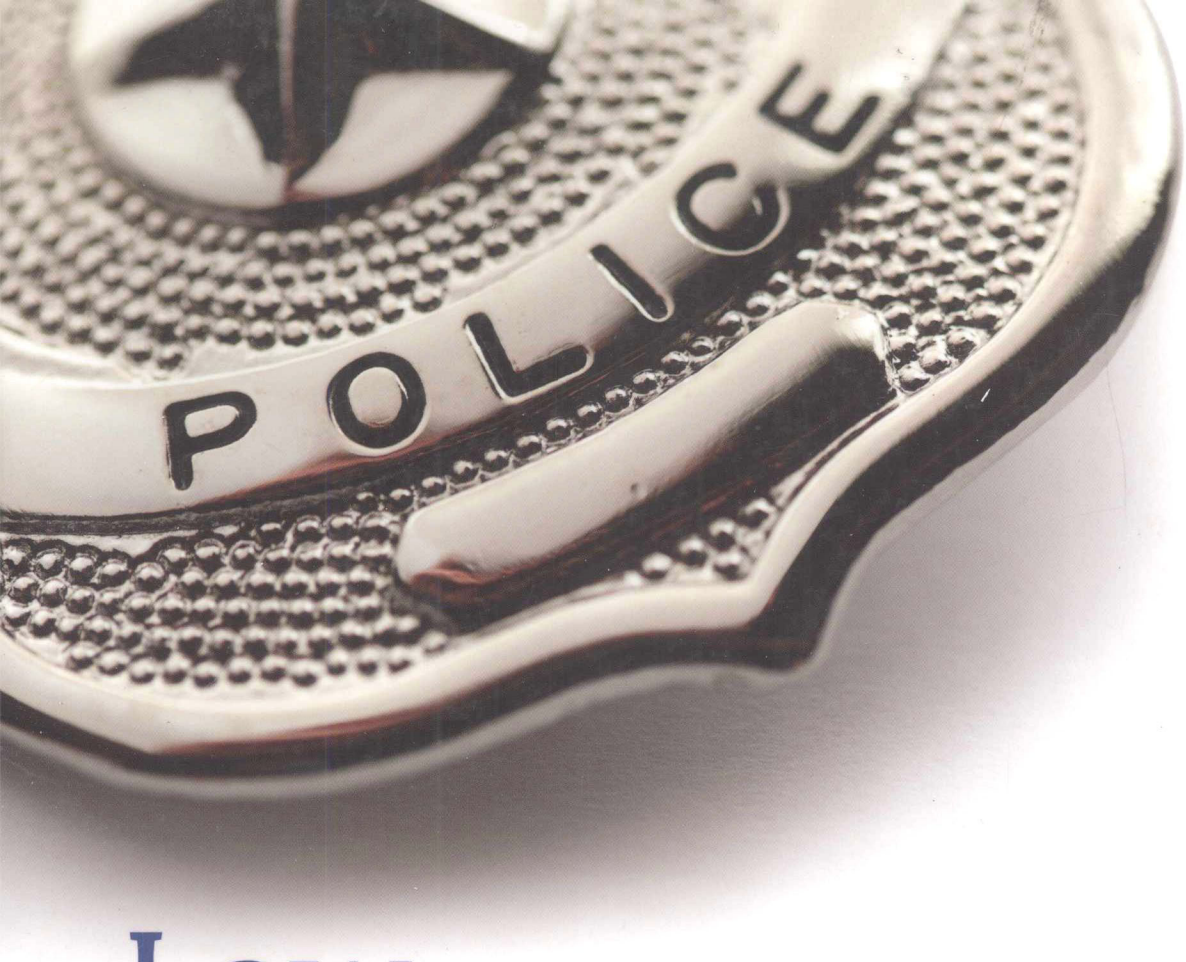

Law Enforcement Ethics

CLASSIC AND CONTEMPORARY ISSUES

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Law Enforcement Ethics

Preface

In the United States, as well as in other democratic societies, police officers are accorded an extraordinary set of powers and responsibilities available to few others (Chappel & Piquero, 2004; Kappeler, Sluder, & Alpert, 1998). Police officers have the power to search and seize personal property, to detain and make arrests, and to apply varying levels of coercive force, up to and including deadly force, in the pursuit of their legal mandates. While police officers may have considerably more authority and, by extension, more opportunities to abuse that authority, there is no evidence to suggest that law enforcement professionals are any better equipped than the general public to make moral decisions (Cohen & Feldberg, 1991). Moreover, evidence suggests that law enforcement professionals are not necessarily any less likely to commit criminal offenses than the average citizen—findings that are further complicated by the fact that police officers are, for the most part, free to come and go with little, if any, oversight or supervision (Kappeler et al., 1998).

Nonetheless, society has tremendous expectations of law enforcement and very low tolerance for unethical behavior (Boles, 1995). Officers are expected to adhere to a strict and unwavering code of ethics and to conduct themselves accordingly at all times, both on and off duty. As a result, law enforcement agencies face serious implications when unethical behavior or criminal activities are exposed, including damaged public trust, jeopardized criminal investigations, and costly, often unnecessary, litigation (Dunn & Caceres, 2010; Kappeler et al., 1998). Nonetheless, it seems that one does not have to look very far these days to find myriad examples of police misconduct, corruption, and abuse in the media. Rodney King, Abner Louima, Antoinette Frank, and, most recently, Kelly Thomas—a schizophrenic homeless man who was bludgeoned to death with the butt of a Taser at a bus stop in the city of Fullerton, California—have become household names.

Indeed, the harm caused by the increasing number of high-profile cases of abuse, misconduct, and corruption may be responsible for the growing number of internal affairs units found in many large law enforcement agencies, whose role it is to investigate citizen complaints, as well as potential

violations of department rules identified by supervisors (Cohen & Feldberg, 1991). While there is a lack of data regarding the scope of law enforcement misconduct, it is likely that virtually every police agency has witnessed some form of corruption, abuse, or scandal (McCafferty, Sourynal, & McCafferty, 1998). Although scholars, educators, and practitioners often disagree on the precise mix of factors responsible for misconduct, it is probably safe to assume that law enforcement corruption and abuse are influenced by a number of individual, collective, contextual, and organizational variables, some of which are more difficult to study and address than others. This collection of essays is the result of the collaborative efforts of a diverse taskforce with a vested interest in law enforcement ethics. The contributors represent practitioners from local, state, and federal law enforcement agencies; faculty from university departments, including criminal justice, political science, psychology, sociology, medicine, and law; professional oversight bodies; and centers devoted to the study and teaching of ethics.

This volume comprises 18 chapters, organized around four broad categories. Part I, *Ethical Foundations*, contains five chapters. In Chapter 1, J. J. Klaver provides an overview of law enforcement ethics. The author explores the individual, organizational, and environmental factors that may contribute to law enforcement misconduct. The issues of organizational structure, departmental policies and procedures, social influences, and organizational culture and their relationships to misconduct are also considered. Chapter 2 highlights the need for proper psychological screening of law enforcement applicants. Ana Gamez and Gary Collins discuss the importance of a partnership between the evaluating psychologists and agency management in selecting potential law enforcement candidates. Chapter 3, presented by Brian D. Fitch, Christine H. Jones, and Luann P. Pannell, argues for a new model of law enforcement ethics training. This includes a discussion of many of the problems associated with traditional lecture-based models of instruction, as well as strategies for incorporating the latest findings from the field of adult education to enhance learning, memory, and retention. In Chapter 4, Brian D. Fitch, Randy B. Means, and Gregory Seidel investigate the management of police ethics. The authors outline the need for clear policy, effective supervision, and proper consequences in influencing officer behavior. The final chapter is this section considers issues of policy, supervision, and oversight in the United Kingdom's 43 police services. Attilio R. Grandani discusses the minimum international standards affecting the United Kingdom's statutes and structures, Police and Criminal Evidence (PACE) Act 1984, inspections, audits, and the current complaint system.

Part II, *Ethical Perspectives*, is composed of five chapters. In Chapter 6, Theron L. Bowman and Daniel T. Primozic offer a forensic examination of the "will" by charting the internal pathology of morality and irrationality. This includes a study of the classic philosophical arguments presented by Aristotle, as well as those offered by Robert J. Steinberg, as a strategy for attenuating police misconduct. Chapter 7 confronts the ways officers' values, beliefs, and behaviors are influenced by social learning, including beliefs

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about misconduct. Brian D. Fitch and Christine H. Jones discuss the essential propositions of social learning theory, as well as how these tenets function as a general theory of police misconduct. In Chapter 8, Aaron D. Conley and Bryon G. Gustafson address fundamental questions about group failings and organizational and institutional responses to those failures. This includes questions about how standards of behavior come to be and what law enforcement organizations should do when institutional standards are violated. Chapter 9, written by Paul T. Zipper and Tina Adams, presents the psychology of marginality. The authors investigate the emotional, psychological, and organizational causes of marginality, while highlighting the importance of early intervention by management and mental health professionals in addressing marginal behavior in all its forms. Chapter 10 outlines the need for greater awareness of the causes, symptoms, and treatment of PTSD among members of the law enforcement community. Amir Hamidi and Patrick Koga examine the symptoms and onset of PTSD, including the neurophysiological correlates of PTSD, biological responses to fear, and subclinical PTSD. The chapter also includes an investigation of current treatments available for PTSD, including cognitive processing therapy (CPT) and mindfulness-based stress reduction (MBSR).

Part III, *Ethical Professionalism*, presents four chapters. In Chapter 11, Kevin A. Elliott and Jocelyn M. Pollock take an in-depth look at the ethics of force. This includes an examination of pertinent case law, policy, and training, as well as the damage to public trust caused by highly publicized incidents. Chapter 12 focuses on the use of trickery and deceit in criminal interrogations. James L. Ruffin explores the effects of case law—more specifically, the U.S. Supreme Court case of *Miranda v. Arizona* (1966)—on interrogation practices, as well as arguments commonly found in the courts, social sciences, and philosophy. The chapter includes a discussion on the emergence of Investigative Interviewing in the United Kingdom and other democratic nations, while concluding with an overview of research on the attitudes of American police officers toward the use of trickery and deceit. Chapter 13, authored by Alexandro Villanueva, explores the question of why law enforcement officers cheat in a variety of settings, including promotional exams. The chapter offers a typology of cheating and a brief theoretical background of the civil service system, and concludes with recommendations to address cheating, while creating more fair and equitable standards throughout the promotional process. In Chapter 14, Bernard E. Harcourt confronts the problem of racial profiling among American law enforcement agencies by examining the arrest of Henry Louis Gates Jr. and the rationale behind racial profiling. He further offers strategies to combat this phenomenon while increasing the overall effectiveness of law enforcement.

Part IV, *Ethical Challenges*, features four chapters on emerging issues facing today's law enforcement leaders. Chapter 15 looks at how leadership, ethics, professionalism, and accountability have assumed prominent roles in academic, government, and public discourse since the events of 9/11.

Presented by Kelly W. Sundberg, this chapter focuses on the increasing importance of professionalism and ethical policing, especially among federal agencies, while outlining many of the challenges associated with recruiting highly skilled officers capable of adapting to diverse new political mandates. In Chapter 16, Cyndi Banks takes a penetrating look at the concept of democratic policing in three developing nations: The Philippines, Nigeria, and Sierra Leone. Topics of discussion include the ways norms affect "best practices," how local policing customs continue to survive into the postcolonial period, and challenges associated with transforming current models into modern democratic policing practices. Chapter 17 discusses the destructive consequences of off-duty misconduct to officers, their agencies, and the public at large. The author, David Massey, explores the implications of stress, culture, and other factors associated with misconduct, as well as offers suggestions about what leaders can do to proactively address the problem in our modern, media-driven age. Chapter 18, written by Jarret Lovell, explores the impact of citizen journalism and social media on contemporary policing. The author outlines the ways changes in media technology bring new information about police practices to the public sphere, often leading to strategic and organizational change. This includes a discussion of how contemporary law enforcement must learn to work with citizen journalists, while recognizing the technology of social media as a positive force for enhanced police professionalism and accountability.

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Brief Contents

Preface xvii

PART ONE: ETHICAL FOUNDATIONS 1

Chapter 1 Law Enforcement Ethics and Misconduct: An Introduction 3
J. J. Klaver

Chapter 2 Psychological Evaluations of Law Enforcement Applicants: The Search for Ethical Officers 29
Ana M. Gamez and Gary G. Collins

Chapter 3 Rhetoric Versus Reality: Why Ethics Training Fails—and How to Fix It 49
Brian D. Fitch, Christine H. Jones, and Luann P. Pannell

Chapter 4 The Role of Supervision in Motivating and Maintaining a Culture of Ethics 75
Brian D. Fitch, Randy B. Mean,s and Greg Seidel

Chapter 5 Ethics and Accountability: Policy and Oversight in the United Kingdom 99
Attilio R. Grandani

PART TWO: ETHICAL PERSPECTIVES 119

Chapter 6 Police Misconduct and Moral Crimes Against Self: A Philosophical Analysis 121
Theron L. Bowman and Daniel T. Primozic

Chapter 7 Bad Apple or Bad Barrel: Social Learning Theory as a Paradigm for Understanding Law Enforcement Misconduct 139
Brian D. Fitch and Christine H. Jones

Chapter 8 Ethics, Enforcement, and the Prospect of Professionalism 159
Aaron D. Conley and Bryon G. Gustafson

Chapter 9 The Psychology of Marginality: The Role of Subculture in Shaping, Developing, and Reinforcing Work Ethic 181
Paul T. Zipper and Tina Adams

Chapter 10 Neurophysiological Correlates of Misconduct in Law Enforcement Officers With Subclinical Post-Traumatic Stress Disorder 205
Amir Hamidi and Patrick M. Koga

PART THREE: ETHICAL PROFESSIONALISM 229

Chapter 11 The Ethics of Force: Duty, Principle, and Morality 231
Kevin A. Elliott and Joycelyn M. Pollock

Chapter 12 Law Enforcement Interrogations: An Ethical Perspective 257
James L. Ruffin

Chapter 13 Police Exams and Cheating: The Ultimate Test of Ethics 277
Alexandro Villanueva

Chapter 14 Henry Louis Gates and Racial Profiling: What's the Problem? 295
Bernard E. Harcourt

PART FOUR: ETHICAL CHALLENGES 325

Chapter 15 Leading Within the Era of Superagencies: Recruiting, Educating, Inspiring, and Retaining the Post-9/11 Generation of Officers 327
Kelly W. Sundberg

Chapter 16 Implementing Democratic Policing Reform: Challenges and Constraints in Three Developing Countries 347
Cyndi Banks

Chapter 17 The Tarnished Badge: Police Off-Duty Misconduct 385
David Massey

Chapter 18 Public Information in the Age of YouTube: Citizen Journalism and the Expanding Scope of Police Accountability 405
Jarret Lovell

Index 423

About the Authors 457

Detailed Table of Contents

Preface xvii

PART ONE: ETHICAL FOUNDATIONS 1

Chapter 1 Law Enforcement Ethics and Misconduct: An Introduction 3
J. J. Klaver

The Study of Law Enforcement Misconduct 5
A Historical Perspective 7
The Study of Organizational Ethics 8
Law Enforcement Misconduct 9
Defining Misconduct 11
Organizational Elements and Control 13
Recruitment and Screening 14
Preservice and In-Service Training 15
Policies and Practices 16
Accountability 17
Organizational Ethics and Influences 17
Organizational Policies and Procedures 19
Ethics Training 20
Organizational Leadership 21
Summary 23
Discussion Questions 24
References 24

Chapter 2 Psychological Evaluations of Law Enforcement Applicants: The Search for Ethical Officers 29
Ana M. Gamez and Gary G. Collins

Ethics in Law Enforcement 30
Selection and Hiring Trends 31
Americans With Disabilities Act (ADA) 1990 33
The Role of Personality and Psychological Screenings in the Workplace 33

Use of Personality Instruments in Suitability Evaluations 35
Minnesota Multiphasic Personality Inventory-Revised (MMPI-2) 36
Personality Assessment Inventory (PAI) 37
California Personality Inventory (CPI) 37
NEO Personality Inventory-Revised (NEO-PI-R) 38
Sixteen Personality Factor Questionnaire—Fifth Edition (16 PF) 38
Inwald Personality Inventory (IPI) 39
Pre-Employment Interviews 39
Focusing on Ethical Standards 41
Summary 42
Discussion Questions 43
References 43

Chapter 3 Rhetoric Versus Reality: Why Ethics Training Fails—and How to Fix It 49
Brian D. Fitch, Christine H. Jones, and Luann P. Pannell
Pedagogy and Practices of Law Enforcement Training 50
Problems With the Didactic Model 52
Active Learning 54
Role of the Facilitator 55
Role of the Student 57
Role of Content 57
Role of Context 59
Role of Affect 60
Role of Assessment 61
The Need for a New Model of Training 62
Realigning Law Enforcement Ethics Training With Active Learning 62
Benchmarks of Ethical Policing 64
Summary 65
Reduce or Eliminate Lecture 66
Incorporate Active Learning Strategies 66
Emphasize Prior Learning 66
Connect With the "Real World" 67
Serve as Facilitator 67
Integrate Affect 67
Model Behavior 68
Discussion Questions 68
References 69

Chapter 4 The Role of Supervision in Motivating and Maintaining a Culture of Ethics 75
Brian D. Fitch, Randolph B. Means, and Greg Seidel
Introduction 76

此为试读,需要完整PDF请访问: www.ertongbook.com

Policy 77
Rules Versus Guidelines 78
Supervision 80
Performance Counseling 81
Investigate the Problem 82
Describe the Required Performance 82
Outline the Reasons 83
Discuss the Consequences 83
Consistency 84
Fairness 84
Legal Requirements 85
Due Process 86
Proportionality 86
Timeliness 87
Employee Motivation 88
Reward Systems 89
Common Mistakes 91
Perception 91
Contingency 91
Timing 91
Consistency 91
Recognition 92
Knowledge 92
Human Relations Skills 93
Physical Preparedness 93
Tactical Skills 93
Reliability 93
Attitude 93
Productivity 93
Quality 94
Education 94
Community Involvement 94
Summary 94
Discussion Questions 95
References 95

Chapter 5 Ethics and Accountability: Policy and Oversight in the United Kingdom 99
Attilio R. Grandani
The Importance of Accountability 100
Public Trust 101
International Standards 102
Accountability and Bureaucracy 103
United Kingdom Statutes and Structures 104
The Tripartite Structure 105

Accountability and Guidance 1984 106
Consultation and Monitoring 107
Inspections of Constabulary 108
Audit Commission 109
Best Value Program 109
Minimum Standards 110
Fiscal Responsibility 111
Organizational Responsibility 111
Officer Accountability 112
Complaints System 113
Multilateral Agreement 114
Agency Monitoring 115
General Populace 115
Summary 116
References 117

PART TWO: ETHICAL PERSPECTIVES 119

Chapter 6 Police Misconduct and Moral Crimes Against Self: A Philosophical Analysis 121
Theron L. Bowman and Daniel T. Primozic
An Underexamined Cause of Police Misconduct 123
Aristotle's Analysis of Weakness of Will 124
Other Possible Causes of Weakness of Will 127
Descartes and the Problem of Overbearing Strength of Will 127
Teaching Our Will to Listen to Reason 129
The Ethically Constrained Robot 131
The Forensics of Crimes Against Self in the Inner City 132
Summary 134
Discussion Questions 136
References 137

Chapter 7 Bad Apple or Bad Barrel: Social Learning Theory as a Paradigm for Understanding Law Enforcement Misconduct 139
Brian D. Fitch and Christine H. Jones
Social Learning Theory 141
Differential Association-Reinforcement Theory of Criminal Behavior 143
Application 145
Law Enforcement Culture 146
Differential Association 147
Differential Rewards 148
Imitation 148
Definitions 149
Creating a Culture of Excellence 151
Differential Association 151
Differential Reinforcement 152

Imitation 152
Definitions 153
Summary 154
Discussion Questions 155
References 155

Chapter 8 Ethics, Enforcement, and the Prospect of Professionalism 159
Aaron D. Conley and Bryon G. Gustafson
Social Foundations 160
Ethics and Enforcement 161
Foundations of Western Ethics 162
Waypoints for Law Enforcement Ethics 166
Reform Efforts 167
Theory, Practice, and Lived Reality 168
Shifts in Normative Sources of Morality and Authority 170
Solutions 172
Prospects for Professionalism 176
Summary 176
Discussion Questions 177
References 177

Chapter 9 The Psychology of Marginality: The Role of Subculture in Shaping, Developing, and Reinforcing Work Ethic 181
Paul Zipper and Tina Adams
The Officer: Candidacy and Fitness for Duty 182
Marginality 184
The Ethics of Marginality 184
Supervisor–Subordinate Relationships 186
Marginal Behavior and Ethical Dilemmas 187
A Marginal Dilemma 189
Marginality in the Supervisor 189
Potential Stressors Leading to Marginal Behavior 190
High-Stakes Consequences for Reporting 191
Evidence-Based Solutions 193
The Selection Process 193
Use of Policies, Procedures, and Resources to Address the Problem of Marginality 194
Employee Assistance Program 194
The Role of Supervision 195
Ombudsman 196
The Union 196
Accountability of Senior Leaders 197
The Need for Ongoing Dialogue and Resolution 198
Summary 198
Discussion Questions 199
References 200

Chapter 10 Neurophysiological Correlates of Misconduct in Law Enforcement Officers With Subclinical Post-Traumatic Stress Disorder 205
Amir M. Hamidi and Patrick M. Koga
Epidemiological Considerations of PTSD in Law Enforcement 206
Organizational Stressors in Law Enforcement in the United States and Abroad 209
Clinical and Subclinical PTSD 210
Anger and Hostility 211
Neurophysiological Correlates of PTSD 211
Biological Responses to Fear 212
Subclinical PTSD 214
Racial, Ethnic, Cultural, and Gender Determinants of PTSD 216
Gender Variables 217
Organizational Stress and Police Culture 218
PTSD as a Cognitive Failure and Cognitive Processing Therapy (CPT) 219
Mindfulness-Based Mind Fitness Training (MMFT) 222
Summary 222
Discussion Questions 224
References 224

PART THREE: ETHICAL PROFESSIONALISM 229

Chapter 11 The Ethics of Force: Duty, Principle, and Morality 231
Kevin A. Elliot and Joycelyn M. Pollock
Introduction 232
The Role of Law Enforcement 234
Parameters of Force 234
Case Law 235
Force Policy and Force Continuum 237
Less-Lethal Technologies 237
Factors Associated With Use of Force 238
Situational Factors 238
Race/Ethnicity 239
Training 240
The Military Model 241
Police Subculture 242
Individual Factors 243
Psychophysiology and Force Science 244
Ethical Justifications for Use of Force 246
Summary 248
Training 249
Police Subculture 249
Community Policing 249

Ethics Indoctrination 250
Force Science 250
Discussion Questions 250
References 251

Chapter 12 Law Enforcement Interrogations: An Ethical Perspective 257
James L. Ruffin
Miranda and the New Psychology of Interrogation 259
The Courts 260
The Social Scientists 262
The Philosophers 262
The English Model of Investigative Interviewing 263
The Principles of Investigative Interviewing 265
Police Philosophies and Practices 266
Law Enforcement Attitudes on Deceit and Trickery 268
Research on Law Enforcement Attitudes 269
Summary 271
Discussion Questions 272
References 273

Chapter 13 Police Exams and Cheating: The Ultimate Test of Ethics 277
Alexandro Villanueva
A Rudimentary Typology 278
A Note of Caution 279
Theoretical Background 280
Max Weber and Bureaucracy 281
When Loyalties Conflict 283
Whistleblowers Anonymous 284
Police Patronage and Its Legacy 286
Organizational Learning 286
Summary 288
Discussion Questions 290
References 290

Chapter 14 Henry Louis Gates and Racial Profiling: What's the Problem? 295
Bernard E. Harcourt
Introduction 296
The Persistence of Racial Profiling 299
What's the Problem? 302
The Problems With Statistical Discrimination 303
Statistical Determination Is Likely Counterproductive to Law Enforcement 305
Statistical Discrimination Likely Causes a Ratchet Effect 312
The Costs of the Ratchet 314
What Is Really Going On? Estimating the Impact of Racial Profiling 317

The Real Solution: Axing Statistical Discrimination, Embracing Chance 319
Summary 320
Discussion Questions 321
References 321

PART FOUR: ETHICAL CHALLENGES 325

Chapter 15 Leading Within the Era of Superagencies: Recruiting, Educating, Inspiring, and Retaining the Post-9/11 Generation of Officers 327
Kelly W. Sundberg
The North American Border Security Superagency Era 329
Reflecting on the 1968 Unification of the Canadian Forces 331
The Failure of the Combined Forces Initiative 334
The Fyffe Report 336
Effectively Communicating and Implementing Change 337
Creating, Sustaining, and Evolving Organizational Culture 338
Educating 339
Recruiting and Retaining Excellent Officers 340
Summary 342
Discussion Questions 343
References 343

Chapter 16 Implementing Democratic Policing Reform: Challenges and Constraints in Three Developing Countries 347
Cyndi Banks
Introduction 347
Democratic Policing 350
Global Norms and Standards Relating to Democratic Policing 354
United Nations Code of Conduct for Law Enforcement Officials 1979 355
The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials 1990 356
Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 2006 356
Standard Minimum Rules for the Treatment of Prisoners, United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment 357

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