feelings. It's okay to decide spontaneously what to wear and eat and what to say in casual conversations. When the issues are not morally complex and the stakes are small, our normal instincts are sufficient.

The problem comes when we don't distinguish between minor and potentially major issues, when we "go with the flow" in situations that demand a much more careful approach.

### ■ Recognizing Important Decisions

Reflection does not come naturally to everyone. That is why it is so important for parents to sharpen their children's instincts about what matters and what doesn't. This will serve them all through their lives.

The simple formula is: The greater the potential consequences, the greater the need for careful decision-making. To help identify important decisions, ask yourself these four questions:

1. Could you or someone else suffer physical harm?
2. Could you or someone else suffer serious emotional pain?
3. Could the decision hurt your reputation, undermine your credibility, or damage important relationships?
4. Could the decision impede the achievement of any important goal?

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## Good Decisions Are Both Ethical and Effective

- **Ethical Decisions**      A decision is ethical when it is consistent with the Six Pillars of Character — ethical decisions generate and sustain trust; demonstrate respect, responsibility, fairness and caring; and are consistent with good citizenship. If we lie to get something we want and we get it, the decision might well be called effective, but it is also unethical.
  
- **Effective Decisions**      A decision is effective if it accomplishes something we want to happen, if it advances our purposes. A simple test is: are you satisfied with the results? A choice that produces unintended and undesirable results is ineffective.

### Discernment and Discipline

There are two critical aspects to ethically sound decisions: knowing what to do and doing it.

- **Discernment**      The first requirement of good decisions is discernment. It is not obvious to everyone, for example, that it is just as dishonest to deliberately deceive someone by half-truths and omissions as to tell an outright lie. It's also not always clear how to respond most effectively. Discernment requires knowledge and judgment.
  
- **Discipline**      Good decisions also require discipline, the strength of character to do what should be done even when it is costly or uncomfortable. It's not enough that we discern the ethical and effective course; we must follow it. This often takes will power or moral courage: the willingness to do the right thing even when it is inconvenient, scary, difficult or costly

## GROUNDWORK FOR MAKING EFFECTIVE DECISIONS *continued*

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### Stakeholders

Each person affected by a decision has a stake in the decision and a moral claim on the decision-maker. Good decisions take into account the possible consequences of words and actions on all those potentially affected by a decision (“stakeholders”).

Being thoughtful or considerate about the way our choices affect others is one aspect of using the stakeholder concept. Another is to be systematic and disciplined in thinking about whom a decision could affect. The stakeholder concept reinforces our obligation to make all reasonable efforts to foresee possible consequences and take reasonable steps to avoid unjustified harm to others.

#### ■ Ethics and Action

Ethics is about putting principles into action. Consistency between what we say we value and what our actions say we value is a matter of integrity.

It is also about self-restraint:

- *Not doing what you have the power to do.* An act isn’t proper simply because it is permissible or you can get away with it.
- *Not doing what you have the right to do.* There is a big difference between what you have the right to do and what is right to do.

### What Motivates Your Ethical Behavior

#### ■ People Have Lots of Reasons for Being Ethical

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



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■ **There Are Obstacles to Being Ethical**

- *Ethics of Self-Interest.* When the motivation for ethical behavior is self-interest, decision-making is reduced to risk-reward calculations. If the risks from ethical behavior are high — or the risks from unethical behavior are low and the reward is high — moral principles succumb to expediency. This is not a small problem: many people cheat on exams, lie on resumes, and distort or falsify facts at work. The real test of our ethics is whether we are willing to do the right thing even when it is not in our self-interest.
- *Pursuit of Happiness:* Enlightenment philosophers and the American Founding Fathers enshrined the pursuit of happiness as a basic right of free men. But is this pursuit a moral end in itself? It depends on how one defines happiness. Our values, what we prize and desire, determine what we think will make us happy. We are free to pursue material goals and physical sensations, but that alone rarely (if ever) leads to enduring happiness. It more often results in a lonely, disconnected, meaningless existence. The morally mature individual finds happiness in grander pursuits than money, status, sex and mood-altering substances. A deeper satisfaction lies in honoring universal ethical values, that is, values that people everywhere believe should inform behavior. That unity between principled belief and honorable behavior is the foundation for real happiness.

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## ETHICAL PROBLEM SOLVING

### ■ Five Approaches

*Once we have ascertained the facts, we should ask ourselves five questions when trying to resolve a moral issue*

1. What benefits and what harms will each course of action produce, and which alternative will lead to the best overall consequences?
2. What moral rights do the affected parties have, and which course of action best respects those rights?
3. Which course of action treats everyone the same, except where there is a morally justifiable reason not to, and does not show favoritism or discrimination?
4. Which course of action advances the common good?
5. Which course of action develops moral virtues?

This method, of course, does not provide an automatic solution to moral problems. It is not meant to. The method is merely meant to help identify most of the important ethical considerations. In the end, we must deliberate on moral issues for ourselves, keeping a careful eye on both the facts and on the ethical considerations involved.

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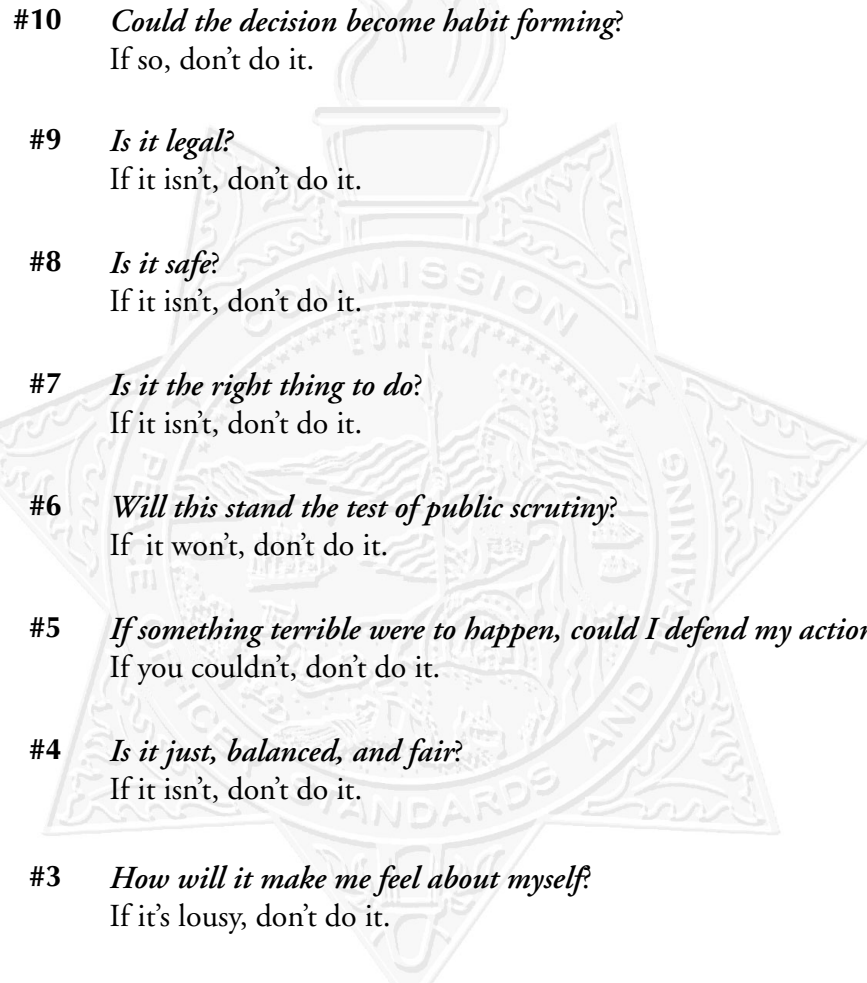
## FIVE STEPS TO ETHICAL DECISION MAKING

- 1 Think through the ethical dilemmas and identify all components as objectively as possible.
- 2 Consider the options.
- 3 Decide which option is the most ethical.
- 4 How can the option be implemented?
- 5 What are the consequences of your decisions?

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## TOP 10 QUESTIONS YOU SHOULD ASK YOURSELF WHEN MAKING AN ETHICAL DECISION

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- #10** *Could the decision become habit forming?*  
If so, don't do it.
- #9** *Is it legal?*  
If it isn't, don't do it.
- #8** *Is it safe?*  
If it isn't, don't do it.
- #7** *Is it the right thing to do?*  
If it isn't, don't do it.
- #6** *Will this stand the test of public scrutiny?*  
If it won't, don't do it.
- #5** *If something terrible were to happen, could I defend my actions?*  
If you couldn't, don't do it.
- #4** *Is it just, balanced, and fair?*  
If it isn't, don't do it.
- #3** *How will it make me feel about myself?*  
If it's lousy, don't do it.
- #2** *Does this choice lead to the greatest good for the greatest number?*  
If it doesn't, don't do it.

### And the #1 question you should ask yourself:

- #1** *Would I do this in front of my mother?*  
If you wouldn't, don't do it.

## PART II ETHICAL CHALLENGES



# CONTINUUM OF COMPROMISE

## INTRODUCTION

The Continuum of Compromise is a framework for understanding and teaching how the transition from “honest cop” to “compromised officer” can occur. Law enforcement agencies can help prepare their officers for the ethical challenges they will face during their careers. However, that will require changing the way this topic is approached by the organization and teaching and integrating the information throughout the organization.

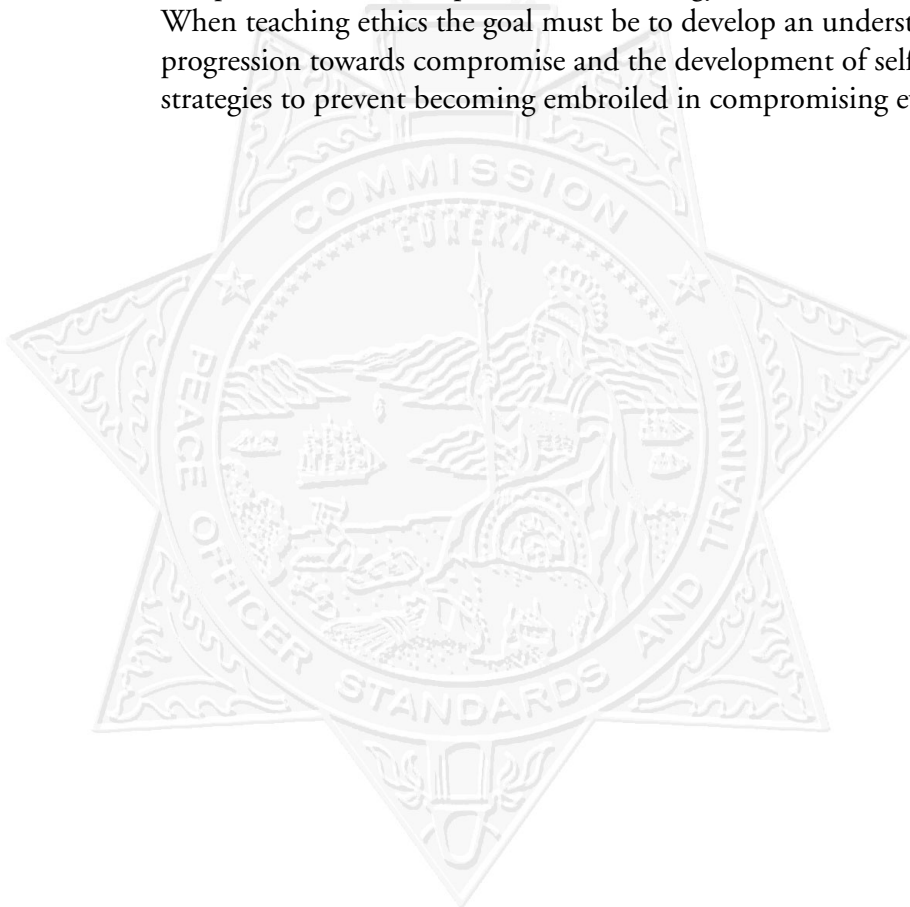
Officers live and work in a constantly changing and dynamically social context in which they are exposed to a myriad of ethical conflicts. When either unprepared or unaware, officers are more likely to “go with the flow” than they would be if they were adequately prepared to face potentially ethical risks. Everyday, officers practice mental preparation as it relates to tactical situations. Officers who are mentally prepared to face a lethal encounter are more likely to be successful than officers who are tactically proficient but mentally unprepared. Just like lethal encounters, ethical dilemmas occur at the most inopportune times, frequently without warning and with little time to stop and think about the situation. When inadequately prepared, even the most honest, above reproach officers can make inappropriate split-second ethical decisions — decisions that can result in life changing consequences. If officers are going to survive ethical dilemmas they need to be as mentally prepared as they would be for tactical encounters.

While police work is seductive and exhilarating, it can also lead officers down the path of ethical compromise. The “continuum of compromise” outlines the path of ethical compromise and can be used to help officers understand and mentally prepare for the ethical dilemmas they will face. Understanding the issues and being mentally prepared will help officers assume responsibility for and make more appropriate decisions. Compromising behavior has to be seen as something that can potentially affect all law enforcement officers — not just those in “corruption rich” environments.

**INTRODUCTION** *continued*

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Officers who view compromise or corruption as an “all or none” phenomenon will not see themselves as “at risk.” When the potential for compromise is not recognized, officers will see compromise as an unlikely event, training will be as a waste of time and officers will not become mentally prepared. Understanding the continuum of compromise will allow officers to recognize the risks, assess their own potential for compromise and develop an effective strategy to ensure ethical integrity. When teaching ethics the goal must be to develop an understanding of the progression towards compromise and the development of self-monitoring strategies to prevent becoming embroiled in compromising events.



## VICTIMIZATION, RATIONALIZATION & JUSTIFICATION

### The Continuum of Compromise®

*A perceived sense of victimization can lead to the rationalization and justification of:*

- Acts of Omission
- Acts of Commission – Administrative
- Acts of Commission – Criminal
- Entitlement vs. Accountability
- Loyalty vs. Integrity

#### ■ Perceived Sense of Victimization

Officers frequently develop a perceived sense of victimization over time. Officers typically begin their careers as enthusiastic, highly motivated people. However, when these young officers over-invest in and over-identify with their professional role they will develop a sense of singular-identity based on their job and an increased sense of victimization. At greatest risk are officers whose jobs literally become their lives. For them, “I am a cop” is not just a cliché but rather a way of life. Over-identification and over-investment causes people to link their sense of self to their police role — a role they do not control. While this builds camaraderie, it can also cause officers to eventually hate and resent the job they once loved.

While officers have absolute control over their own integrity and professionalism, someone else controls their police role. Department rules, procedures, policies, equipment, budget allocations, assignments, dress codes, and many other day-to-day and long term activities are controlled by the chief, commanders, supervisors, prosecuting attorneys, the criminal justice system, laws, the courts, politicians, etc. Officers who over-identify with the job soon experience a loss of control over other aspects of their lives.

**VICTIMIZATION, RATIONALIZATION & JUSTIFICATION** *continued*

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■ **Perceived Sense of Victimization**  
*cont'd*

Professional over-investment, coupled with a loss of personal control puts officers at serious risk — a risk that in some ways is more dangerous than the physical risks they face on the street. “It doesn’t matter how guilty you are, but how slick your lawyer is,” can become the officer’s cynical yet reality-based perception of the legal system. These realities combine with over-investment to develop an “Us versus them” perception in terms of how officers see the world.

The physical risks that officers are exposed to each day require them to see the world as potentially lethal. To survive, they have to develop a “hyper vigilant” (Gilmartin, 1984) mind-set. Hyper vigilance coupled with over-investment leads officers to believe the only person you can really trust is another cop — a “real cop” that is, not some “pencil-neck in the administration.” While officers first become alienated from the public, they can soon distance themselves from the criminal justice system and finally from their own department administration.” I can handle the morons on the street, I just can’t handle the morons in the administration,” is often heard among officers. It is ironic how quickly idealism and trust in the administration can change — often times even before the first set of uniforms wears out. As a sense of perceived victimization intensifies, officers become more distrusting and resentful of anyone who controls their job role.

At this point, without any conscious awareness and certainly without any unethical intent, unsuspecting officers can begin a journey down the continuum of compromise.

As the over-invested officer detaches from non-work related interests or activities, a perceived sense of victimization will increase. Peer groups, friends, co-workers, and potentially their entire frame of reference of life begins to change. By itself, feeling like a victim is by no means equivalent to being ethically compromised. However, feeling like a victim (whether real or imagined) is the first stop on the continuum of compromise.



■ **Acts of Omission**

When officers (or anyone for that matter) feel victimized, in their own mind they can rationalize and justify behaviors they may not normally engage in. “Acts of Omission” occur when officers rationalize and justify not doing things they are responsible for doing. At this point, officers can feel quite justified in not doing things that, from their own perspective, appear to “even the score.” “If they (whomever it may be) don’t care about us, why should we care about them?” Acts of omission can include selective non-productivity (ignoring traffic violations or certain criminal violations, etc.), “not seeing” or avoiding on-site activity, superficial investigations, omitting paperwork, lack of follow up, doing enough to just “get by” and many other activities which officers can easily omit. “You will never get in trouble for the stop you don’t make!” typifies the mind-set of officers during this stage.

This results in decreased productivity and produces passive resistance to organizational mandates. “Acts of Omission” rarely face critical scrutiny from peers who themselves are frequently experiencing the same sense of victimization and socialization process. Peer acceptance and loyalty become more important than following some arbitrary set of professional principles. The perceived senses of being victimized can allow officers to rationalize and justify other acts of omission such as not reporting another officer’s inappropriate behavior (sometimes regardless of how extreme or criminal the behavior may be).

■ **Acts of Commission – Administrative**

Once officers routinely omit job responsibilities, the journey to the next step is not a difficult one to make: “Acts of Commission – Administrative.” Instead of just omitting duties and responsibilities, officers commit administrative violations. Breaking small rules, that seem inconsequential or which stand in the way of “real police work” is the first step. This can set the stage for continued progression down the continuum. Acts of administrative commission are seen in many ways — carrying unauthorized equipment and/or weapons, engaging in prohibited pursuits and other activities, drinking on duty, romantic interludes at work, not reporting accidents and firing warning shots are just a few examples. Department sanctions are typically the only risk that officers will face at this point.

For most officers this is the extent of their personal journey down the continuum of compromise. Acts of omission and acts of administrative commission are significant in terms of professional accountability and personal integrity. When discovered, they can erode community trust and damage police/community relations. However, they rarely place officers at

**VICTIMIZATION, RATIONALIZATION & JUSTIFICATION** *continued*

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risk for criminal prosecution. The initially honest and highly motivated officers can now rationalize their behavior along the lines of “I’m not a naive rookie out trying to change the world — I know what it’s really like on the streets and we (*the police*) have to look out for each other because no one else will.”

■ **Acts of  
Commission –  
Criminal**

Unsuspecting officers can unwittingly travel to the next and final stage of the continuum: “Acts of Commission – Criminal.” In the final stage on the continuum of compromise officers engage in and rationalize behavior that just a few years before could not be imagined. At first, acts of criminal commission may appear benign and not terribly different from acts of administrative commission. Evidence that will never be of any use is thrown away instead of being turned in, overtime or payroll records are embellished, needed police equipment is inappropriately purchased with money seized from a drug dealer, expecting “a little something in the envelope” when the officers drop by are but a few examples that officers have easily rationalized. “What the hell, we put our lives on the line and they owe us.” A gun not turned into evidence and kept by the officer can become “it’s just a dooper’s gun anyway and would probably be used to kill some innocent person or even a cop.” Theft and misappropriation of seized assets is a problem, but it’s not “like real theft where there is a real victim, nobody is getting hurt but the dopers, what’s the deal?” The “Loyalty versus Integrity” dilemma can permit criminal actions to develop into conspiracies — whether other officers are actively involved or passively remain loyal and accept what takes place.

Now, the risks are far beyond just administrative reprimands or suspension — officers face being fired and criminal sanctions when they are caught. The initially honest, dedicated, above reproach officers now ask, “Where did it all go wrong?” “How did this happen?” as they face the realities of personal and professional devastation and criminal prosecution.

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***If it is not right, do not do it; if it is not true,  
do not say it.***

— Marcus Aurelius

■ **Entitlement vs.  
Accountability**

Officers can develop an overwhelming sense of victimization and an intense resentment toward the supervisors and administrators who control their job-role. This can lead to another dilemma — a sense of entitlement. Entitlement is a mind-set that suggests, “we stick together” and “we deserve special treatment.” The off-duty officer who is driving 30 mph over the speed limit and weaving in and out of traffic who tells his passenger, a concerned co-worker, “Relax, I have Master shield!” implies a sense of entitlement and feeling of impunity.

Entitlement allows both on and off duty officers to operate with the belief that many of the rules don’t apply to them. “Professional courtesy” goes far beyond just giving another officer a break on a traffic violation. Officers are constantly faced with the dilemma of “doing the right thing” or “doing what they know is right.” The only way to change this sense of entitlement is to foster an environment of accountability — both organizational and personal accountability.

■ **Loyalty vs.  
Integrity**

Most officers want to be known as loyal and a man or woman of integrity. A problem occurs, however, when a sense of victimization and over-identification with the job sets into motion the dilemma of “loyalty versus integrity” (Mollen Commission, 1994). Here is where officers called in to Internal Affairs and asked questions about another officer lie, many times about a minor issue. When this occurs, the officer has traded his/her integrity for “loyalty” to a fellow officer.

Unfortunately, law enforcement agencies across the country can give many examples of “innocent” officers not telling the truth in an attempt to protect a partner or co-worker, only to find themselves facing serious or career ending discipline. Early exposure to such statements as “How will the department find out about it if we all hang together?” “Cops don’t snitch on other cops” can help foster the “loyalty vs. integrity” dilemma that officers will likely face during the course of their careers.

## VICTIMIZATION, RATIONALIZATION & JUSTIFICATION *continued*

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### ■ What Can Be Done?

When officers are ill-prepared to face the ethical dilemmas to which they will be exposed and unaware of the continuum of compromise, they can blindly and over a period of time allow mild job frustration to develop into pathological anger and rage — leading to devastating consequences. This progression is clearly predictable and is often preventable. The time and resources spent preventing ethical compromise through credible instruction and proactive supervision is infinitely smaller than what it takes to conduct internal and criminal investigations, convene investigative commissions or restore community trust and repair police/community relations.

If law enforcement agencies are going to foster an atmosphere of irreproachable ethics, they must implement a comprehensive strategy throughout the agency. Officers have to be aware of and accept the “Continuum of Compromise” as a potential reality that can affect all members of the agency. They must learn skills to help them change the “Victim Perception” and internalize a “Survivor Mentality.” Teaching officers to appreciate and understand the difference between what they do and do not control is essential for creating ethically sound officers. Strategies for accepting the fact that officers do not control their police role, but do have absolute control over their integrity and professionalism have to be taught and practiced.

While the ultimate responsibility for behaving in an ethical manner lies with the individual officer, management shares some responsibilities. Supervisors have to recognize and proactively address *potential* ethical violations before major problems develop. Supervisory acts of omission occur frequently. Not taking care of the “little things” can ultimately be devastating to individual officers and organizations as well. Supervisors need practical skills, a willingness to use these skills and they have to be held accountable for fulfilling their responsibilities. Supervisors, commanders and chief executive officers have to appreciate their own vulnerabilities and the mixed messages they sometimes send.

They do not have the luxury of simply talking about ethics — they have to “walk the talk” and be day-to-day role models. Unethical behavior by supervisory and command personnel only models unethical behavior and sends the message, “Do as I say, not as I do.” Is an executive-level officer who registers at a police conference (at taxpayer expense) and plays golf instead of attending the conference any less unethical than the line officer who is unavailable for calls because he/she is conducting personal business on duty? Politics, organizational history or institutional traditions should never be used to rationalize or justify unethical behavior.

As long as what goes on in the department is inconsistent with what is being taught, any ethical training program will be nothing more than lip service and a waste of valuable time and resources.

The “continuum of compromise” can be found at all levels of an organization. Ethics training and a commitment to the highest level of professional and personal integrity apply to all members and have to be consistently demonstrated throughout the department. If law enforcement is to enjoy, maintain and in some jurisdictions regain the status of a respected profession in our society, it has to change the way it approaches integrity and ethical issues. A sincere organizational commitment and meaningful training has to focus on preventing small incidents from developing into major situations with potentially devastating consequences.

Despite the headline stories, law enforcement organizations can regain lost trust, improve police/community relations, protect the reputations of good, hardworking and ethical law enforcement professionals and help prevent officers from destroying their professional careers and personal lives. Ethics training can no longer be seen as window dressing that makes good press after an embarrassing incident hits the front page. The topics of ethics, integrity, compromise and corruption have to become as important as other critical areas of law enforcement training if significant changes can occur. By making a serious commitment and taking a proactive role, organizations can look forward to spending less time investigating, disciplining and prosecuting officers for unethical or criminal behaviors.

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## ETHICAL DILEMMAS

### SIX EXAMPLES

Below are six examples of situations involving ethical dilemmas. You might prefer to create examples which might be more timely or relevant to the class you are teaching.

- 
- **Ethical Dilemma #1**

An officer is looking for a suspect in a very serious assault. It comes to your attention that the suspect is a good friend of yours and you may know where this person is. What do you do? What is the ethical dilemma? How might you handle this situation?
  - **Ethical Dilemma #2**

You send officers to a fight between two males in which knives were involved. You recognize the name/address as being that of a close family member. You know there is a person there who is HIV positive from a previous blood transfusion. They have taken you into their confidence asking that you never tell anyone. What is the ethical dilemma? And how do you handle it?
  - **Ethical Dilemma #3**

As a dispatcher you receive two “proowler” calls from different neighborhoods at the same time. There is only one police unit to send to a call, meaning that one call would have to wait. However, one of these two calls came from very near your own home. Which call should be dispatched first? Is there an ethical dilemma?
  - **Ethical Dilemma #4**

You receive two calls simultaneously. You only have one unit available. One is for a male that is passed out at the rear of a restaurant and the caller does not think he is breathing although he has not approached the party. The caller identifies him as a regular drunk who is arrested/taken to detox almost nightly. The second call is a child that is asthmatic and having much difficulty breathing. Her mother is a nurse and seems in control. What do you do? What is the ethical dilemma and how is it handled?

**ETHICAL DILEMMAS** *continued*

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■ **Ethical  
Dilemma #5**

You are stranded on a life raft after a shipwreck. (Each member of the group will answer this dilemma as if they were the first mate of the ship and the clear leader of the group.) One of the passengers has been fatally injured in the sinking of the ship. This person will clearly die, is in an irreversible coma, and not aware of anything that is going on around them. It is not certain how long this person will last. There is sufficient water to last for weeks, but there is no food at all on the raft. What are your options? What is the ethical dilemma and how is it handled?

■ **Ethical  
Dilemma #6**

You are charged with dispatching a drug raid at a residence. When you are briefed both the address and the resident names are familiar to you. Upon further thought you realize that a close family member (brother, sister, wife, husband, son or daughter) earlier told you that they were going to attend this party tonight. What are your options? What is the ethical dilemma and how would you handle it?

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## REFERENCES

The following list of references may be of value in finding additional information on solving ethical dilemmas.

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