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The ***Criminal Justice Institute*** provides management and supervision, forensic science, and computer-related education and training, as well as research services and technical assistance to Arkansas' law enforcement and criminal justice community.

This quarterly newsletter is designed to provide current, timely, and useful information to improve the management, leadership, and performance skills of supervisors.

*Your comments and suggestions are solicited and welcomed.*

*You are encouraged to make copies of this publication and distribute them to others in your agency.*

## **An Analysis of Ethics Instruction for Arkansas Law Enforcement**

### **Introduction**

One need only view the local newspapers and electronic media broadcasts to determine that there is an apparent lapse in the ethical decisions being made by Arkansas law enforcement officers. There are frequent news reports of police officials in compromised positions, ranging from abusive behavior to theft. These reports reflect ethical dilemmas that are currently being faced by agencies across the United States as evidenced by similar reports in jurisdictions such as New York City, Los Angeles, and New Orleans.

An increased focus on ethics instruction is one solution to this problem. In the March 1997 issue of *The Police Chief* magazine, Michael R. Santos, legal advisor to the Overland Park Police Department in Kansas, examined the current state of ethics within the law enforcement profession. Besides offering several guidelines for establishing ethical behavior in officers, Santos's article, "Establishing a Foundation for Ethical Conduct," illustrated the perception that present ethical instruction is either non-existent or substandard at best, and he advocated establishing mandatory legal-ethical training standards within law enforcement agencies. Santos is not the only advocate for increasing law enforcement's focus on ethics. Agency heads, public officials, and members of the public often laud the importance of ethics training and instruction. Furthermore, a review of the prevailing literature on ethics indicates that law enforcement administrators, academia, and the general public desire ethical behavior and instruction within law enforcement agencies.

The Criminal Justice Institute (CJI) recently conducted a study to determine the status of ethics instruction in Arkansas law enforcement agencies as reported by their executives. To the surprise of many, the current standards for this type of instruction are minimal. The only statutorily required instruction is the basic law enforcement training academy, and the portion of this twelve-week course devoted to the understanding of police ethics is equally minimal.

The CJI study revealed that Arkansas agency executives desire more hours of ethics instruction than are presently being provided. The Criminal Justice Institute distributed a survey to law enforcement agencies across the state to gather opinions on certain issues regarding ethics and ethics instruction in Arkansas, including the optimum number of hours recommended for ethics instruction and whether any agreed upon standard should be mandatory or voluntary as applied to the Arkansas law enforcement community. The results of the CJI survey and study on ethics in law enforcement will be presented in the spring issue of the *CJI Management Quarterly*, while this issue will review the prevailing literature on this topic.



## The Importance of Ethics Instruction

How important is it to ensure that law enforcement officers conduct their duties in an ethical manner? In his book *Character and Cops*, Edwin J. Delattre asserts that the "mission of policing can safely be entrusted only to those who grasp what is morally important and who respect integrity. Without this kind of personal character in police, no set of codes or rules or laws can safeguard that mission from the ravages of police misconduct."

In the forward to Delattre's book, Patrick V. Murphy (former commissioner of the New York City Police Department) observes that *Character and Cops* is about the differences between good and evil. If public institutions, such as law enforcement agencies, do not require high standards and good character from its personnel, then basic Constitutional rights cannot be ensured.

For this reason, along with many others, ethical behavior by law enforcement officials is important to the general public. In November 2000, the Gallup Organization released the findings of its poll, *Honesty/Ethics in Professions*. "Police," a generic classification of law enforcement, received a combined "Very High" and "High" rating of 55% from those polled in terms of their expectations for honesty and ethical standards in law enforcement. While the ranking appears low, the profession

ranking highest, druggists and pharmacists, had a combined rating of only 67%. To put the study in perspective, police ranked seventh in the poll, and the profession ranked immediately below it, bankers, only averaged 37%.

Law enforcement officers are concerned about ethical behavior as well. Delattre acknowledges that the law enforcement profession can become a tightly knit society that exerts great amounts of peer pressure on its members:

"The purpose of police training is to produce strong and brave men. Not men of physical courage alone, but men of great moral courage who can face unflinchingly the hoots and jeers of weaker men who secretly respect and envy them...The ability and desire to resist temptation, to fight against the 'easy way' is the test of the man."

In the *Journal of Contemporary Criminal Justice*, Ronald D. Hunter identifies police misconduct as a problem that hinders law enforcement effectiveness. In his study, he finds that rank and file officers are concerned about their effectiveness in their communities. In fact, about 95% of officers responding to his study advocated the development of ethical standards as a means of regulating their conduct. Approximately 86% of their responses cited better training to achieve this professionalism.

Many experts agree. In an April 1997 article appearing in *The FBI Law Enforcement Bulletin*, Timothy O'Malley states that there is significant evidence in support of instruction that promotes ethical behavior in law enforcement. He specifically advises that formal training would:

- ◆ Elevate the importance of ethics throughout an agency,
- ◆ Underscore top management's support,

- ◆ Ensure that officers understand their department's code of ethics and related expectations, and
- ◆ Provide specific assistance in areas directly related to ethical behavior.

In addition, trends such as decentralization of authority, temptation from illicit drug trade and its profits, and police organizational make ethics training more in demand and different from previous eras.

## The Availability of Ethics Instruction

In 1991, the International City/County Management Association (ICMA) stated that examining the training agendas within an agency is a good litmus test of their interest in promoting integrity and responsibility. While recruit training has improved, the ICMA asserted that many agencies still fail to properly guide its personnel through the many temptations that will arise, such as exposure to great sums of money associated with drug trafficking.

While there appears to be agreement that instruction in ethics is desirable, there is not a substantial amount of classroom time allocated to such courses. A study of Ohio law enforcement academies (Marion, 1998) determined that although ethics generally were taught at that level, most basic academy programs in Ohio provided less than two hours of ethics instruction. It was acknowledged that most academy cadets would rather be instructed in the more exciting topics such as murder investigations, firearms, and self-defense.

In another study on the state of ethics instruction in law enforcement, Steve Rothlein (2000) references the findings of an International Association of Chiefs of Police (IACP) subcommittee report which states that new officers receive an average of two to four hours of ethics training at the academy level. The report also indicates that further in-service ethics instruction for established of

ficers is non-existent in many agencies. Therefore, agencies are encouraged to reevaluate their position on ethics instruction in order to place a greater emphasis on it in every curriculum.

In a keynote address at the National Symposium on Police Integrity, Stephen Vicchio acknowledged that research is ambiguous with respect to the effectiveness of teaching integrity. Nevertheless, he advocates strengthening academy ethics training and asserts that for such instruction to be effective, it has to be rigorous and needs to reinforce skills in thinking, reasoning, and problem solving.

Courses within institutes of higher learning may be one solution. Some law enforcement officers look to higher education for ways of increasing their professional standing within the profession, therefore Bryan Byers advises in *ACJS Today* that ethics instruction must be an important area within traditional criminal justice studies. However, he expresses concern that even at this level of instruction, there might not be enough attention given to ethical components. Bryers calls for educators to take a more active role in ensuring that all curriculums contain adequate levels of ethics reinforcement.

Because access to college courses may be cost prohibitive to officers and some courses can be difficult to attend due to work schedules, there are other avenues available for officers to receive ethics instruction. Numerous universities offer such courses through continuing education programs that are only a few days in duration. There are also several law enforcement professional groups that offer ethics instruction and will provide the training on location in an effort to facilitate an agency's access to these type of programs. One example is referenced to in *Police Administration* (Swanson, Territo & Taylor, 1998)—the Southwestern Law Enforcement Institute in Dallas, Texas, a nationally recognized facility where future police trainers can develop their skills in ethics instruction.

### Specific Recommendations for Ethics Instruction

Many experts in the field have offered their recommendations for how ethics instruction might be improved. Santos supports establishing mandatory legal-ethical training standards as one of the IACP's major recommendations to member agencies. In addition to mandatory requirements, he advocates specialized courses of ethical training for personnel assigned to high-risk duties such as narcotics investigation and other vice-related criminal activity.

When the Los Angeles Police Department's Board of Inquiry convened to investigate events surrounding corruption within its Rampart Division (officers in the division had been accused of planting evidence, brutality, and false testimony in an effort to bolster arrests), one of the Board's seven recommendations to correct such behaviors was to incorporate ethics and integrity training into every possible training curriculum. (McCarthy, p. 43)

Ken Adcox goes one step further and stresses the importance of continuous value integration in *every* facet of law enforcement in his article, "Doing Bad Things for Good Reasons." The organizational values of agencies have to be exhibited in all ranks, and they should be internalized until they become second nature. To this end, value integration and the ethics training necessary to

sustain it must be a perpetual process and incorporated into every in-service program. Equally important, the material should be tailored to meet the specific demands of specialized units such as patrol squads, narcotics units, and evidence technician teams.

For ethical standards to become a cornerstone in an agency's structure, there is no better foundation than that of leading by example. Edward J. Tully expresses the importance of every officer adopting sound ethical principles as a way of life in his article, "Misconduct, Corruption, Abuse of Power—What Can Chiefs Do?" For ranking officers to maintain the respect of their subordinates, it is crucial that they adopt and exhibit the desired values being advocated. Ethical behavior must be exhibited from top to bottom in the organization. To achieve excellence of behavior, the agency has to reinforce its expectations on a continuous basis and not attempt to instill ethical behavior as a one-time solution.

Law enforcement agencies must also realize the necessity of maintaining ethical behavior to shield themselves from legal actions. Thomas J. Martinelli and Joycelyn M. Pollock are concerned about agencies becoming targets for lawsuits initiated on the basis of deliberate indifference. In *The Police Chief*, they recommend that the way to illustrate concerns for deliberate indifference is

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by offering levels of ethical instruction that clearly define the expected behavior of personnel. For it to be effective, the training must be multi-level and incorporated into every specific block of instruction.

A journal article that appears in the winter 2000 issue of *Public Integrity* provides an impetus to the current CJI study. Manfred F. Meine, Charles A. Watson, and C.W. Cowles conducted a limited study of the ethics training pro-

vided by law enforcement agencies in the State of Virginia. Their observation was that the majority of such instruction was provided by the various police academies—but with very little reinforcement by individual agencies. They expressed concern that if “the Virginia experience is representative of the state of ethics training for police across the country, then there is much room for improvement.”

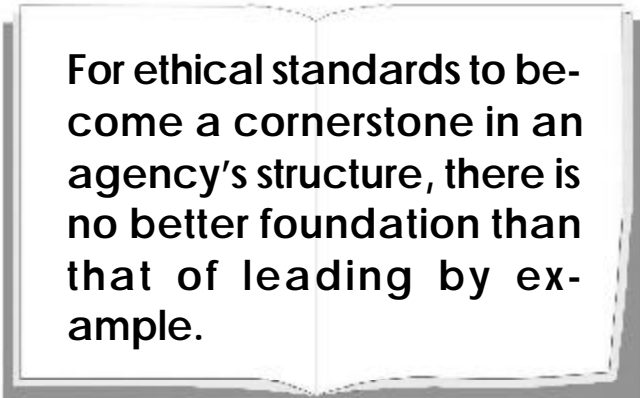
Law enforcement officers deal with numerous difficult decisions while performing their duties and need all of the assistance that can be given by their respective administrations. In the *FBI Law Enforcement Bulletin*, Bob Harrison advises agencies to adopt a relentless,

concerted approach when teaching officers the ethical way to conduct themselves.

### Summary

In summary, the prevailing literature indicates that there is dissatisfaction with the current ethics instruction provided to law enforcement personnel. Does the Arkansas law enforcement community echo this dissatisfaction? The study undertaken by the Criminal Justice Institute will report the viewpoint of Arkansas law enforcement executives and their recommendations for building better ethical standards. As promised, the results of the study will be showcased in the spring 2001 issue of the *CJI Management Quarterly*.

*A complete list of references for this article can be obtained by contacting Mike Mashburn at the Criminal Justice Institute, University of Arkansas System.*



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