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BASIC COURSE INSTRUCTOR UNIT GUIDE

1

HISTORY, PROFESSIONALISM AND ETHICS

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**THE COMMISSION
ON PEACE OFFICER STANDARDS AND TRAINING**

STATE OF CALIFORNIA

The curricula contained in this document is designed as a *guideline* for the delivery of performance-based law enforcement training. It is part of the POST Basic Course guidelines system developed by California law enforcement trainers and criminal justice educators in cooperation with the California Commission on Peace Officer Standards and Training.

UNIT GUIDE 1

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CURRICULUM

I. HISTORICAL EVOLUTION OF LAW ENFORCEMENT

- A. The history of law enforcement is the history of striving to provide social stability.
 - 1. Because crime in some form has always been with the human race, there is a need for control of human conduct.
 - 2. The legal authority for law enforcement agencies in the United States is derived from the people as documented in:
 - a. U. S. Constitution
 - 10th Amendment - Power not delegated to the States by the constitution or prohibited by it to the States are reserved for the States.
 - b. California State Constitution
 - (1) Article 11-11 - permits cities and counties to enact regulations for:
 - (a) Law enforcement
 - (b) Other public safety agencies
 - (2) Article 11-8-12 - establishes power to create, by cities and counties:
 - (a) Law enforcement
 - (b) Courts
 - (c) Schools
- B. Historical development of American law enforcement
 - 1. Law enforcement development went through five distinct stages:
 - a. Early history from prehistoric period to pre-industrial England.
 - b. Extension of industrialization from England during the U. S. colonial period.
 - c. American colonial development until early industrial period.
 - d. Urbanization of America when people moved from farms to the large industrial cities.
 - e. The modern police period which began sometime after World War II.
- C. Early law enforcement
 - 1. Prehistoric man was a member of a small family group which remained together for mutual protection from the environment.

- a. The very first primitive men stayed apart from each other.
 - (1) Survival was of foremost importance.
 - (2) Mankind was never without some form of law.
 - (3) The strong could be independent.
 - (4) The meek and weak were compelled to unite for survival.
 - b. Early man banded together for protection from beasts and other men. The strongest and most dependable persons were assigned to keep watch at night.
 - c. As family groups formed into tribes, they appointed the most reliable men to protect the interest of the clan.
 - (1) They protected their clan against hostile clans.
 - (2) They enforced customs or regulations developed by their tribe.
 - (3) They established a Kin Policing System.
 - d. Punishment for violation of rules or nonconformity was quick and best characterized by the principle of "an eye for an eye."
2. Society became more sophisticated and complicated eventually leading to laws and law enforcement.
- a. Laws which, in many cases, were passed by word of mouth were recorded and codified (organized in a logical order and published for all to know).
 - b. This codification created the need to define what a crime was, as well as to set a punishment or penalty.
 - c. This established the concepts of:
 - (1) The punishment must fit the crime.
 - (2) The more serious the crime, the more serious the punishment.
 - d. The advent of more complicated laws generated the need for a structure or mechanism for enforcing the laws.
 - (1) Initially, laws were enforced without courts.
 - (2) Laws were usually enforced by the military or some other form of law enforcement.
 - e. Rule of the Middle East by kings brought the onset of definitions of crimes.

- (1) The Babylonian king, Hammurabi, is given credit for establishing the first code of offenses and their corresponding penalties.
 - (2) Enforcement became the primary duty of special officials appointed by the king.
 - (3) This period was the "classical" school of criminology.
 - (4) Hundreds of years would pass before any semblance of a court system as we know it would emerge.
- f. The rise of the Greek city-state also brought similar development.
- (1) Instead of the king being the sole power, the citizens were the source of power.
 - (2) The concept that power for law enforcement came from the people in Athens.
3. The Roman military was a prime force in the enforcement of Roman law.
- a. This became the model for other nations and is still found in some nations today.
 - b. Soldiers were used to patrol streets (an extension of Caesar's authority).
 - c. The uniform was the symbol of authority.
 - d. Other nations copied the Roman military police system.
4. There is little or no recorded history of law enforcement for the first five centuries following the decline of the Roman Empire.
5. Not until the "Feudal System" of England, 700 A.D., has a pattern of law enforcement been traced.
6. The following 1100 years produced changes which are still reflected in our policing system today.
7. The beginnings of contemporary law enforcement originated in England around the year 871 A.D. during the Anglo-Saxon Period (700 A.D. to 2000 A.D.).
- a. A system which had its development in France established the responsibility of each man for his neighbor.
 - b. Group responsibility for each man resulted in the English community type policing system (called Shires).
 - (1) The Frank Pledge System was an attempt to solve the crime problem by making the entire community responsible.
 - (a) Criminal activity increased because of this self-government rule.

- (b) The concept of each man being responsible for the crimes of another led to corruption because crimes went unreported.
 - (2) King Edward I created the first official police forces in large towns of England.
 - (3) Sheriffs were appointed by the kings to maintain peace in the various Shires during the Norman Period.
- b. During the Norman Period, (1000 A.D. to 1200 A.D.), there was a further defining of the power of the state as well as defining its law enforcement responsibilities.
- (1) William the Conqueror brought about the following:
 - (a) National rule vs. local rule (developed a national court system)
 - (b) Taxation at national level with the sheriff becoming the tax collector
- c. In 1215, King John, under duress, signed the Magna Carta, which marked the birth of British democracy.
- (1) The Magna Carta guaranteed basic civil and political liberties to the people as well as to the nobles.
 - (2) It became the first major effort under English law to define the powers of the King and the church and it had a major effect on subsequent developments.
- d. During the Winchester period, the Statute of Winchester became a genuine effort to establish a police system known as the "Watch and Ward" (1285 to 1500).
- (1) As derived from the Statute of Winchester, the "watch and ward" system was set up to
 - (a) give protection to free men.
 - (b) define limits of interference with a man's freedoms.
 - (2) Certain positions of modern law enforcement came into operation during this period:
 - (a) Sheriff - law enforcement responsibilities were defined.
 - (b) "Watch and Ward" guards - night and day guards in walled cities
 - (c) Bailiff as chief city police officer
 - (d) Private police or commercial police hired by merchants

- (e) Sergeant or bailiff assistant
- (3) Certain concepts and practices also came into operation during this period:
 - (f) English national court system created
 - (g) Terminology - the law, felony and misdemeanors, was defined
 - (h) The following concepts were developed:
 - 1) Citizen's arrest
 - 2) Fresh pursuit
 - 3) Suspension of sentence
 - 4) Release on own recognition
- e. A return to military type rule occurred under the direction of Oliver Cromwell (1600).
 - (1) This was only a temporary suspension in the development of the English Constitution and law enforcement principles.
 - (2) Under Cromwell, England was divided into 12 police districts which were under jurisdiction of the military police.
 - (3) A Provost Marshal, having police judicial power, was assigned to each district.
- f. When monarchy was reestablished, it lasted into the 1700's.
 - (1) There was a shifting of power from the King to free men.
 - (2) There was a movement from rural to urban centers.
 - (3) The transition from a rural to urban way of life caused an increase in criminal activity.
 - (4) Although there were consistent efforts made using differing law enforcement controls, crime continued to increase.
 - (5) Numerous systems of policing were developed and tried, all of which contributed to an eventual standardized police force.

D. Industrialization of England

1. As England changed from a quiet, agrarian country to a major industrialized society, old methods of law enforcement were unable to handle the different and more complex criminal problems.

- a. Craftsmen being replaced by machines during the Industrial Revolution contributed to an extremely high crime rate.
 - b. There were many different types of law enforcement organizations during this period including:
 - (1) Merchant police
 - (2) Dock police
 - (3) River police
 - (4) Night watch
 - (5) Sheriff
 - (6) Bailiff
2. The modern law enforcement era began with the creation of a police force in London called the "Bow Street Runners"
- a. Henry Fielding (author of TOM JONES) was a magistrate in the early 1700's.
 - b. This movement into the modern law enforcement era began when Henry Fielding
 - (1) promoted the idea of paid law enforcement
 - (2) advocated detectives and police courts
 - (3) organized foot and mounted patrol
 - (4) implemented law enforcement training
 - c. The Bow Street Runners were so named because victimized persons could report crimes and all facts pertaining to them to Fielding at his residence on Bow Street.
 - d. A small group of men employed by Fielding called "runners" were then sent out to investigate.
 - e. For apprehension of suspects and recovery of property, the runner would be given a reward by the victim.
 - f. They were the first to be uniformed and probably the forerunner of our detective unit.
3. Metropolitan Police Act of 1829
- a. Sir Robert Peel, considered the father of modern law enforcement, accomplished the most effective advancement in law enforcement to that time.

- b. As home secretary, he introduced the Metropolitan Police Act of 1829.
- c. As a result of this act, he organized and consolidated all London police into one well-trained body (nick-named "Bobbies").
- d. Peel convinced Parliament that the poor quality of policing was the causal factor to social disorder.
- e. His recommendations for improvement and implementation were accepted and provided for by the 1829 Act.
- f. His fundamental principles for organization are applicable today
 - (1) Law enforcement must be stable, efficient and organized along military lines.
 - (2) Law enforcement must be under government control.
 - (3) The absence of crime will best prove the efficiency of law enforcement.
 - (4) The distribution of crime news is essential.
 - (5) The deployment of law enforcement strength, both by time and area, is essential.
 - (6) No quality is more indispensable to a peace officer than a perfect command of temper; a quiet, determined manner has more effect than violent action.
 - (7) Good appearance commands respect.
 - (8) The securing and training of proper persons is at the root of efficiency.
 - (9) Public security demands that every peace officer be given a number.
 - (10) Law enforcement headquarters should be centrally located and easily accessible to the people.
 - (11) Peace officers should be hired on a probationary basis.
 - (12) Law enforcement records are necessary to the correct distribution of law enforcement strength.
- g. The reforms of Peel were adopted on a national scale.
- h. Obligatory Act of 1856 required every county to create a police force.
- i. Prior to the act, an individual county had a choice whether or not to abide by the Metropolitan Police Act of 1829.

E. Law Enforcement in the American colonies

1. Settlers brought with them English Common Law.
2. Geographical areas of settlement by the colonists greatly affected the kind of law enforcement used.
 - a. Settlement in the northern colonies, whose dependence was on commerce and industry, tended to form the protective alliance of the "Watch and Ward" system - or Constables.
 - b. Those settling in southern colonies, finding a more rural and agricultural community, developed the county form of government (the sheriff) for protection.
 - c. Because of their suspicion of authority from the old country, these offices were elective for short periods of time.

F. U. S. urbanization and law enforcement

1. The early American peace officer
 - a. The first law enforcement agencies faced many of the problems that they still face today.
 - b. Political control seemed to be the major problem of those early forces and many reform attempts were undertaken.
 - c. Efforts to reduce political interference led to the Pendleton Act of 1883 which provided for civil service.
2. As cities and counties developed, law enforcement problems multiplied
 - a. Very often criminals operated throughout the state.
 - b. The Texas Rangers, the first form of a state police, was organized in 1835 to deal with cattle rustling, Indians, outlaws, etc.
 - c. The greatest development, however, occurred after World War I, and today all states have some form of state law enforcement.
 - (1) Some are restricted to enforcement of vehicular laws and highway safety.
 - (2) Others have been given general law enforcement authority with jurisdiction in criminal matters throughout the state.
 - (3) California's "State Police" has had jurisdiction primarily for protection of state property while California maintained a separate Highway Patrol.
 - (4) Mobility of criminals and special national enforcement needs led to expansion of federal agencies.
 - (a) Federal investigatory and protective units were needed for

- 1) Interstate control of commerce
 - 2) Coinage of money
 - 3) Standards of weights and measures and
 - 4) Postal services
- (b) Authority for federal police action is derived from
- 1) Implied powers of a federal constitution article dealing with the common defense
 - 2) General welfare of the people.

G. California law enforcement

1. Chief August Vollmer of Berkeley modernized law enforcement.
2. First used the helicopter
3. Nation's first police academy was established in San Francisco in 1923.
4. In the 1920's contributed to the FBI's first fingerprint database.
5. One of the first states to implement an automated fingerprint system (1983).
6. Presently 70% of all California law enforcement agencies have less than 25 sworn officers.

H. United States law enforcement

1. There are approximately 500,000 people working for 40,000 separate law enforcement agencies.
 - a. They are the part of the criminal justice system that deals most directly with the public.
 - b. The public regards peace officers as representatives of all governmental authority.
2. The training provided by the academy is the result of state standards.
3. Academy training is also provided as a result of the increasing demand in the state by the public and law enforcement leaders for a strong and professional system.
4. There is a commitment in law enforcement today to utilize the latest technologies available.
 - a. This commitment started with the advent of such scientific investigation technologies as:

- (1) Photography
 - (2) Fingerprinting
 - (3) Radio communications
 - (4) Scientific crime labs
 - (5) Microfilm
- b. Modern law enforcement continues the advancement by utilizing:
- (1) Strategic planning
 - (2) Multi-year budgeting
 - (3) Instructional media for training
 - (4) Computer automation
 - (5) Community-based policing
5. Another major factor has been the development of the *Law Enforcement Code of Ethics*.

II. CHARACTERISTICS OF A PROFESSION

A. What Is professionalization? - A definition

1. Traditional definitions may include:
 - a. A common set of principles and societal goals
 - b. Recognized body of knowledge which is systematically transmitted to new members
 - c. Members belong to professional organizations which promote the interests of the profession
 - d. A code of ethics regulating conduct of members
 - e. Licensing which grants the privileges of the profession to qualified persons and denies them to persons not licensed
 - f. A spirit of public service
2. Law enforcement may not have one governing body that represents all their interests.
 - a. The International Association of Chiefs of Police and the National Sheriffs Association represent only a small segment of American law enforcement.
 - b. Where other professional organizations (e.g., AMA) have national standards, law enforcement has statewide standards.

NOTE: Discuss the importance of professionalism in law enforcement and public opinion.

III. DEFINING VALUES, PRINCIPLES AND ETHICS AS THEY RELATE TO LAW ENFORCEMENT

A. Values are those fundamental beliefs upon which decisions and conduct are based.

1. Types of values

- a. Personal values are those individual beliefs which a person relies upon.
 - b. Organizational values are those collective beliefs which characterize an organization.
 - c. Professional values are those beliefs which are fundamental to and characterize a specific vocational group or discipline.
 - d. Societal values are those beliefs reflected by the norms of the greater community.
2. Personal values may be in conflict with professional, organizational and societal values and must be kept in proper perspective.
 - a. There are issues of politics, labor, and choice in which the officer may not agree, but must remain neutral when performing their duties.
 - (1) An officer, who does not believe in abortions, may be called upon to control a crowd of demonstrators at an abortion clinic.
 - (2) An officer may be called upon to maintain order at a rally for a political issue they did not personally support.

B. Principles are ethical standards relied upon for guidance in decision-making.

1. When making a decision on or off duty, an officer may rely on the influence of:

- a. Peers
- b. Department and community expectations
- c. Published and printed material as it relates to professional conduct (e.g. Code of Ethics).

2. Peer impact may be positive or negative

C. Ethics are accepted rules of conduct governing an individual or group.

1. Ethics should play a dominant role in an officers daily conduct.
2. The "Golden Rule" is an appropriate, ethical philosophy.

D. Importance of ethical conduct

1. If law enforcement is to be considered truly professional, then ethical conduct is of great importance and must be a way of life.
2. To maintain a partnership with the community, law enforcement must exude a high standard of ethical conduct.
3. The resulting publicity from unethical peace officer conduct offends officers throughout the country.

E. How is an officer to know whether a particular act is right or wrong?

1. All matters of law are set forth, spelled out in black and white.
2. All department rules and regulations should be similarly clear.
3. When the officer is confronted by a situation in which guidelines are not provided by the law or department policy, the officer should be guided by societal norms and their own moral convictions.

F. The traditional norm (or standard) of morality

1. A norm is a rule, standard, or measure.
2. It is something with which we can compare something else whose nature, size, or qualities we doubt.

IV. COMMUNITY EXPECTATIONS REGARDING THE LAWFUL AND ETHICAL BEHAVIOR OF PEACE OFFICERS

A. Expectations regarding a peace officer's behavior

1. Community expectations

a. Can be influenced by

(1) Prevailing sentiments

(a) General attitude (may be passive or aggressive)

(b) Previous experiences with law enforcement

(c) Present police/community relationship

(d) Apathy

(e) Impact of family structure

(2) Socio-economic conditions

(3) Type of situation

(a) Collective victimization of the community (e.g. serial rapist, child molestation, hate crimes)

(b) Level of fear

b. Expectations

(1) Keep the community safe and secure

(2) Respond promptly to calls

(3) Demonstrate professional behavior and technical competence

(4) Protect individual human rights

(5) Behave ethically

2. Government expectations

a. Reduce/control crime

b. Provide community service

c. Enforcement of the law

3. Expectations of persons directly involved in an incident

a. Suspects

(1) Attitude affected by

(a) Prior experience, previous criminal history, negative contacts with criminal justice system components, previous contacts and treatment by peace officers

(b) Peer influences

(2) Expectations include

(a) Preservation of their dignity

(b) Basic respect

b. Victims

(1) Behavior/emotional state affected by

(a) The nature of the incident

(b) Fear

(2) Expectations of victims

(a) Emotional support/empathy

(b) Restored feeling of safety

(c) Taking enough time

(d) Offender(s) will be apprehended

c. Witnesses

(1) Behavior may be affected by

(a) Unwillingness to be involved

(b) Fear

(2) Expectations of witnesses

(a) They will be safe.

(b) Offender(s) will be apprehended.

4. Officer's employing department

a. Community satisfaction with the level of service (reduction/elimination of citizen complaints)

- b. Reduction of civil liability
 - c. Conformance with the law
 - d. Ethical and professional behavior consistent with the *Law Enforcement Code of Ethics* and the *Code of Professional Conduct and Responsibilities for Peace Officers*
 - e. Compliance with organizational values, policies, procedures, goals, objectives, and mission statements
 - 5. Officer's peers
 - a. Technical competence
 - b. Support
 - c. Integrity
 - 6. The officer
 - a. Adequate training
 - b. Community support
- B. Criteria by which citizens evaluate law enforcement agencies and their personnel
- 1. Use of time and equipment when not responding to calls for service
 - 2. Reasonable response time
 - 3. Officer behavior and appearance
 - a. Professional demeanor of officers
 - b. Fair and impartial treatment
 - c. Ability to create positive public image
 - d. Demonstrate high moral standards
 - 4. Good judgement, particularly in stress situations
 - 5. Appropriate use of force
 - 6. Effective problem-solving and conflict resolution skills

NOTE: Additional information concerning community expectations regarding law enforcement services is contained in Instructor Unit Guide #3 (Community Relations)

C. Public perceptions and stereotypes about law enforcement

NOTE: Instructors may want to brainstorm common stereotypes regarding the behavior of law enforcement officers, both positive and negative.

V. **BENEFITS OF PROFESSIONAL AND ETHICAL BEHAVIOR**

- A. Conducting oneself in a professional and ethical manner benefits not only the officer and agency but also the community.
- B. Some of the benefits include:
 - 1. A personal and professional satisfaction in doing the right thing
 - 2. A community which trusts, supports and works with its law enforcement agency.
 - 3. Establishing a higher personal and professional reputation
 - 4. Earning respect and confidence of co-workers
 - 5. Providing a positive perception of law enforcement

VI. THE LAW ENFORCEMENT CODE OF ETHICS

A. Professional "Codes of Ethics"

1. Adoption of codes of ethics by professional organizations
 - a. The great professions have long recognized the importance of subscribing to, and living by, rules of ethical conduct.
 - b. The most noteworthy has been the Hippocratic Oath written by Hippocrates, the Father of Medicine, sometime before 400 B.C.. This oath is still taken by practicing physicians.
 - c. Professional organizations subscribe to a formal code of professional conduct. (e.g., The American Bar Association subscribes to rules of professional conduct)
 - d. Both the American Medical Association and the American Bar Association have means of disciplining unethical members.
2. The *Law Enforcement Code of Ethics*
 - a. One of the most progressive steps achieved by law enforcement is the adoption of a uniform code of ethics in 1956.
 - (1) The code was adopted by the National Conference of Police Associations, representing some 180,000 police officers, and the International Association of Chiefs of Police.
 - (2) It has also been adopted by many individual departments and local police associations.
 - b. The *Law Enforcement Code of Ethics* was adopted after extensive research.
 - (1) A number of distinguished law enforcement executives, as well as rank and file police officers throughout the nation, offered their suggestions in formulating the Code.
 - (2) By adopting the code, the law enforcement profession has set its own standards of conduct.
 - (3) POST requires that the *Law Enforcement Code of Ethics* be administered to every peace officer in the State of California. (POST Administrative Manual, Section 1013)
 - c. The *Law Enforcement Code of Ethics* has been supplemented by a *Code of Professional Conduct and Responsibilities for Peace Officers* which defines and sets forth in detail those things deemed ethical and unethical for peace officers.

NOTE: The *Code of Professional Conduct and Responsibilities for Peace Officers* is discussed in detail in Section VII of this Instructor Unit Guide.

- d. A Code is useless unless practiced.
 - (1) It must be something genuinely believed in--something that comes from within.
 - (2) Adherence to the Code must be displayed by all members of the profession--by administrators, supervisors, and the rank and file.

B. Recommended student assignment

- 1. Students should be encouraged to study the *Law Enforcement Code of Ethics* and become thoroughly familiar with its key elements
- 2. The key elements of the *Law Enforcement Code of Ethics* are:
 - a. Uphold the Constitution of the United States, state statutes and local laws
 - b. Perform duties ethically
 - c. Regard discharge of duties as a public trust
 - d. Exemplify high standards in public and private life
 - e. Recognize the freedom of others shall not be infringed upon without just and legal cause
 - f. Maintain integrity and competence
 - g. Cooperate with lawful officials and organizations
 - h. Refuse to accept gratuities
 - i. Maintain the confidentiality of information

NOTE: The full text of the *Law Enforcement Code of Ethics* is contained in the supporting materials section of this Instructor Unit Guide.

VII. THE CODE OF PROFESSIONAL CONDUCT AND RESPONSIBILITIES FOR PEACE OFFICERS

- A. The *Code of Professional Conduct and Responsibilities for Peace Officers* was the collective product of the California Peace Officers Association and peace officer representatives from throughout the state.
- B. The *Code of Professional Conduct and Responsibilities for Peace Officers* was designed to enhance the *Law Enforcement Code of Ethics* by defining specific standards of ethical conduct.
- C. The *Code of Professional Conduct and Responsibilities for Peace Officers* is comprised of "canons," "ethical standards," and "disciplinary rules."

1. Canons

- a. "Canons," as used in the *Code of Professional Conduct and Responsibilities for Peace Officers*, express in general terms standards of professional conduct expected of peace officers in their relationship with the public, the criminal justice system and the peace officer profession.
- b. The canons embody the general concepts from which the "Ethical Standards" and the "Disciplinary Rules" are derived.

2. Ethical standards

- a. "Ethical standards," as used in the *Code of Professional Conduct and Responsibilities for Peace Officers*, are statements that represent the objectives toward which every peace officer shall strive.
- b. Ethical standards constitute principles that can be relied upon by the peace officer for guidance in specific situations.

3. Disciplinary rules

- a. "Disciplinary Rules," as used in the *Code of Professional Conduct and Responsibilities for Peace Officers*, specify an unacceptable level of conduct for all peace officers, regardless of their rank and the nature of their assignment.
- b. Any peace officer who violates any agency rule that applies to the aforementioned canons and ethical standards is considered guilty of unprofessional conduct, and may be subject to disciplinary action.
- c. Violation of disciplinary rules requires appropriate adjudication which can include:
 - (1) Disciplinary action ranging from verbal reprimand to termination
 - (2) Criminal prosecution

(3) Other administrative action sanctioned by law

- D. The canons of the *Code of Professional Conduct and Responsibilities for Peace Officers* address the following peace officer responsibilities:
1. Uphold the Constitution of the United States, state statutes and local laws
 2. Perform duties ethically
 3. Regard discharge of duties as a public trust
 4. Exemplify high standards in public and private life
 5. Recognize the freedom of others shall not be infringed upon without just and legal cause
 6. Maintain integrity and competence
 7. Cooperate with lawful officials and organizations
 8. Refuse to accept gratuities
 9. Maintain the confidentiality of information

NOTE: The full text of the *Code of Professional Conduct and Responsibilities for Peace Officers* is contained in the supporting materials section of this Instructor Unit Guide.

VIII. EXAMPLES AND POTENTIAL RAMIFICATIONS OF UNETHICAL OR UNPROFESSIONAL CONDUCT

- A. Unethical behavior or unprofessional conduct can involve any of the following:
 1. A violation of law
 2. A violation of a person's civil rights
 3. A violation of agency policies and procedures
 4. A breach of ethical behavior or professional responsibility (e.g. as identified in a code of professional ethics, etc.)
- B. Breaches of ethical behavior or unprofessional conduct can occur in any profession.
 1. The effectiveness of law enforcement, however, is directly dependent upon maintenance of the public trust.
 2. As a result, peace officers are held to higher standards of behavior
 3. Although breaches of ethical behavior or unprofessional conduct by peace officers are no more common than in other professions, any indiscretion severely damages the credibility of the officer and their agency and compromises public trust and support.
- C. Although the *Law Enforcement Code of Ethics* and the *Code of Professional Conduct and Responsibilities for Peace Officers* are positive documents, it is essential to identify specific acts which are unethical or inappropriate.

Types of unethical behavior and unprofessional conduct which involve peace officers can include, but are not necessarily limited to:

 1. Verbal abuse, courtesy, or inappropriate language
 2. Discrimination/racism
 3. Unlawful use of force (e.g. assault under color of authority)
 4. Violation of a person's civil rights, including:
 - a. False arrest
 - b. Unlawful detention
 - c. Unlawful search and seizure
 5. Substance abuse
 6. Misuse/compromising confidential information or privileged communications

7. Theft or misappropriation of property of evidence
8. Obstruction or miscarriage of justice, including:
 - a. Falsification or destruction of official documents
 - b. Perjury
 - c. Planting false evidence
 - d. "Code of Silence"
 - e. Nonenforcement of specific laws by personal choice
9. Acceptance of gratuities
10. Inappropriate off-duty behavior
11. Converting on-duty contacts into off-duty relationships

D. Ramifications and impact of unethical behavior or unprofessional conduct

1. Any unethical behavior or unprofessional conduct by a peace officer can create public disrespect for the law enforcement profession and for specific law enforcement agencies.
2. Nonenforcement of specific laws as the result of a peace officer's personal choice can promote public disrespect for the law and create confusion as to the meaning or intent of the law.
3. Soliciting or accepting gratuities can:
 - a. Promote a negative public image of law enforcement
 - b. Create a real or perceived obligation for the officer to the gift giver (e.g. the concept of "Quid Pro Quo" - "this for that")
 - c. Lead to the acceptance of larger gifts, serious misconduct, or the commission of a crime (rationalizing unacceptable conduct)
4. Problems associated with inappropriate off-duty behavior
 - a. The *Law Enforcement Code of Ethics* calls for peace officers to keep their "private lives unsullied as an example to all..."
 - b. As a result, officers should avoid off-duty behaviors which could embarrass them, their agency, or the law enforcement profession.
 - c. Examples of behaviors which can be problematic are:
 - (1) Alcohol abuse

- (2) Gambling
- (3) Excessive indebtedness (indebtedness to the point that it causes a hardship and reflects negatively on the peace officer and the profession)
- (4) Inappropriate domestic behavior
- (5) Inappropriate sexual behaviors (e.g. converting on-duty contacts into off-duty relationships)
- (6) Misuse of the badge of office (e.g. to obtain special favors not available to the general public, etc.)

E. Action and reaction to criminal acts, unethical behaviors and unprofessional conduct committed by a fellow officer

- 1. Officers have a legal and ethical obligation to react appropriately when they become aware that a fellow officer has committed a crime.
- 2. Officers must not remain silent due to a false philosophy of "mind their own business" or "closing their eyes" to unlawful acts (e.g. "Code of Silence").
- 3. Officers should not "look the other way" while an act is committed that might bring embarrassment to the agency or the law enforcement profession.
- 4. In many circumstances intervention may be necessary.

NOTE: The concept of intervention is discussed in detail in Section IX of this Instructor Unit Guide.

IX. THE CONCEPT OF INTERVENTION

A. What is intervention?

1. Intervention, as it pertains to this curricula, is simply acting to prevent or stop the inappropriate or unlawful behavior of another officer.
2. Intervention involves the application of a variety of techniques for restoring or maintaining professional control over a given situation, or for improving the professional quality of future contacts.

B. Types and levels of intervention

1. Immediate intervention

In some situations, it may be desirable or necessary to intervene immediately. Among the options available are:

a. Verbal intervention

Example: A fellow officer is becoming agitated, angry, or appears to be losing professional objectivity during a contact. In this case, effective intervention may be simply an offer to assist (e.g. "Hey, partner, let me take care of this one, O.K.?")

b. Physical/touch intervention

Example: A fellow officer is engaged in a heated verbal confrontation with a subject and the officer is starting to become increasingly agitated. An effective intervention may be to lightly touch the officer on the shoulder and offer a tactful reminder to calm down or offer to take over.

Example: A fellow officer, who is usually quite calm, appears to be losing control and begins to advance on a subject who is becoming verbally abusive. It may be desirable to step in between (if this can be accomplished without compromising officer safety) and make some type of diffusing remark (e.g. "Let me talk to him").

c. Restraint intervention

Example: A fellow officer is using unlawful or clearly unreasonable physical force. In this case, physical restraint may be necessary.

2. Delayed intervention

In some situations, it may be desirable to utilize an intervention strategy after the fact. This can be valuable to improve the quality of future contacts. Techniques include:

a. Discussion

This may be an appropriate follow-up if a fellow officer was being verbally condescending to someone. Discussing the improprieties of such behavior is professionally beneficial.

b. **Admonishment**

If a fellow officer uses vulgar or demeaning language in contacts with the public, the intervening officer should inform the other officer that this type of behavior is not acceptable (e.g., it is unprofessional and likely to provoke or escalate conflict).

c. **Training**

- (1) When an officer is having a continuing problem, an effective intervention technique may be a diplomatic suggestion that additional training be pursued (e.g. an otherwise effective officer is having repeated difficulty with a specific group).
- (2) Also, an officer can provide a valuable form of ongoing training to a peer by consistently demonstrating desirable behaviors.

C. The legal basis of intervention

1. The United States Constitution provides protection for individuals against unlawful actions of peace officers.
2. The United States Code contains criminal sanctions against peace officers who violate the civil rights of the public (USC Title 18, Sections 241 and 242)
3. There are also a variety of state laws and criminal sanctions which are intended to regulate the behavior of California peace officers. Among these are:
 - a. Penal Code Sections 147, 149 and 673 (officers inhumanely or oppressively treating prisoners or unnecessarily assaulting or beating any person)
 - b. Penal Code Section 661 (removal from office for neglect or violation of an official duty)
 - c. Penal Code Sections 692 and 693 (when resistance to the use of force is lawful)
4. Several case decisions have held that peace officers have a responsibility to intervene in certain circumstances. For example:
 - a. *Byrd v. Bishke*, 46 F.2nd 6 (7th Cir. 1972)

In this case the plaintiff alleged that he was surrounded by a dozen Chicago police officers and was struck repeatedly. The court held that even though the plaintiff could not identify individual officers who struck him, all officers were liable because none of them intervened. They were considered

negligent for failing to protect the plaintiff from other officers who were violating his civil rights.

- b. Several other cases support this concept, including:
 - (1) *Masel v. Barrett*, 707 F. Supp. 4 (D.D.C. 1989)
 - (2) *Wilson v. City of Chicago*, 707 F. Supp. 379 (N.D. Ill. 1989)
 - (3) *Peterson v. Dept. of Navy*, 687 F. Supp. 713 (D.N.J. 1988)

D. Public expectations concerning intervention

- 1. The community expects that its peace officers will use only reasonable amounts of force. Likewise, they expect that someone, including other officers, will intervene if reasonable levels of force are exceeded.
- 2. This same rationale applies in nonforce situations. The public expects that someone will intervene to stop any unethical or unprofessional conduct by a peace officer.
- 3. When officers intervene appropriately, their professionalism is enhanced as is their personal and organizational credibility.

E. Benefits of appropriate intervention

- 1. Physical injury resulting from unnecessary escalation may be reduced.
- 2. Disciplinary actions and personal complaints may be reduced.
- 3. There may be a reduction in criminal complaints filed against officers.
- 4. Civil liability may be reduced, including the reduction of punitive financial judgments against individual officers.

F. What behaviors prompt the need for intervention?

- 1. Unlawful use of force
- 2. Other unlawful, unethical, or inappropriate behaviors

NOTE: Instructors should encourage group discussion regarding what specific types of behaviors might prompt the need for intervention. Examples of unethical and unprofessional behaviors are contained in Section VIII of this Instructor Unit Guide.

G. What can inhibit an officer from intervening?

- 1. Unfamiliarity with the officer involved
- 2. Inexperience (unfamiliarity with the means with which to remedy the problem)
- 3. A feeling that it is "someone else's responsibility" to intervene

4. Peer pressure
5. A feeling of personal risk or other consequences for intervening (e.g. fear of being ostracized)
6. Fear of ramifications for intervention with senior officers, FTOs or supervisors (e.g. getting a bad evaluation)
7. Psychological factors:
 - a. New officers may have developed erroneous notions of how peace officers should behave. Roles in movies and television often foster false impressions as to what behaviors are acceptable.
 - b. Certain types of stress may lead to aggressive behavior.
 - c. Fear may play a significant part in the behavior of an officer

NOTE: Additional information regarding anger and fear management is contained in Instructor Unit Guide #20 (Use of Force)

H. Why should an individual officer intervene?

1. Personal integrity demands it.
2. It preserves professionalism and supports the law enforcement mission.
3. It strengthens public confidence in the law enforcement profession and the individual agency involved.
4. It reduces personal and organizational liability.
5. It enhances officer safety.
6. It is morally and ethically correct.

X. PREVENTING AND CORRECTING UNETHICAL BEHAVIOR

A. Preventing unethical behavior

1. Law enforcement agencies should clearly communicate their professional values to employees.
2. Every peace officer should be held accountable for adherence to the *Law Enforcement Code of Ethics* and the *Code of Professional Conduct and Responsibilities for Peace Officers*.
3. Each officer should be expected to set a pattern of living within the law
 - a. This follows the tradition of law enforcement.
 - b. High standards in an officer's personal life assists the profession and the officer's agency.
 - c. The public will see the police following the same laws they are required to follow (e.g. setting a good example, "modeling" desirable behavior, etc.)
 - d. Law enforcement depends upon community cooperation and voluntary compliance with the law.
 - e. The public's respect for the law enforcement agency and individual peace officers is an essential ingredient for maintaining an effective department.

B. Correcting unethical behavior

1. The basic reasons for taking positive action when becoming aware of unethical and/or criminal conduct on the part of a peace officer are to:
 - a. Maintain the public trust
 - b. Prevent further misconduct
 - c. Permit corrective action to take place
2. Departmental regulations typically address violations of law and unethical practices by employees.
 - a. A mechanism for internal discipline is a fundamental component of the law enforcement profession.
 - b. When an officer has any doubts as to another officer's conduct or witnesses unethical or criminal behavior, a superior officer should be notified.

3. The best methods for preventing unethical acts from occurring or continuing are:
 - a. Appropriate selection practices
 - b. Effective training
 - c. Exposure, discipline and/or elimination of unethical individuals when deliberate and serious acts are observed.
4. One of the weaknesses of professional bodies is the temptation to ignore unethical acts committed by their members for fear of embarrassment to the organization. This is faulty reasoning.
5. If law enforcement fails to keep "its own house clean," individual citizens, the courts and the news media will do it for them.
 - a. When law enforcement permits this to happen, it indicates a great weakness within the profession.
 - b. If a law enforcement agency hesitates to take appropriate action in cases of unethical, unprofessional, or unlawful conduct by its members, it will invite public scandal and ensuing embarrassing headlines.

**SUPPORTING MATERIAL
AND
REFERENCES**

This section is set up as reference information for use by training institutions. These materials can be used for instruction, remediation, additional reading, viewing, or for planning local blocks of instruction. This list is not an endorsement of any author, publisher, producer, or presentation. Each training institution should establish its own list of reference materials.

**TOPICAL LIST OF SUPPORTING MATERIALS AND REFERENCES
INCLUDED IN THIS SECTION**

The Law Enforcement Code of Ethics

The Code of Professional Conduct and Responsibility for Peace Officers

The Five Principles of Ethical Power for Organizations

Glossary of Terms

The Badge (1)

The Badge (2)

You as a Person

Discussion Example 1

Discussion Example 2

Additional References

LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve mankind; 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 men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

CODE OF PROFESSIONAL CONDUCT AND RESPONSIBILITY FOR PEACE OFFICERS

I. PREAMBLE

WHEREAS, peace officers are vested with a public trust which requires that they consistently demonstrate the highest degree of integrity and good moral character; and

WHEREAS, the need to maintain high standards of moral character, integrity, knowledge, and trust requires the establishment of a Code of Professional Conduct and Responsibility for Peace Officers as a matter of the highest significance to the health, welfare, and safety of the citizens of this state; and

WHEREAS, the establishment of a Code of Professional Conduct and Responsibility for Peace Officers, which includes Canons of Ethics and minimum standards, requires the granting of authority to enforce these standards of professional conduct through disciplinary action as necessary for the protection of the health, welfare, and safety of the public;

BE IT RESOLVED that the need to maintain high standards of moral character, integrity, knowledge, and trust require that peace officers establish and conform to a Code of Professional Conduct and Responsibility for Peace Officers.

II. GENERAL STATEMENT

Peace Officers are granted a public trust which requires that they consistently demonstrate the highest degree of integrity. To be worthy of this public trust, and to ensure that their professional conduct is above reproach, members of the peace officer profession must not only conform to a Code of Ethics but must also abide by these Canons of Ethics and Ethical Standards which constitute this Code of Professional Conduct and Responsibility as a means of internal regulation.

The essence of a profession requires that, in addition to prescribing a desired level of performance, it must establish minimum standards of ethical conduct with prescribed rules for internal discipline to ensure compliance. Accordingly, this Code of Professional Conduct and Responsibility is established for the peace officer profession.

Nothing in the Code of Professional Conduct and Responsibility for Peace Officers is intended to limit or supersede any provision of law relating to the duties and obligations of peace officers or the consequences of a violation thereof. Whereas these rules specify certain conduct as unprofessional, this is not to be interpreted as approval of conduct not specifically mentioned.

Nothing in this Code is intended to limit the authority of an agency to adopt and enforce rules and regulations that are more stringent or comprehensive than those that are contained in this Code of Professional Conduct and Responsibility for Peace Officers.

III. DEFINITIONS

This Code of Professional Conduct and Responsibility for Peace Officers is comprised of nine Canons of Ethics, with explanatory statements in the form of Ethical Standards. Examples of

Disciplinary Rules and Enforcement Procedures are included as an addendum for individual agency consideration. Following are definitions of these terms, as used in the context of the code.

- A. "PEACE OFFICER" means a regular employed and full-time sheriff, undersheriff, or deputy sheriff of a county; a chief of police, or any police officer of a city or any chief of police or police officer of a district authorized by law to maintain a police department, or any other person within the state who is defined as a peace officer.
- B. "CANONS" are statements which express in general terms standards of professional conduct expected of peace officers in their relationship with the public, the criminal justice system, and the peace officer profession. They embody the general concepts from which the Ethical Standards and the Disciplinary Rules are derived.
- C. "ETHICAL STANDARDS" are statements that represent the objectives toward which every peace officer shall strive. They constitute principles that can be relied upon by the peace officer for guidance in specific situations.
- D. "DISCIPLINARY RULES" specify an unacceptable level of conduct for all peace officers, regardless of their rank or the nature of their assignment. Any peace officer who violates any agency rule that applies to these canons and standards is guilty of unprofessional conduct, and is subject to disciplinary action. Violation of disciplinary rules requires appropriate adjudication and disciplinary action ranging from oral reprimand to termination and/or criminal prosecution or other administrative action sanctioned by law, as dictated by the individual case.
- E. "ENFORCEMENT PROCEDURES" are the fundamental rights of an accused officer which are applicable to a disciplinary investigation or proceeding against the officer.
- F. "ADMINISTRATIVE INVESTIGATION" is an investigation conducted to determine whether an officer has violated any provision of this code, or an agency rule or regulation; or whether an officer is impaired or unfit to perform the duties and responsibilities of a peace officer.
- G. "FORMAL DISCIPLINE" refers to the final adjudication of administrative or disciplinary charges. Formal discipline shall be deemed final only after an officer has exhausted or waived all legal remedies available and actual discipline has been invoked.

IV. CANONS OF ETHICS

CANON ONE

PEACE OFFICERS SHALL UPHOLD THE CONSTITUTION OF THE UNITED STATES, THE STATE CONSTITUTION, AND ALL LAWS ENACTED OR ESTABLISHED PURSUANT TO LEGALLY CONSTITUTED AUTHORITY.

ETHICAL STANDARDS

- STANDARD 1.1 Peace officers shall recognize that the primary responsibility of their profession and of the individual officer is the protection of the people within the jurisdiction of the United States through upholding of their laws, the most important of which are the Constitution of the United States and State Constitutions and laws derived therefrom.

- STANDARD 1.2** Peace officers shall be aware of the extent and the limitations of their authority in the enforcement of the law.
- STANDARD 1.3** Peace officers shall diligently study principles and new enactments of the laws they enforce.
- STANDARD 1.4** Peace officers shall be responsible for keeping abreast of current case law as applied to their duties.
- STANDARD 1.5** Peace officers shall endeavor to uphold the spirit of the law, as opposed to enforcing merely the letter of the law.
- STANDARD 1.6** Peace officers shall respect and uphold the dignity, human rights, and Constitutional rights of all persons.

CANON TWO

PEACE OFFICERS SHALL BE AWARE OF AND SHALL USE PROPER AND ETHICAL PROCEDURES IN DISCHARGING THEIR OFFICIAL DUTIES AND RESPONSIBILITIES.

ETHICAL STANDARDS

- STANDARD 2.1** Peace officers shall be aware of their lawful authority to use that force reasonably necessary in securing compliance with their lawful enforcement duties.
- STANDARD 2.2** Peace officers shall truthfully, completely, and impartially report, testify, and present evidence in all matters of an official nature.
- STANDARD 2.3** Peace officers shall follow legal practices in such areas as interrogation, arrest or detention, searches, seizures, use of informants, and collection and preservation of evidence.
- STANDARD 2.4** Peace officers shall follow the principles of integrity, fairness, and impartiality in connection with their duties.

CANON THREE

PEACE OFFICERS SHALL REGARD THE DISCHARGE OF THEIR DUTIES AS A PUBLIC TRUST AND SHALL RECOGNIZE THEIR RESPONSIBILITIES TO THE PEOPLE WHOM THEY ARE SWORN TO PROTECT AND SERVE.

ETHICAL STANDARDS

- STANDARD 3.1** Peace officers, as professionals, shall maintain an awareness of those factors affecting their responsibilities.
- STANDARD 3.2** Peace officers, during their tour of duty, shall diligently devote their time and attention to the effective and professional performance of their responsibilities.

- STANDARD 3.3** Peace officers shall ensure that they are prepared for the effective and efficient undertaking of their assignment.
- STANDARD 3.4** Peace officers shall safely and efficiently use equipment and material available to them.
- STANDARD 3.5** Peace officers shall be prepared to and shall respond effectively to the demands of their office.
- STANDARD 3.6** Peace officers, with due regard for compassion, shall maintain an objective and impartial attitude in official contacts.
- STANDARD 3.7** Peace officers shall not allow their personal convictions, beliefs, prejudices, or biases to interfere unreasonably with their official acts or decisions.
- STANDARD 3.8** Peace officers shall recognize that their allegiance is first to the people, then to their profession and the governmental entity or agency that employs them.

CANON FOUR

PEACE OFFICERS WILL SO CONDUCT THEIR PUBLIC AND PRIVATE LIFE THAT THEY EXEMPLIFY THE HIGH STANDARDS OF INTEGRITY, TRUST, AND MORALITY DEMANDED OF A MEMBER OF THE PEACE OFFICER PROFESSION.

ETHICAL STANDARDS

- STANDARD 4.1** Peace officers shall refrain from consuming intoxicating beverages to the extent that it results in impairment which brings discredit upon the profession or their employing agency, or renders them unfit for their next tour of duty.
- STANDARD 4.2** Peace officers shall not consume intoxicating beverages while on duty, except to the degree permitted in the performance of official duties, and under no circumstances while in uniform.
- STANDARD 4.3** Peace officers shall not use any narcotics, hallucinogens, or any other controlled substance except when legally prescribed. When such controlled substances are prescribed, officers shall notify their superior officer prior to reporting for duty.
- STANDARD 4.4** Peace officers shall maintain a level of conduct in their personal and business affairs in keeping with the high standards of the peace officer profession. Officers shall not participate in any incident involving moral turpitude.
- STANDARD 4.5** Peace officers shall not undertake financial obligations which they know or reasonably should know they will be unable to meet and shall pay all just debts when due.
- STANDARD 4.6** Peace officers shall not engage in illegal political activities.

- STANDARD 4.7** Peace officers shall not permit or authorize for personal gain the use of their name or photograph and official title identifying them as peace officers in connection with testimonials or advertisements for any commodity, commercial enterprise, or commercial service which is not the product of the officer involved.
- STANDARD 4.8** Peace officers shall not engage in any activity which would create a conflict of interest or would be in violation of any law.
- STANDARD 4.9** Peace officers shall at all times conduct themselves in a manner which does not discredit the peace officer profession or their employing agency.
- STANDARD 4.10** Peace officers shall not be disrespectful in their official dealings with the public, fellow officers, superiors and subordinates.
- STANDARD 4.11** Peace officers shall be courteous and respectful in their official dealings with the public, fellow officers, superiors and subordinates.
- STANDARD 4.12** Peace officers shall not engage in any strike, work obstruction or abstention, in whole or in part, from the full, faithful and proper performance of their assigned duties and responsibilities, except as authorized by law.
- STANDARD 4.13** Peace officers shall maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration, while acting in an official capacity.

CANON FIVE

PEACE OFFICERS SHALL RECOGNIZE THAT OUR SOCIETY HOLDS THE FREEDOM OF THE INDIVIDUAL AS A PARAMOUNT PRECEPT WHICH SHALL NOT BE INFRINGED UPON WITHOUT JUST, LEGAL AND NECESSARY CAUSE.

ETHICAL STANDARDS

- STANDARD 5.1** Peace officers shall not restrict the freedom of individuals, whether by detention or arrest, except to the extent necessary to legally and reasonably apply the law.
- STANDARD 5.2** Peace officers shall recognize the rights of individuals to be free from capricious or arbitrary acts which deny or abridge their fundamental rights as guaranteed by law.
- STANDARD 5.3** Peace officers shall not use their official position to detain any individual, or to restrict the freedom of any individual, except in the manner and means permitted or prescribed by law.

CANON SIX

PEACE OFFICERS SHALL ASSIST IN MAINTAINING THE INTEGRITY AND COMPETENCE OF THE PEACE OFFICER PROFESSION.

ETHICAL STANDARDS

- STANDARD 6.1 Peace officers shall recognize that every person in our society is entitled to professional, effective, and efficient law enforcement services.
- STANDARD 6.2 Peace officers shall perform their duties in such a manner as to discourage double standards.
- STANDARD 6.3 Peace officers shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.
- STANDARD 6.4 Peace officers shall maintain the integrity of their profession through complete disclosure of those who violate any of these rules of conduct, violate any law, or who conduct themselves in a manner which tends to discredit the profession.
- STANDARD 6.5 Peace officers shall have responsibility for reporting to proper authorities any known information which would serve to disqualify candidates from transferring within or entering the profession.
- STANDARD 6.6 Peace officers shall be responsible for maintaining a level of education and training that will keep them abreast of current techniques, concepts, laws, and requirements of the profession.
- STANDARD 6.7 Chief executive peace officers shall accept the responsibility of utilizing all available resources and the authority of their office to maintain the integrity of their agency and the competency of their officers. These Canons and Ethical Standards shall apply to all legally defined peace officers regardless of rank.
- STANDARD 6.8 Peace officers shall assume a leadership role in furthering their profession by encouraging and assisting in the education and training of other members of the profession.

CANON SEVEN

PEACE OFFICERS SHALL COOPERATE WITH OTHER OFFICIALS AND ORGANIZATIONS WHO ARE USING LEGAL AND ETHICAL MEANS TO ACHIEVE THE GOALS AND OBJECTIVES OF THE PEACE OFFICER PROFESSION.

ETHICAL STANDARDS

- STANDARD 7.1 Peace officers, within legal and agency guidelines, shall share with personnel both within and outside their agency, appropriate information that will facilitate the achievement of criminal justice goals or objectives.
- STANDARD 7.2 Peace officers, whether requested through appropriate channels or called upon individually, shall render needed assistance to any other officer in the proper performance of their duty.
- STANDARD 7.3 Peace officers shall, within legal and agency guidelines, endeavor to communicate to the people of their community the goals and objectives of the profession, and keep them apprised of conditions which threaten the maintenance of an ordered society.

CANON EIGHT

PEACE OFFICERS SHALL NOT COMPROMISE THEIR INTEGRITY, NOR THAT OF THEIR AGENCY OR PROFESSION, BY ACCEPTING, GIVING OR SOLICITING ANY GRATUITY.

ETHICAL STANDARDS

- STANDARD 8.1 Peace officers shall refuse to offer, give, or receive gifts, favors or gratuities, either large or small, which can be reasonably interpreted as capable of influencing official acts or judgments. This standard is not intended to isolate peace officers from normal social practices, or relatives, where appropriate.
- STANDARD 8.2 Peace officers shall not consider their badge of office as a license designed to provide them with special favor or consideration.

CANON NINE

PEACE OFFICERS SHALL OBSERVE THE CONFIDENTIALITY OF INFORMATION AVAILABLE TO THEM THROUGH ANY SOURCE, AS IT RELATES TO THE PEACE OFFICER PROFESSION.

ETHICAL STANDARDS

- STANDARD 9.1 Peace officers shall be aware of and shall meticulously observe all legal restrictions on the release and dissemination of information.
- STANDARD 9.2 Peace officers shall treat as confidential the official business of their employing agency, and shall release or disseminate such information solely in an authorized manner.

- STANDARD 9.3** Peace officers shall treat as confidential that information confided to them personally. They shall disclose such information as required in the proper performance of their duties.
- STANDARD 9.4** Peace officers shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.
- STANDARD 9.5** Peace officers shall treat as confidential all matters relating to investigations, internal affairs, and personnel.

THE FIVE PRINCIPLES OF ETHICAL POWER FOR ORGANIZATIONS

1. PURPOSE: The mission of our organization is communicated from the top. Our organization is guided by the values, hopes, and a vision that helps (sic) us to determine what is acceptable behavior and unacceptable behavior.
2. PRIDE: We feel proud of ourselves and of our organization. We know that when we feel this way, we can resist temptations to behave unethically.
3. PATIENCE: We believe that holding to our ethical values will lead us to success in the long term. This involves the maintaining of a balance between obtaining results and caring how we achieve these results.
4. PERSISTENCE: We have a commitment to live by ethical principles. We are committed to our commitment. We make sure our actions are consistent with our purpose.
5. PERSPECTIVE: Our managers and employees take time to pause and reflect, take stock of where we are, evaluate where we are going and how we are going to get there.

KENNETH BLANCHARD AND NORMAN VINCENT PEALE

GLOSSARY OF TERMS

CANONS

"Canons," is a term used in the *Code of Professional Conduct and Responsibilities for Peace Officers* to express (in general terms) standards of professional conduct expected of peace officers in their relationship with the public, the criminal justice system and the peace officer profession. The canons embody the general concepts from which the "Ethical Standards" and the "Disciplinary Rules" are derived.

COURAGE

That quality of mind which enables a man to encounter danger and difficulties with firmness, valor, and boldness. Requires mind and will-self-discipline, at times manifests itself in physical action.

DISCIPLINARY RULES

"Disciplinary Rules," is a term used in the *Code of Professional Conduct and Responsibilities for Peace Officers* to specify an unacceptable level of conduct for all peace officers, regardless of their rank and the nature of their assignment. Any peace officer who violates any agency rule that applies to the aforementioned canons and ethical standards is considered guilty of unprofessional conduct, and may be subject to disciplinary action.

ETHICAL STANDARDS

"Ethical standards," is a term used in the *Code of Professional Conduct and Responsibilities for Peace Officers* to describe statements that represent the objectives toward which every peace officer shall strive. Ethical standards constitute principles that can be relied upon by the peace officer for guidance in specific situations.

ETHICS

Ethics are accepted rules of conduct governing an individual or group. Ethics deals with "human conduct" and embraces motives (why do we act in a particular fashion?).

INTEGRITY

The quality or state of being of sound moral principle. Honesty, sincerity.

PRINCIPLES

Principles are ethical standards relied upon for guidance in decision-making

REPUTATION

The estimation in which a person or thing is held - by the community or public, generally.

RESPONSIBILITY

Answerable or accountable - a particular burden or obligation.
Responsibility connotes accountability.
Responsibility also connotes obedience to superiors.

SACRIFICE

The surrender or destruction of something prized or desirable for the sake of something considered as having a higher or more pressing claim.

VALUES

Values are those fundamental beliefs upon
which decisions and conduct are based.

THE BADGE (1)

A law enforcement officer's badge is a symbol of public faith. His complex and heavy responsibilities represent a public trust. Whenever an officer breaks this faith or violates this trust, the collective image of law enforcement suffers.

In recent years, law enforcement has made great progress. Equipment and facilities have improved. Significant and far reaching scientific advances have been made. However, all these achievements are meaningless unless every officer is morally committed to the ethics of professional police service.

Under prevailing conditions, this commitment requires perseverance of the highest order. Daily, in many areas, the law enforcement officer is the principal target of abuse from mobs and dissident groups. He is subjected to personal insults and physical attacks, and increasingly, he is falsely accused of brutality by persons who seek alibis and excuses for their criminal acts. Even so, his conduct must be above reproach. He must exercise self-restraint and remain calm and courageous, never deviating from this code of ethics.

There is no substitute for high principles. Where the ideals of justice are concerned, there can be no laxity. The ethics of an enforcement agency are no better than the ethics of its weakest officer. Honesty and integrity must ride in every cruiser, walk every beat, influence every command, and answer every rollcall. Good ethics must be in evidence whenever and wherever duty calls, every minute of every day.

Compromise, personal feelings, animosities, and prejudices have no place in professional police service. Free handouts, cut-rate prices, gratuities, and preferential treatment are luxuries an officer cannot accept if he is to keep his professional dignity. These seemingly insignificant matters destroy an officer's objectivity and affect his official actions. All officers must strive to erase the ugly public image of the policeman without character. Absolute integrity is the only answer.

As we enter the New Year, let us make certain that the ethics which our work reflects, the ethics which we pledge to uphold, and the ethics in which we believe are one and the same--ethics of good police service.

FBI Law Enforcement Bulletin, January 1, 1968, by J. Edgar Hoover, Director

THE BADGE (2)

This is your badge

It is lifeless, made of metal. A die has stamped it from rough stock, shaped it in traditional design, and inscribed the word "Police". It has been plated and polished, sold for profit.

Now it is yours

It is a symbol of Americanism. It is law, order, justice, and freedom. It is the Bill of Rights, the Constitution, E Pluribus Unum, the Pledge of Allegiance.

The badge lives

It is a courageous defender--brave, noble, wise, and strong. It laughs, and cries--knows fear, and tragedy. It represents fairness, honesty, dependability. Possession of it transforms you from citizen to sentinel--guardian of the safety and welfare of others.

Display it with dignity

Wear it with pride. Stand tall behind it. Defend its principles. Emulate the qualities it represents. Treasure it, polish it, keep it gleaming--the reflection of the badge is one of hope, peace, and security.

Respect your badge, and others will too.

George H. Savord
Former Chief of Police
Winona, Minnesota; Former Chief of
currently a successful practicing attorney. (1983)

Police of Cypress, California;

YOU AS A PERSON

Your personal life is a part of you, an officer of the law. As such, it should be worthy of respect and confidence. Set an example you would be proud to have your neighbors follow. The public expects police officers to be stable, moral, loyal and obedient to the laws they enforce. You are often looked up to, and pointed out as an example, so be aware of the example you set.

Your demeanor and deportment in your private life also effect the image of the entire department. Maybe people know you as "good old Joe," always ready to help out--with building booths for the school fair, or coaching the kids who play ball, or helping to arrange weekend access to the school playgrounds so kids don't have to play in streets and unfenced yards. Maybe they know you as a concerned citizen who drives a truck to collect old newspapers for recycling. They're likely to generalize you to cover the whole department, and assume any officer on the force might do the same sorts of things. This helps build a feeling of trust in police officers as people, who understand how other people feel, and who care for the community as a whole.

Some people love to bait policemen. When you hear a comment like--"He's a cop. You know, square as they come," and then you are challenged to prove you're an okay sort of guy by some show-off driving or extra-heavy drinking--you're being watched.

You're human, and subject to mistakes, but try to avoid them when you can.

Suppose you drank to excess at a party and then drove yourself home. How do you deal with the man who drank with you there, when you stop him the following week for driving under the influence? How do you answer his question of "Why me, man? You did the same thing last week, and I only had six drinks." You can't answer him, of course, so try to avoid the problem. If you have drunk to excess, call a taxi or get someone to drive you home. In other words, think ahead--stay clear of compromising situations.

Often you will be subjected to heavy pressures to react emotionally in a situation where you need to be objective and act in a professional manner. You must be concerned for all the people involved. Many of these situations will occur when you are on duty and; therefore, thinking of yourself as a police officer, not as an emotional being. This helps you to be ready to act rationally. Sometimes, however, you will be involved in off-duty situations where you, as an officer, cannot afford to let you, the citizen, react without thinking.

One of the most talked-about examples is the practice of obnoxious prejudice. A police officer is aware of, and responsible for and to, people of all races, creeds, sexes, and vocations. Suppose you practice prejudicial behavior in your private life. You can't expect the people who watch that behavior to respect your unprejudiced enforcement of the law when you are on duty. It is necessary that you align your off-duty behavior, even if not your thinking, to that required by your duties as a police officer.

It will be easier for you to function if you can be the same person on and off duty. Such things as the use of slang in referring to ethnic or vocational groups, while common, are an irritant to the members of those groups and must be eliminated. You also need to eliminate common derogatory remarks (such as "son-of-a-bitch"). It is not difficult to stop using these terms, but it does require an effort on your part. The effort will pay off, however, if you are under stress and do not slip into an irritating slang or demeaning terminology which could escalate a problem situation. Instead, you use language which respects each person's identity in his own mind.

You're a policeman twenty-four hours a day. It is a public service and a tough job, and when you do it well, you can be proud to say so.

You need to be able to take charge of situations in an impartial, lawful, professional manner. This helps the people you serve and strengthens the Department. It improves your ability as an officer when people realize you are an able professional, and a fair and knowledgeable public servant.

When you are in situations involving official action, you need to be in control at all times. Most people have a certain degree of respect for police, and that helps you at these times. If you assume control is yours, other people will tend to assume the same thing. Many times this can help you avoid the necessity to use force. A sense of command presence is one quality which you will want to cultivate.

Control can be achieved by advice, warnings, persuasion, or physical force. Any time you can avoid physical force, do so. Advise, warn, persuade--firmly.

For example: A crowd is gathering near a public building. The crowd threatens to disrupt traffic and, therefore, risks physical danger to the persons involved. Your duty is to protect the members of the crowd from the dangers possible to them, and also to restore the peace by dispersing the crowd. The manner in which you do this is important. Your calm self-restraint, and knowledge that you are in control of the situation will aid in solving the problem. In this kind of a situation you are also helped by the fact that people are in the habit of cooperating with policemen. By working with the crowd you can eliminate the problems without need for force or violence.

DISCUSSION EXAMPLE #1

A younger and promising officer was teamed with an older, questionable partner. The men worked in a patrol car together without incident for approximately six months. While checking a business district one night, the younger officer was driving and his partner was shaking doors. While shaking the door of a small radio business he found the door open. It was a one-room business, and he motioned for his partner to remain in the car.

Shortly thereafter, the officer came out of the business with a small portable radio under one arm. He got into the car and told his partner that the store apparently had been left open by the owner's error and that he had relocked the night latch.

The young officer knew that the theft was wrong, but did not know what to do about it. He remained silent and the same act occurred again approximately one month later. On this occasion, the act was observed by a retired army officer who had a clear view of the scene from the hotel across the street. He reported the incident to the Chief of Police. In a subsequent investigation, the Chief fired the older officer and severely disciplined the younger officer.

A newspaper discovered the cause of the disciplinary action. A "white-wash" editorial was written and the District Attorney was forced to issue theft complaints against both officers. Both men were convicted by an unsympathetic jury.

Had the younger officer taken proper action in the first incident, the unethical officer could have been eliminated from the profession; the young officer could have been spared the disgrace of a conviction; the profession would have been spared the embarrassment of public scandal.

DISCUSSION EXAMPLE #2

Two officers in a patrol car were working a night shift, and the senior officer drove to a drive-in cafe where he offered to take a car-hop home when she got off work at 2 AM.

At 2 AM, the officers picked up the car-hop, and the senior officer suggested to his younger partner that they drive through the park. The young partner reluctantly complied with the suggestion. At an appropriate dark and secluded place, the senior man suggested that they stop and that "Junior" take a walk. "Junior" took the walk and while some distance from the car, heard the carhop call out for help. Knowing that only his partner was in the car, he did not respond until summoned by a honk of the horn as previously arranged by his partner. Upon reaching the car he noticed the officer and the girl were arguing, but he wasn't too concerned and drove the girl home. The next day when the officers reported for work, they were arrested on a warrant and charged with rape.

Although the junior man may have appeared innocent, he was charged as a principal due to the unusual circumstances. He was tried and both men were convicted of rape by an outraged jury who couldn't believe that such things went on within their police department. Both men were sent to State prison.

These true examples are cited to emphasize the unusual role held in society by police officers, and pinpoints the need for ethical officers to display the courage required to uphold the honor of their profession. Had these officers stood their ground and refused to allow the acts to occur, these stories would have had a happier ending.

The cases cited are serious felonies and are actually more clear cut and easier to handle than many of the simple types of unethical practices which can be encountered. An officer who observes or becomes aware of another officer committing a simple type of unethical practice should, in most instances, discuss the matter with the violator. This discussion should be a free exchange of ideas, permitting both parties an opportunity to learn from the incident. This is probably the best solution to all less serious offenses. More serious cases or infractions must be handled individually. THE IMPORTANT POINT IS THAT SOME TYPE OF ACTION MUST BE TAKEN.

ADDITIONAL REFERENCES

Bourbon, S. J., "Moral Aspects of Law Enforcement." The Police Chief (run as a series).

Lynch, Gerald W. "Maintaining Police Integrity: Introduction." POLICE STUDIES, 9(1): 2-3, Spring 1986.

McGlynn, James, and Toner, Jules, Modern Ethical Theories, Ch. 6, Analytical Ethics), Ch. 7 (Sartrean Existentialist Ethics), and Ch. 8 (Freudian Ethics).

Motorola, "Tarnished Badge."

POST Telecourse on Law Enforcement Ethics, Training Program Services Bureau, POST, (916) 227-4889

POST Video Catalog, Law Enforcement Profession & Ethics.

Preimsberger, Duane T. and Block, Sherman. "Values, Standards and Integrity in Law Enforcement: an emphasis on job survival". JOURNAL OF CALIFORNIA LAW ENFORCEMENT, 20 (1): 10-13, 1986

Swanton, Bruce. "The Promotion of Police Integrity." POLICE JOURNAL, THE 59(3): 208-215, July/September 1986.

Ward, Leo, Values and Reality, Ch. 11.

Williams, Hubert. "Maintaining Police Integrity: Municipal police of the United States." POLICE STUDIES, 9(1): 27-33, Spring 1986.