



POLICY DEVELOPMENT · RESOURCES

Ethics, Integrity, Police Legitimacy, and Procedural Justice

By **DLG Learning Center**

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DAIGLE LAW GROUP

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Necessary Training Required

Society's perception of law enforcement is changing. We see evidence of this change every day across the nation. The first question we must ask, however, is whether this perception is based on truth and facts, or if it is based on myths, falsehoods, or innuendos. Unfortunately, in many cases we find it is based on the latter and likely fueled through media dramatization. With each passing day, we are witnessing an erosion of public confidence in police officers and law enforcement agencies. Society's view of acceptable police behavior has changed significantly. In turn, this has motivated law enforcement officials to revisit police behavioral standards within their departments to ensure they are maintained at such a level as to not erode their community's trust. It is often said that no other profession demands a higher ethical standard than that of law enforcement. Regardless of whether or not there are other careers that require a similar dedication to doing the right thing, it is undeniable that there are tremendous expectations placed upon police officers and rightly so.

Due to the nature of the work and the potential for liability, ethics training is essential for law enforcement personnel. When officers participate in unethical conduct, it violates public trust and damages the image of police. If even one officer in an organization chooses to act unethically, it causes tremendous damage to the organization, as well as the community. It is important for officers to receive continuous ethical training throughout their career. This training builds and expands upon the fundamental practice of "think before you act."

How do we prevent unethical conduct? My simple recommendation is write it, teach it, and defend it. Write the policy, conduct the training, and if the policy is violated, the offending officer must be disciplined. All agencies use written policies to monitor and manage their employees' behavior. To promote accountability, agencies may utilize programs such as an early warning system and a formal internal investigation process. In most agencies, ethical training is taught at the academy and reinforced with new officers during their first year on the force. After the first year, however, ethical training is seldom, if at all, taught to officers. It is for this reason that agencies may suffer a decline in their community's trust and respect. Ethics training only adds value to the organization's assets, which then promotes fair and ethical conduct within the community. Continual ethics training promotes an agency's standards and reminds officers of acceptable behavior, both in their professional and private

lives. Training equips officers with the tools necessary to make correct decisions and provides agencies with the means to create a climate in which ethical actions are probable rather than possible.

Code of Ethics

Most professions have a code of ethics that acts as a central guide and reference for day-to-day decision making. It is meant to clarify an organization's mission, values, and principles, linking them with standards of professional conduct. The code of conduct also encourages discussions on ethics and ways to improve the manner in which employees deal with the ethical dilemmas, prejudices, and gray areas they may encounter in everyday situations. The code is meant to match pertinent standards, policies and rules, but not be a substitute for them.

The first code of ethics in modern policing was published in 1936. This publication, August Vollmer's *The Police in Modern Society*, identified ethics as an **essential** component for policing. Since that time, industry leaders have stressed the importance of ethics in a department's policy development, training, and supervision.

In 2007, the IACP Committee on Public Ethics established the Law Enforcement Oath of Honor. An oath is a solemn pledge made by individuals who sincerely intend to do what they say. The Committee believes that having officers take an oath reconfirms the significance of integrity within the agency and unites the profession to show that the vast majority of law enforcement officers are good, decent individuals who will step forward to stop unethical acts by any member of the profession. It is important to examine your agency and ask yourself these critical questions: Have your officers all received a Code of Ethics? Have they signed it? Is a copy in each of their personnel files? If your answer to any of these questions is "no," your agency must undertake immediate steps to rectify this oversight. The failure to act may very well put your agency into a tenuous position.

In 1957, the International Association of Chiefs of Police (IACP) developed a Law Enforcement Code of Ethics and Law Enforcement Code of Conduct. The codes are accepted as universal standards within the police profession. They include guidelines concerning performance of officer duties, responsibilities, discretion, and use of force, among others. Many police agencies use these codes to define a formal, agency-wide set of standards that they circulate to all agency members. The IACP Code of Ethics states: "As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice."

Supervision to Enhance Ethics and Integrity

Law enforcement agencies rely on their supervisors and managers to make effective decisions and oversee procedures. Strong leaders gain respect by demonstrating compassion, reliability, decisiveness, and the ability to effectively respond to ever-changing, high stress environments. Effective leadership requires a strong sense of personal ethics and devotion to high standards of professional conduct. Leaders can convey these values indirectly through modeling and setting a good example or through the direct mentorship of others.

Alexander Solzhenitsyn (1918-2008) was a Russian Novelist and Historian, who was awarded the Nobel Prize in Literature in 1970. He stated: "Even the most rational approach to ethics is defenseless if there isn't the will to do what is right." What does that mean? It means that even if you understand the concept of doing what is right, you have no power if you do not believe in doing the correct thing. Sometimes we get so caught up in who's right and who's wrong that we forget what's right and what's wrong. So the question presented here is: "What do you do when no one is looking?" What is the method for addressing this rational approach? In internal affairs training, we use the phrase "you should inspect what you expect." Meaning, if you are not effectively supervising your officers and watching for unethical behavior, it will most likely occur in your agency.

A common cause of poor ethical decisions is the inability to assess the matter objectively, which may arise from prejudices, biases, blind spots, or personal needs that distort the perception of the dilemma. Once the officer makes his/her decision, that decision must be implemented. Implementation of difficult decisions often demands moral backbone and courage. It is at this point that the decision-making process comes to fruition and the decision-maker must act. Even if the course of action seems perfectly clear, the act of carrying out the decision often becomes the most difficult step.

Ethical dilemmas are difficult. Some people may find themselves paralyzed for fear of choosing the wrong course of action. Once the information is gathered, however, the best course of action must be implemented. When I was a young officer, a police leader once told me: "when you don't know what to do – do something and you will know what to do." That may not make sense on its face, but give it a try. Sometimes doing something is the hardest part of the response. Once an officer begins the process of implementing the decision, the officer's training and skill often kick in to ensure the best possible result. If that same officer, however, lacks proper guidelines and training, the likelihood of a positive result diminishes. Comprehensive policies and training helps to ensure an ethical response and offers liability protection by eliminating a deliberately indifferent response, which may result in a constitutional violation.

Procedural Justice

When you began your career, did you ever think you would see people demonstrating in our streets holding signs and chanting, “Kill a Cop.” The question we need to ask ourselves is what has changed to cause some in society to look at law enforcement as their enemy? The public wants and deserves law enforcement to treat them with respect and they expect to receive “procedural justice.” You often hear members of the community state that law enforcement does not treat them fairly, or that police officers are rude and unaccommodating. A small percentage of community members perceive all law enforcement officers as untrustworthy. The unfortunate reality is, however, that a small percentage of officers are not worthy of public trust. Equally unfortunate, the media seems to focus on the small percentage of officers who are untrustworthy and the individuals who mistrust them. This practice perpetuates the belief that all officers are untrustworthy and community members hate the police. What these community members and media outlets often fail to see and promote, however, is that the majority of officers are hard-working, moral, and honest individuals deserving of their trust and respect.

- Some may ask “what is procedural justice and how do I apply it?” The simple definition of procedural justice is: “Just because you can, should you?” For example, just because you can conduct a traffic stop for a simple traffic violation, should you? Or, just because you may be legally justified in conducting a stop and frisk, have you examined your reasons for conducting the stop?
- It is well understood that the underlying question is whether it is legally justified. The bigger question, however, is just because it is legally justified, is it conducted for a non-legitimate purpose? Will the outcome of the traffic stop exceed the original intent of the enforcement action? For instance, if an officer stops an individual for hanging an object from the rear view mirror of the car, will the driver see the action as unjust? If the area is predominantly minority, that would be the likely perception. It raises the question of whether the officer’s conduct was motivated through bias. Procedural justice does not always mean enforcing the law; it can also mean taking actions that serve the greater good. It involves the exercise of fairness when gathering information and making decisions

Ethics, integrity, police legitimacy, and procedural justice are the backbone of effective and constitutional policing. This backbone is formed through the development of clear policies and procedures, effective training, and the requirement that supervisors ensure officers follow policy and training and hold them accountable when they do not. We cannot let the corrupt actions of a few ruin the reputation of every hard working officer that wears a uniform. The mission of police legitimacy is the responsibility of every officer in every interaction with the community. Procedural justice research concluded that a person’s view of police legitimacy is more strongly linked to the perception of the fairness in the officer’s decision-making process than to the actual outcome of the encounter with police, or the effectiveness of the police in controlling crime.

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