

Developing Ethical Law Enforcement Leaders

A Plan of Action

By Jay Fortenbery, M.J.A.



Sir Robert Peel, the founder of modern police culture, stated, "Police seek and preserve public favor not by catering to the public opinion but by constantly demonstrating absolute impartial service to the law." Officers are and should be held to a high standard in relation to obeying the laws they strive to enforce.¹

Law enforcement organizations nationwide adhere to strict hiring standards mandated by certification commissions that seek out individuals with the highest moral values. Cadets receive ethics training in academies to reinforce the importance of high ethical behavior and its relationship to the profession. However, because police officers are human beings chosen from the public, leaders cannot expect total absence of corruption and unethical behavior. The question is whether organizations are doing enough to reinforce ethics training and reduce misconduct.

Leaders set the pace and tone for department policy and ethical behavior. Properly trained and motivated leaders are an important factor for achieving high standards across the agency. Individuals who strive to become police officers often have a natural tendency to serve and protect. They are motivated by a strong desire that causes them to run toward the gunfire instead of away from it. This desire and type of profile sometimes can lead to “means-end” corruption.²

Unscrupulous behavior can manifest itself in small, subtle ways that sometimes lead unmonitored law enforcement personnel to more severe acts. Officers start to believe the means is justified by the end—what leads up to an arrest is necessary as long as the suspect is apprehended. The result can be criminal ethics breaches, such as lying under oath, planting evidence, falsifying reports, performing illegal searches, and other violations.³ Leaders who recognize warning signs often can prevent incidents through the use of proper training and intervention.



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Directed Actions

The code of ethics adopted by the International Association of Chiefs of Police (IACP) is a valuable guide for the prevention of unethical behavior. However, administrators' efforts to control corruption by officers who believe they are serving the best interest of the public only begin with a code of ethics.⁴ Other steps prove necessary to reduce these problems.

The prevalence of ethics violations in an organization often is proportionate to the quality of its leadership. Law enforcement agencies must develop strong ethical leaders to reduce unethical behavior among officers.⁵ These leaders must start and continue both positive and negative reinforcement to instill sound moral behavior throughout the organization.

Directing the actions of subordinates is an important function of effective leaders.⁶ If a supervisor notices unethical activities and fails to take immediate corrective action, that supervisor has conveyed to the officer that the behavior was acceptable. Leaders constantly must display strong moral character and not tolerate unscrupulous activities on any level.

Department Policy

Agencies should establish clear and codified department policies that include a mission statement, core values, and strong, concise rules of conduct for officers to follow.⁷ The mission statement and core values should be on the forefront of every document and reinforced regularly.

The mission statement sets the tone and forms the moral fiber of the organization. A clear mission statement that includes an ethics declaration can keep officers pointed in the right direction to achieve goals in an ethical manner.⁸ Mission statements can include such wording as "to consistently serve the citizens with the highest level of integrity and professionalism" or "to reduce crime and improve the quality of life by working together with citizens while upholding high ethical standards."

It is important for strengthening the ethical objective that core values form part of the mission statement. Values are elements of worth, importance, and desirability that are associated with virtue.⁹ Law enforcement professionals must possess the values of honesty, integrity, professionalism, and respect.

Organizations can enable officers and supervisors to work together to develop the mission statement and core values. This builds cooperation, gives officers a voice, instills feelings of connection to the organization, and increases the desire to comply with these goals and values. Leaders should post and distribute—through business cards, flyers, and handouts—the mission statement and core values to reaffirm their importance.

Oath of Office

In addition to the mission statement, a department policy should include regulatory standards for the administration and documentation of each officer's oath of office, such as the requirement that the oath for all sworn officers is kept on file for the duration of the individual's tenure. Officers must see a magistrate or clerk to meet the obligation. Sometimes the legal requirement for affirming the oath of office is not taken seriously. Administering the oath in public with supervisors, friends, family members, and coworkers present emphasizes the importance more than just repeating words.

Code of Ethics

A law enforcement code of ethics, such as the one adopted by the IACP, is a valuable reinforcement of ethical standards.¹⁰ Agencies can incorporate the code of ethics into public events. By promoting recitation during community activities, leaders emphasize the importance of ethical behavior.¹¹ Ceremonies that recognize officers' achievements also confirm the value agencies place on moral code. Unethical actions do not meet the merits for advancement, promotion, or commendation.

Duty Manual

Another important element for maintaining ethical standards in law enforcement organizations is a formal rules of conduct and duty manual. This manual should support the mission statement and core values while clarifying acceptable and unacceptable actions. Agencies should issue a codified manual—including standards of conduct, acceptance of gifts and rewards, conflicts of interest, and abuse of position—to every officer. Additional topics should encompass the use of force, consumption of alcohol and other drugs, display of conduct on duty, collection of evidence, responsibility for departmental property, management of investigations, handling of arrests, and dealing with court appearances. The manual also should address supervisors' conduct (e.g. obeying and issuing orders, remaining accountable, and conducting internal investigations). Other policies may cover some of these topics; however, repeating significant parts in the manual reemphasizes their importance.

The manual also should incorporate a section that regulates adherence to the policy contained within. An example would be "Each employee will be furnished with a copy of this rules of conduct and duty manual that the employee will maintain and become familiar with."¹² Another section should help ensure compliance and explain the consequences for failure to comply—it will be deemed neglect of duty if an officer fails to follow or seek clarification of a policy. Law enforcement leaders must strive to create a culture of ethical behavior in their agencies, and a clear set of rules and regulations can support this effort.¹³

Ethics Training

A key ingredient for developing ethical employees and leaders is frequent and consistent training. This must remain at the front of the department's planning efforts.¹⁴ Annual ethics instruction for line-level officers could include both classroom and online scenarios. Departments should be particular when selecting ethics trainers. An instructor can emphasize and encourage ethical behavior; however, one who uses sarcasm or has a poor underlying attitude can destroy the effort.

During classroom training case studies motivate thinking and allow officers to test their moral reasoning skills.¹⁵ Instructors can promote discussion by asking officers questions, such as What should have been done in this situation? What would you do? What are the consequences for this sort of unethical behavior? This type of exchange of information stimulates moral development and encourages ethical conduct.¹⁶

In addition to training, supervisors can send out ethical dilemmas requiring written responses from their officers. These can be fictitious or based on actual events, and managers can record responses and follow up with best-case answers. Officers should be instructed to consider What is the ethical dilemma? What are the legal issues? What are the consequences of choosing to act or not to act? and Why was this decision made?¹⁷ Supervisors should encourage officers to seek assistance and talk about the cases with others while preparing their responses. The purpose of these exercises is to encourage thinking regarding moral decision making. With practice these ideas can carry over to real life and decrease immoral choices.

Criminal justice organizations provide firearms and use-of-force training, but often overlook ethics training. These subjects pose a high liability for agencies and officers; however, ethical choices occur more frequently than shootings or use-of-force incidents.¹⁸ Training is a constant and crucial function that organizations should conduct regularly and document accordingly. An organization can develop and implement the best department policy, but a policy is useless until employees are trained and fully understand the information. Officers should sign acknowledgement forms indicating they have read and comprehend the policies. Agencies should retain these for the duration of employees' tenure.

Investigations

To ensure and motivate compliance with rules, regulations, and policies, law enforcement organizations must have strict guidelines and investigate all ethics complaints. Agencies must not tolerate unscrupulous actions. They consistently must maintain clear and accurate standards in all investigations. An incident of unethical conduct that is not dealt with sends mixed messages to officers that can upset years of ethical behavior enforcement.¹⁹ Organizations should establish guidelines and procedures for receiving and processing complaints and administering fair disciplinary actions. The public image of an agency is determined greatly by the quality of the internal affairs function.²⁰ How the department responds to misconduct complaints is crucial in the struggle to maintain ethical behavior and community trust.

A written policy should contain a statement that the agency investigates all complaints and maintains records stored in a secure location to ensure confidentiality. The public should be informed on the process for filing complaints. These grievances should be accepted in the manner they are received and from any source. The policy should include a statement requiring that all complaints are documented and that any officer is authorized to receive and file them.²¹ A requirement should exist to notify the complainant of the final disposition of the grievance as allowed by law—personnel privacy laws may prevent some information regarding disciplinary actions from being disclosed.

A proactive approach is best for law enforcement departments and their professional standards or internal affairs units. Often, officers view these units as adversaries that cause distrust between themselves and administrators. Agencies should not just focus on condemnations but should work just as hard on being proactive and issuing commendations for ethical work and behavior.²²

Organizations can be proactive by looking for signs of unethical behavior. By examining arrest reports, use-of-force reports, and resist and delay charges it is possible to show a pattern that may indicate a problem manifesting within an officer. Managers can coach that officer on ways to improve performance and achieve higher ethics. All supervisors, from the patrol sergeant up to the chief of police, should engage in coaching moments whenever the opportunity arises to inspire subordinates to achieve the highest level of success.²³

Conclusion

Development of ethical leaders in law enforcement organizations is an ongoing process that departments constantly must maintain and improve. Unethical behavior and corruption are detrimental to building community trust. Police require public favor to be effective and must cultivate this favor by exhibiting the highest ethical standards.²⁴

Leaders play the most important role by setting the example of high moral conduct that they pass on to subordinate officers. In addition, leaders must ensure departmental policy is clear and firmly set in place. Training must be conducted consistently on policies and the enforcement of those policies. Department policy that includes the mission statement, core values, and rules of conduct guides officers to make the right decisions. Leaders must remember that even the best policy is meaningless unless officers are trained properly and are familiar with the information. Positive reinforcement of mission statements and core values emphasizes ethical leadership in both current and future leaders of the organization.

A fair and just method for conducting ethics investigations reaffirms the agency's moral code. Leaders must assure the public that the agency will investigate and handle all complaints. At the same time, they must work to prevent unethical behavior by watching for warning signs. Departments should be proactive and use both positive and negative reinforcement to control ethical behavior.

The principles of today's officers determine their ethical behavior as future leaders. It is incumbent on law enforcement leadership to instill the highest moral behavior in their officers to create the most ethical leaders for tomorrow.

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Endnotes

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⁷ Zuidema and Duff, "Organizational Ethics Through Effective Leadership."

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¹¹ Zuidema and Duff, "Organizational Ethics Through Effective Leadership."

¹² Edenton Police Department, *Rules of Conduct and Duty Manual*.

¹³ Fitch, "Rethinking Ethics in Law Enforcement."

¹⁴ Zuidema and Duff, "Organizational Ethics Through Effective Leadership."

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¹⁶ *Ibid.*

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¹⁹ Zuidema and Duff, "Organizational Ethics Through Effective Leadership."

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