



Quote

 "The only thing necessary for the triumph of evil is for good men to do nothing."
 Edmund Burke, 18th Century British Parliamentarian

Abuse of Power by Police

- The majority of police officers are professional and ethical
 - However, a small minority abuse their power
 - This leads to close scrutiny by the public of all police

Abuse of Power by Police

- Police have tremendous power in our society
 - The power to arrest
 - The power to mediate or to charge
 - The power to use force
 - The power of life and death

Crime Fighter or Public Servant: Two Perceptions of Police Mission

- Police as Crime Fighters (crime control force) view:
 - Criminals are the "enemy" and are fundamentally different from the "good" people
 - Police are the "army" that fights the enemy
 - "Good" people accept that the police are in a "war" to fight the enemy
 - Police must be able to use any means necessary against the criminals
 - Must be given latitude in their decision making as only they "know the enemy"

Quote

 "We sleep safely at night because rough men stand ready to visit violence on those who would harm us."

Attributed to George Orwell (unconfirmed)

Crime Fighter or Public Servant: Two Perceptions of Police Mission

- Police perception of themselves as crime fighters leads to certain decisions in:
 - Their use of force
 - Their definition of duty
 - Their use of deception and coercion

Crime Fighter or Public Servant: Two Perceptions of Police Mission

- Public perception of police as crime fighters leads to:
 - Willingness to accept certain definitions and justifications of behavior
 - Drug addicts are crazed
 - Individuals who are beaten deserve it
 - All defendants must be guilty

Crime Fighter or Public Servant: Two Perceptions of Police Mission

Police as Public Servant view:

- Criminals are not a distinct group; they shop, pay taxes, have kids, etc. just like any other citizen
- Police have limited ability to affect crimes rates one way or another—order maintenance vice crime control
- Police serve *all* of the people, including criminals (no enemy)
- Since police are public servants, their ability to use force should be restricted

Crime Fighter or Public Servant: Two Perceptions of Police Mission

- Public perception of police as public servants:
 - More restrictive view of use of force
 - Rejection of utilitarianism; more focused on due process
 - Ends justifies the means approach
 - Individuals who are beaten deserve it
 - All defendants must be guilty
 - Protect the rights of all

Crime Fighter or Public Servant: Two Perceptions of Police Mission

- Crime Fighter/crime control view:
 - Preventing criminal conduct most important function
 - Failure of law enforcement means breakdown of order
 - Criminal process guarantees social freedom
 - Efficiency is top concern
 - Emphasis on speed and finality
 - There is a presumption of guilt

Crime Fighter or Public Servant: Two Perceptions of Police Mission

- *Public servant/due process* view:
 - Protection of the process is as important as the protection of innocents
 - There is the possibility of error (Law and its enforcers may be mistaken)
 - Coercive power of the state is always subject to abuseFinality not a priority
 - There is an insistence on the prevention/elimination of mistakes
 - Efficiency is rejected if it involves shortcuts

History of Police Professionalism

- Corruption was common in early police departments
- Move towards professionalism started in the 1920s
 - Prior to that, police were involved in social
 - programs, but were also used for social control
 Spurred by attempts to improve image of police as objective enforcers, vice tools of those in power
 - Shift of police loyalty from political bosses to the law

History of Police Professionalism

- Concept of police as "crime fighters" arose professional soldiers in the war on crime
 - Implied objectivity, professional expertise, and specialized training
- De-emphasized social service role
 - Resulted in police detachment from the community
 - Became proactive vice reactive to public demands

Community Policing – Back to Basics?

 Has come full circle w/*community policing* concept
 Direct engagement with community = greater info re: neighborhood problems

- Pro-active crime prevention
- More visible operations; increases police accountability
- Decentralized ops = greater familiarity in specific neighborhoods
- Encourages police to see citizens as partners
- Moves decision-making and discretion downward to the patrol officers who know neighborhood best
- Encourages citizens to take more initiative in preventing/solving crime

Characteristics of Community Policing

- A different philosophy and structure of policing
- Problem-oriented approach to policing
- Working with the community
- Developing trust with the community
- Creativity and innovation
- A broader focus than just crime control
- A geographic focus on one neighborhood or community

Ethical Problems in Community Policing

- Gratuities may be an issue for officers who are expected to create and maintain close ties with the community
- The officer's discretion in enforcing the law may be compromised by personal relationships
- Increased autonomy and decreased supervision may provide greater opportunity for misconduct

Klockars – Four elements of Police Control

Authority

- Unquestionable entitlement to be obeyed that comes from fulfilling a specific role
- The officer has power simply because he or she is a police officer
- Power
 - Similar to authority; inherent in the role
 - The term "power" implies
 - that there is resistance to be overcome
 - that if there is resistance, it will be crushed; power is a means to achieve domination

Klockars – Four elements of Police Control

Persuasion

- The use of signs, symbols, words, and arguments to induce compliance
- May also be used to overcome resistance, often used to avoid using force

Force

- Is physical (different from the first three-authority, power, and persuasion are largely mental)
- When force is used, will of the person coerced is irrelevant

Police Power

- Why does law enforcement have the right to employ these types of control?
- Because we give it to them

Liberty for Protection -Social Contract Theory

- According to the social contract theory:
 - Each citizen gives up complete freedom in return for guaranteed protection of the society against others.
 - Police power is part of this quid pro quo.
 - Police power exists to provide protection
 - However that power can also be used against the persons who granted it

Social Contract Theory – Corollary Principles

Each of us should feel protected

- If not, people may "renegotiate" the contract.Vigilantes
- Since police power may also violate protection if abused, it is limited to what is necessary for protection
 - If threshold exceeded, public objects
- Police ethics linked to their purpose
 - If social contract is basis for police power, it is also the basis for police ethics



Characteristics of the Effective Public Servant

- James Madison stated that wisdom, good character, balanced perception, and integrity are essential to any public servant
 - Only if the person entrusted with public power has these qualities can we be assured that there will be no abuse of such authority and power
- "Granting authority without expecting public servants to live up to it would be unfair to everyone that they are expected to serve."
 - Delattre

Formal Ethics for Police Officers – Professional Code of Ethics

- Addressees the unique issues and discretionary practices of that profession
- Three kinds of codes:
- Aspiration/Ideal
- Describes a perfect police officer
 Principles/Guidelines
- Relate to the value system of the organization
- Mandatory Rules of Conduct
 - Serve as the basis of discipline

International Association of Chiefs of Police (IACP) Code of Ethics

- Four Major themes
 - Fairness
 - Service
 - Importance of the law
 - Personal conduct
- Has more in common with a public service paradigm than a crime fighter paradigm
 - Problem Police are, for the most part,
 - socialized and rewarded for the crime fighter role

Formal Ethics for Police Officers –

Professional Code of Ethics

- Argument against is that it specifies such perfect behavior that it is irrelevant to the realities of most officers
- Argument **for** is that it is a valuable because it provides an ideal for officers to aspire to
- A code is far more valuable as a motivator than as a discipline device
 - A symbol rather than a stick

Police Subculture: A Breed Apart

Police . . .

- Typically form a homogeneous social group
 Leads to "groupthink"
- Have a uniquely stressful work environment
- Participation in a basically closed social system
- Have historically come from the white middle and lower classes in the US
 - Similar racial, culture, and economic backgrounds
- These factors can lead to *police subculture*

Police Subculture: Who Are They?

- Police characteristics. . .
 - Cynical
 - Isolated, alienated
 - Defensive, distrustful
 - Authoritarian, dogmatic
 - More conservative than the general public
 - Value equality less than the general public
 - Value obedience over independence

Characteristics of the Police

- Cynicism
- Use of Force
- "Attitude adjustment"
- Police as victims
- Rationalization of double standards
- Loyalty to colleagues is essential
- The public (or most of it) is the enemy



Police Subculture – "The Cop Code"

 "The Cop Code": The informal code of conduct that new officers are taught through informal socialization

"The Cop Code" : Other Cops

• Cover your men; don't let any officer take a job alone

- Keep a cool head
- Don't back door it (don't take certain gratuities)
- Watch out for your partner first and then the rest of the guys working your tour
- Don't give up another cop
- Show balls
- Be aggressive when you have, but don't be too eager
- Don't get involved in anything in another guy's sector

"The Cop Code" : Other Cops

- Hold up your end of the work
- If you get caught off base, don't implicate anyone else
- Make sure the other guys know if another cop is dangerous or "crazy"
- Don't trust a new guy until you have checked him out
- Don't tell anybody else more than they have to know
- Don't talk too much or too little
- Don't leave work for the next tour

"The Cop Code" : Bosses

- Protect your ass
- Don't make waves
- Don't give them too much activity
- Keep out of the way of any boss from outside your precinct
- Don't look for favors just for yourself
- Don't take on the patrol sergeant by yourself
- Know your bosses
- Don't do the bosses' work for them
- Don't trust the bosses to look out for your interests

Is the police subculture weakening?

Police subcultures may be breaking down because of the following:

- Increasing diversity
 - Workforce no longer socially homogenousOfficers vary substantially in their social views
- Civil litigation
 - Has increased the risk of covering for another officer
- Police unions
 - Have become more formal with increased power

Discretion

- Discretion: the ability or option to choose between two or more courses of behavior
 - Necessary element in law enforcement, *but* the need for discretion also leads to greater dependence on individual ethical codes in place of rules and laws
 When to enforce the law
 - How to enforce the law
 - The power to make a decision regarding an arrest creates the power to make a decision using unethical criteria
 Brown, 1981
- Officers must take care to exercise discretion based on ethical principles

Types of Officers/Applications of Discretion

- The professional: balances coercion with compassion
- The reciprocating officer: allows citizens to solve problems and may engage in deals to keep the peace
- The enforcer: uses coercion exclusively
- The avoider: cannot handle the power he/she must use or fears it and so avoids situations where he/she may be challenged
 Muir

Ethical or Unethical Criteria?

- Number of miles over the speed limit
- Amount of danger posed by the speeding (work zone/school zone)
- Excuse (emergency/late to work)
- Sexual attraction (or not)
- Identity of the motorist (fellow officer, politician, celebrity)
- The offer of a bribe
- Attitude

Discretion and Dilemmas

 Most ethical dilemmas faced by police officers involve the use of discretion

Duty

- **Duty**: the responsibilities that are attached to a specific role
 - Discretion allows officers to choose different courses of action, depending on how they perceive their duty
 - Police officers are often in situations that do not involve crime control
 - Order maintenance
 - "social work" calls

Discretion and Duty

- What are an officer's duties?
 - Enforce the law?
 - Providing service?
 - Ensuring medical treatment is provided?
 - Preventing crime altogether?

Duty and Dilemmas – How involved do you get? (Discretion)

- Accident at end of shift
- Repeat unfounded 911 calls at the same location
- Young boy whose bicycle is stolen approaches you at dinner time
- Travelers robbed while passing through city
- Poor burglary victim

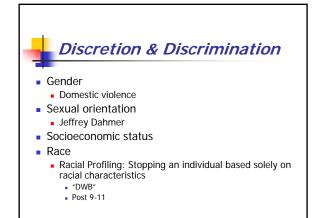
Discretion and Duty

- Three questions to ask:
 - What must the police do under the law?
 - What does department policy dictate?
 - What do individual ethics dictate?

Discrimination

 Discrimination: occurs when discretion allows a decision maker to treat a group or individual differently from others for no justifiable reason

- Individual prejudices and perceptions of groups may influence an officer's decisions
- When police act on personal prejudices while performing their jobs, they discriminate in the allocation of either services or enforcement of the law.
 - Enforce the law differentially
 - · Withhold the protections and benefits of the law



Is US Law Enforcement Racist?

- There is a pervasive sense among minority groups in this country that law enforcement is fundamentally racist
 - Some say racism is endemic in police departments
- Racism is a pervasive and complicated issue
 - Research into the actual presence of racism in law enforcement has been inconclusive
- It is still perceived as problematic—and therefore a critical issue

Is US Law Enforcement Racist?

- The Project on Policing studies, 1996-97
 - Found that police behavior is influenced by:
 - Disrespectful or resistant behavior
 - Intoxication
 - Mental illness

Discretion & Discrimination – Racial Profiling

- Pretext Stop
 - Stopping an individual for a minor offense in order to look for evidence of a major wrongdoing

Discretion & Discrimination – Racial Profiling

- Studying racial profiling is rife with problems
 - Determining the base rate is difficult
 E.g. Population vs number of drivers
 - Interpretation of data
 - No exploration of connection between officer attitudes and behavior
 - Lack of examination of suspects demeanor during the stop
 - Organizational influences
 - Do they implicitly encourage racial profiling through reward structures and training?

Racial Profiling Problems

- Departments that use racial profiling are no more effective at crime control than those that do not
- Some forms of profiling are just "common sense—but terrorist organizations do not operate according to common sense
- Profiling and pretext stops may negatively affect public perception of police

Crime Fighter <u>and</u> Public Servant?

- Police take their cue from the community that they serve
 - If the community emphasizes crime control over individual rights, it will be reflected in how the laws are enforced
- Police often get mixed messages
 - We want them to enforce the law--unless they enforce it against us
 - Enforce the law—but no too stringently

Zero-Tolerance Policy

- Implemented in NYC by William Bratton, Chief, NYPD 1995-1999
 - Police took an aggressive stance against street people and minor criminals, especially those in the business area and subway system
 - New York City enjoyed a dramatic decline in crime
 - But citizen complaints against the NYC police rose by 75%
 - Crime rates fell throughout the country during this period, even in areas with zero-tolerance policies

Crime Fighter <u>and</u> Public Servant?

- Extralegal means of taking care of problems are acceptable as long as they are not used against us
 - When we encourage such extralegal power in some situations, we shouldn't be surprised when it is used in other situations as well
- Justification for police power is that the police represent the public
 - "The police officer can only validly use coercive force when he or she represents the body politic." (Malloy, 1982)
 - If they do not represent all groups, their power is seen as repressive

IACP 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, 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 exemplar 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.

IACP Code of Ethics

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and 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.

Oath of Honor

- On my honor, I will never betray my badge, my integrity, my character, or the public trust.
- I will always have the courage to hold myself and others accountable for our actions.
- I will always uphold the constitution and the community I serve.