

**Ethics for Police Attorneys
IACP Legal Officers Section
Philadelphia - 2013**

1 **Focusing Ethical Issues and Training**

2 **Purpose**

- To reinforce our understanding of ethics,
- Assist in identifying ethical issues that arise in our role and for officers
- Assist with ideas for incorporating ethics in training
- Assist in making ethical decisions
and
- Understand how these issues relate to public safety
corruption.

3 **Focusing Ethical Issues and Training**

It Shouldn't be
Attorney vs. Officer

However, there is a time we need to stand up and say the law
does not allow that.

4 **Focusing Ethics**

Who in this room considers themselves to be ethical?

What does that mean?

5 **Focusing Ethics**

Who in this room is done telling lies?

If your answer is no:

- Does that mean you're dishonest?
- Does that mean you should not be an attorney or a peace
officer?

6 **How many in this room train police officers?**

If so, do you include ethical discussions?

Why Do Attorneys
and
Police Officers
Need Ethics Training?

- 7 **Tremendous amount of authority and responsibility.**
- 8 **Society places us in a position of trust.**
- 9 **Both are held to higher a standard.**
- 10 **Members of the Criminal Justice System at all levels need to keep ethical decision making a first step in the thought process.**
- 11 **Attorneys - Character & Fitness**
Police - Time & \$ upfront, then what?
- 12 **Why Do Attorneys and Police Officers Need Ethics Training?**
Cops have a saying,

Because under stress...

YOU REACT THE WAY YOU HAVE BEEN TRAINED!

- 13 **What is Ethics?**
Ethics defined:

The study of the general nature of morals and of specific moral choices.

It is also a code of values which guides our choices and actions and determines the purpose and course of our lives...
the rules or standards governing conduct.

14 **What is Integrity?**

Rigid adherence to a code of values...

Law Enforcement = Strict personal honesty and the independence to do what is right. (Beaten into cops in the academy)

Legal Advisors = ???

Derived from the word "wholeness" = having character which develops hope, honesty, courage, empathy, etc..

15 **Core Components Of Character Development**

1. Be a person of honesty and integrity
2. Build trust with people – be sincere, candid and consistent in your actions.
3. Treat individuals with respect and dignity.
4. Accept responsibility – do not look for excuses for poor performance, actions or inactions.
5. Be just and fair – recognize our biases and prejudices and strive to overcome them.
6. Courage – stand up for what is right.

16 **Our Character is:**

Our base for...

'Ethical Decision Making'

17 **What are the factors that create, mold, shape our core**

values and that affect our decision making process ?

Family

Friends

School

Work

Church

Culture

18 **“The major cause of corruption in American police officers is mediocrity.”**

Captain Ross Swope, Washington D.C. Metropolitan Police

“Corruption begins with omission.”

**Kevin Gilmartin, Police Psychologist & Retired Deputy,
Pima County Sheriff’s Department**

If you agree with these statements, what is our role in identifying and addressing the underlying issues that lead to unethical conduct?

19 **How do you address the officer who says
“as long as I don’t do anything I can’t get in trouble?”**

20 **How Ethical is Society Today?**

- Mortgage lenders
- Wall Street
- Enron / WorldCom
- Politicians
 - AZSCAM
 - Lewinski (or pick the latest political scandal)
- Police
 - Rampart – (70 officers/140 civil suits/125M)
 - Abner Louima- NYPD (30 years/8.75M)
 - New Orleans

21

1. Financial pressure
2. Peer pressure
3. Fear of discipline
4. Predisposed
5. Belief it can be gotten away with
6. Benefit
7. Thrill

22 **Remember the Stakeholders Affected By Your Decisions 1.**

Self -forever tainted

2. Family -embarrassed, disgraced
3. Friends -lose some, many uncomfortable
4. Community -erodes public trust and support
5. Peers/Co-workers -whispers, distrust
6. Department/Agency Reputation - tarnished
7. Law Enforcement Reputation - tarnished

23 **“Live so that your friends can defend you but never have to.” Arnold H. Glasow (author)**

24 **Training Police on Discretion
“Can you give me a break officer?”**

YES – with LIMITATIONS!

- Statutory requirements
- Departmental policies and procedures
- The best interests of the community
- The best interests of the department
- The interests of the citizen or victim

25 **The Following Factors Should Not Be Considered When Exercising Discretion In Enforcing The Law**

1. Prejudice or bias
2. Emotional reaction
3. Position in the community
(what about state legislators, family councilmen, firemen, other

officers?)

26 **Ethical Consideration**

Among some citizens...there is also the possibility that the fleeing person is entirely innocent, but believes that contact with the police can itself be dangerous... These concerns and fears are known to the police...and are validated by law enforcement investigations into their own practices.(Wardlow v. Illinois, USSCt)

27 **Ethical Slippery Slopes**

How many of you would agree
That most police officers who end up in major ethical scandals did not attend the academy planning on
stealing
planting guns or evidence
or similar activities?

If so, how do we get there?

28 **BRIBERY**

We all know what a bribe is

29 **BRIBERY**

Defined by Black's Law Dictionary
as the
offering, giving, receiving, or soliciting of any item of value to
influence the actions of an official or other person in charge of
a public or legal duty.

30 **BRIBERY**

We all know what a bribe is

but

What is a gratuity?

31 **Gratuity**

Anything of value intended to benefit the receiver; given to the person because of his or her position of authority.

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33 **Potential Problems With Acceptance Of Gratuities**

1. Feeling of indebtedness
2. Expectations of giver
3. Easier to move from small gifts to large
4. Public perception (the local convenience mart, local bar, or?)

How would the public feel if they in line to pay, and the officer walks to the front of the line, shows the clerk their cup of coffee or soda and the clerk says "your good"

34 **BRIBERY**

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and

What a gratuity is.

Now, what is the difference?

Is it only whether we can prove intent in court?

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36 **What Is a Legal Advisor’s Responsibility Upon Observing or Learning of Unethical Or Unlawful Actions by an Officer or other Dept Employee?**

1. Report serious incidents to appropriate person in the chain of command.
2. Prevent additional employees from becoming involved, if possible.

37 **Code of Silence**

The description of the real or perceived practice whereby individuals within a profession remain conspicuously quiet about the unethical or unlawful actions of co-workers.

38 **Code of Silence**

Silence in the face of injustice is complicity with the oppressor.

-- [Ginetta Sagan](#)

We will have to repent in this generation not merely for the vitriolic words and actions of the bad people, but for the appalling silence of the good people. -- [Martin Luther King, Jr](#)

To sin by silence when they should protest makes cowards of men.”

-- [Abraham Lincoln](#)

39 **How do you handle the officer who says**

“can I talk to you off the record”

or how do you address
“off the record”
without ensuring you never see them again?

40 **How many of you have heard**

“I’m not surprised”

Or

“Everyone knew that”

Intervention- official or not

41 **“Ethics Check” Questions**

- Is it legal?
- Is it authorized?
- Is it fair?
- How does it make me feel or how will it make me feel?

42 **ACCOMPLICES OF UNETHICAL CONDUCT**

Rationalization

- The community owes me!
- The department owes me!
- This person’s a dirt-bag anyhow!
- Maybe I didn’t work as much OT today as I claimed; but plenty of times I do and I don’t put in for it!
- Everyone does it!

43 **ACCOMPLICES OF UNETHICAL CONDUCT**

Minimalization

- I only did it once!
- With all the good work I do; this shouldn’t even be an issue!
- No one will ever know!
- No one got hurt by it!
- It was just a couple of dollars!

44 **These can**
be fueled by Maslow's hierarchy of needs, or what motivates us
and our officers

45 **Satisfactions With Career**

1. Good entry-level pay
2. Good benefits
3. Physiological and safety needs addressed.
4. Social needs addressed self-esteem and challenging work.

46 **Potential Dissatisfactions**

1. Fewer
opportunities for growth-career path
2. Self-esteem wanes with failure to promote
3. Boredom
4. Dissatisfaction
with management

47 **Lawyer and Law Enforcement Career's Effects on Family
and Social Relationships**

- Odd shifts (differ from family schedules)
- Difficulty discussing work
- Temptation to extend socializing with co-workers
- Officers may feel isolated or misunderstood and may be
tempted to place all their energy and time into the job.

48 **Do Personal Conduct Expectations Apply Only When On-
duty Or Do They Also Extend To Off-duty?**

Officers live in a "fishbowl" rightly or wrongly...your actions
will be watched, judged, criticized, and scrutinized to a
greater degree than other occupations.

How will the community view your personal involvement in:
Domestic Violence
Bar Fight
DUI / Public Intoxication

49 ***“One man with courage makes a majority.”***
Mahatma Ghandi

50
IACP Law Enforcement Oath of Honor

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 and community I serve.

51
Before any officer takes the Law Enforcement Oath of Honor, it is important that he/she understands what it means. An oath is a solemn pledge someone makes when he/she sincerely intends to do what he/she says.

Honor means that one's word is given as a guarantee.

Betray is defined as breaking faith with the public trust.

Badge is the symbol of your office.

Integrity is being the same person in both private and public life.

Character means the qualities that distinguish an individual.

Public trust is a charge of duty imposed in faith toward those

you serve.

Courage is having the strength to withstand unethical pressure, fear or danger.

Accountability means that you are answerable and responsible to your oath of office.

Community is the jurisdiction and citizens served.

52 **QUESTIONS ?**

We will start

What do you think of swearing in or admonishing officers to tell the truth, the whole truth, and nothing but the truth before interviews?

53 ***“To know what is right and not do it is the worst cowardice.”***

Confucius (Chinese philosopher)

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