

NATIONAL OPENUNIVERSITY OF
NIGERIASCHOOL OF ARTS AND SOCIAL
SCIENCES

COURSE CODE: CSS 829

COURSE TITLE:
Ethics in Security Operations and Criminal Justice

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Course Guide

CSS 829

Ethics in Security Operations and Criminal Justice

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INTRODUCTION

CSS 829 Ethics in Security Operations and Criminal Justice is a 3-credit unit course. It is a course for postgraduate students in the field of Criminology and Security Studies of the University. The course is also recommended to any other student(s) particularly those in the Faculty of Social Sciences, who may have interest in the study and survey of Ethics in Security Operations and Criminal Justice. The course can also be taken as an elective or required course by other students whose main field of interest is not in the discipline of Criminology and Security Studies. However the course shall consist of 24 units, which include: Introduction and background to Ethics, Reasoning about Ethics, Ethics, Public Relations and Professionalism, Ethics in Security Operations and Criminal Justice: The 'Truth' and Need for Public Relations Ethics, Truth telling: A fundamental ethics in security operations and criminal justice, Morality: Staircase to respect in security practices, Ethics and codes, Decisions making and the reality of everyday ethics, The police: Popular conceptions about the character of police work, Obligations and responsibilities under international legal standards, Security operations: Dealing with complaints against the police, Police culture, violence and values for good policing among others.

The course has no compulsory prerequisite for it to be registered for. The course guide informs us on what this course is all about, what students should appreciate in each unit, what text materials we shall be using and how we can make the best use of these materials. This course guide also emphasizes the need for students to take self-assessment exercise seriously. However, necessary information on self-assessment exercise shall be made known to students in a separate file, which will be sent to each of them at the appropriate time. This course is also supported with periodic tutorial classes.

What You Will Learn In This Course

CSS829: Ethics in Security Operations and Criminal Justice as a course in the field of Criminology and Security Studies at the National Open University of Nigeria focuses on a wide range of ethical issues that bother on law enforcement, knowing quite well that issues upon issues relating to behavioural conducts, principles and standards in a globalised world call for best practices. In this course we will carefully examine, highlight, analyse and assess some ethical issues in security operations and criminal justice. Issues on ethics and security operations and the criminal justice system are usually endless.

Nevertheless, the essence of Ethics in Security Operations and Criminal Justice is at least to provide the students with key issues around law enforcement regarding standards from both the law enforcement officers and the public in ensuring compliance and expectations, the course explores the strategic importance of in security operations and law enforcement through key checklist and models that can contribute to effective criminal justice and security operations. This course covers a wide range of issues in the private and public domain regarding ethics, problems and solutions to security operations involving behavioural conducts.

Course Aims

The overall aim of CSS 829: Ethics in Security Operations and Criminal Justice as a course is to introduce you to morality and judgement (sound and logical judgement), because as a security experts to be you cannot avoid making judgement. Similarly, just like a police personnel, it is expected of them to use their discretion to know when to arrest or not to. This is critically in the day to day operation in any security outfit or posting. Ethics as a discipline is domicile in philosophy nevertheless it is generally left to be used in the public domain especially with regards to security and law enforcement. It is also aimed at exposing students or readers to knowing most of the existing aspects of ethics discretion, judgement, moral judgement, metaethics, and relevance of ethics. In furtherance of its overall aim, the material will also help us to explore some other issues like complaints and redress to the public when an officer goes haywire or wrong in his or her duties. Undoubtedly, the way the course draws its references from the analysis of various ethical standards or deviation from the normative, makes it astounding and thought provoking to providing a pathway for African Students and Scholars in the field of Security Studies to help engender analytical consciousness on the aspects of security operations through law enforcement for the betterment of the criminal justice system; especially to instil confidence and trust in the system. The course is also aimed at understanding:

- Introduction and background to Ethics
- Reasoning about Ethics
- Ethics, Public Relations and Professionalism
- Ethics in Security Operations and Criminal Justice: The ‘Truth’ and Need for Public Relations Ethics
- Truth telling: A fundamental ethics in security operations and criminal justice
- Morality: Staircase to respect in security practices
- Ethics and codes
- Decisions making and the reality of everyday ethics
- The police: Popular conceptions about the character of police work

- Obligations and responsibilities under international legal standards
- Security operations: Dealing with complaints against the police
- Police culture, violence and values for good policing
- The Capacity to Use Force as the Core of the Police Role
- The Police and "War on Crime"
- The Quasi-Military Organization of the Police
- Esprit de Corps and the Code of Secrecy
- The Ethics of Power and Authority: The Milgram Experiment
- Understanding Differences in Conformity
- Law enforcement: Ethical Issues during an Investigation (Lies, Deception, Tricks, Gratuities)
- Accountability and investigations
- Law Enforcement: *Security Operations in the Management Environment*
- Police legitimacy: Police –public contacts and encounters
- Law enforcement: Policing of the youth and Police legitimacy
- Law enforcement ethics and the call for community policing

Course Objectives

With utmost desire to achieve the aims set out above, the course has some set of objectives as demonstrated in all the units of the course. Each unit has its own objectives. Objectives are always included at the beginning of every unit to assist the student in appreciation of what he or she will come across in the study of each unit to facilitate his or her better understanding of the course CSS 829: Ethics in Security Operations and Criminal Justice. Students are therefore advised to read these objectives before studying the entire unit(s). Thus, it is helpful to do so. You should always look at the unit objectives after completing a unit. In this way, you can be sure that you have done what was required of you by the unit. Stated below are the wider objectives of this course as a whole. By meeting these objectives, you should have achieved the aims of the course as a whole.

At the end of the course, you should be able to:

- Explain what ethics is all about.
- Examine codes and ethics
- Understand ethics and public relations in security operations
- Explain ethical and unethical standards in security operations
- Appraise obligations and responsibilities under international legal standards
- Understand the global ethics and police culture
- Discuss the use of force and quasi-militaristic nature of law enforcement operations
- Explain the power of authority. Esprit de corps
- Discuss some of the diverse issues in security operations from the ethical point of view
- Lastly explain ethics as a management construct

Working through this course

To complete this Course, students are advised to check the study units, read the recommended books as well as other course materials provided by the NOUN. Each unit contains Self-Assessment Exercise (SAE) and Tutor Marked Assignments (TMAS) for assessment purposes.

There will be a written examination at the end of the course. The course should take students about 14 weeks to complete. You will find all the components of the course listed below. Students need to allocate time to each unit to finish the course successfully.

Course Materials

Major component of the course include:

1. Course Guide
2. Study Units
3. Textbooks
4. Assignments Files
5. Presentations Schedule

It is incumbent upon every student to get his or her own copy of the course material. You are also advised to contact your tutorial facilitator if you have any difficulty in getting any of the text materials recommended for your further reading.

Study Units

In this course there are twenty-four units, divided into four modules, (five in each module). Below are the units:

MODULE 1

- Unit 1. Introduction and background to Ethics
- Unit 2. Reasoning about Ethics
- Unit 3. Ethics, Public Relations and Professionalism
- Unit 4. Ethics in Security Operations and Criminal Justice: The 'Truth' and Need for Public Relations Ethics

MODULE 2

- Unit 1. Truth telling: A fundamental ethics in security operations and criminal justice
- Unit 2. Morality: Staircase to respect in security practices
- Unit 3. Ethics and codes
- Unit 4. Decisions making and the reality of everyday ethics

MODULE 3

- Unit 1. The police: Popular conceptions about the character of police work
- Unit 2. Obligations and responsibilities under international legal standards
- Unit 3. Security operations: Dealing with complaints against the police
- Unit 4. Police culture, violence and values for good policing

MODULE 4

- Unit 1. The Capacity to Use Force as the Core of the Police Role
- Unit 2. The Police and "War on Crime"
- Unit 3. The Quasi-Military Organization of the Police
- Unit 4. Esprit de Corps and the Code of Secrecy

MODULE 5

Unit 1. The Ethics of Power and Authority: The Milgram Experiment

Unit 2. Understanding Differences in Conformity

Unit 3. Law enforcement: Ethical Issues during an Investigation (Lies, Deception, Tricks, Gratuities)

Unit 4. Accountability and investigations

MODULE 6

Unit 1. Law Enforcement: *Security Operations in the Management Environment*

Unit 2. Police legitimacy: Police –public contacts and encounters

Unit 3. Law enforcement: Policing of the youth and Police legitimacy

Unit 4. Law enforcement ethics and the call for community policing

Assignment File

In this file you will find the necessary details of the assignments you must submit to your tutor for assessment. The marks you get from these assignments will form part of your final assessment in this course,

Assessment

There are two aspects to the assessment of the course. First is the tutor-marked assignment; second there is the written examination. In tackling the assignments, you are expected to apply information and knowledge acquired during this course. The assignments must be submitted to your tutor for assessment in accordance with the deadlines stated in the Assignment file. The work you submit to your tutor for assessment will count for 30% of your total course work. At the end of the course, you will need to sit for a final three-hour examination. This will also count for 70% of your total course mark.

TUTOR MARKED ASSIGNMENTS (TMAS)

In this course, you will be required to study fifteen (15) units, and complete tutor marked assignment provided at the end of each unit.

The assignments carry 10% mark each. The best four of your assignments will constitute 30% of your final mark. At the end of the course, you will be required to write a final examination, which counts for 70% of your final mark. The assignments for each unit in this course are contained in your assignment file. You may wish to consult other related materials apart from your course material to complete your assignments. When you complete each assignment, send it together with a tutor marked assignment (TMA) form to your Tutor. Ensure that each assignment reaches your tutor on or before the dead line stipulated in the assignment file. If, for any reason you are unable to complete your assignment in time, contact your tutor before the due date to discuss the possibility of an extension.

Note that extensions will not be granted after the due date for submission unless under exceptional circumstances.

Final examination and grading

The final examination of CSS 829 shall be of three hours duration and have a value of 70% of the total course grade. The examination shall consist of questions which reflect the type of self-

testing/Self Assessment Exercises. Practice exercises you have come across. All areas of the course will be assessed. You are advised to revise the entire course after studying the last unit before you sit for the examination. You will find it useful to review your self-assessment exercises and the comments of your tutor on them before the final examination.

Course Marking Scheme

This table shows how the actual course marking is broken down.

Assessment	Marks
Assignment	Four assignments are to be submitted, out of which the three best shall be considered at 10% each, making 30% of the overall scores
Final Examination	70% of overall course marks
Total	100% of course marks.

Table 1: Course Marking Scheme

Course Overview

The table brings together the entire units contained in this course, the number of weeks you should take to complete them, and the schedule for assignments that follow them.

Course overview and Presentation Schedule

Unit	Title	Week's Activity	Assessment (end of unit)
1.	Introduction and background to Ethics	1.	
2.	Reasoning about Ethics	2.	
3.	Ethics, Public Relations and Professionalism	3.	
4.	Ethics in Security Operations and Criminal Justice: The 'Truth' and Need for Public Relations Ethics	4.	
5.	Truth telling: A fundamental ethics in security operations and criminal justice	5.	
6.	Morality: Staircase to respect in security practices	6.	Assignment 1
7.	Ethics and codes	7.	
8.	Decisions making and the reality of everyday ethics	8.	
9.	The police: Popular conceptions about the character of police work	9.	
10.	Obligations and responsibilities under international legal standards	10.	
11.	Security operations: Dealing with complaints against the police	11.	
12.	Police culture, violence and values for good policing	12.	Assignment 2
13.	The Capacity to Use Force as the Core of the Police Role	13.	
14.	The Police and "War on Crime	14.	
15.	The Quasi-Military Organization of the Police	15.	
16.	Esprit de Corps and the Code of Secrecy	16.	
17.	The Ethics of Power and Authority: The Milgram	17.	

	Experiment		
18.	Understanding Differences in Conformity	18.	Assignment 3
19.	Law enforcement: Ethical Issues during an Investigation (Lies, Deception, Tricks, Gratuities)	19.	
20.	Accountability and investigations	20.	
21.	Law Enforcement: <i>Security Operations in the Management Environment</i>	21.	
22.	Police legitimacy: Police –public contacts and encounters	22.	
23.	Law enforcement: Policing of the youth and Police legitimacy	23.	
24.	Law enforcement ethics and the call for community policing	24.	Assignment 4
	Total	17weeks	

The presentation schedule included in your course material gives you the important dates for the completion of tutor-marked assignments and attending tutorials. Remember you are required to submit all your assignments by the due date. You should guard against falling behind in your work.

HOW TO GET THE MOST FROM THIS COURSE

In distance learning, your course material replaces the lecturer. The course material has been designed in such a way that you can study on your own with little or no assistance at all. This allows you to work, and study at your place, and at a time and place that best suits you. Think of reading your course material in the same way as listening to the lecturer. However, you are advised to study with your course master in the same way a lecturer might give you some reading to do, the study units give you information on what to read, and these form your text materials. You are provided exercise to do at appropriate points, just as a lecturer might give you an in-class exercise.

Each of the study units follows a common format. The first item is an introduction to the unit, and how a particular unit is integrated with the other units and the course as a whole. Next to this, is a set of learning objectives; these objectives let you know what you are required to know by the time you have completed the unit. These learning objectives are meant to guide your study. The moment a unit is finished, you must go back and check whether you have achieved the objectives. If you make this habit, it will improve your chances of passing the course significantly. The main body of the unit guides you through the required reading from other sources.

This will usually be either from the reference books or from a reading section. The following is a practical strategy for working through the course. If you run into difficulties, telephone your tutor. Remember that your tutor's job is to help you when you need assistance, do not hesitate to call and ask your tutor for help or visit the study centre.

Reading Section

Remember that your tutor's job is to assist you. Whenever you need help, do not hesitate to call and ask your tutor to provide it.

1. Read this Course Guide thoroughly.
2. Organise a Study Schedule. Refer to the 'Course Overview' for more details. Note the time you are expected to spend on each unit and how the assignments related to the units. Whatever method you choose to use, you should decide on and write in your own dates for working on each unit.
3. Once you have created your own study schedule, do everything you can to stick to it. The major reason why students fail is that they get behind with their course work. If you get into difficulties with your schedule, please let your tutor know before it is too late for help.
4. Turn to Unit 1 and read the introduction and the objectives for the unit.
5. Assemble the study materials. Information about what you need for a unit is given in the 'Overview' at the beginning of each unit. You will almost always need both the study unit you are working on and one of your set books on your desk at the same time.
6. Work through the unit. The content of the unit itself has been arranged to provide a sequence for you to follow. As you work through the units you will be instructed to read sections from your set books or other materials. Use the unit to guide your reading.
7. Review the objectives for each study unit to confirm that you have achieved them. If you feel unsure about any of the objectives, review the study materials or consult your tutor.
8. When you are confident that you have achieved a unit's objectives, you can then start on the next unit. Proceed unit by unit through the course and try to pace your study so that you keep yourself on schedule.
9. When you have submitted an assignment to your tutor for marking, do not wait for its return before starting on the next unit. Keep to your schedule. When the assignment is returned pay particular attention to your tutor's comments, both on the tutor-Marked Assignment form and also on what is written on the assignment. Consult your tutor as soon as possible if you have any questions or problems.
10. After completing the last unit, review the course and prepare yourself for the final examination. Check that you have achieved the unit objectives (listed at the beginning of each unit) and the course objectives (listed in this Course-Guide).

TUTORS AND TUTORIALS

There are 15 hours of tutorials provided to support this course. Tutorials are for problem solving and they are optional. You need to get in touch with your tutor to arrange date and time for tutorials if needed. Your tutor will mark and comment on your assignments, keep a close watch on your progress and on any difficulties you might encounter and provide assistance to you during the course. You must submit your tutor-marked assignments to your tutor well before the

due date (at least two working days are required). They will be marked by your tutor and returned to you as soon as possible.

Do not hesitate to contact your tutor by telephone, e-mail, or discussion board. The following might be circumstances in which you will find necessary to contact your tutor:

- You do not understand any part of the study units or the designed readings.
- You have difficulties with the exercises.
- You have a question or problem with an assignment, with your tutor's comments on an assignment or with the grading of an assignment.

To gain maximum benefits from this course tutorials, prepare a question list before attending them. You will learn quite a lot from participating in the discussions.

Summary

- CSS: 829 aims to expose you to issues, ideas about ethics and models of standard expectations in security operations and its implication on the justice system from the angle of the public and institutional framework. As you complete this course, you should be able to answer and discuss reasonably the following:
 - Ethics, morality and sound judgments in law enforcement and in security operations
 - codes and ethics
 - ethics and public relations in security operations
 - ethical and unethical standards in security operations
 - obligations and responsibilities under international legal standards
 - the global need of ethics, police culture and security operations
 - the use of force and quasi-militaristic nature of law enforcement operations
 - the power of authority and esprit de corps in law enforcement and security operations
 - the diverse issues in security operations from the ethical point of view
 - ethics as a management construct

Finally, you are advised to read the course material appreciably well in order to prepare fully and not to be caught unprepared by the final examination questions. So, we sincerely wish you success in your academic career as you will find this course, CSS 829 very interesting. You should always avoid examination malpractices! We wish you success with the course and hope you will find it both engaging and practical!

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MODULE 1**Unit 1. Introduction and background to Ethics****Unit 2. Reasoning about Ethics****Unit 3. Ethics, Public Relations and Professionalism****Unit 4. Ethics in Security Operations and Criminal Justice: The 'Truth' and Need for Public Relations Ethics**

Unit 1

INTRODUCTION AND BACKGROUND TO ETHICS

Contents

- 1.0 Introduction
- 2.0 Intended Learning Outcomes (ILOs)
- 3.0 Main Content
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Self-Assessment Exercise
- 7.0 References/Further Reading

1.0 Introduction

The main purpose of Ethics is to understand morality and judgement (sound and logical judgement), because as a security experts to be you cannot avoid making judgement. Similarly, just like a police personnel, it is expected of them to use their discretion to know when to arrest or not to. This is critically in the day to day operation in any security outfit or posting. Ethics as a discipline is domicile in philosophy nevertheless it is generally left to be used in the public domain especially with regards to security and law enforcement. Recent years have heralded considerable interest in ethics, for the mere fact at we need to reflect on our actions. Our actions are expected to be guided by some standard principles (ethics) and reflection on this actions and guidance is what philosophers sometimes called *metaethics (reflection on moral judgement)* and the promulgation of moral views about such things as security, climate change, abortion or warfare etc. Ethics generally deals with moral judgement as well as its reflection.

2.0 Intended Learning Outcomes (ILOs)

This unit aims at giving you a clear understanding of key points in:

- The concept and definition of ethics
- Discretion
- Judgement
- Moral judgement
- Metaethics
- Relevance of ethics

3.0 Main Content

Background to Ethics

Historically, most philosophers considered that ethics and metaethics alone were of interest to them as philosophers. Although they might have held opinions about moral issues, this was only in their capacity as intelligent people rather than as professional philosophers or experts who need to attend to issues outside the classroom. Nowadays, however, although the division among ethics, *metaethics* and *applied ethics* still remains, philosophy has widened its realm of concern to include many contemporary issues for which security, its operation and the criminal justice system cannot be left behind or aside. Even though most people and scholars of philosophy do not claim that a training in philosophy in itself makes them good moral judges, they still hope that the intellectual discipline philosophy gives them enablement to argue well and to think clearly. More importantly, many contemporary moral debates – in the area of security ethics for example – lead almost at once to issues that are properly philosophical, such as rights, the good, autonomy, paternalism and utility (in relation to nuclear energy for example). Thus, in ethical debate about the rationing of security apparatus, we soon notice that people/nations make different assumptions about people's rights to treatment, or about the value of promoting the "overall good". The analysis and criticism of these assumptions is quite properly the job of moral philosophy, even if moral philosophers are not moral experts. Philosophers *theorize* about such things as rights and utility. Although such activity rarely leads to total consensus, at least we can gain a clearer idea of what the real issues are if we look at them philosophically..

What is Ethics

In the last decade, dozens of ethics centres and programmes devoted to business ethics, legal ethics, bioethics, medical ethics, engineering ethics, and computer ethics have sprung up. These centres are designed to examine the implications of moral principles and practices in all spheres of human activity on our lives. Ethics can be viewed from two angles, normative and prescriptive. First, ethics refers to well-based standards of right and wrong that prescribe what humans ought to do, usually in terms of rights, obligations, benefits to society, fairness, and specific virtues. Ethics, for example, refers to those standards that impose the reasonable obligations to refrain from rape, stealing, murder, assault, slander, and fraud. Ethical standards also include those that enjoin virtues of honesty, compassion, and loyalty. And, ethical standards include standards relating to rights, such as the right to life, the right to freedom from injury, the right to choose, the right to privacy, and right to freedom of speech and expression. Such standards are adequate standards of ethics because they are supported by consistent and well-founded reasons. Secondly, ethics refers to the study and development of personal ethical standards, as well as community ethics, in terms of behaviour, feelings, laws, and social habits and norms which can deviate from more universal ethical standards. So it is necessary to constantly examine one's standards to ensure that they are reasonable and well-founded. Ethics also means, then, the continuous effort of studying of our own moral beliefs and conduct, and striving to ensure that we, and our community and the institutions we help to shape, live up to standards that are reasonable and solidly-based for the progress of human beings.

Definition

“Ethics are moral standards that help guide behaviour, actions, and choices. Ethics are grounded in the notion of responsibility (as free moral agents, individuals, organizations, and societies are responsible for the actions that they take) and accountability (individuals, organizations, and society should be held accountable to others for the consequences of their actions). In most societies, a system of laws codifies the most significant ethical standards and provides a mechanism for holding people, organizations, and even governments accountable.” (Laudon, et al, 1996).

It is pertinent here for you understand nuances about ethic and its usage. A typical illustration on information and communication technology (ICT), where ethics becomes handy as a concept and emerging issues related to rights and judgements.

ICT Ethics

ICT ethics are not exceptional from the above-mentioned view of ethics. In a world where information and communication technology has come to define how people live and work, security of lives and properties and who it has critically affected culture and values.

ICT: Ethical Issues

Information and communication technology: To use, or not to use? You cannot run away from it directly or indirectly in this century and probably beyond. Analysing and evaluating the impact (positively and negatively) of a new technology, such as ICT, can be very difficult. ICT does not only involve technological aspects, but also epistemology since the main component of ICT is information which represents data, information, and knowledge. ICT assists and extends the ability of mankind to capture, store, process, understand, use, create, and disseminate information at a speed and scale which had never been thought possible before. Some of the impact and changes of ICT are obvious, but many are subtle. Benefits and costs need to be studied closely for a nation to progress and improve the quality of life for its citizens. Issues that have arisen from the adoption of ICT, such as the application of automated teller machines (ATM), can be summarized as follows:

- Unemployment

The automation of work has caused creative destruction by eliminating some vocations and creating new ones. How does this affect the employment or unemployment of the work force of a nation?

- Crime

Stolen and counterfeit ATM cards are used to steal millions of dollars each year throughout the world. The anonymity of the machines makes some crimes easier and creates many new types of crimes.

- Loss of privacy

Transactions are transmitted and recorded in databases at banks, hospitals, shopping complexes, and various organizations, in the public or private sector.

The contents of electronic communications and databases can provide important and private information to unauthorised individuals and organizations if they are not securely guarded.

- Errors

Information input into the databases is prone to human and device error. Computer programmes that process the information may contain thousands of errors. These errors can create wrong and misleading information about individuals and organizations. Information and programme errors might result in financial loss, or even the loss of lives.

- Intellectual property

Millions of dollars of software is illegally copied each year all over the world. This phenomenon has a great impact on the software industry. Local and foreign software industries need consumers support all over the world to maintain the progress of technology. Most importantly, for the sake of growth in indigenous ICT innovation and invention, local software industries in Asia-Pacific need local support in protecting their intellectual property rights and investment.

- Freedom of speech and press

How do the constitutional rights of individuals in terms of the freedoms of speech and press apply to electronic media? How seriously do the problems of pornography, harassment, libel, and censorship on the net affect individuals and society? What government initiatives have been used in handling this crisis?

- Digital Divide

How does ICT affect local community life? The increasing use of computers has increased the separation of rich and poor, creating a digital divide between the information “haves” and “have-nots.” What subsidies and programmes have been provided by governments to address the issue?

- Professional Ethics

How well trained and ethical are our ICT professionals in dispensing their duties? Faulty and useless systems that cause disasters and hardships to users might be built by incompetent ICT professionals. In dispensing their duties ICT professionals must demonstrate their best practices and standards as set by professional bodies for quality assurance.

UNESCO's Info-Ethics Programme

The development of digital technologies and their application in worldwide information networks are opening vast and new opportunities for efficient access to and use of information by all societies. All nations can fully benefit from these opportunities on the condition that they meet the challenges posed by these information and communication technologies. Thus, UNESCO's Info-Ethics Programme was established for the principal objective of reaffirming the importance of universal access to information in the public domain, and to define ways that this can be achieved and maintained in the Global Information Infrastructure. It seeks to address the areas of ethical, legal and societal challenges of cyberspace, as well as privacy and security concerns in cyberspace. It aims to encourage international cooperation in the following aspects: (http://www.unesco.org/webworld/public_domain/legal.html)

- Promotion of the principles of equality, justice and mutual respect in the emerging Information Society;
- Identification of major ethical issues in the production, access, dissemination, preservation and use of information in the electronic environment; and
- Provision of assistance to Member States in the formulation of strategies and policies on these issues.

4.0 Conclusion

The importance and need of ethics in our daily lives cannot be emphasised as a moral being and it becomes even much more very relevant as criminologists and security personnel/practitioners must be seen as very sound and capable of taking decisions (informed decisions) with all sense of rigor and hyperactive always. Broadly speaking, the criminal justice system as an institution is

expect to be made of individuals who are smart and capable of sound judgements in all their actions to gain public trust.

5.0 Summary

The units commenced with a brief analysis of what ethics entails. It involves understanding and engagement of morality (normative, shared and expected behavioural standards) and judgement (sound and logical judgement), because as a security experts to be you cannot avoid making judgement. Similarly, just like a police personnel, it is expected of them to use their discretion to know when to arrest (actions) or not to (inactions). This is obvious in the day to day operation in any security outfit or posting. Ethics as a discipline is domicile in philosophy nevertheless it is generally left to be used in the public domain especially with regards to security and law enforcement. The units also used the Information and communication as a concept and as an issue that ethics is widely attached. This unit takes a careful look at ICT as it assists and extends the ability of mankind to capture, store, process, understand, use, create, and disseminate information at a speed and scale which had never been thought possible before, however not without some ethical issues affecting cultures and values in society. The writers wish to inform that there are other related ethical issues that could be discussed eg abortion, gay rights, possession and restrict of nuclear weapons etc. In case students have any question regarding any aspect of this study for assistance please contact your tutorial facilitator.

6.0 Self-Assessment Exercise

1. What do we mean by ethics?
2. What is the difference between ethics and metaethics?

Feedback

- Ethics, for example, refers to those standards that impose the reasonable obligations to refrain from rape, stealing, murder, assault, slander, and fraud. Ethical standards also include those that enjoin virtues of honesty, compassion, and loyalty. And, ethical standards include standards relating to rights, such as the right to life, the right to freedom from injury, the right to choose, the right to privacy, and right to freedom of speech and expression.

- Metaethics. This is about our actions with emphasis standard principles (ethics) and reflection on this actions and guidance is what philosophers sometimes called *metaethics* (*reflection on moral judgement*)

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Unit 2

REASONING ABOUT ETHICS

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- 1.0 Introduction
- 2.0 Intended Learning Outcomes (ILOs)
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- 4.0 Conclusion
- 5.0 Summary
- 6.0 Self-Assessment Exercise
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1.0 Introduction

It is pertinent to understand the following questions as a guide to reasoning about ethics for better clarity. To what extent is ethical thinking an intellectual operation? How much should we reason about ethics? We all know people who, as Foot (1978) puts it, know what's what, or are sensible and wise, without having great intellectual gifts. They may become anxious and confused when challenged to argue for some moral opinion they have, yet we feel that we can trust them and their judgement when it comes to things that really matter. Just as often, we come across people of impressive intellectual accomplishments, quick and resourceful in argument and able to deal with highly abstract concepts, but who make a mess of their own lives and other people's. They strike us as clever, but are at bottom quite silly. They might have personal weaknesses such as a susceptibility to flattery or an obsession with prestige or social status, and many of them are poor judges of character, driven by their emotional deficiencies to admire all the wrong qualities in others. In short, we might say that they value the wrong things. This is no great revelation. But it does help us focus some important questions. What is the relation between being a good person who makes sensible moral decisions and being a good reasoner?

2.0 Intended Learning Outcomes (ILOs)

Basically this unit puts you on course with the realities about reasoning about ethics. It is expected of you at the end of reading through this unit to decipher ethical thinking as an intellectual property cum capital, and how best and in what measure and manner should it be

used. Secondly to understand what moral judgement is as an outcome of reasoning as well as the constituent properties. Thirdly, to be able to understand and interrogate reasoning, from its two most important variants of deductive and inductive reasoning, and lastly highlighting ethics and reason as an **intellectual capital and operation**.

3.0 Main Content

We talk of moral reasoning, and this might lead us to think there is some connection between being a good moral reasoner and being a good reasoner in general. There seem to be good people who are not consistently good at reasoning; is it that they have a special talent for moral reasoning, but not for other kinds? Or is it rather that their moral soundness and good judgement are not really the outcome of reasoning at all? It is useful to be clear about what we mean by reason here. What might immediately spring to mind is deductive reasoning, of the sort we see exemplified in logic textbooks (e.g. all A's are B; X is an A, so X is a B). But there is also inductive reasoning (e.g. it usually rains when black clouds gather; black clouds are gathering, so it will probably rain). In addition, there are non-linear forms of reasoning, such as might be displayed when we seek a set of moral commitments that are as coherent as possible with one another. Moral reasoning, according to some philosophers, is very like this. It aims to deliver judgements that fit into a maximally coherent set, rather than correspond with any external moral reality. More loosely, reason could refer to any **intellectual operation**, including the instant recognition of a face or a building, when we are not aware of any intermediate calculations. Perhaps moral judgements exemplify a kind of intuitive discernment or recognition. In the same way as I don't know what it is about a face that tells me that it is Jane's – I just take in the whole and recognize it – so some moral judgements might be rather like this. This last idea is important, and I shall try to suggest at the end that sound moral judgement does indeed have a central element of recognition or discernment. But for the moment, let us think about argument. In the course of arguing, we engage in such things as step-by-step inference, the framing and testing of hypotheses, the drawing of analogies and the formulation of general principles. Now our basic question is: are these sorts of process appropriate for thinking about ethics?

Reason and emotion

We are all familiar with the claim that it is bad to be over-rational in our moral judgements; that morality is about what you feel, and that no one in any case is ever persuaded to adopt some

moral position by reason. (A similar claim is often made about religion; religious conviction is “a matter of faith” and no one either can or should be persuaded into it, or out of it, by reasoning). Some people think that it is somehow cold and calculating to base your moral views on rational thinking. In the same way they might think that religious belief acquired through reason lacks the personal commitment required for genuine faith. Such people are quite likely to sympathize with moral relativism. They might add that if there are no universally applicable truths about ethics, and if reason is the process of discovering universal truths, then reason is inappropriate for genuine moral reflection. This popular view has some (somewhat more sophisticated) background, for there is an important Humean tradition in moral thinking that holds moral judgements to be primarily a matter of the “passions”. But there are a number of confusions in the popular version of the idea that need clearing up.

Reasoning about religion: An analogy and clue for security and law enforcement officer

Comparison with religious belief is helpful, since many of the same confusions occur in our daily lives and operations on and off the streets. Start with the idea that it is misguided to argue about religion because it is a matter of faith and “you either believe or you don’t”. In discussing this, we first need to know with what sort of claim we are actually dealing. There are a number of possibilities. It might be:

- a. An empirical, psychological claim about how people actually acquire (or for that matter lose) religious commitments. The contention is that people don’t ordinarily go through any process of deductive or inductive reasoning in religious matters. For example, they don’t reach belief in God because they are convinced by medieval proofs of God’s existence – belief is something that comes upon them; indeed, many believers would say it occurs through the direct action of God upon the convert.
- b. A stronger version of (a), which ventures that it is not just unusual but impossible to acquire or lose religious belief by reasoning.
- c. An assertion that there are no sound arguments either for or against religious doctrines, so people who think they have stumbled upon such an argument are mistaken.
- d. The more radical assertion that religion not only cannot be soundly argued for or refuted, but that there is a logical or conceptual error in the very attempt to discover such

arguments. For instance, believers might say that their faith is in no way threatened by the lack of sound arguments since it does not, and logically could not, depend upon them.

Perhaps there are other interpretations as well. But these possible interpretations provide enough of a parallel with attitudes to moral reasoning to make the analogy worth pursuing.

1. Take for instance (a). Suppose that, in both religion and morality, people do not ordinarily reach their convictions by rational processes – that they are led by their feelings, or caused by God or their cultural environment to have the views they do. I suggest that the proper response to this claim is not to deny it (surely there is much truth in it), but ask exactly what it shows. The fact that people often *do not* reach their views by reasoning does not show that they *ought not*. Indeed, conflict between individuals and nations (like that of a police officer and an offender or victim in enforcing the law) might be reduced if only we tried harder to listen to reasoned argument. Thus the importance of reasoning all the time cannot be over emphasised.
2. What about (b)? If it is impossible to reach moral or religious conclusions by reason, then clearly there can be no obligation to do so. Why should we believe it is impossible? The influence of culture, upbringing, unconscious wishes and so on is very great (and often underestimated by philosophers), but many people do think carefully about their moral assumptions and sometimes revise their views. We observe people who question what they were brought up to think and modify their views accordingly. Claim (b) therefore seems to be false.
3. Claim (c) was that there are no sound arguments in the areas in question. The answer to this, surely, is that although it may turn out to be true, there is no reason to assume it is true without investigating. People do give reasons for their moral convictions, even if they find such reasons persuasive only because of their culture or psychology. (“My wife ought to cook for me, *because she is a woman*” is offered as a *reason* for expecting her to fulfil a certain role, even if Mediterranean people find it more persuasive than northern Europeans). We are surely obliged to examine the reasons people give if we are to avoid mere prejudice. In fact, the outcome of finding no moral reasons persuasive might be moral nihilism, which itself would be an important conclusion.

4. The final claim (d) is philosophically complex, especially in religion, where it often goes with a radical approach to the meaning of religious propositions – which entails, perhaps, that religious commitments are not really factual at all. In ethics it is allied to subjectivism – which compares moral judgements to matters of taste and preference. In reply, we should point out that what is different about moral judgements is that we generally take stances concerning the moral judgements of others: we praise and condemn them. Even if moral judgements are just attitudes or preferences, they involve strong attitudes towards other people's attitudes. This is not true in simple matters of taste, such as preferring tea to coffee. This point does not prove that (d) is false, but it should provide food for further thought.

4.0 Conclusion

Basically this unit puts you on course with the realities about reasoning about ethics. It is expected of you at the end of reading through this unit to decipher ethical thinking as an intellectual property cum capital, and how best and in what measure and manner should it be used as exemplified with the religious narrative from which security and law enforcement agents should take a clue; a clue that will empower them better to always investigate rather than allowing assumptions to take precedence.

5.0 Summary

This unit gives a further clarification of the concept of ethics and how it operates. It examines reasoning about ethics with clue from cultural and religious dispositions towards actions informed by reasoning vis-à-vis ethics or philosophy; which every security officer must understand and pay adequate attention to and the need to always investigate actions rather relying on assumptions. Similarly reasoning about ethics brought to the fore the need to decipher ethical thinking as an intellectual property cum social capital that must be used to the advantage of the any law enforcement officer in the true sense of it in his or her operations on and off the field, and how best and in what measure and manner should it be used. Highlights on the two major types of reasoning were discussed to include deductive and inductive reason moving from either the general to the specific notion of things or from specific to the general is a matter of what is at hand in making a sound judgment that is morally correct. Morality comes into

reasoning about ethics, and every officer is expected to understand the role culture, upbringing, unconscious wishes and so on play in determining behaviour and how to and not to reacts when confronted with the nuances of people while on duty.

6.0 Self-Assessment Exercise

1. Discuss the importance of reason as a major component of ethics.
2. Discuss reason as both an intellectual capital and operations.
3. Define inductive and deductive reasoning.

Feedback

1. A great deal of moral reasoning relies on generallogical reasoning. The ability to think clearly, relevantly and concisely without others bulging
2. Reason/reasoning involves thinking and the general use of the senses especially when faced with a task. Law enforcement officers often do. The ability to know and put to use of both deductive and inductive reasoning facilitate and enhance sound and good moral judgment (**intellectual operation**) in what is referred to as moral judgment.
3. Deductive reasoning involves the thinking from the general to the specific (e.g. all A's are B; X is an A, so X is a B). While inductive reasoning is often from the specific to the general (e.g. it usually rains when black clouds gather; black clouds are gathering, so it will probably rain).

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Unit 3

ETHICS, PUBLIC RELATIONS AND PROFESSIONALISM

Contents

1.0 Introduction

The cosmos is neither moral nor immoral; only people are.

He who would move the world must first move himself

—Edward Ericson

The term *ethics* falls off the tongue very easily these days, yet many people who use it have not taken the time to consider its true meaning

In the 1968 classic book by Baumhart titled '*An Honest Profit: What Businessmen Say About Ethics in Business*', he asked businessmen of the age what ethics meant to them to which they gave a variety of responses from references to their feelings about what is right or wrong, through religious beliefs, to doing what the law requires. Some suggested that they did not, in fact, know what ethics really meant at all. Perhaps these were the honest ones. An examination of what something is *not*, however, can sometimes be helpful in determining a useful definition of it. First, ethics is not merely what has become accepted practice within the industry. Just because something wrong has been done over and over again through the years does not make it the right thing to do. Indeed, the history of human existence on this earth has been riddled with activities that were deemed acceptable—slavery, child labour and human sacrifice come immediately to mind. However, just because they were deemed permissible at a certain point in history does not necessarily make them morally acceptable for all times. For example, setting up front groups that hide their true agendas might have been accepted (Public Relation) PR practice in the past; however, that does not mean that today's publics are prepared to accept them as morally appropriate. Second, ethics is not merely a question of figuring out what you can get away with. Not getting caught doing something wrong does not make it right. Doing the right thing only to serve your own needs is often considered to be the hallmark of an individual who is functioning at a low level of moral development. In fact, our prisons are filled with people who thought it was all right to do something if they did not get caught. Thus, from a practical standpoint, it might be time for organizations to consider that being ethical means considering the needs of others as well. Creating a Public Relations (PR) campaign that considers only the

needs of the organization without respect for the public's needs could today be construed as unethical.

Finally, ethics is more than simply following the letter of the law. It is a fallacy to assume that everything that is legal is also morally correct; it is equally problematic to presume that everything you consider to be ethical must therefore be legal. Law and morality are related, but they are certainly not the same thing. Organizations that follow the letter of the law and nothing more are clearly looking out for their own needs, without considering the possibility that their responsibility to their communities might be morally dictated rather than simply legally. What they *ought to do* might be considerably more than what they *must do*. Now that we have established what ethics is not, perhaps we're a step closer to what it is. Philosophers define ethics as the study of moral rightness or wrongness, which is limited by the human ability to reason. Our decisions are only as good as our human reasoning abilities. Whereas philosophers have the luxury of simply studying these issues, as professionals we need to be able actually to apply aspects of philosophical rumination. Thus, we can think of 'public relations ethics' as... ..the application of knowledge, understanding and reasoning to questions of right or wrong behaviour in the professional practice of public relations. We will use this as our fundamental definition as we move through our discussions. In practical terms, someone once defined ethical decision-making as drawing a black line through that grey area I mentioned in the preface. The area will always remain grey but at some point each of us has to draw that line. As you will see, there are few clear-cut solutions to ethical dilemmas, but as a professional it is your responsibility to determine what might be the right place to draw that line.

2.0 Intended Learning Outcomes (ILOs)

In this unit you are expected to know the meaning of ethics and its usefulness as a public relation tool in every profession. Always remember and reflect on personnel in the criminal justice system.

3.0 Main Content

It is clear that the concept of professionalism is closely tied to ethics—professional ethics to be more precise. All you need to do is a quick search of Web sites on professionalism and you will rapidly come up with an extensive listing that is almost entirely sites with the words 'ethics and

professionalism.’ But what is this elusive notion of professionalism? How important is it? And, closest to home, how do you cultivate it? Who cares if the public views public relations as a profession, an occupation, a vocation or just a job? Evidently, public relations associations do. According to the Web site of the Global Alliance for Public Relations and Communication Management, a profession is distinguished by specific characteristics, including ‘master of a particular intellectual skill through education and training, acceptance of duties to a broader society than merely one's clients/employers, objectivity [and] high standards of conduct and performance. The Global Alliance for Public Relations and Communication Management Protocol clearly stated that it is this last tenet that places professional ethics squarely in the domain of defining a profession. And it seems clear that from a public relations perspective, it is in PR's best interest to be viewed by the public as a profession (rather than an occupation or a job). Whether or not this designation is of any material value doesn't seem to be on anyone's radar screen. That, however, is quite a separate argument. For now, it seems important to a lot of people within our field that it be seen as a profession. It is clearly a part of our image.

So, one might conclude that professionalism is something that is characteristic of only those individuals who are members of so-called professions. Where does that leave all those people whose occupations do not seem to display those characteristics of a profession? Can they not be deemed to have a high level of *professionalism*? Intuitively, I'm sure you know that they certainly can. What about that waiter at your favourite restaurant whose *professionalism* shines through in the way he treats you and his other customers? What about your cleaning lady whose pride in the quality of her work always makes you think that she shows great *professionalism*? It is this quality of professionalism that sets individuals apart from their peers, even if they don't work in disciplines with high levels of education and training and codes of professional standards (ie ethics). One need only read the newspaper every day to see examples of such individuals.

ASPIRING TO PROFESSIONALISM

It seems that professionalism is at least partially about respecting other people as you go about your work, and respect is clearly an aspect of ethics. But professionalism is more than this. More than once, I've heard the opinion that professionalism, simply stated, means doing what is right. Is that not what integrity and the application of your ethical standards are all about? Of course it

is. But it's more than that. In his book *True Professionalism: The Courage to Care about Your People, Your Clients, and Your Career*, writer David Maister (2000:16-17) suggests that

... ..professionalism is predominantly an attitude, not a set of competencies... real professionalism has little, if anything, to do with which business you are in, what role within that business you perform, or how many degrees you have. Rather it implies pride in work, a commitment to quality, a dedication to the interests of the client, and a sincere desire to help.

It seems that cultivating professionalism as a personal quality is one of the ways you can move toward an ethical approach to your work in public relations.

MEASURING YOUR PROFESSIONALISM QUOTIENT

Based on what professionalism as a characteristic is perceived to be, you might consider your own level of professionalism. The set of question below provides you with a brief test to get you started thinking about your own level of professionalism as it relates to your ethical standards.

Measuring your PQ* (*Professionalism Quotient)

1. Do you always treat people you work with (including bosses, clients, people you manage) with the respect you expect to be afforded?

- a. Always
- b. Usually
- c. Rarely
- d. never

2. Are you courteous in your communication (even on the phone and in e-mail) with others?

- a. Always
- b. Usually
- c. Rarely
- d. never

3. Do you do every assigned task to the best of your ability?

- a. Always
- b. Usually
- c. Rarely
- d. never, if I can get away with it

4. Do you do what you know to be right from a moral perspective?

- a. always try
- b. only when I think someone might be looking
- c. I do what is right for me
- d. I couldn't care less about doing the right thing

5. Do you keep up to date on what's going on in the field of public relations?

- a. Yes, I'm dedicated to continuing education both formally & informally
- b. I try to. I read the trade literature
- c. I read stuff when I get a chance
- d. Why should I? I know enough.

Here's how to score yourself: Give yourself five points for every a, three for a b, one for a c and no points for a d.

Grading

25 points: You truly demonstrate professionalism. You would be a good role model for neophyte public relations practitioners. Most employers would be proud to have you on their staff.

21-24 points: You are not quite there. You probably consider yourself to be a professional, but you don't quite have what it takes to demonstrate what others would describe unconditionally as

professionalism. Sometimes just being aware of your shortcomings can move you toward fixing them.

18-20 points: You need some professionalism intervention. It's time to re-examine your personal ethics and your work ethic, but there is probably hope.

Under 18 points: Are you aware that you might be contributing to public relations' less-than-spotless reputation?

4.0 Conclusion

Obviously, this test is just for fun, but professionalism in public relations is a serious matter. Perhaps if we had a collection of people who clearly demonstrated professionalism, we wouldn't need to worry any longer about whether or not public relations is a profession. Professionalism is key to personal ethics. Before we move on to a discussion of that sticky issue of 'the truth,' perhaps you were wondering how we defined integrity at the beginning of this chapter. We determined it to be doing the right thing even when no one's looking. What's the right thing? That is what we are about to discover together in the next chapter.

5.0 Summary

This unit examines the key issues ranging from the explanation of the concept of professionalism and its close ties with ethics. In the same manner interrogates what it takes to be a professional in what was term **aspiring to professionalism. From which heralded that** professionalism is at least partially about respecting other people as you go about your work, and respect is clearly an aspect of ethics. Lastly a set of questions was put forward as a practical way to better understand how professionalism quotient can be measured.

6.0 Self-Assessment Exercise

List and explain the 3 key questions raised in David Maister (2000:16-17) definition of professionalism?

Feedback

1. Which business you are in?

2. What role you perform in the business?
 3. What degrees are in your possession?
-professionalism is predominantly an attitude, not a set of competencies... real professionalism has little, if anything, to do with **which business** you are in, **what role within that business you perform**, or how **many degrees you have**. Rather it implies pride in work, a commitment to quality, a dedication to the interests of the client, and a sincere desire to help.

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Unit 4

**ETHICS IN SECURITY OPERATIONS AND CRIMINAL JUSTICE: THE 'TRUTH'
AND NEED FOR PUBLIC RELATIONS ETHICS**

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- 2.0 Intended Learning Outcomes (ILOs)
- 3.0 Main Content
- 4.0 Conclusion
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- 7.0 References/Further Reading

1.0 Introduction

With an analogy between professionals in the criminal justice system (with specific references to lawyers) and Public Relations (PR) practitioners, O'Malley (2000) justifies the claim that it is a truism in civilized cultures that everyone has the right to legal representation. Perhaps it is even true that everyone has a right to have public relations counsel to have his or her voice heard in the arena of public communication, facilitating access. But the analogy breaks down when it comes to the lawyer representing clients whom he or she knows to be guilty. What the lawyer is then supporting is a belief in the legal system and everyone's right to due process. No such infrastructure exists for public relations. Thus, we have to assume logically that public relations practitioners are not bound to do whatever their clients bid them to do, and in fact are behaving unethically if they lie on their clients' behalf, even if it is at their behest. O'Malley's contention is that if you want to be an ethical public relations practitioner you 'choose to serve clients whose self-defined interests are, in [your] view, correct. And [you] don't serve those whose purposes and interests are incorrect. Period.' We as security practitioners and students of criminology and security studies can't argue with him here. However, all this simplistic view of ethics does, however, is reinforce the public image of both a lawyer and PR profession as a less than ethical practice and it fails to move us forward into a future where public relations' role in security

practice truly is to develop mutually beneficial relationships between organizations and their publics whose foundation is trust—the only true foundation for mutual benefit.

American philosophy professor Mitchell Green of the University of Virginia takes a broader view of the ethics of truth telling when he says, ‘truth telling is not a matter of speaking the truth but is rather a matter of speaking what one believes to be the truth’ and further, ‘one can mislead without lying. The issue of misleading is an especially important one in public relations (Green, 2003). If failing to disclose information, regardless of the motivation, leads the public to a wrong conclusion and this was a predictable situation, then it is as ethically questionable as telling an outright lie. Like it or not the notion of failing to tell the truth, or spinning the facts, is part of the Criminal justice system and public's image of public relations. And who can blame them when this is the media image that is cultivated? This begs two questions. First, is the public really so wrong about security reports and practices? And second, what part *does* truth telling play in the ethical foundations of public relations in the criminal justice system? We'll deal with question two first in the succeeding subsection

2.0 Intended Learning Outcomes (ILOs)

This unit aims at giving you a clear understanding of the need to emphasize truth amidst everyday narratives of lies in the criminal justice system. It is important to realise that lies are common but truth must be upheld in order to continuously gain trust of the public. Thus, the need for a public relations (PR) unit in every security organisation and in the criminal justice system cannot be misplaced. Students are expected to know the Code of Professional Standards' reference to honesty and integrity, as well understanding the hyperbole and limitation of ethics as though inspiring, but nevertheless certain conditions ‘ignores what ethics and public relations are all about especially with regards to security operations and criminal justice.

3.0 Main Content

3.1 Ethics in Security Operations and Criminal Justice: The ‘Truth’ and Need for Public Relations Ethics

Ethics relates to moral actions, conduct, motive, and character. It is professionally the right or befitting action within its context. While a criminal act generally is also a breach of moral

conduct, ethics includes numerous behaviours that fall short of breaching criminal or civil laws. The widely heard cliché is that “ethics start at the top” in any organization. As Ira Somerson, an industry consultant, noted: “When busy security executives take time to discuss ethical issues in their work, the message soon filters down (Cunningham, Strauchs, & Van Meter, 1990). Results from the Clark-Hollinger (1983) study show that the level of self-reporting workplace deviance differs widely and generally is not related to income. Surely not all protection employees are above reproach ethically. Indeed, a rare few seek employment in the field because it affords them the opportunity to steal. Yet security personnel were assessed in all employment segments and ranked among the highest in ethical standards. This finding may be due to the fact that security personnel tend to be selected for having higher ethical behavior. Another explanation could be that security practitioners have less opportunity for workplace deviance due to the nature of their job design.

In many organizations, operational security personnel are regarded as ethical arbiters, or are normally part of the facility’s ethical resources. At such organizations, managers are likely to be involved in setting, promoting, and managing ethical programs. They may:

- ✓ Draft a corporate ethics policy and disseminate it broadly.
- ✓ Emphasize the importance of ethical standards at new employee orientations and on an ongoing basis.
- ✓ Provide new employees with a workplace ethics statement to read and sign.
- ✓ Create a mechanism whereby the ethics program can be revised and renewed, perhaps on an annual basis.
- ✓ Establish mechanisms whereby someone with an ethical concern may approach an ethics officer confidentially who will listen non judgmentally to facts or suspicions.
- ✓ Investigate promptly and thoroughly all allegations of unethical behaviour and refer the results of such efforts to appropriate authorities.

The motivation for the growing emphasis on ethics has many bases. Some executives claim that ethical behaviour is morally proper and that is why they believe in it. Others would agree and discreetly add that voluntary ethical standards decrease public censure and chances of

unwelcome litigation and legislation. But more than this is at stake. Perhaps the biggest factor behind the wave of ethical enlightenment is that such behaviour is good business. Put differently, if only one part of an organization is perceived as being unethical, the entire organization can and will be tainted and potentially devastated in the process. The point is that security practitioners generally take ethics as a serious, profound reflection of their responsibilities to their colleagues, employees, and clients—and to society as a whole. Such ethical structures usually permit censure, suspension, and expulsion as possible sanctions for errant members. Normally, the person accused of unethical behaviour has an opportunity to respond to the charges at a specially convened board that hears charges and responses. The appointed group then collects the facts in the situation, arrives at a conclusion, and may report its findings to the full group for a final consideration.

Taking lies as an example of an unethical behaviour, everyone lies, thus an epidemic of lying prevails. It has become a fact of the human condition. And you need not protest your own absolute honesty. If you have ever told a friend (or spouse or sibling) that you like her gruesome sweater or his obnoxious girlfriend, or instead have chosen to say something noncommittal, you've chosen a path that is just short of absolute honesty. You have your reasons, you say, and you might even find an ethicist who can accept your motivation for dishonesty. These little untruths oil the machinery of interpersonal communications, or at least this is what we believe. Besides, you continue with your rationalizing, there's a difference between a 'little white lie' and a big lie. Clearly, we all draw the line both personally and professionally. There are some lies we will tell, while there are others that seem just beyond the pale. What is unclear is the difference between that little lie and the important ones. The truth, the whole truth and nothing but the truth seems relegated to the courtroom oath.

Most recognized religions, where many of us receive our first introduction to values, expound on the requirement to tell the truth. The Ten Commandments taught many security officers, and PR professionals with a Judeo-Christian background their first lesson in truth telling. Most other religious traditions, however, also have their guidelines regarding the virtue of telling the truth. For example, there is the Buddhist Eightfold Path, one point of which is 'right speech,' the first element of which is abstaining from false speech. Indeed, you'd be hard-pressed to find a

religious tradition that didn't touch on this as a fundamental—moral principle. Yet, we continue to tell those 'little white lies' in our personal lives with an inevitable spill-over into our professional lives.

The Need for 'Truth' in the Criminal Justice System and Public Relations

Security operations like several activities in the criminal justice system are a public good. A public relations as a security and moral issue is a public communication function and as such its practitioners have responsibilities that speak to the greater good for the greater number—whether we like it or not. The public is sceptical of the truth of what is communicated to them (most especially about security statistics) and we really don't have a right to clog up the channels of public communication with more untruths or half-truths. Codes of ethics of professional associations of security professionals like public relations practitioners provide chapter and verse on the need to tell the truth and knowing when to speak to the public. For example, the Institute of Public Relations (IPR) Code of Conduct says: 'Members of the Institute of Public Relations agree to... deal honestly and fairly in business with employers, employees, clients, fellow professionals, other professions and the public' (Institute of Public Relations Code of Conduct, 2003] international best practices Code of Professional Standards is even more specific. It states, 'A member shall practice the highest standards of honesty, accuracy, integrity and truth, and shall not knowingly disseminate false or misleading information' (Canadian Public Relations Society Code of Professional Standards, 2003). **So it seems that telling the truth, while often deemed to be a casualty in the search for new and better ways to disseminate messages and persuade publics, is an important aspect of ethical public relations.**

Defining what the truth is in security operations and public relations is the challenge. A PR and security researcher at Florida International University tried to do just that. Martinson (1998) wanted to figure out where to draw that line through a very murky area by surveying public relations educators' opinions about what constitutes 'truthful communication' in security and public relations practice. First, the PR educators surveyed clearly defined it to be lying when practitioners 'make factual declarations that they know to be untrue.' Being misleading or evasive is a different story, however. It seems that the motivation behind withholding information is the key to truth telling in public relations.

There is one situation in which it seems that telling the whole truth is not the most ethical course of action especially among security personnel until a mission is deemed and officially complete or successful. If telling the truth outright is likely to harm one or more publics, then it seems that it is probably more ethical to avoid that full disclosure. **After all, one of the first principles of ethics in any situation is to do no harm.** Often, however, a judgement call is required here and it is the application of such judgement that calls into question the ethics of the decision-maker, the judge, the lawyer, the correctional officer etc and the PR officer.

All of this seems like so much logical, common sense when it comes to ethics. It is however not the case as researchers have come to suggest that taking on the role of advocate, which is at the heart of modern public relations, is somehow in conflict with truth telling, and furthermore isn't important anyway, as long as we're doing what the organisation, and client wants. Public relations consultant Peter O'Malley (2000) seems to believe that the Code of Professional Standards' reference to honesty and integrity maybe inspiring, but 'ignores what public relations is all about especially with regards to security operations and criminal justice.

4.0 Conclusion

This unit is a clear indication that ethics and what constitute ethical behaviour is quite challenging with reference to work expectation and demands as defined by an organisation and as defined by the public often from the point of view of the idealists. As a principle, be it a security officer or one who works within the ambience of the criminal justice system one is first and foremost expected to be guided by the principle of 'no harm' as well as organisational specific principle on when, what and how to do certain things. In all actions and behaviours are evident which represent what ethics is all about (the ideal and the expected at every time and situation)

5.0 Summary

In this unit we have come to know that truth is a very relevant aspect of ethics and that it has a long way in helping security personnel and lawyers in engaging with security matters and with clients. Nevertheless it is highly priced in building trust among the public whom they are mandatorily expected to serve as a result of the underlying social contract them and the state.

Thus it is necessary to avoid lies when it is like to batter the image of the criminal justice system and operations of security professionals and PR practitioners. The purpose of ethics is to ensure primarily that no harm is done whichever ways it manifests.

6.0 Self-Assessment Exercise

1. What is the first principle of ethics in security operations?
2. Why is defining what the truth is in security operations and public relations a challenge?
3. Why do lawyers representing clients whom they know to be guilty?

Feedback

1. The principle of 'do no harm'
2. It is a challenge because:
 - Facts sometimes are not the truth
 - It is difficult to differentiate between lies and truth when a senior officers is involved (in the know of the truth and decide otherwise in using it or not)
3. The lawyers represent clients whom they know to be guilty because of the belief in the legal system and everyone's right to due process.

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MODULE 2**Unit 1. Truth telling: A fundamental ethics in security operations and criminal justice****Unit 2. Morality: Staircase to respect in security practices****Unit 3. Ethics and codes****Unit 4. Decisions making and the reality of everyday ethics**

Unit 1

TRUTH TELLING: A FUNDAMENTAL ETHICS IN SECURITY OPERATIONS AND CRIMINAL JUSTICE

Contents

1.0 Introduction

2.0 Intended Learning Outcomes (ILOs)

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1.0 Introduction

Truth telling is such a fundamental ethical issue that it constitutes a basic principle of behaviour which is expected in the entire process in the criminal justice system if not for anything but for the smooth running of the system. As an ethical principle, truth telling is one of those fundamental assumptions about behaving ethically and is only one of several such fundamental principles. The other important ones for security practice are non-maleficence, beneficence, confidentiality and fairness. In **human security and criminal justice system, there a few guiding pillars that ensure smooth running of the system, these are principles that emphasises and encourage:**

- i. Veracity (to tell the truth);
- ii. Non-maleficence (to do no harm);
- iii. Beneficence (to do good);

- iv. Confidentiality (to respect privacy) and
- v. Fairness (to be fair and socially responsible).

I think of these as the pillars that carry the weight of ethical decision-making in security operations and the criminal justice system. The concept of doing no harm as fundamental to moral behaviour has already surfaced in the previous module and subsequent modules. The concept of doing no harm has deep roots in the notion of respect for others. As a pillar of ethics in the several disciplines of research, field of public relations, security etc. it provides us with a one-question analysis of any decision we choose to make before we make it. Will my actions harm others? Obviously, this isn't the final analysis, but it is often a place to start. (Do not forget this question, as it is very important in all discourses of ethics)

2.0 Intended Learning Outcomes (ILOs)

At the end of this unit you should be able to understand the various ethical principles needed in security practice and in the criminal justice system as a whole. These include the principles of:

- a. non-maleficence,
- b. beneficence,
- c. confidentiality and fairness.
- d. In all the importance of truth telling cannot be undermined as a grease that lubricates security operations and the criminal justice system

3.0 Main Content

The concept of doing good speaks' of a kind of altruistic ethical intent. Looking for opportunities 'to do good' can be helpful in making decisions about the relative morality of public/civil/criminal/victims relations activities. For example, if faced with two or more relatively 'good' alternatives to reach a conclusion in a situation, you might consider which of them is likely to do the most good to the people involve or to the community at large. In addition, applying this principle to everyday security relations practice, we might reasonably conclude that ethical relation seeks out opportunities to do good. For example, when developing a community security relations programme, seeking to checkmate or prevent criminal activities of a gang or criminal groups that could actually do the most good for the community rather than the one that does little material good but improves the image of the security organisation would

be construed to be the most ethical approach. Finding a balance between the two is the challenge for the creative security practitioner. The third pillar, respecting the privacy of others, is clearly germane to ethical decision making in any aspect of security practice function. Unfortunately, it's rarely a simple matter of considering an individual's right to privacy when dealing with media whose members frequently believe that their belief in the public's right to know about something takes precedence over what you might define as the individual/organisational right to privacy. Ethical decision making is nothing if not a balancing act, as we shall see. The final pillar upon which security vis-à-vis criminal justice relations ethics is based in my view is the concept of fairness. Trying to respect all people involved in any situation equally is an attempt at fairness.

At times, it seems that our role as security practitioner/safety advocates flies in the face of the requirement to be fair as events may warrant that does not have to be the case. These fundamental pillars provide us with a first pass at analysing a situation to determine its ethical implications before moving on to the more difficult part of ethics: actually taking action that we can live with. We'll get to that process in more detail in subsequent units/modules. But before we do that, we need to continue to develop our underlying framework and take a hard look at personal issues of ethics in professional practice. Perhaps it would be useful to consider Mark Twain's simple philosophy about truth telling: 'If you tell the truth, you don't have to remember anything.'

To Do No Harm—the Issue of Trust

Trust is the lubrication that makes it possible for organizations to work. —Warren Bennis

Telling the 'truth' isn't always enough. It may be a good place to start but sometimes caution about truth telling needs to be adhered to, thus it (Telling the 'truth') falls short of fulfilling one's ethical responsibilities as a professional in a security function (Not in all cases). Sometimes you tell the truth and you are still left with a dilemma. Trust is the key element in the criminal justice system and security operations among members and not necessarily with the public if the need warrant it. Similarly for a private security personnel it is important in the development of your employer's or client's relationships with their publics (customers), but it is equally an important part of all professional relationships. With trust, much can be accomplished; without trust, your efforts to accomplish anything will feel like an uphill battle.

Truth and Trust

To understand the relationship between telling the truth and the subsequent ability to nurture a trusting relationship, we need to examine exactly what trust consists of. *Webster's Dictionary (1992)* defines trust as ‘a confident reliance on the integrity, veracity, or justice of another; confidence; faith. The definition itself clearly defines the relationship between truth and trust. If you don't tell the truth, then your publics, once they are aware of this, have difficulty trusting you. If a public does not trust you, then the relationship deteriorates. It's as simple as that. What is less simple, however, is determining what truth really means in business today. German philosopher Immanuel Kant, whose work is widely taught in ethics courses, believed that ethics consists of fulfilling our duties categorically. For example, as far as Kant was concerned, telling the truth was one of those categorical duties. We have an obligation to tell the truth—*under all circumstances*. In today's world of business, it seems clear that telling the truth is sometimes overshadowed by other duties. We have already established the fact that telling the truth, the whole truth and nothing but the truth is for the courtroom and that sometimes we have a duty to withhold information to protect people, a decision that clearly requires a judgement call, but when does even telling the truth mislead and contribute to mistrust between organizations and their publics? Here's a case that illustrates this point.

To whom are security operatives loyal? We might define a loyalty as ‘a constituent to whom the Security practitioner owes a duty and who, in return, places a trust in the practitioner (Parson, 1993). Again the issue of trust rears its head. Whereas it is true that when dealing in specific security matters you might consider each individual public to be a ‘loyalty’ that you have a duty toward, **in general there are four overriding loyalties** in the everyday practice of security relations.

1. One of the first duties that may come to mind is duty to your employer/boss or client (in the case of a private security practitioner). You took on a particular position with a contract, either written or implied. You do a particular job and your employer/boss or client provides you with monetary compensation. It's a simple relationship when put in these terms. However, to what extent is it necessary for you to be loyal under these circumstances? If the employer/boss says do something, do you do it? Blindly? Without

consideration of consequences to others or yourself? What happens when your employer/boss or client expects you to do something that you know will erode the trust of others? If you consider these, you might consider specifically that your loyalty (your duty) to your employer/boss who pays or recommends your salary just might conflict with your duties to others such as family members and the public who trust your organization/institution and its practices/services. It then becomes a matter of placing your loyalties in order of priority—and this is not a fixed ranking. Situations can alter the priorities.

2. Arguably even more important ethically than your duty to your employer/boss or client is your duty to society. This is the key to social responsibility.
3. Another loyalty that you might consider is your duty to your profession. Security and criminology as a professional discipline has a public image that is less than spotless in the area of ethics. As we move forward in dispelling some of the long-held opinions about our field, we have a duty to ensure that we practise our profession in an ethical manner. Consideration of security and justice as your professional field needs always to be in the back of your mind when you are trying to make well-founded moral decisions.
4. Finally, and perhaps where you might have begun this examination of loyalties, is your duty to yourself. Indeed, some people believe that one of the most common, if not the most common ethical dilemma that will face all security practitioners at some point in their careers is to have to make a choice between what the employer/boss or client is asking of them and what they as individuals, and based on their own personal value systems, know to be right.

Clearly, then, as a security practitioner either already or in the embryo, you have duties to yourself, your employer/boss or client, your profession and to society as a whole. Juggling these duties can be a frustrating on the field, especially when handling security issues that several interests are be involved.

4.0 Conclusion

This unit made it clear that truth is an enabler in security practices. It enhances speedy operations in the criminal justice system as an institution and overall in the administration of timely justice; which ethics as a behavioural principle emphasised.

5.0 Summary

In this unit, we have acquired the ideas of basic ethical principles such as non-maleficence, beneficence, confidentiality and fairness. In all the importance of truth telling was examined as a grease that lubricates security operations and the criminal justice system. Similarly the unit highlights the four overriding loyalties construct in the everyday practice of security matters. Apart from the need for security and law enforcement personnel to be loyal to their course, trust and truth were emphasised as important to all security matters within the criminal justice system and also to garner public trust and reliance on security operatives. I hope you will find the unit both engaging and practical.

6.0 Self-Assessment Exercise

1. What are the five ethical principles that should always guide security operations and law enforcement officers?
2. Consider the following activities. As a student, think back about the years when you were in lower class at the undergraduate school. You shouldn't have any trouble remembering if these are activities in which you engage.

If you have done any of the following **even once**, place a check mark in the box:

- taken crib notes into an exam (that wasn't open-book) even if you didn't use them;
- used your crib notes during an exam;
- used material from a source without acknowledging it (quotes or not);
- lied to an instructor about your reason for missing a deadline;
- bought a paper (either from the Internet or not) and submitted it largely unchanged;
- used material gleaned from (inadvertently) glancing at someone else's exam.

If you are currently also working (full time or part-time), continue with the following placing a check mark in the box beside any activity in which you have ever engaged **even once**. as a student, you might consider which of them you are likely to do based on your behaviour as a student:

- taken credit for an accomplishment that was not truly yours;
- made a statement in written material (such as a news release or client pitch) that was not strictly honest;
- taken office supplies home and used them for other than work-related activities;
- lied to a supervisor about your reason for missing a deadline;
- used information gleaned from (inadvertently) glancing at a colleague's computer screen;
- failed to acknowledge the source of information. Now that you have two groups of check marks, compare the two lists

feedback

1. These ethical principles are:

- i. Veracity (to tell the truth);
 - ii. Non-maleficence (to do no harm);
 - iii. Beneficence (to do good);
 - iv. Confidentiality (to respect privacy) and
 - v. Fairness (to be fair and socially responsible).
2. The series of sub questions is a pointer to the fact that ethics are involved in our daily lives either as students or as workers in an organisation.

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Unit 2

MORALITY: STAIRCASE TO RESPECT IN SECURITY PRACTICES

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- 2.0 Intended Learning Outcomes (ILOs)
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1.0 Introduction

Now that we have examined some aspects of an ethical framework that lies beneath the real, everyday issues, we need to look at you (as a security personnel/law enforcement agent/as a student of criminology and security studies), the person and security practitioner—to the personal aspects of ethical decision-making that underlie those professional decisions. Sometimes taking a good, close look at who we are as moral individuals can be a very eye-opening experience. Everything from how evolved we are, morally speaking, to our level of respect for others as manifested in our manners, is a part of our personal ethics. Then, of course, there is the matter of how we react to ethical standards expected of us by our profession. Thus come the issue of respect as a character that security/law enforcement officers should have for others while in action. According to John Luther

Good character is more to be praised than outstanding talent. Most talents are, to some extent, a gift. Good character, by contrast, is not given to us. We have to build it piece by piece—by thought, choice, courage and determination. —John Luther xxxxx

What does it mean to respect others? We talk about it all the time as if it were truly something laudable. However, viewing the nightly news each evening might lead us to the defensible conclusion that there is an epidemic of disrespect for others going on in our world today. But make no mistake about it, respect for others is the foundation for an individual's ability to function in an ethical way—whether we're talking about respect for people (offender or victim) or the environment for that matter. R-E-S-P-E-C-T has often been a topical issue for scholars, advocates, critics and musicians alike, little wonder the soul star Aretha Franklin (xxxx) sang for it when all she was asking for was 'a little respect.' Rodney Dangerfield (xxx) has relied on his line that he can't get any. All they were asking for was to be treated with consideration, for their human qualities to be held in high regard. If we turn that search for respect around and consider what it means to give respect to others, it seems clear that without respect, it might be difficult or even impossible to make defensible ethical decisions. Without being able to respect our colleagues, clients, employers, members of the community, the media and so on, the ethical foundation for the development of trusting relationships would crumble, just as it does for us on a personal basis.

2.0 Intended Learning Outcomes (ILOs)

You are faced with those professional codes of ethics, but what are you really supposed to do with them? You know, on a gut level, what decision you would make in hypothetical ethical dilemmas, but do you know what your decisions say to the world about you as a moral person?, And what about conflicts? Do you even recognize when you as an individual are facing a conflict of interest in your work/school situations as security personnel (to be) or as a student in a school environment? Many people don't. How do you handle specific crises of conscience? This unit is designed to help you to answer these questions for yourself.

3.0 Main Content

In this discussion of respect, we'll examine three levels of respect that might provide each of us as individual law enforcement students/ practitioners to be with a foundation for demonstrating respect as the basis for our ethical behaviour. Figure 1 illustrates the three steps on the staircase

to respect. The bottom step is understanding how we develop an ability to respect others, and by examining our own development we begin to understand our own level of moral maturity. Taking the second step, we focus on simple measures of respect for others on an interpersonal level: the relationship between morality and manners. On the final step on our staircase (this is not an exhaustive description of all aspects of respect), we'll examine an example of one important way that you demonstrate professional respect for employers, clients, your profession and society by discussing ethical issues related to your level of professional competence.

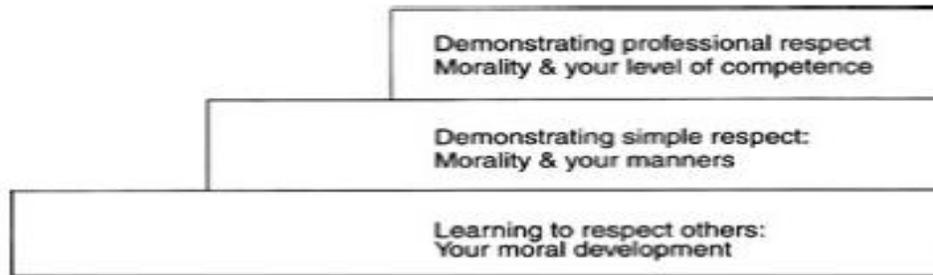


Figure 1: *the staircase to respect*

Respect: The development of morals

Moral development refers to the way in which we as individuals formulate a sense of morality as we develop as human beings. We aren't born with the ability to think in an ethical manner: a baby cries for attention when he or she needs something and it is irrelevant to that baby if someone else has needs. The baby is unaware of others. As young children, our worlds begin to expand to include our families and others who come into our immediate world. Eventually, as fully developed adults we have the capacity to consider others whose lives may never even touch ours directly. American psychologist Lawrence Kohlberg (xxx), who did most of his work in the 1960s, examined children's responses to ethical dilemmas and developed a theory about how we develop as moral individuals. Figure 2 summarizes his descriptions of three levels and six stages of moral development.

Kohlberg's stages of Moral Development (Your reasons for doing what's 'right')

Level I: The pre-conventional level

- Stage 1:... to avoid punishment
- Stage 2:... to serve your own needs

Level II: The conventional level

- Stage 3:... to be a good person in your eyes and the eyes of others
- Stage 4:... to fulfil duties to which you have agreed to keep the system running

Level III: The Post-conventional level

- Stage 5:... to fulfil a social contract or do what has the highest degree of utility
 - Stage 6:... to follow a self-chosen universal ethical principles
-

Figure 2: Kohlberg's (xxxx) stages of Moral Development (Your reasons for doing what's 'right')

His theory suggests that we as individuals first learn to satisfy our own needs: at an early stage of our development as young children we do what's right to avoid punishment or simply to serve our own needs. For example, a child is told it's wrong to steal and quickly learns that he or she will be punished if caught. In this child's mind, stealing isn't inherently wrong—he hasn't learned that yet, if he ever does. It only results in punishment; thus he avoids stealing to avoid punishment. At the next stage, he might do what's right only if there is something in it for him. Our prisons are populated by people who have never really progressed beyond this level of moral reasoning. Kohlberg says that eventually, most, but not all, people move into a more conventional level where they are able to consider not only themselves, but also a widening circle of other people. This seems to be the stage at which most adults function. At this stage, you might do what's right because you want others to think of you as a good person or to fulfil duties that you have agreed upon to keep the system running. For example, if your organization has a code of ethics, whereas you might not truly believe in or care about one or more of the tenets, you behave in a manner that supports the code because you've agreed to do so by signing a contract.

People who reach the highest levels of development are those who are able to take a genuine interest in the welfare of others and develop a sense of morality that allows them to follow a self-chosen set of universal ethical principles. Kohlberg, however, doesn't believe that many adults

ever truly reach this level of moral functioning. (To satisfy those who are aware of the criticisms of Kohlberg's theory, I am well aware that it was based on research with Anglo-American teenaged boys and that subsequent applications of his research methods to girls had slightly different results. However, I think that there is still much we can learn from his theory, especially in examining our own motives for making ethical decisions. Take a look at this scenario as it unfolds

Julia has been working for a large, national public relations and marketing firm since she received her PR degree five years ago. She considers herself to be a 'go-getter.' 'Driven' is how most of her friends from university put it. For five years she's worked 60 to 80 hours a week and pulled her share of all-nighters to meet those deadlines. Although she has found it exhilarating and somewhat rewarding, she doesn't believe she has been rewarded quite fast enough. In fact, she's looking for a way to get that promotion and rise that seem to have eluded her for the past year or two. But a new client's file has just landed on her desk and she knows how she can solve their public relations problem and come out looking like a creative genius. There's only one catch. The solution she knows will work involves using a bit of information that she gleaned while working on a communication audit for one of the new client's competitors. After work on Friday, Julia meets two of her old friends from university for a drink at a downtown bar. While they're happily sequestered in a private booth, sipping Martinis, Julia casually mentions her genius idea for her new client. 'You can't do that,' says one friend, the PR director of a small IT company. 'It's wrong.' 'I agree,' says the other friend, a media relations consultant. 'What would you do if you got caught?' It seems that Julia's friends, both in the same field as she is, are in agreement: using that piece of proprietary information for her own gain, or even the gain of a client, shouldn't be done. Are they right? Their answers might be the same, but their motivations for them are quite different. Is one of these friends more right than the other? The answer depends upon how important it is to you to do the right thing for the right reasons. And the reasons we act ethically depend largely on the level of moral development that we are demonstrating at that point, limited by the extent to

which we have developed at all. (Adapted from Ethics in Public Relations: A Guide to Best Practice by Patricia J. Parsons 2004)

If we consider Julia's dilemma in this context, it seems clear that if she decides to follow through with her plan, she would be acting unethically. But, perhaps even more important from an ethical point of view, if she chooses not to follow through only because she feels she might get caught, she still isn't acting with integrity—she's doing it for the wrong reason. Like a morally undeveloped young child, she is acting morally only to avoid punishment. What will happen the next time she's faced with a similar dilemma? If she thinks she can get away with it—because no one is looking—she may feel justified in acting immorally. As you might have figured out by now, this is in direct contrast to a kind of decision-making based on the principle of utility that eschews motives for outcomes. Clearly, however, in this case, one could only say that the potential good outcome would be strictly for Julia herself—hardly the greatest good for the greatest number!

4.0 Conclusion

The importance of respect is seen as a moral question for everybody to answer in the course of our daily routine in life. For security personnel it is very germane in the work ethic as it helps to build trust and cooperation in gathering information that are and will be very vital in operation. In the long run, the use of respect enhances not only the individual personality but also the image of security outfits and operations; and the process of law enforcement as a whole.

5.0 Summary

The unit draws illustrations of **Kohlberg xxx theory of moral development** which suggests that ethical and moral behaviours are learnt and as well progressive from oneself to emphasis on the other for which compliments and sanctions are attached to human conducts. A typical exemplification of what constitute an ethical and unethical dilemma was narrated using a workplace scenario. In the same vain the three steps staircase analysis shed more lights on the importance of respect as an ethical principle in security and law enforcement.

6.0 Self-Assessment Exercise

1. Why is respect an important issue in law enforcement?
2. Highlights the 6 stages of Kohlberg's xxx theory of moral development

Feedback

1. ***Respect is reciprocal and we all need it; it is well needed i enforcing the law, the law must be respected, and the law. is no respecter of any man.**

***It is an enabler of the five ethical principles of: these are principles that emphasises and encourage:**

- i. Veracity (to tell the truth);
 - ii. Non-maleficence (to do no harm);
 - iii. Beneficence (to do good);
 - iv. Confidentiality (to respect privacy) and
 - v. Fairness (to be fair and socially responsible).
2. Kohlberg's xxx theory of moral development is depicted below always remember

Level I: The pre-contentional level

- Stage 1:... to avoid punishment
- Stage 2:... to serve your own needs

Level II: The contentional level

- Stage 3:... to be a good person in your eyes and the eyes of others
- Stage 4:... to fulfil duties to which you have agreed to keep the system running

Level III: The Post-contentional level

- Stage 5:... to fulfil a social contract or do what has the highest degree of utility
 - Stage 6:... to follow a self-chosen universal ethical principles
-

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Unit 3

Ethics and codes

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- 1.0 Introduction
- 2.0 Intended Learning Outcomes (ILOs)
- 3.0 Main Content
- 4.0 Conclusion
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1.0 Introduction

The importance of codes can be viewed clearly from the lens of what the great philosopher Plato posited: Good people do not need laws to tell them to act responsibly, while bad people will find a way around the laws.—Plato. Other scholars have also buttressed Plato’s position with religion and street-smart philosophy from the study of gangs that even among Christians the Ten Commandments exist, for the Buddhists there is the Eightfold Path, adherents to just about any other formalized religion have a set of rules, a code if you like, to live by, and if you believe the fictionalized versions of organized crime, even the Mafia has a code of ‘honour.’ In the field of law enforcement and security relations we have these codes, too: codes of ethics by the hundreds. The Centre for the Study of Ethics in the Professions lists some over 850 codes of ethics on its Web site. If you draw any conclusion from this it might be that a whole lot of people have spent an inordinate amount of time considering ethical behaviour and making up rules—or at least guidelines—for moral behaviour. Most professional organizations (which security and law enforcement agents are actively enlisted) have codes of ethics, and security and law enforcement organizations are no different. The Institute of Security Studies, Public Relations, the International Association of Business Communicators, Accountants, Bankers etc, for example, all have their own codes. There has even been an attempt to produce a so-called global protocol for ethics in some organisations. So, what is a code and what's so good (or bad) about

it?

2.0 Intended Learning Outcomes (ILOs)

Students are expected to know what and why codes are very important in ethics and in security operations and the criminal justice system. Students are expected to be guided by the following questions: what is a code and what's so good (or bad) about it?

3.0 Main Content

3.1 Ethics and codes

Another importance an easy way of understanding codes is to take it as a contract. Codes scholars often emphasised that perhaps one of the most useful ways of looking at a code of ethics is as a profession's contract with the society it serves rather than, as some people may like to believe, a cookbook to thumb through when looking for the answer to a dilemma. Codes like laws set up the expectation that security practitioners and law enforcement agents as well as the discipline of security generally recognize codes as 'power to influence' (on and off the job) and will provide these services in a particular way (as a promise). In this way there is an activation and articulation of contractual arrangement of sorts with society. If you examine codes of ethics in this light, they seem to make a certain amount of sense. The code makes a kind of promise about what behaviour can be expected. But there is a fundamental lingering question here. Is this the least we can expect, or perhaps the most?

The question thus arises, WHO NEEDS CODES, ANYWAY?

Even if you think about a code of ethics as a kind of contract that sets out, in very general terms, acceptable moral behaviour, there is still considerable disagreement about whether professions (not just security officers/professions) ought to have codes at all. The primary argument against the requirement for professional codes of ethics is the belief that there need not be any special code of ethics apart from the moral guidelines within a given society, for example the Ten Commandments in a Christian society. This position suggests that members of any specific profession are not special and different in any way from anyone else in society and therefore have no extraordinary duties, responsibilities or even rights. Try telling that to physicians who

have been clinging to a higher code (at least in their own minds it is higher) since the time of Hippocrates, the father of modern medicine..

Another argument against the value of professional codes of ethics takes the position that it is possible that some practitioners might interpret a code of ethics so literally as to think that this is all they need to make moral decisions—that this code is the extent to which they believe they ever need to think about ethics at all. This is a frightening thought, especially in light of our contention that perhaps these codes set out only minimum standards of acceptability. Minimally ethical practitioners crowding a field such as public relations hardly bode well for the continual improvement of ethical standards, especially given our spotty history and reputation. It is this spotty history and less-than-spotless reputation that security agent holds within society that make some sceptics believe that our codes of ethics are nothing more than a PR exercise—one designed to impress those who say we have no ethics, yet completely unenforceable in any case.

A code of ethics is one of the ways by which sociologists (at least) decide whether or not a particular occupation is a formal ‘profession’ or not. Codes of ethics for public relations practitioners have been viewed by their critics as nothing more than an attempt to professionalize an unprofessional occupation. Whereas there might be some substance to this commentary on our field of practice, the bottom line remains that a code of ethics at the very least provides a point of departure for discussions about what constitutes unethical behaviour in any field. It is probably true that if we had a collection of individuals whose own moral standards were high, we would need to worry less about creating codes, but since that is likely never to happen in security or any other field, perhaps these codes might help to guide our discussion at least.

A Global Code:

Another question is to ask if there is a need for a Global Code? If there is controversy about the need for codes at all, despite the fact that there are plenty of them around as we have already discussed, why would anyone want to create yet another one—a global code or protocol, as it is specifically named? The Global Alliance for Public Relations and Communication Management is the most recent membership organization to weigh in on the issue of the advantages of a worldwide code of ethics, cultural differences notwithstanding. The code that was developed and

floated at an international conference in 2003 is provided to the member associations as ‘a yardstick by which [member associations are] to review and revise their own Code... (See *Global Protocol on Ethics in Public Relations*). This will at least result in some consistency in ethics codes throughout the world. The notion of a code of ethics that is consistent through the world implies that society, with whom we have a contract to provide a certain kind of specialized service, can expect a uniform level of moral behaviour that is considered to be acceptable within a peer group. However, whether it is a local code, a regional code, a national code or a global code, it can still suffer from the same limitations that we have already discussed. On the upside, few of us could argue with the conclusion that even sitting down as an international group and discussing ethical concerns is a valuable exercise—at least for those fortunate enough to have been members of the committee. The unanswered question, however, still remains: is the field of security and law enforcement any more ethical because we have codes of ethics than it would be if we just forgot about them?

Amidst the agitation for a global code, there also agitation and evidence that personal codes are available and are being used in our day to they engagement as security personnel and employees generally. Marshall Pittman and Robin Radtke, (2001) both professors in the Department of Accounting at the University of Texas at San Antonio, conducted a study to determine whether employees use their personal codes or the organizational ethics codes for decision-making. The researchers found that most employees indicated that they have their own strong codes of ethics and used that to guide their decisions. A good thing? Not really. When Pittman and Radtke asked these same employees ethical questions, many of them responded to the situations in a ‘less than ethical fashion.’ Developing one’s own personal code, notwithstanding the fact that one’s application of a personal code of ethics may not be as ‘ethical’ as one thought, giving some thought to creating one is a useful exercise that is highly recommended. But one has to be guided because sometimes there are likely to be issues on conflict of interest. Simply put, a conflict of interest is a situation where one's personal interests conflict with one's professional ones. Dr Michael McDonald (2003), Director of the University of British Columbia Centre for Applied Ethics, defines a conflict of interest as ‘a situation in which a person, such as a public official, an employee, or a professional, has a private or personal interest sufficient to appear to influence the objective exercise of his or her duties.’[1] As you might have noticed from this definition, there is no need for the objective exercise of a person's work-related duties to be truly

compromised, only that it ‘appears’ to be compromised. Thus, using this definition, it seems clear that law enforcement professionals have a number of situations that present potential conflict situations, some of which are unique to security practices and the society, others that are common to all people in the work world today.

In avoiding some of the conflict of interest that are abound, Kernaghan& Langford (1990) highlighted seven keep statements that serve as guide to avoiding conflicts in the work place. Let us check if they are really relevant. The choice is yours as we come to an end of this unit. Consider the following statements to reflect on your potential for falling into conflicts of interest (Kernaghan& Langford (1990)).

- I keep my personal and professional relationships separate.
- I avoid discussing business in non-business situations.
- I disclose any outside business interests to my employer.
- I avoid accepting anything that could be viewed as a gift from potential clients.
- I avoid using any office equipment and supplies for tasks unrelated to my employer.
- I avoid taking care of personal business on company time.
- I feel comfortable in my ability to maintain employer/client confidentiality.

4.0 Conclusion

The importance of codes and ethics can not be undermined as it has ben referred to as a means of identifying and deciding whether or not a particular occupation is a formal ‘profession’ or not. Thus members of any specific profession are special and different in one way or the other in society. Though security operatives and personnel may be different nevertheless there a universal codes such as *esprit de corp* (comradeship) guiding behaviours. Therefore they have some forms of extraordinary duties, responsibilities or even rights

5.0 Summary

This unit further highlights the peculiarity of ethics and the use of codes as means of identifying professions and professionals. It examined the needs why codes are important, the arguement for and against codes were also discussed. In all there has been an attempt to produce a so-called global protocol for ethics in some organisations but this has not be possible. It is important to

state here that only in the security industry and among law enforcement agents are codes almost universally similar if there is anything to go by.

6.0 Self-Assessment Exercise

1. What is a code?
2. Understanding codes as a contract

Feedback

1. Codes are symbols and have symbolic meaning ...often referred as signs which could also come in forms of words, drawings, sounds etc but with codified meanings meaningful most especially only for those they have been constructed for. Thus codes have behavioural implications as it guides conducts.
2. Codes are necessary in security organisations and in operations, for which their existence presuppose that they must be respected and followed. Failure to do so may warrant discipline.

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Unit 4.**Decisions making and the reality of everyday ethics**

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1.0 Introduction

We make decisions every day of our lives. Just as students need to be reminded that the very fact that they are sitting in a classroom is a testament to the fact that they have made myriad decisions even in the short time since they got out of bed in the morning. They decide on what to wear, whether or not to eat breakfast and what to have, if anything, whether to come to class or not, how to get there, where to sit, to whom they would speak and the list goes on. So do law enforcement officers and security agents. Our lives can be boiled down to a series of decisions, some major, some minor, some conscious, some unconscious, some that ultimately turn out to be the right ones and others that we live to regret. The bottom line is that, for better or for worse, we all know how to make decisions already. The question is: do we know how to make *good* decisions and do we know how to apply our considerable talents in decision-making to making good *ethical* decisions?. To ask ultimately, why make a decision at all? What would happen if you chose not to make a decision in any given conundrum that might face you in your life? Which university should I choose? Oh, I can't decide, so I won't. Which job should I apply for? I can't decide, so I won't. Should I accept that marriage proposal? I can't decide, so I won't. In the end, in each situation, it should be clear that by choosing not to make a decision is actually making a decision and does not make the situation go away. It simply results in your inability to have any control whatsoever over the outcome. But make no mistake, you still have to live with the consequences. In most instances, ethical or not, making a decision really results in the resolution of a problem or, as ethicists prefer to call it, a *dilemma*. A dilemma is actually a

particular type of problem—one in which we are faced with two or more choices all of which are objectionable for one reason or another. If there were one clearly inoffensive choice beside other more offensive ones, then there would be no dilemma, no problem and no doubt about the right decision. Further, it would be a rare ethical dilemma to have to choose between a number of good outcomes. The bottom line still remains: a professional security practitioner/law enforcement officer has to be able to make decisions and ethical decisions are among the specific genres.

2.0 Intended Learning Outcomes (ILOs)

This is probably the chapter you've been waiting for as you've moved through the previous discussions which have focused more on the underlying ethical principles and your own approach to ethical thinking. After all, the heart of ethics in practice is facing those everyday ethical dilemmas and making decisions that you can live with. However, before you can examine ethical decision-making and apply those principles to law enforcement, security and even public relations practice, you do need a bit of background. Now, though, we have arrived at that point where we can really get to the substance of ethics in security and law enforcement practice.

3.0 Main Content

3.1 Decisions making and the reality of everyday ethics

As a reminder, security and law enforcement involve decision making and most often than not it entails reactions in what psychologist will refer to as the 'gut reaction' nevertheless what is important is for us to know the best one can hope for in any decision or reaction made. Another question to ask ourselves is how can one ever know if he/she is even heading in the right direction when it comes to ethics? Short of relying entirely on one's gut reaction—which is often referred to as intuition and is actually useful to some extent—the type of decision that you are required to make in such cases is the key. What you need to accomplish is choosing a defensible solution. An ethically defensible decision is one which you can live with and for which you are able to provide a reasonable, ethics-based rationale to observers. Make no mistake, you will often be required to provide such justification for these decisions since there are few black and white ethical situations about which everyone agrees. In solving ethical problems, it is a fact of

life that there will be someone who will disagree with your decision. Where, then, do you find this defence for your decision?

There are several venues where we can look for such defences for our decisions:

- a. *The principled decision:* This is a decision which is based upon a well-thought-out application of the ethical principles that have guided ethical decision-making through history. These principles are those that we discussed earlier, such as doing no harm, an attempt to serve justice, telling the truth and so on, and the approaches to decision-making offered to us by such philosophers as Aristotle, Kant and Mill, to name a few.
- b. *The precedent decision:* This type of decision uses a kind of case law if you like. Similar situations that have already been resolved can provide a certain amount of guidance largely because their outcomes are already known. This is especially useful since judging potential outcomes is clearly a big part of making ethical decisions. However, precise predictions of outcomes are usually not possible.
- c. *The patron decision:* This is a decision wherein we look to those who have more experience than we do in both our professional practice and in facing and dealing with ethical decisions. You need to be able to trust the judgement of your ‘patron’ and yet still be able to take full responsibility for the decision that you make based on such advice. In the end, decision-making is a process—one that we know a lot about in our operations or business as the case may be, but one that has special considerations in ethical practice.

3.1 Ethical Dilemmas: Not All The Same?

Not all ethical dilemmas are the same. According to Nash (1993), in her book *Good Intentions Aside: A manager's guide to resolving ethical problems*, corporate ethics guru she suggests that there are two types of problems in ethics: *the acute dilemma*—when you truly do not know what is the right thing to do; and *the acute rationalization*—when you do know the right thing to do but fail to do it. Nash indicates in her discussion of these different kinds of problems that ‘top officers often fail to achieve moral results, despite their good intentions, because they have thought only in terms of [acute dilemmas]’, the kinds of problems generally faced by these higher level superiors rather than those on lower levels of the hierarchy. Experienced officers

have often faced similar situations before, worked through the issues and actually do know what they ought to be doing. Doing it, however, requires a different set of personal and professional characteristics. What often happens, however, when the senior security officers/law enforcement agents who know what they ought to be doing fail to do it, is that they can be viewed by their subordinates as less than ethical, despite their clear awareness of what is right. We can learn from this if we apply security situations. An example of an acute dilemma in security and law enforcement practice would be deciding where to draw the line between apprehending a suspect in an outburst of chaos or crime commission that fails to disclose all the facts and one that tells all but might have negative consequences. These are the daily dilemmas that face law enforcement and security practitioners all over the world. An example of an acute rationalization would be knowing that all the pertinent facts should be included in a report or news release because of their potential to prevent harm, but you hide those facts because you rationalize that members of the public who might be harmed have a responsibility to seek out such information on their own. What happens most often in security and relations is not just that lower-level security practitioners might see the upper-level superiors as unethical, so too will the media and the public when the facts finally come to light as they so often do. Thus there is the need to understand how decisions should be made in situations of dilemma. It is in this regard that decision making steps flow chart becomes handy as often used in public relation but very important as well in law enforcement and security practices. Below is a diagrammatic representation of the process involved in the decision making steps:



- a *research* phase consisting of collecting all pertinent data, analysing it and determining the problems;
- a *planning* phase where one of the main tasks is to determine what we want to accomplish (objectives) and figure out the best way to accomplish it;
- an *implementation* phase where we carry out the strategies and tactics we figured out in the planning phase; and
- an *evaluation* phase where we figure out if our plan actually accomplished what we set out to do and more.

Making ethical decisions is a bit easier if we consider the phases that are similar to the below.

- The research phase in ethical decision-making is similar to the data collection and analysis that we do in the PR planning process. The tricky part is recognizing that we are facing an ethical issue in the first place.

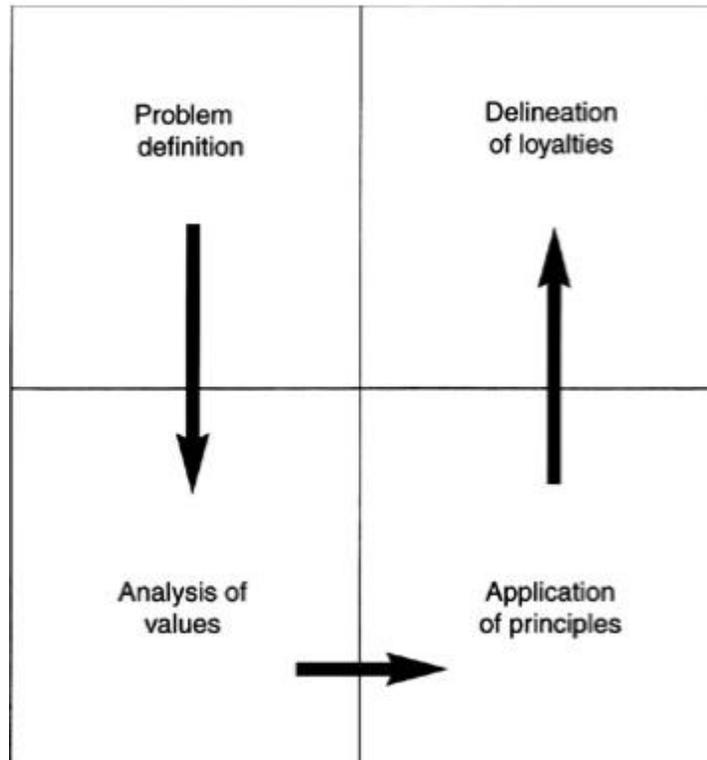
Having highlighted some of the above the main questions arise on how do we recognise an ethical issue? The following questions give us a clue.

-
- Is there harm involved?
 - Is there a missed opportunity to do something good?
 - Could anyone be misled in any way?
 - Will anyone's privacy be invaded?
 - Is it unfair to anyone?
 - Does it feel wrong?
-

Once you recognize that, indeed, an ethical issue is part of the situation that faces you, you need to gather as much information as possible about the following:

1. how the situation developed in the first place;
2. who are the involved parties on both sides of the situation;
3. what current issues are affecting the situation.

The planning phase in making ethical decisions forces us to examine the outcomes we want, but also to consider the outcomes that are likely, given the choices available. This is where we can use what has come to be known in ethics circles as 'The Potter Box.' This decision-making model was developed by Harvard divinity professor Ralph Potter (1972) and is now widely accepted as an organized approach to considering the application of values, principles and loyalties to making defensible ethical decisions

The Potter Box

Once we know from our data collection and analysis that there is an ethical issue, we define it. The next step is to determine the values that we bring to bear on the situation. Then we apply selected principles to the situation and consider to whom we have duties. All of this should lead us to the next step in the process.

- The next step in making the decision is to actually make it, but this is where our ethical decision-making differs slightly from our process decisions. Rather than moving immediately to implementation, we move directly to a hypothetical version of the final phase. Implementation comes later.
- The final phase is to evaluate the decision to determine if it is a good one. This is where a second guess comes into play. But the second guess is accomplished before the first guess is carried through.

4.0 Conclusion

Ethics is fundamentally about personal conceptions of right and wrong and the willingness to apply our own concepts of right to real situations. Professional ethics, however, is more than that since it must encompass the personal ethics of its individual practitioners, but it both enfolds and transcends personal judgements to include accepted standards of behaviour. It isn't enough to use only your own personal value system to be considered ethical in the professional domain. If you doubt your own moral capabilities, when you are in a position to hire other team members, consider selecting someone who can take on the role of ethics watchdog.

5.0 Summary

The unit brought to the fore what ethical dilemma is, its variability and key question to further comprehend and escape the dilemma problematic in situations of security operations and law enforcement. Using the Potter Box framework more light was thrown on the decision-making model widely accepted as an organized approach to considering the application of values, principles and loyalties to making defensible ethical decisions as prompt and as effective as one can be. This is based on the notion that ethical dilemmas result from conflicts that arise between the values we hold, the principles we use to make our decisions, the duties we have to others or any combination of these.

6.0 Self-Assessment Exercise

1. When does ethical dilemma arise?
2. What do we mean by gut reaction?
3. What are the two types of problems in ethics as highlighted by Nash (1993):

Feedback

1. It arises when one is in a fix (difficult situation) to act or not to act. An example of an acute dilemma in security and law enforcement practice would be deciding where to draw the line between apprehending a suspect in an outburst of chaos or crime commission that fails to disclose all the facts and one that tells all but might have negative consequences.
2. Is the will power to act when the need arises in law enforcement, especially when stubborn and noncompliant individuals are involved. Generally it involves decision or reaction taken.

3. Nash suggests that there are two types of problems in ethics: (1) *the acute dilemma*—when you truly do not know what is the right thing to do; and (2) *the acute rationalization*—when you do know the right thing to do but fail to do it.

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MODULE 3**Unit 1. The police: Popular conceptions about the character of police work****Unit 2. Obligations and responsibilities under international legal standards****Unit 3. Security operations: Dealing with complaints against the police****Unit 4. Police culture, violence and values for good policing**

Unit 1

The police: Popular Conceptions about the Character of Police Work

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1.0 Introduction

In spite of the still rather bleak picture of the image of the police, as far back as 1940 Bruce Smith (1960) wrote that "the lessons of history lean to the favourable side for the continuous existence of the police. He pointed to the fact that the then existing police forces had moved a long way from the past associated with the notorious names and bad image it as acquired (Smith, 1960), and he suggested that the uninterrupted progress justifies the expectation of further change for the better. It is fair to say that this hope has been vindicated by the events in recent times and in difference societies with several reforms in policing and law enforcement strategies. A wide margin of improvement from those Smith studied in the 1960's. In some countries in Europe and America, the once endemic features of wanton brutality, corruption, and sloth have been reduced to a level of sporadic incidence, and their surviving vestiges have been denounced by even generally uncritical police apologists. This can not be said of police in developing

countries in Africa and Asia, and to some extent in Eastern European countries. Indeed, police reform, once a cause espoused exclusively by spokesmen from outside the law enforcement camp, has become an internal goal, actively sought and implemented by leading police officials. Despite these widely acknowledged advances, however, the police continue to project as bad an image today as they have in the past. In fact, the voices of criticism seem to have increased. The traditional critics have been joined by academic scholars notably the marginalised ethnic minorities and the young people, who have only recently acquired a voice in public debate and through the social media express generally hostile attitudes toward the police. At the same time, news about rising crime rates and widely disseminated accounts about public disorders-ranging from peaceful protest to violent rebellion contribute to the feeling that the police are not adequately prepared to face the tasks that confront them. As a result of all of this, the police problem has moved into the forefront of public attention, creating conditions in which highly consequential and long range decisions are apt to be formulated. For this reason, it is of utmost importance to bring as much clarity as possible to the ongoing debate now.

2.0 Intended Learning Outcomes (ILOs)

This unit is geared towards highlighting the several challenges facing law enforcement officers which have also defined who they are to some extent, as well as the main ethical issues arising from the public conception of the Character of Police Work. At the end of this unit students are expected to understand these characters and popular conceptions of the police as attached to law enforcement.

3.0 Main Content

3.1 The police: Popular Conceptions about the Character of Police Work

The abandonment of the norm-derivative approach to the definition of the role of the police in modern society immediately directs attention to a level of social reality that is unrelated to the ideal formulations. Whereas in terms of these formulations police activity derives its meaning from the objectives of upholding and enforcing the law, we find that in reality certain meaning features are associated with police work that are largely independent of the objectives. That is, police work is generally viewed as having certain character traits we take for granted, and which control dealings between policemen and citizens, on both sides. Though we are lacking in

adequate evidence about these matters, the perceived traits we will presently discuss are universally accepted as present and the recognition of their presence constitutes a realistic constraint on what is expected of the police and how police officers actually conduct themselves. It is important to emphasize that even while some of these ideas and attitudes are uncritically inherited from the past they are far from being totally devoid of realism. In the police literature these matters are typically treated under either euphemistic or cynical glosses. The reason for this evasion is simple, the Sunday school vocabulary we are forced to employ while talking about any occupational pursuit as dignified, serious, and necessary forces us to be either hypocritical or disillusioned, and prevents us from dealing realistically with the facts and from being candid about opinion. Among the traits of character that are commonly perceived as associated with police work, and which thus constitute in part the social reality within which the work has to be done, the following three are of cardinal importance.

1. Police work is a tainted occupation. The origins of the stigma are buried in the distant past and while much has been said and done to erase it, these efforts have been notably unsuccessful. Medieval watchmen, recruited from among the ranks of the destitute and subject to satirical portrayals, were perceived to belong to the world of shadows they were supposed to contain (Dankert, 1968). During the period of the absolute monarchy the police came to represent the underground aspects of tyranny and political repression, and they were despised and feared even by those who ostensibly benefitted from their services. No one can say how much of the old attitude lives on; some of it probably seeps into modern consciousness. And it cannot be neglected that the mythology of the democratic polity avidly recounts the heroic combat against the police agents of the old order. But even if the police officer of today did not evoke the images of the past at all, he would still be viewed with mixed feelings, to say the least. For in modern folklore, too, he is a character who is ambivalently feared and admired, and no amount of public relations work can entirely abolish the sense that there is something of the dragon in the dragon-slayer. Because they are posted on the perimeters of order and justice in the hope that their presence will deter the forces of darkness and chaos, because they are meant to spare the rest of the people direct confrontations with the dreadful, perverse, lurid, and dangerous, police officers are perceived to have powers and secrets no one else shares. Their interest in and competence to deal with the untoward surrounds their activities with mystery and distrust. One needs only to

consider the thoughts that come to mind at the sight of policemen moving into action: here they go to do something the rest of us have no stomach for! And most people naturally experience a slight tinge of panic when approached by a policeman, a feeling against which the awareness of innocence provides no adequate protection. Indeed, the innocent in particular typically do not know what to expect and thus have added, even when unjustified, reasons for fear. On a more mundane level, the mixture of fear and fascination that the police elicit is often enriched by the addition of contempt. Depending on one's position in society, the contempt may draw on a variety of sources. To some the leading reason for disparaging police work derives from the suspicion that those who do battle against evil cannot themselves live up fully to the ideals they presumably defend. Others make the most of the circumstance that police work is a low-paying occupation, the requirements for which can be met by men who are poorly educated. And some, finally, generalize from accounts of police abuses that come to their attention to the occupation as a whole. It is important to note that the police do very little to discourage unfavourable public attitudes. In point of fact, their sense of being out of favor with a large segment of the society has led them to adopt a petulant stance and turned them to courting the kinds of support which, ironically, are nothing but a blatant insult. For the movement that is known by the slogan, "Support your local police," advocates the unleashing of a force of mindless bullies to do society's dirty work. Indeed, if there is still some doubt about the popular perception of police work as a tainted occupation, it will surely be laid to rest by pointing to those' who, under the pretence of taking the side of the police, imply that the institution and its personnel are uniformly capable and willing to act out the baser instincts inherent in all of us. In sum, the taint that attaches to police work refers to the fact that policemen are viewed as the fire it takes to fight fire, that they in the natural course of their duties inflict harm, albeit deserved, and that their very existence attests that the nobler aspirations of mankind do not contain the means necessary to insure survival. But even as those necessities are accepted, those who accept them seem to prefer to have no part in acting upon them, and they enjoy the more than slightly perverse pleasure of looking down on the police who take the responsibility of doing the job.

2. Police work is not merely a tainted occupation. To draw a deliberately remote analogy, the practice of medicine also has its dirty and mysterious aspects. And characteristically, dealings with physicians also elicit a sense of trepidated fascination. But in the case of medicine, the

repulsive aspects, relating to disease, pain, and death, are more than compensated by other features, none of which are present in police work. Of the compensatory features, one is of particular relevance to our concerns. No conceivable human interest could be opposed to fighting illness; in fact, it is meaningless to suppose that one could have scruples in opposing disease. But the evils the police are expected to fight are of a radically different nature. Contrary to the physician, the policeman is always opposed to some articulated or articulable human interest. To be sure, the police are, at least in principle, opposed to only reprehensible interests or to interest lacking in proper justification, But even if one were to suppose that they never err in judging legitimacy—a farfetched supposition, indeed—it would still remain the case that police work can, with very few exceptions, accomplish something *to* somebody only by proceeding *against* someone else. It does not take great subtlety of perception to realize that standing between man and man locked in conflict inevitably involves profound moral ambiguities. Admittedly, few of us are constantly mindful of the saying, "He that is without sin among you, let him cast the first stone ...", but only the police are explicitly required to forget it.

The terms of their mandate and the circumstances of their practices do not afford them the leisure to reflect about the deeper aspects of conflicting moral claims. Not only are they required to proceed forcefully against all appearances of transgression but they are also expected to penetrate the appearance of innocence to discover craftiness hiding under its cloak. While most of us risk only the opprobrium of foolishness by being charitable or gullible, the policeman hazards violating his duty by letting generosity or respect for appearances govern his decisions. Though it is probably true that persons who are characterologically inclined to see moral and legal problems in black and white tend to choose police work as a vocation more often than others, it is important to emphasize that the need to disregard complexity is structurally built into the occupation. Only after a suspect is arrested, or after an untoward course of events is stopped, is there time to reflect on the merits of the decision and, typically, that reflective judgment is assigned to other public officials. Though it is expected that policemen will be judicious and that experience and skill will guide them in the performance of their work, it is foolish to expect that they could always be both swift and subtle. Nor is it reasonable to demand that they prevail, where they are supposed to prevail, while hoping that they will always handle resistance gently. Since the requirement of quick and what is often euphemistically called aggressive action is

difficult to reconcile with error-free performance, police work is, by its very nature, doomed to be often unjust and offensive to someone. Under the dual pressure to "be right" and to "do something," policemen are often in a position that is compromised even before they act (Falk, 1965; Gardner, 1969). In sum, the fact that policemen are required to deal with matters involving subtle human conflicts and profound legal and moral questions, without being allowed to give the subtleties and profundities anywhere near the consideration they deserve, invests their activities with the character of crudeness. Accordingly, the constant reminder that officers should be wise, considerate, and just, without providing them with opportunities to exercise these virtues is little more than vacuous sermonizing.

3. The ecological distribution of police work at the level of departmentally determined concentrations of deployment, as well as in terms of the orientations of individual police officers, reflects a whole range of public prejudices. That is, the police are more likely to be found in places where certain people live or congregate than in other parts of the city. Though this pattern of manpower allocation is ordinarily justified by references to experientially established needs for police service, it inevitably entails the consequence that some persons will receive the dubious benefit of extensive police scrutiny merely on account of their membership in those social groupings which invidious social comparisons locate at the bottom of the heap. Accordingly, it is not a paranoid distortion to say that police activity is as much directed to who a person is as to what he does. As is well known, the preferred targets of special police concern are some ethnic and racial minorities, the poor living in urban slums, and young people in general. On the face of it, this kind of focusing appears to be, if not wholly unobjectionable, not without warrant. Insofar as the above-mentioned segments of society contribute disproportionately to the sum total of crime, and are more likely than others to engage in objectionable conduct, they would seem to require a higher degree of surveillance. In fact, this kind of reasoning was basic to the very creation of the police; for it was not assumed initially that the police would enforce laws in the broadsense, but that they would concentrate on the control of individual and collective tendencies towards transgression and disorder issuing from what were referred to as the "dangerous classes." What was once a frankly admitted bias is, however, generally disavowed in our times. That is, in and of itself, the fact that someone is young, poor, and dark-complexioned is not supposed to mean anything whatsoever to a police officer.

Statistically considered, he might be said to be more likely to run afoul of the law, but individually, all things being equal, his chances of being left alone are *supposed* to be the same as those of someone who is middle aged, well-to-do, and fair-skinned. In fact, however, exactly the opposite is the case. All things being equal, the young-poor-black and the old-rich-white doing the very same things under the very same circumstances will almost certainly not receive the same kind of treatment from policemen. In fact, it is almost inconceivable that the two characters could ever appear or do something in ways that would mean the same thing to a policeman.¹⁰ Nor is the policeman merely expressing personal or institutional prejudice by according the two characters differential treatment. Public expectations insidiously instruct him to reckon with these "factors." These facts are too well known to require detailed exposition, but their reasons and consequences deserve brief consideration.

4.0 Conclusion

In the first place, the police are not alone in making invidious distinctions between the two types,¹⁷ Indeed the differential treatment they accord them reflects only the distribution of esteem, credit, and deserts in society at large. Second, because of their own social origins, many policemen tend to express social prejudices more emphatically than other members of society.¹⁸ Third, policemen are not merely like everybody else, only more so; they also have special reasons for it. Because the preponderant majority of police interventions are based on mere suspicion or on merely tentative indications of risk, policemen would have to be expected to judge matters prejudicially even if they personally were entirely free of prejudice.

5.0 Summary

The three character traits of police work discussed in the foregoing remarks--namely, that it is a tainted occupation, that it calls for peremptory solutions for complex human problems, and that it has, in virtue of its ecological distribution, a socially divisive effect, that -are structural determinants. By this is meant mainly that the complex of reasons and facts they encompass are not easily amenable to change. Thus, for example, though the stigma that attaches to police work is often viewed as merely reflecting the frequently low grade and bungling personnel, that is currently available to the institution, there are good reasons to expect that it would continue to

plague a far better prepared and a far better performing staff. For the stigma attaches not merely to the ways policemen discharge their duties, but also to what they have to deal with.

6.0 Self-Assessment Exercise

1. Why does the public often view police officers as the fire it takes to fight fire?

Feedback

It is often assumed under the pretence of taking the side of the police, that the institution of law enforcement and its personnel are uniformly capable and willing to act out the baser instincts inherent in all of us when call upon.

7.0 References/Further Reading

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Unit 2

Law enforcements: Obligations and responsibilities under international legal standards

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1.0 Introduction

2.0 Intended Learning Outcomes (ILOs)

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1.0 Introduction

The International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex) and the International Covenant on Economic, Social and Cultural Rights set out principles on the fundamental rights of individuals to be observed by States. Several treaties and principles also contain provisions that are applicable to policing, both in terms of prohibited police behaviours (such as torture) and desirable priorities for police to set in their activities. Some examples are the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the International Convention on the Elimination of All Forms of Racial Discrimination. An overview of the international standards that are relevant to policing can be found in annex I. Treaties such as the International Covenant on Civil and Political Rights, which has been ratified by an absolute majority of States, establish legally binding obligations. A basic notion underlying the international legal framework is the right to remedy, which means that States need to establish a mechanism whereby people can seek redress if their rights have been violated. Article 2, paragraph 3, of the Covenant states: Each State Party to the present Covenant undertakes:

- a. To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

- b. To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- c. To ensure that the competent authorities shall enforce such remedies when granted.

More specifically, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (United Nations, Treaty Series, vol. 1465, No. 24841) states in article 12: “Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.” Articles 13 and 14 establish that any individual who alleges that he or she has been subjected to torture in any territory under the jurisdiction of the State Party has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities and has the right to fair and adequate compensation. Moreover, also in accordance with article 13, the complainant must be protected against all ill-treatment or intimidation as a consequence of his complaint. Pursuant to article 15, any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made. Pursuant to part II of the Convention, States parties have to report periodically to the Committee against Torture on the measures they have taken to give effect to their undertakings under the Convention.

2.0 Intended Learning Outcomes (ILOs)

Students are expected to understand the various principles specified by the International Covenant on Civil and Political Rights and how it operates and constitute ethics for which law enforcement officers must adhere to.

3.0 Main Content

3.1 Law enforcements: Obligations and responsibilities under international legal standards

Documents such as principles and declarations give guidance to Member States on the implementation of binding treaties. An important document for the police is the Code of Conduct for Law Enforcement Officials adopted by the General Assembly in its resolution 34/169. The Code of Conduct for Law Enforcement Officials, which refers to the various functions of law enforcement as well as the different aspects of accountability as discussed in chapter I of the present *Handbook*, states that the Code needs to be supported by additional important principles and prerequisites for the humane performance of law enforcement functions, namely:

- (a) That, like all agencies of the criminal justice system, every law enforcement agency should be representative of and responsive and accountable to the community as a whole;
- (b) That the effective maintenance of ethical standards among law enforcement officials depends on the existence of a well-conceived, popularly accepted and humane system of laws;
- (c) That every law enforcement official is part of the criminal justice system, the aim of which is to prevent and control crime, and that the conduct of every functionary within the system has an impact on the entire system;
- (d) That every law enforcement agency, in fulfilment of the first premise of every profession, should be held to the duty of disciplining itself in complete conformity with the principles and standards herein provided and that the actions of law enforcement officials should be responsive to public scrutiny, whether exercised by a review board, a ministry, a procuracy, the judiciary, an ombudsman, a citizens' committee or any combination thereof, or any other reviewing agency;
- (e) That standards as such lack practical value unless their content and meaning, through education and training and through monitoring, become part of the creed of every law enforcement official. In addition, articles 7 and 8 of the Code of Conduct require police to oppose and combat corruption and to oppose and report any violation of the Code of Conduct internally or to "other appropriate authorities or organs vested with reviewing or remedial power". The commentary on article 8 refers to the need to report violations within the chain of command but, only when no other remedies are available or effective, to take other lawful action outside the chain of command, and, as a last resort, to the media. This is known as whistleblowing. The Code of Conduct is reproduced in full in box 2.

Box 2. Code of Conduct for Law Enforcement Officials*Article 1*

Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

Article 2

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Article 3

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Article 4

Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

Article 5

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Article 6

Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

Article 7

Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

Article 8

Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them. Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

In 1989, the General Assembly endorsed the Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials in its resolution 44/162. The Guidelines state, inter alia, that effective mechanisms need to be established to ensure the internal discipline and external control as well as the supervision of law enforcement officials. Additionally, they state in section B.4 that provisions for the receipt and processing of complaints against law enforcement officials made by members of the public shall be made. Another instrument that is relevant for the police is the International Code of Conduct for Public Officials. The full text can be found in annex II of the present Handbook. The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials include principles related to accountability in relation to the use of force and firearms by police, including:

- The need for the availability of an “effective review process” with the Requirement that independent administrative or prosecutorial authorities need to be able to exercise jurisdiction in appropriate circumstances and that cases of death and serious injury or other grave consequences must be reported promptly to the “competent authorities responsible for administrative review and judicial control”.
- The principle that persons affected by the use of force and firearms or their legal representatives and dependents should have access to an independent process, including a judicial process.
- The principle that superior officers must be held responsible “if they know, or should have known” that their subordinates “are resorting, or have resorted, to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use”.
- The principle that officials who refuse to carry out unlawful orders to use force and firearms or who report such use shall not suffer criminal or disciplinary sanction.
- The principle that officials may not claim that they were obeying superior orders if they knew that such orders were manifestly unlawful and if they had a reasonable opportunity to refuse to carry out the orders. In any case, the superiors who gave the unlawful orders are also to be held responsible.

The Principles relating to the status of national institutions (the Paris Principles) are intended to guide the status and functioning of national institutions for the protection and promotion of

human rights, stating that the mandate of such institutions should be as broad as possible. Such institutions, whose names vary from country to country, play an important role as independent police oversight bodies. They typically deal with misconduct of all State officials rather than that of the police exclusively, and sometimes there are police-specific bodies such as a police ombudsman or a police complaints commission. According to the Paris Principles, the responsibilities of a national institution for the Protection and promotion of human rights should include submitting, upon request or on the institution's own initiative, opinions, recommendations, proposals and reports on any matters concerning the protection and promotion of human rights in relation to the following: any legislative or administrative provisions, as well as provisions relating to judicial organization, intended to preserve and extend the protection of human rights; and any situation of violation of human rights which it decides to take up; the preparation of reports on the national situation with regard to human rights in general, and on more specific matters.

A further such responsibility is to draw the attention of the Government to situations in any part of the country where human rights are violated and to submit to the Government proposals for initiatives to put an end to such situations and, where necessary, express an opinion on the positions and reactions of the Government. The composition of the national institution should reflect the plural society and guarantee independence. The national institutions should freely consider any questions falling within their competence, hear any person and obtain any information necessary to make an assessment of situations falling within their competence and publicize its opinions and recommendations. An important police oversight mechanism is the practice of making regular visits to places of police detention and places where police interrogate suspects, as provided for by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which entered into force in 2006. Article 1 of the Optional Protocol states that the purpose of the Protocol is "to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment." Such visits can play an important role in the prevention of police misconduct such as maltreatment of detainees. The mechanics of the implementation of the

provisions are left to the discretion of the State party, provided that it consults with non-State actors, in particular human rights defenders (Geneva, 2008).

The Standard Minimum Rules for the Treatment of Prisoners, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment set out basic principles on treating detainees with dignity. They require States to make known places of detention and the identities of custody and interrogation officers so as to facilitate accountability. The Body of Principles, dating back to 1988, also includes a requirement for places of detention to accept a system of external visits similar to that provided for under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Additionally, the Body of Principles provides detainees with the right to make a complaint to the authorities responsible for the administration of the place of detention and to higher authorities and, when necessary, to appropriate authorities vested with reviewing or remedial powers, and also to bring the complaint before a judicial or other authority in case it is rejected or inordinately delayed.

3.2. Obligations in Africa

The African Charter on Human and Peoples' Rights does not refer to the right to remedy, but the African Commission on Human and Peoples' Rights adopted a resolution in 2006 on police reform, accountability and civilian police oversight in Africa (African Commission, 2006). The preamble of the resolution states: Concerned that in many of the African States, there exist no independent policing oversight mechanisms, to which members of the public may report police misconduct and abuse of their powers for redress and that, where they do, they are directly under police authorities, Recognizing, that police forces in African States, which do not have oversight mechanisms require reform in order to become effective instruments of security, safety, and justice and respect for human and people's rights across the continent, (...) Noting that accountability and the oversight mechanisms for policing form the core of democratic governance and are crucial to enhancing rule of law and assisting in restoring public confidence in police; to developing a culture of human rights, integrity and transparency within the police forces; and to promoting a good working relationship between the police and the public at large, Encouraged by

the initiative taken in the formation of the African Policing Civilian Oversight Forum (APCOF), through the collaboration of Civil Society and State Civilian Police Oversight agencies, as an African initiative to promote police reform and with it the building and strengthening of civilian police oversight in Africa [...]. In article 3 of the Charter, the Commission urges State parties to the African Charter to establish independent civilian policing oversight mechanisms where they do not exist which shall include civilian participation. A website with links to African regional and national legislation—including recent updates—can be found at www.apcof.org.za. The website also describes the accountability structures of police agencies in the countries enlisted.

4.0 Conclusion

Finally, the Body of Principles states that whenever the death or disappearance of a detained or imprisoned person occurs during his detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority, either on its own motion or at the instance of a member of the family of such a person or any person who has knowledge of the case. Such an inquiry can also be held if someone dies shortly after having been detained; the findings can be made available on request. Habeas corpus is another fundamental measure to hold police accountable when depriving someone of his or her liberty. Under this principle, someone who is arrested or detained has the right to be brought promptly before a judge or other judicial authority to review the lawfulness of the detention. This principle is established in a range of instruments, most notably the International Covenant on Civil and Political Rights.

5.0 Summary

International and regional treaties are binding for States that have ratified them; Declarations and principles give guidance to States in implementing such obligations. A fundamental notion underlying international human rights standards is that States should enable the people living in their territory to seek redress if their rights have been violated. This right to remedy is essential in order to avoid impunity when State representatives violate internationally recognized human rights principles. The existence of the right to remedy means that States must establish a mechanism for receiving complaints, which must be investigated thoroughly and impartially. Also, it means that States must start investigations on their own initiative when there are grounds

to believe that serious misconduct has occurred. It also means that wrongdoers must be punished and that victims can receive compensation. International standards also give direction to police officers in carrying out their duties, also advising them on conduct to be avoided. They also enable both internal and external bodies, including individuals and groups, to monitor police actions with a view to enhancing their integrity.

6.0 Self-Assessment Exercise

1. What does *Habeas corpus* mean?
2. What does the Paris principle represent?

Feedback

1. *Habeas corpus* is a key component of the principle of International Covenant on Civil and Political Rights. Generally speaking it is a fundamental measure to hold police accountable when depriving someone of his or her liberty. Under this principle, someone who is arrested or detained has the right to be brought promptly before a judge or other judicial authority to review the lawfulness of the detention.
2. According to the Paris Principles, the responsibilities of a national institution for the Protection and promotion of human rights should include submitting, upon request or on the institution's own initiative, opinions, recommendations, proposals and reports on any matters concerning the protection and promotion of human rights in relation to the following: any legislative or administrative provisions, as well as provisions relating to judicial organization, intended to preserve and extend the protection of human rights; and any situation of violation of human rights which it decides to take up; the preparation of reports on the national situation with regard to human rights in general, and on more specific matters.

7.0 References/Further Reading

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Human Rights: A Compilation of International Instruments, Volume I (First Part): Universal Instruments (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34. Part II.C of the Standard Minimum Rules on prisoners under arrest or awaiting trial is particularly relevant for the police. International Covenant on Civil and Political Rights, art. 9, para.

United Nations, Treaty Series, vol. 1520, No. 26363.

African Commission on Human and People's Rights, 40th session held in Banjul on from 15 to 29 November 2006.

Unit 3

Security operations: Dealing with complaints against the police

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1.0 Introduction

One feature of an effective accountability system is a procedure for dealing with Complaints against police officers, as filed by the public as well as by fellow police officers. While accountability comprises more than a complaints system alone, an Effective system that enjoys the confidence of the public and the police alike is an important indicator of high standards of accountability and is likely to help police in restoring or enhancing public confidence. The procedure must ensure that complaints are dealt with appropriately and proportionally. It is in this regard that it becomes germane to ensure that members of the public can file complaints

It is crucial for members of the public to be able to file complaints against the police. Similarly law enforcement officers are not restrained in anyway first as human and also members of the community vis-à-vis as professionals to file complaints, for example when they experience discrimination or harassment (Organization for Security and Cooperation in Europe-Vienna report, 2000). In most countries, people can file a complaint directly with the police, usually with the station commander or a district chief of police, who then decides on the next steps, which could include an investigation. However, members of the public may feel reluctant to file a complaint about the police with the police themselves. Usually a complaint can also be filed directly with the prosecutor's office. Members of the public should be in a position to file a

complaint against the police (and indeed be facilitated in doing so), if they feel they have been wrongly treated. This is important because:

1. In the absence of a complaint, an investigation is unlikely to be initiated.
2. If there is no complaint, the police will miss a potential learning opportunity that could lead to an improvement in services.
3. The lack of a complaint may lead to impunity for the offender and a culture of impunity in the longer term.

It is important to note that not all complaints are about police misconduct but may relate to policing standards, operational guidelines or policies (Neild, 2000). Such so-called service complaints will not always require an investigation but nevertheless warrant an effective and timely response and, just like any other complaint, may provide the police with a learning opportunity.

2.0 Intended Learning Outcomes (ILOs)

You are expected to understand the need to ensure that both quality (competence) and quantity (number of personnel) are matched in the recruitment of new staff for the purpose of law enforcement or security operations as vital components of ethics in effective security management scheme. Similarly this unit will expose you to the various reasons and model of ensuring police accountability, especially with the introduction of independent body or department saddle with the responsibility of handling complaints, proceedings (disciplinary and criminal) against the police.

3.0 Main Content

3.1 Security operations: Dealing with complaints against the police: (The need for an independent body)

Having introduced the need and importance for complaints in law enforcement and security operations, and the relevance of ensuring that members of the public can file a complaint directly with the police, there should be alternatives such as the possibility of filing a complaint with a body that is independent of the police or prosecutor's office. This will protect those making complaints from being intimidated by the police (Alemika, 2009). The independent body must be

responsible for oversight over the entire police complaints process. Willingness on the part of the police to cooperate with these independent institutions will contribute to their legitimacy, as it will show that they are refraining from interfering in complaints investigations. For law enforcement and accountability to be fully effective, it must involve multiple actors and institutions performing multiple roles, to ensure that police operate in the public interest. As these actors and institutions often represent particular interests, it is crucial to have a complementary independent institution overseeing the entire system. Independent bodies include national human rights institutions, also known as human rights commissions, operating under the Paris Principles, as discussed in previous unit. Additionally, some countries have established police-specific bodies such as police boards, police service commissions and independent police complaints bodies.

The United Nations Convention against Corruption calls for independent bodies or persons (specialized in combating corruption through law enforcement) that can “carry out their functions effectively and without any undue influence” (article 36). For this, the independent body should have complete discretion in the performance or exercise of its functions and not be subject to the direction or control of a minister or any other party (Shahindha, 2009). In principle, it should give an account after its work has been performed, when it reports to parliament (rather than the executive). Independence is best served if commissioners and staff carry out their functions with the highest degree of integrity and professionalism. Commissioners in particular also need to “reflect the plural society” (as set out in the Paris Principles), meaning that ethnic and religious minority groups must be represented. Equal representation of men and women is also desirable.

The recruitment of new staff for the purpose of law enforcement or security operations has important implications for the body’s perceived independence, with areas of particular importance being who decides on recruitment procedures and when to initiate new ones. Slack recruitment can indicate weak political commitment, as is also the case when oversight bodies have to operate without a chair or with less than the requisite number of personnel for a considerable time (Tait, 2009). Selecting the right staff officers who meet the criteria of independence presents a particular challenge. Newly established independent bodies often have

to hire some police officers because of their unique experience in conducting investigations, which cannot be acquired otherwise. In such cases, it is recommended that the oversight body hire police officers from regions other than the one where it operates, and, if possible, retired officers only. Commissioners and staff need to be well-prepared to carry out their job. They need to have, or gain, a sound understanding of policing in order to avoid having unrealistic expectations or exercising undue sympathy for the police, resulting in a lack of impartiality vis-à-vis the police or the complainants. Additionally, such staff should receive gender-specific training and training on gender mainstreaming. The oversight body must itself be subjected to rigorous oversight. It must report to parliament, and its reports must be made public. Whenever its measures require the use of special powers, for example, to arrest someone or conduct a house search, this must be subject to proper authorization, and the body must account for its actions afterwards. In fact, all the principles of police accountability apply equally to independent investigative bodies. Scrutiny of the independent body is recommended, especially when it has discretion in the use of special powers, such as the power to search and seize. An independent body cannot function properly without the support of the executive and the parliament, so that the executive has not only to accept but also facilitate the work of those responsible for scrutinizing it. Independent bodies have to strike a balance between maintaining their independence while at the same time ensuring the support of the political authorities as well as the police leadership, both of which are important for their credibility but also for their potential effectiveness and impact.

3.2 Mandates of independent police oversight and complaints bodies

Independent police oversight bodies as they currently exist have different mandates. Some focus on receiving, investigating and/or recording complaints; some have general oversight functions (over police performance in general, usually without focusing on specific cases); some provide policy guidance for police deployment; some mandates focus on personnel issues, usually specifically focusing on the selection and appointment of the national chief of police; some mandates focus on oversight over police detention and some have a mandate combining some or all of these functions. Independent police oversight bodies have several mandates:

1. Dealing with complaints

2. General oversight: operational and policy compliance review
3. Direction-setting: policy input and priority-setting
4. Personnel management issues: “hiring and firing”
5. Oversight over detention facilities

Dealing with complaints and general oversight are evaluation functions aimed at correcting or punishing misconduct while direction-setting and personnel management are functions aimed at providing guidance and preventing misconduct. Oversight of detention facilities is a combination of evaluation after operations and giving directions beforehand. The evaluations resulting from dealing with complaints and general oversight also provide input for new procedures and policies aimed at preventing a recurrence of problems in the future. A single independent body may perform all five functions, or the complaints may be handled by a specialized oversight body. In any case, for effective police accountability, it is essential that an independent body is mandated to deal with complaints against the police. Various models are used for oversight bodies whose mandate is only to deal with complaints (Mehta, 2009:17):

- *Investigative and quality assurance models.* These share responsibility for investigations into allegations of misconduct with the police. They usually deal only with certain types of complaint and more serious complaints.
- *Review and appellate models.* After the police have completed an internal investigation into a complaint, the boards under this model review the file and decide whether a specific case was competently or fairly handled and, if not, request that the problem identified be corrected.
- *Evaluative and performance-based models.* These do not concentrate on individual complaints, but are geared to identifying patterns and practices of police misconduct and systemic failures to deal with them.
- *Mixed models.* Oversight bodies may use a combination of two or more of the above models.

Under the complaints structure sometimes referred to as the “post box” model, the independent body can receive the complaint and refer it to the police, but cannot investigate or make

recommendations. Some of the review and appellate models are perceived by the public as “post boxes” only, thus hindering their effectiveness. Although in general it is considered good practice for the independent body to have investigative powers and the capacity to initiate an investigation, this does not mean that it needs to investigate all complaints. It is considered good practice for it to investigate serious complaints only and monitor the rest (Commonwealth Human Rights Initiative, 2007). In principle, the independent body must investigate all deaths and serious injuries suffered in police detention or as a result of police action; arguably, any use of lethal force (firearms) must always be investigated independently. It must be mandatory for the police to report these incidents to the independent body, and the investigation must commence immediately upon receipt of a complaint involving an allegation that could lead to criminal or disciplinary outcomes (Hopkins, 2009). As stated above, it is good practice for the independent body to have Oversight over the entire complaints system. It needs to monitor investigations of complaints, including the investigations conducted by the police, and complaints filed directly with the police must be forwarded to the independent body. The independent body must also be authorized to intervene in police investigations that are not conducted properly. This means that the independent body needs to have access to police reports (the outcome of the investigation, the information considered and the decision) and inform the police if the investigation has not been performed satisfactorily. This may result in the independent body repeating the investigation. The monitoring function of the independent body should be well-defined. As a minimum, the independent body must do the following:

- a. Have the capacity to receive complaints directly from the public (as well as from members of the government)
- b. Record all complaints filed against police (whether submitted at the police station, police headquarters, prosecutor’s office or directly to the independent body)
- c. Have the capacity to start an investigation on its own initiative
- d. Have sufficient investigative powers to make an assessment of the case in hand, including:
 - ✓ The power to hear any person and subpoena powers
 - ✓ The power to obtain any information required, including the power to access police dockets and to conduct searches and seizures
 - ✓ The power to compel the presence of witnesses including the police

- ✓ The capacity to offer witness protection
- e. Have the power to recommend further penal or disciplinary action
- f. Have the capacity to make recommendations for structural change, hence enabling the police to prevent the recurrence of misconduct
- g. Have the capacity to follow up on its recommendations. For example, it must have the capacity:
 - To publish its findings and recommendations, including the response received from the police
 - To compel the police to disclose the reasons for not following up on their recommendations
 - To make public a failure by the police to follow up on its recommendations

Having investigative powers does not mean that the independent body must have the power to prosecute, sentence or discipline the subject of the investigation. Instead, it needs to recommend penalties to police commanders or refer a case for criminal prosecution. For example In the Council of Europe Opinion of the Commissioner for Human Rights concerning Independent and Effective Determination of Complaints against the Police, a suggestion is made that an independent police complaints body could be granted powers to press criminal charges to address the concern that the close working relationship between the police and the prosecution authority might undermine independence and impartiality (Council of Europe, 2009)

3.3. Complaints flowchart: Investigation into the complaint

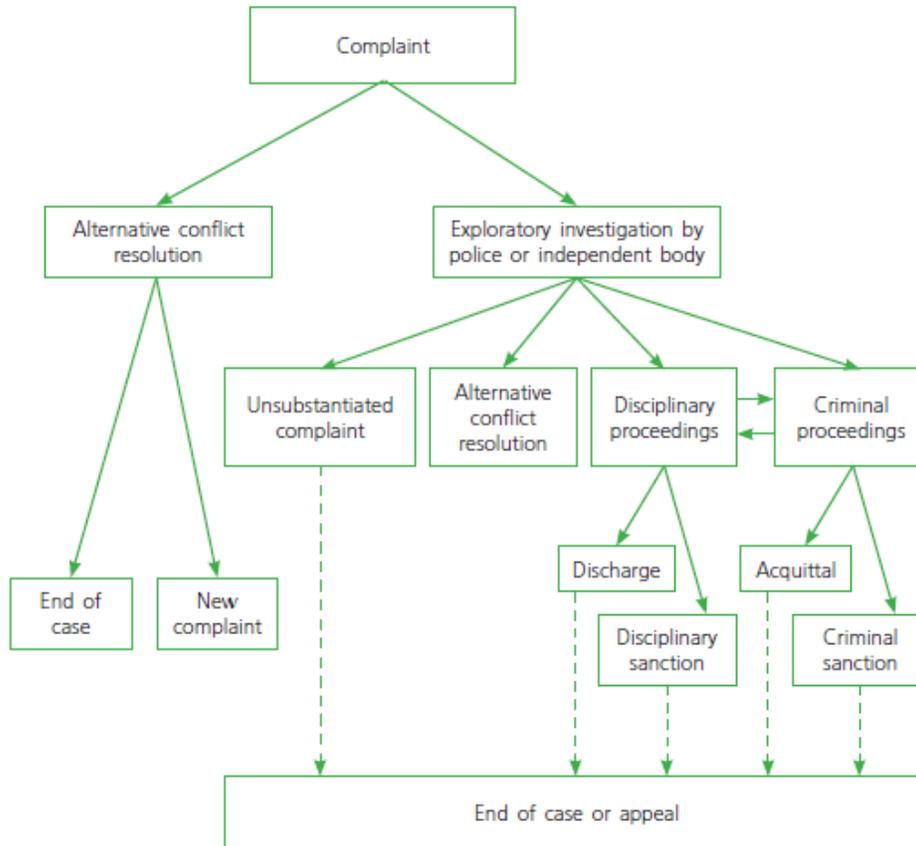
The first step after a complaint has been filed is to determine whether the case requires investigation. As any investigation may have serious consequences for the officer involved, the decision to initiate an investigation should be taken carefully. In some countries, an exploratory investigation is conducted first, in order to verify whether there is a need for a disciplinary or criminal investigation. Such an exploratory investigation can be conducted either by the police or by an independent body as long as it is guaranteed to be conducted in a fair and transparent way. The advantage of conducting an exploratory investigation is that it can guide decision-making and prevent damage to the reputation of a police officer found to be innocent. It can also be counterproductive in that it can lead to no investigation being initiated, resulting in effective

impunity. The exploratory investigation may lead to the decision that the complaint was false or that there was no neglect of duty or criminal offence, for example in cases of miscommunication rather than misconduct. In such cases, complainants must be informed of the reasons why the complaint is not being taken further. If the case seems to be substantiated, it needs to be identified as either a disciplinary or a criminal case, as these require different investigative procedures. If the investigation concerns a death in custody, civilian investigators should investigate as if a crime has been committed. Enforceable timelines for investigations are critical.

Provision of documents by police agencies must be prioritized and investigators should use warrants to collect documents themselves where any delay occurs. In cases where the complainant is injured, or the victim has died as a result of police action, the burden of proof falls on the police to explain how the complainant was injured in custody. Consideration must be given to how forensic material is collected and examined. Most independent complaints investigation bodies have no independent forensic capacity, and forensic functions must either be carried out by the police force that is being investigated or outsourced to a similar body or policing body from another jurisdiction. Ensuring continuity of the evidence chain can be cumbersome, and the evidence chain can create fertile ground for corruption. Also, it frequently leads to long delays in obtaining forensic reports. Figure I, summarizes the complaints process. The process is exactly the same for any investigation into police misconduct, including those where there has been no complaint. For example, exploratory investigations can be initiated as a result of video recordings of a police officer accepting bribes, when a police officer cannot explain the loss of his or her bullets or when an officer is caught using illicit drugs. The complainant can also pursue civil proceedings in parallel to the complaints process. Box I contains some information about false complaints.

Figure I

Complaints flowchart



Box I. False Complaints

An unconfirmed complaint can turn out to be a false complaint, for example, if the complainant is seeking to avert or stall a criminal investigation or trying to avoid payment of penalties. In the European Code of Police Ethics, it is recognized that police often face malicious complaints, and police agencies are urged to support police subject to ill-founded accusations.

European Code of Police Ethics, art. 34.

3. 4 Complaints: Implication for disciplinary/criminal proceedings

Disciplinary proceedings relate to the conduct of police as employees. Like all employers, police managers have a right and a duty to deal with misconduct. As police are public officials, disciplinary proceedings fall within administrative law. A disciplinary offence is often referred to as neglect of duty, an umbrella term for any kind of misconduct by a police officer that is not a criminal offence as defined by national criminal law, including misconduct such as pursuing private activities during working hours, being rude to colleagues or members of the public, using company equipment for private gain, alcohol abuse, harassing or bullying colleagues, insubordination and disrespect for standard operational procedures. A breach of specific standard operational procedures can amount to a criminal offence, for example, if a police officer uses excessive force. Moreover, if an officer fails to comply with standard operational procedures, for example, by failing to register a detainee properly, while this technically constitutes neglect of duty, it can facilitate serious offences including human rights violations such as torture in custody. Sometimes the disciplinary offence might be easier to prove than the criminal offence, and can thus constitute the first stage in the accountability process.

There are some differences between disciplinary and criminal procedures that may affect the rights of the alleged offender, most notably the right to be presumed innocent and the right to a fair trial. Under disciplinary proceedings, the supervisor can, for example, order the accused to hand in his or her docket book (a notebook used as a record of actions taken and statements gathered), even though this may lead to a situation where the accused is incriminating him- or herself. Additionally, while interviews with suspects must respect the presumption of innocence, under both disciplinary and criminal proceedings, failure by non-suspects to cooperate with external bodies could constitute a disciplinary offence. The rules of evidence are stricter under criminal proceedings. Under criminal law, Liability for the offence must be proved beyond reasonable doubt, whereas in the context of disciplinary procedures it is sufficient to prove it probable that the offence occurred and was committed by the officer in question. It is up to the officer to prove otherwise. A complaint that has not been proved can still be registered in the officer's personnel file (and can serve as an early warning).

Whenever there is information that an infraction may amount to a criminal offence, the alleged offence should be reported immediately to the investigation and prosecution authorities, and a criminal investigation may be initiated. In some jurisdictions, when a disciplinary investigation leads to a criminal investigation, the disciplinary procedure must be frozen until the results of the criminal investigation are available. If, however, there is information that a criminal offence has been committed but the criminal investigation authorities find that there is not enough evidence to charge the suspected officer, he or she may still be subjected to disciplinary procedures. In contrast, using information obtained under disciplinary proceedings in a criminal procedure is more problematic since, as discussed, this may involve information that the investigators would not have been able to obtain under penal regulations. After the investigation is finished, its findings are sent to either the police supervisor, in the case of disciplinary proceedings, or to a prosecutor for criminal offences. If sent to a prosecutor, the procedures are similar to those for common criminal procedures though police officers may face more severe sanctions for a crime committed during the performance of police duties. Sometimes, for example, in some cities in the United States of America, there is a separate unit within the prosecutor's office for dealing with complaints against the police.

In the case of disciplinary proceedings, some systems permit a superior officer to appoint ad hoc disciplinary panels whose composition the defendant may have the right to challenge. In most systems, police facing disciplinary sanctions above a certain level are allowed to appoint someone to act in their defence, either a fellow officer or an independent lawyer. Police unions can provide defence counsel or fund professional legal advice. Under systems where the accused is not permitted to choose his or her defence counsel, there is a risk that the right to defence will be violated. The sanctions applicable in a disciplinary process typically range from verbal warnings, written warnings, cuts in salary, working without pay and demotion to dismissal, and are usually less intrusive than criminal sanctions, such as fines or imprisonment. There must be a right to appeal against the findings of the disciplinary hearing, through a written submission in most countries. The European Code of Police Ethics requires that disciplinary decisions be subject to review by an independent body or a court. In table 1 below, the differences between disciplinary and criminal proceedings are summarized.

Table 1. Differences between disciplinary and criminal proceedings

	<i>Disciplinary proceedings</i>	<i>Criminal proceedings</i>
Legal framework	Administrative law (employee versus employer or more specifically, civil servant versus administration)	Criminal law (suspect versus State)
Status	Subject or accused	Suspect
Rights	Presumption of innocence	Presumption of innocence
	Fair trial	Fair trial
Obligations	Employees are obliged to cooperate, for example by disclosing dockets and other pieces of work-related information that may be self-incriminating	No obligations
Rules of evidence	Balance of probabilities	Beyond reasonable doubt
Result	Decision (by superior or by disciplinary panel)	Verdict (of criminal court)
Maximum sanction	Dismissal ^a	Imprisonment
Appeal	With next line manager Ultimately, administrative court	Common appeal procedures under criminal law

^aFew countries allow for detention under disciplinary proceedings.

In practice, an officer can be subjected to disciplinary proceedings, then referred to the prosecutor if a criminal offence appears to have been committed. It is likely that the officer will be suspended (a disciplinary measure) pending the outcome of court proceedings. Even if acquitted by the court, the accused may be deemed no longer suitable for police service and not reinstated. This is only acceptable if the outcomes of the disciplinary investigation allow for dismissal.

3.4 Learning from complaints

It is generally agreed that an investigation into a complaint needs to be followed up on with an analysis of complaints data in order to identify the underlying causes of misconduct that could lead to a recurrence. The causes can include a lack of proper supervision, unacceptable working conditions, lack of training and equipment and ambiguous laws and instructions. It is useful to review instructions and standard operational procedures periodically, and, where gender issues are involved, to invite women's police associations and other police personnel associations to identify potential reforms. Complaints data can also be used to identify the operational areas where the abuse of police powers is most likely to occur and also which officers are subject to an

unusually high number of allegations (Bruce & Neild, 2005). Some countries have developed “early warning systems” for monitoring officers’ behaviour and responding to it before it escalates to the level of a disciplinary or criminal offence (Greene, et. al. 2004). As direct supervisors, police managers play a crucial role in tackling potential problems at an early stage (Walker, Milligan & Anna Berke, 2006). Additionally, complaints are an indication of overall police-community relations, so that a lesson can be learned from every single complaint, even when not substantiated. “Statistical and empirical research and analysis of complaints is of fundamental importance to democratic and accountable policing. An [independent police complaints body] will be ideally placed at points where police operations and community experiences intersect and, therefore, able to provide the police and public with informed advice on how to improve the effectiveness of policing services and police/community relations” (Council of Europe, 2009)

4.0 Conclusion

The main purpose of the police complaints system is to prevent impunity for police misconduct so that public confidence in the police can be restored or enhanced, a purpose that needs to be reflected in the organization of the system. As stated above, in some cases, a complaint may be resolved through an apology or another form of alternative conflict resolution. This should in principle be considered only in cases where, on the face of the complaint, there is no proof of facts leading to disciplinary or criminal charges and if both complainant and police agree.

5.0 Summary

In the interests of giving effect to the right to remedy, members of the public must be able to file a complaint about police misconduct. The procedure for making a complaint should be made easy, and facilities for reporting complaints should be available at every police station. Additionally, there should be a police complaints body that is independent of both police and prosecution services. Every complaint reported should be recorded with the independent body. In all other situations, a reported complaint must be investigated promptly and the complainant notified of the outcome. Also, there needs to be a possibility for appeal. If the complaint constitutes neglect of duty it must be investigated using disciplinary proceedings. If, however,

the complaint relates to a criminal offence it needs to be dealt with according to penal procedures. The complaint can be investigated by either the police or by an independent body. It is recommended that serious cases are investigated by an independent body to prevent police interference in the investigation. Also, the independent body should have oversight over all investigations, including those conducted by the police. Investigations conducted by the police need to apply certain safeguards to prevent the investigation from being manipulated. It is important to install effective protective measures for complainants and witnesses.

6.0 Self-Assessment Exercise

1. Why and how do complaints become an indication of overall police-community relations?
2. Why is an independent body needed for police accountability?
3. What do we mean by “early warning systems”?

Feedback

1. Interaction, argument, evidence, feedbacks are only possible when police are in operation ...it is a pointer that police are human and are not perfect, when they are good they should be applauded, and when they are not they should be castigated (Not all complaints are about police misconduct but may relate to ethics, policing standards, operational guidelines or policies) thus complaints is one of the ways feedback mechanisms are arrived at and they help to keep the system in check and for better policing and law enforcement (ethical conducts in general).
2. An independent body is needed for police accountability for the following reasons:
 - a. The power to hear any person and subpoena powers
 - b. The power to obtain any information required, including the power to access police dockets and to conduct searches and seizures
 - c. The power to compel the presence of witnesses including the police
 - d. The capacity to offer witness protection
 - e. Lastly they are needed for objectivity and impartiality
3. Early warning systems are mechanisms in place to monitor officers' behaviour and responding to it before it escalates to the level of a disciplinary or criminal offence.

4.

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Unit 4

Police culture, violence and values for good policing

Contents

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1.0 Introduction

The role of policing has been dynamic since it became a profession in 1829 under Sir Robert Peel in London, England. The relationship between police and citizens in most society is generally understood as a progression from the *political era*, when police were introduced in the 1840s to the early 1900s; to the *reform era*, stretching across the middle part of the 20th century from the 1930s to the 1970s; and then to the *community era* of modern policing since the 1970s (Kelling and Moore, 1988). It was Williams and Murphy (1990) who pointed out the lack of involvement of minorities in policing throughout these different eras. Communities of color were largely powerless during the political era and thus not able to influence police strategy. During the reform era, police strategy was determined largely on the basis of law, although communities of color were generally unprotected. In today's community era of policing, one of the tenets is the requirement for a cohesive community working in partnership with a responsive police department globally. Recognizing the national character of police and policing in law enforcement, Williams and Murphy (1990) state that this precondition does not prevail in many minority neighborhoods. Noting that violence between police and citizens is not something from an era of policing that is behind any country and that Police violence is not a local problem. Thus the "culture" of a police department needs to be brought to the fore amidst the incessant problems therein, as it reflects beliefs about the police, policing and law enforcement procedure.

These beliefs are reflected in the department's recruiting and selection practices, policies and procedures, training and development, and ultimately, in the actions of its officers in law enforcement situations. Clearly, all police departments have a culture. The key question is whether that culture has been carefully developed or simply allowed to develop without benefit of thought or guidance. There are police agencies, for example, where police use of force is viewed as abnormal. Thus, when it is used, the event receives a great deal of administrative attention. Such a response reflects the culture of that department: the use of force is viewed and responded to as an atypical occurrence. Contrast such a department with one which does not view the use of force as abnormal. In the latter case, there may be inadequate or poorly understood policies providing officers with guidelines regarding the use of force. There probably is no administrative procedure for investigating incidents where force is used. And, most importantly, the culture of the department is such that officers come to view the use of force as an acceptable way of resolving conflict. Over the past few years, there has been significant progress in improving police-community relationships. Yet, the major problem creating friction between the police and the community today is police use of deadly force. This is an age-old problem of which only in recent years has the public become aware. The fact that this problem existed for such a long time before receiving widespread attention can again be related to the culture of the police.

2.0 Intended Learning Outcomes (ILOs)

The primary purpose of this unit and module is to assist students of law enforcement security studies to understand the incidence of violence between police officers and citizens. From the perspective of the police executive, the successful accomplishment of that objective should have two major benefits. First, it should enhance the safety of police officers. Second, it should foster an atmosphere of cooperation and mutual respect between the police and the people they serve. The purpose of this unit is to provide a basis for assessing a police department to determine, first of all, if its culture is conducive to reducing violent confrontations between the police and citizens. Equally important, is to provide a frame of reference which can be used by students to develop policy, make decisions, implement programs in their course of study.

3.0 Main Content

Police Culture/Police Society

Police culture and the culture of violence specifically is one among many competing forces (problems) pulling at the police officer. Jerome Skolnick (1999) writes:

The combination of danger and authority found in the task of the policeman unavoidably combine to frustrate procedural regularity. If it were possible to structure social roles with specific qualities, it would be wise to propose that these two should never, for the sake of the rule of law, be permitted to coexist. Danger typically yields self-defensive conduct, conduct that must strain to be impulsive because danger arouses fear and anxiety so easily. Authority under such conditions becomes a resource to reduce perceived threats rather than a series of reflective judgments arrived at calmly. The ability to be discreet, in the sense discussed above, is also affected. As a result, procedural requirements take on a "frilly" character, or at least tend to be reduced to a secondary position in the face of circumstances seen as threatening.

Skolnik's description of this aspect of the police officer's role provides some measure of understanding of how violence might occur in encounters with citizens. It also provides a basis for the formation of "police culture" or the police society. While most occupational groups develop their own identity, the police identity seems to be much stronger because of the nature of the work. There is a belief that one cannot understand the difficulty of the work without having done it.

As a result, when a community questions the actions of the police--as can be expected when a police officer uses a firearm--the law enforcement profession has a tendency to close ranks and defend the officer at all costs. The development of this "police society" begins with academy training (or even before in the recruiting and selection process) and continues until the individual

becomes an accepted part of the fraternity. An example of how this socialization process might take place appears in Jonathan Rubinstein's (1973) *City Police*:

A rookie patrolman was sitting in the roll call room waiting for his tour to begin when his wagon partner left a small group to come and sit next to him. It was the first time anyone had spoken to him before roll call in the two weeks he had been in the district. "Hey, Tony, I been meanin' to ask you, where'd you get that little stick you carry?" "It's what they issued us at the academy," the rookie replied. "No kiddin. Take my advice and get rid of it. Go down to Coteman's and get yourself one of them new plastic sticks. They're good and solid, not a toothpick." The rookie fidgeted, kept his eyes on the floor, and quietly replied, "I don't want to be that way."⁵

Although reluctant, the rookie bought one of the new nightsticks the next day. The socialization process is generally more subtle, and assignment procedures may well contribute to the police society. Many departments, for example, rotate patrol officers' shifts, weekly, which makes association with people other than police officers extremely difficult. In addition to assignment patterns, the job itself tends to cause social isolation. After a period of time as a police officer, it is not uncommon for an officer to begin avoiding contacts with old friends, even when scheduling permits, because of the tendency to hear stories about traffic tickets and other negative encounters people may have had with the police. The result is the creation of an environment where an officer withdraws further and further from the community. He or she moves towards the protective shell of the police world where colleagues understand the nuances of the work. From the standpoint of addressing the problem of police-community violence, the "police society" is critical. The reinforcement of narrow views by limiting contact only to other officers has an impact on the creation and perpetuation of violent encounters with citizens. The "police society" also severely hampers efforts to investigate complaints of excessive force. The police profession must reach a point where violence is discouraged at the peer level. When violence does occur, police officers themselves must be involved in providing information to the investigative process impartially and with integrity. At the same time, there are also positive aspects to a close-knit work group, and care must be taken to ensure these positive aspects are not harmed when attempting to deal with the negative ones.

The problem of police-citizen violence, although it receives considerable media and community attention and generates genuine community tension, is one that does not readily lend itself to solution through a defined or specific program such as the use of technology (body camera for police surveillance) or programmes or software to document complaints, accidents, incidents, assignments, and other custom factors to help alert the law enforcement executive to problem officers. However, the solution does not lie in technology alone. Encouraging positive values and an enlightened philosophy of policing hold some of the greatest promise for addressing many contemporary issues in policing. When violence occurs between police and citizens, the situation may be complex. Violence often occurs in a setting where the police officer or citizen may receive considerable support for a violent act. From the law enforcement standpoint, there may be a solid legal basis for the police officer's use of force, including deadly force. Attempts to minimize violent encounters between the police and community must focus on the police, since their likelihood of exercising control over potentially violent interactions is much greater. But even when the effort to control violence focuses on the police, the complexity of the situation brings a wide range of issues and situations to consider which confront law enforcement officers every day.

3.1 Recruitment and Selection and Training

Law enforcement agencies use a variety of approaches to recruit applicants. A factor that has an immense impact, but is often not addressed effectively in recruiting plans is the influence of existing members of the police organization. Negative attitudes of individual officers about their job and the department may cause potential applicants to look elsewhere for employment. On the other hand, positive attitudes may exist for the wrong reasons--for example, because the department has an image as a place for "macho," TV-style cops. Therefore, it is important that the recruiting plan and its underlying rationale be shared with all employees, so they have a clear understanding of the department's objectives. Employees can serve as excellent recruiters if they know these objectives and appreciate the critical importance of their jobs. Employees can also better discuss some of those issues often put forth as impediments to attracting high quality applicants. For example, they can speak directly to issues such as low pay and the difficulties of shift work. They are in the best position to talk about positive as well as negative aspects of a police career.

Bringing the right type of people into law enforcement is another major aspect of any effort to improve the police profession and address the violence issue. Most discussions of police reform have touched on the importance of recruitment and selection as a long-term strategy for improvement. Although this may be obvious, they are difficult problems in and of themselves and, in addition, also a source of conflict between the police and the community. The source of conflict is disagreement over what type of person is best able to handle the responsibilities of a police officer. One continuing debate globally is the amount and type of education appropriate for a police officer. Another debate involves the police agency's make-up. While there is general agreement on the need for a police department to reflect the make-up of the community it serves, there is considerable disagreement on how that balance should be attained. In most countries courts have put to rest some of the physical requirements thought to be important for the police for so many years. But the question of the psychological make-up of an officer--and how it should be measured--has yet to be resolved. Although there is a wide range of opinion on what type of person is best suited to handle the rigors of the job, three factors are considered vital in terms of violence between the police and community. These factors should be incorporated into the overall process of recruiting and selecting police officers:

- The department should have a ratio of employees of ethnic and national origin that reflects the diversity of the community it serves.
- Continued emphasis should be placed on bringing into law enforcement people reflecting a variety of academic disciplines.
- Individuals should be psychologically suited to handle the requirements of the job

Training

Training can have a significant impact on all aspects of police service delivery and is of critical importance in the control of police-community violence. A Police Foundation study on the use of deadly force published in 1977 noted: "In the course of this study police chiefs and administrators were asked what steps they would consider most likely to bring about a reduction in unnecessary shootings by police officers. The most common response was to recommend a tight firearms policy coupled with an effective training program (Milton, 1977).

While one can generally agree with this response, findings in the 1982 International Association of Chiefs of Police report, *A Balance of Forces*, also need to be considered as put forward by Matulia, (1982):

- In-service crisis intervention training as opposed to pre-service training was associated with a low justifiable homicide rate by police.
- Agencies with simulator, stress, and physical exertion firearms training experience a higher justifiable homicide rate by police than agencies without such training.
- Marksmanship awards given to officers for proficiency in firearms training are associated with a high justifiable homicide rate by the police.
- In-service training in the principles of "officer survival" is correlated with a high justifiable homicide rate by the police.

These findings clearly suggest that when it comes to training police officers, both the *type* of training and the *approach* to training police officers must be carefully examined.

4.0 Conclusion

It should be emphasized that the principles of policing presented in this unit, and summarized here, are not seen as either a panacea or as the comprehensive, final word on reducing police-citizen violence. These approaches (recruitment, selection and training) are offered, first, in recognition that the level of police-citizen violence remains a serious problem that requires attention. Secondly, they are offered in as the basics and sincere belief that if attention is given to proper recruitment selection and trainings not forgetting adequate remuneration in the course of the job as experience has shown, these will go along way in enhancing positive police culture.

5.0 Summary

The unit examined the need to understand police culture and the ethical issues of the use of force, recruitment, selection and training in law enforcement. And it highlighted some of the reasons why the police officers often results to the use of force especially when the community fails to see them as one of them. Other reasons noted was that incessant shift and postings off and on a

bit does not in any way cement the cordial relationship expected from both the police society and the wider public.

6.0 Self-Assessment Exercise

- I. Identify the three factors that are considered vital in terms of violence between the police and community
- II. How do you establish a positive departmental culture?

Feedback

- 1. These factors can be simply grouped into three: 1. Recruitments of citizens (nationals) 2. (expertise compositions from different fields/discipline 3. Mentally capable individuals for the job.**

- ✓ The department should have a ratio of employees of ethnic and national origin that reflects the diversity of the community it serves.
- ✓ Continued emphasis should be placed on bringing into law enforcement people reflecting a variety of academic disciplines.
- ✓ Individuals should be psychologically suited to handle the requirements of the job

2. In answering this question, it is important to emphasize again that all departments have a culture. It is also important to recognize that the culture of a police department, once established, is difficult to change. Organizational change within a police agency does not occur in a revolutionary fashion. Rather, it is evolutionary, for which best practices should be followed (rules and standards). If well followed a departmental culture will certainly be positive.

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MODULE 4**Unit 1. The Capacity to Use Force as the Core of the Police Role****Unit 2. The Police and "War on Crime"****Unit 3. The Quasi-Military Organization of the Police****Unit 4. Esprit de Corps and the Code of Secrecy**

Unit 1

The Capacity to Use Force as the Core of the Police

Contents

1.0 Introduction

2.0 Intended Learning Outcomes (ILOs)

3.0 Main Content

4.0 Conclusion

5.0 Summary

6.0 Self-Assessment Exercise

7.0 References/Further Reading

1. Introduction

It is often said that government is the only one with the monopoly to use force and that that, that it why the word force is present in enforcement of the law by law enforcement officers and generally all state security apparatus and institutions such as Police Force and Air-Force among others (Buzan, 1997). We have argued earlier that the quest for peace by peaceful means is one of the culture traits of modern civilization. This aspiration is historically unique. For example, the Roman Empire was also committed to the objectives of reducing or eliminating warfare during one period of its existence, but the method chosen to achieve the *PaxRomana* was, in the language of the poet, *debellare Superbos*, i.e., to subdue the haughty by force. Contrary to this, our commitment to abolish the traffic of violence requires us to pursue the ideal by pacific means. In support of this contention we pointed to the development of an elaborate system of international diplomacy whose main objective it is to avoid war, and to those changes in internal

government that resulted in the virtual elimination of all forms of violence, especially in the administration of justice. That is, the overall tendency is not merely to withdraw the basis of legitimacy for all forms of pro-vocative violence, but even from the exercise of provoked force required to meet illegitimate attacks. Naturally this is not possible to a full extent. At least, it has not been possible thus far.

2. Intended Learning Outcomes (ILOs)

Students are expected to understand some of the reasons why the use of force is necessary in law enforcement, its continuous usage in modern society and the dimensions of usage. Generally, students should come to know that its often unavoidable as there will always be deviants and recalcitrant who will always go against society norms and laws, for which compliance by cooperation is undermined. And the need for law enforcement officers to restore same compliance by coercion to comply to the expected rules and regulations of a state

3.0 Main Content

The use of force

Since it is impossible to deprive responsive force entirely of legitimacy, its vestiges require special forms of authorization. Our society recognizes as legitimate three very different forms of responsive force. First, we are authorized to use force for the purpose of self-defence. Though the laws governing self-defence are far from clear, it appears that an attacked person can counterattack only after he has exhausted all other means of avoiding harm, including retreat, and that the counterattack may not exceed what is necessary to disable the assailant from carrying out his intent. These restrictions are actually enforceable because harm done in the course of self-defence does furnish grounds for criminal and tort proceedings. It becomes necessary, therefore, to show compliance with these restrictions to rebut the charges of excessive and unjustified force even in self-defence.

The second form of authorization entrusts the power to proceed coercively to some specifically deputized persons against some specifically named persons. Among the agents who have such highly specific powers are mental hospital attendants and prison guards. Characteristically, such persons use force in carrying out; court orders; but they may use force only against named persons who are remanded to their custody and only to the extent required to implement a judicial order of confinement. Of course, like every-body else, they may also act within the provisions governing self-defence. By insisting on the high degree of limited specificity of the powers of custodial staffs, we do not mean to deny that these restrictions are often violated with impunity. The likelihood of such transgressions is enhanced by the secluded character of prisons and mental institutions, but their existence does not impair the validity of our definition. The third way to legitimize the use of responsive force is to institute a police force. Contrary to the cases of self-defence and the limited authorization of custodial functionaries, i.e police authorization is essentially unrestricted. Because the expression "essentially" is often used to hedge a point, we will make fully explicit what we mean by it.

There exist three formal limitations of the freedom of policemen to use force, which we must admit even though they have virtually no practical consequences.

1. First, the police use of deadly force is limited in most jurisdictions. Though the powers of a policeman in this respect exceed those of citizens, they are limited nevertheless. For example, in some jurisdictions policemen are empowered to shoot to kill fleeing felony suspects, but not fleeing misdemeanour suspects. It is scarcely necessary to argue that, given the uncertainties involved in defining a delict under conditions of hot pursuit, this could hardly be expected to be an effective limitation.
2. Second, policemen may use force only in the performance of their duties and not to advance their own personal interest or the private interests of other persons. Though this is rather obvious, we mention it for the sake of completeness.
3. Third, and this point too is brought up to meet possible objections, policemen may not use force maliciously or frivolously.

These three restrictions, and nothing else, were meant by the use of the qualifier "essentially". Aside from these restrictions there exist no guidelines, no specifiable range of objectives, no

limitations of any kind that instruct the policeman what he may or must do. Nor do there exist any criteria that would allow the judgment whether some forceful intervention was necessary, desirable, or proper. And finally, it is exceedingly rare that police actions involving the use of force are actually reviewed and judged by anyone at all. In sum, the frequently heard talk about the lawful use of force by the police is practically meaningless and, because no one knows what is meant by it, so is the talk about the use of minimum force. Whatever vestigial significance attaches to the term "lawful" use of force is confined to the obvious and unnecessary rule that police officers may not commit crimes of violence. Otherwise, however, the expectation that they may and will use force is left entirely undefined. In fact, the only instructions any policeman ever receives in this respect consist of sermonizing that he should be humane and circumspect, and that he must not desist from what he has undertaken merely because its accomplishment may call for coercive means. We might add, at this point, that the entire debate about the troublesome problem of police brutality will not move beyond its present impasse, and the desire to eliminate it will remain an impotent conceit, until this point is fully grasped and unequivocally admitted. In fact, our expectation that policemen will use force, coupled by our refusals to state clearly what we mean by it (aside from sanctimonious homilies), smacks of more than a bit of perversity. Of course, neither the police nor the public is entirely in the dark about the justifiable use of force by the officers. We had occasion to allude to the assumption that policemen may use force in making arrests. But the benefit deriving from this apparent core of relative clarity is outweighed by its potentially misleading implications. For the authorization of the police to use force is in no important sense related to their duty to apprehend criminals. Were this the case then it could be adequately considered as merely a special case of the same authorization that is entrusted to custodial personnel. It might perhaps be considered a bit more complicated, but essentially of the same nature. But the police authority to use force is radically different from that of a prison guard. Whereas the powers of the latter are incidental to his obligation to implement a legal command, the police role is far better understood by saying that their ability to arrest offenders is incidental to their authority to use force.

Many puzzling aspects of police work fall into place when one ceases to look at it as principally concerned with law enforcement and crime control, and only incidentally and often incongruously concerned with an infinite variety of other matters. It makes much more sense to

say that the police are nothing else than a mechanism for the distribution of situationally justified force in society. The latter conception is preferable to the former on three grounds. First, it accords better with the actual expectations and demands made of the police (even though it probably conflicts with what most people would say, or expect to hear, in answer to the question about the proper police function); second, it gives a better accounting of the actual allocation of police manpower and other resources; and, third, it lends unity to all kinds of police activity. These three justifications will be discussed in some detail in the following examples.

Example One

The American city dweller's repertoire of methods for handling problems includes one known as "calling the cops." The practice to which the idiom refers is enormously widespread. Though it is more frequent in some segments of society than in others, there are very few people who do not or would not resort to it under suitable circumstances. A few illustrations will furnish the background for an explanation of what "calling the cops" means.

Example Two

Two patrolmen were directed to report to an address located in a fashionable district of a large city. On the scene they were greeted by the lady of the house who complained that the maid had been stealing and receiving male visitors in her quarters. She wanted the maid's belongings searched and the man removed. The patrolmen refused the first request, promising to forward the complaint to the bureau of detectives, but agreed to see what they could do about the man. After gaining entrance to the maid's room they compelled a male visitor to leave, drove him several blocks away from the house, and released him with the warning never to return.

Example Three

In a tenement, patrolmen were met by a public health nurse who took them through an abysmally deteriorated apartment in-habited by four young children in the care of an elderly woman. The babysitter resisted the nurse's earlier attempts to remove the children. The patrolmen packed the children in the squad car and took them to Juvenile Hall, over the continuing protests of the elderly woman.

Example Four

While cruising through the streets a team of detectives recognized a man named in a teletype received from the police of an adjoining neighbourhood. The suspect maintained that he was in the hospital at the time the offense alleged in the communication took place, and asked the Officers to verify his story over their car radio. When he continued to plead innocence he was handcuffed and taken to headquarters. Here the detectives learned that the teletype had been cancelled. Prior to his release the man was told that he could have saved himself grief had he gone along voluntarily.

Example Five

In a downtown residential hotel, patrolmen found two ambulance attendants trying to persuade a man, who according to all accounts was desperately ill, to go to the hospital. After some talk, they helped the attendants in carrying the protesting patient to the ambulance and sent them off.

Example Six

In a middle-class neighbourhood, patrolmen found a partly disassembled car, tools, a loudly blaring radio, and five beer-drinking youths at the curb in front of a single-family home. The homeowner complained that this had been going on for several days and the men had refused to take their activities elsewhere. The patrolmen ordered the youths to pack up and leave. When one sasssed them they threw him into the squad car, drove him to the precinct station, from where he was released after receiving a severe tongue lashing from the desk sergeant.

Example Seven

In the apartment of a quarrelling couple, patrolmen were told by the wife, whose nose was bleeding, that the husband stole her purse containing money she earned. The patrolmen told the man they would "take him in," whereupon he returned the purse and they left.

What all these examples are meant to illustrate is that whatever the substance of the task at hand, whether it involves protection against an undesired imposition, caring for those who cannot care for themselves, attempting to solve a crime, helping to save a life, abating a nuisance, or settling an explosive dispute, police intervention means above all making use of the capacity and

authority to overpower resistance to an attempted solution in the native habitat of the problem. There can be no doubt that this feature of police work is uppermost in the minds of people who solicit police aid or direct the attention of the police to problems, that persons against whom the police proceed have this feature in mind and conduct themselves accordingly, and that every conceivable police intervention projects the message that force may be, and may have to be, used to achieve a desired objective. It does not matter whether the persons who seek police help are private citizens or other government officials, nor does it matter whether the problem at hand involves some aspect of law enforcement or is totally unconnected with it.

4.0 Conclusion

It must be emphasized, however, that the conception of the centrality of the capacity to use force in the police role does not entail the conclusion that the ordinary occupational routines consist of the actual exercise of this capacity. It is very likely, though we lack information on this point, that the actual use of physical coercion and restraint is rare for all policemen and that many policemen are virtually never in the position of having to resort to it. What matters is that police procedure is defined by the feature that it may not be opposed in its course, and that force can be used if it is opposed. This is what the existence of the police makes available to society. Accordingly, the question, "What are policemen supposed to do?" is almost completely identical with the question, "What kinds of situations require remedies that are non-negotiably coercible?" (Hart, 1961; Hochanadel&Stege, 1966). It is, of course, not surprising that a society committed to the establishment of peace by pacific means and to the abolishment of all forms of violence from the fabric of its social relations, at least as a matter of official morality and policy, would establish a corps of specially deputized officials endowed with the exclusive monopoly of using force contingently where limitations of foresight fail to provide alternatives. That is, given the melancholy appreciation of the fact that the total abolition of force is not attainable, the closest approximation to the ideal is to limit it as a special and exclusive trust. If it is the case, however, that the mandate of the police is organized around their capacity and authority to use force, i.e., if this is what the institution's existence makes available to society, then the evaluation of that institution's performance must focus on it. While it is quite true that policemen will have to be judged on other dimensions of competence, too for example, the exercise of force against

criminal suspects requires some knowledge about crime and criminal law-their methods as society's agents of coercion will have to be considered central to the overall judgment.

5.0 Summary

This unit discusses only a small part of the activity of the police which is dedicated to law enforcement and because police officers deal with the majority of societal problems without invoking the law, a broader definition of their role was proposed. After reviewing with seven examples briefly what the public appears to expect of the police, the range of activities police actually engage in, and the theme that unifies all these activities, it was suggested that the role of the police is best understood as a mechanism for the distribution of non-negotiably coercive force employed in accordance with the dictates of an intuitive grasp of situational exigencies.

6.0 Self-Assessment Exercise

1. Highlight the three formal limitations of the freedom of policemen to use force

Feedback

There exist three formal limitations of the freedom of policemen to use force, which we must admit even though they have virtually no practical consequences.

- ✓ First, the police use of deadly force is limited in most jurisdictions. Though the powers of a policeman in this respect exceed those of citizens, they are limited nevertheless. For example, in some jurisdictions policemen are empowered to shoot to kill fleeing felony suspects, but not fleeing misdemeanour suspects. It is scarcely necessary to argue that, given the uncertainties involved in defining a delict under conditions of hot pursuit, this could hardly be expected to be an effective limitation.
- ✓ Second, policemen may use force only in the performance of their duties and not to advance their own personal interest or the private interests of other persons. Though this is rather obvious, we mention it for the sake of completeness.
- ✓ Third, and this point too is brought up to meet possible objections, policemen may not use force maliciously or frivolously.

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Unit 2

The Police and "War on Crime"

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- 1.0 Introduction
- 2.0 Intended Learning Outcomes (ILOs)
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1.0 Introduction

A figure of speech that has recently gained a good deal of currency by the police in Nigeria and many other countries faced with increased in criminality is the "war on crime." The intended import of the expression is quite clear. It is supposed to indicate that the community is seriously imperilled by forces bent on its destruction and it calls for the mounting of efforts that have claims on all available resources to defeat the peril. The rhetorical shift from "crime control" to "war on crime" signifies the transition from a routine concern to a state of emergency. We no longer face losses of one kind or another from the depredations of criminals; we are in imminent danger of losing everything! The perception of such risks does not abide patient study; as long as the envisioned doom is held up as a realistic possibility there is no need to s~owitz impending certainty nor to estimate its likelihood with precision. It matters little that the metaphor, like many metaphors, contains a contradiction in terms. For in truth a community can no more wage war on its internal ills than an organism can "wage war" against its own constitutional weaknesses. Though it may seem paradoxical on firllt glance, the existence of crime in society is like the existence *of* organic malfunction, a normal aspect of human life (Durkheim, 1938). Both are properly subject to vigilant control. But the conceit that they can be ultimately vanquished, which is the implicit objective of war, involves a particularly trivial kind of utopian dreaming. Out of control malfunction and crime could possibly overcome life, but control can never

succeed in more than keeping them to a level appropriate to the prevailing form of human life. But vigilance waxes and wanes; to insure that it does not fall below a level of minimally necessary tension it must be fed a diet of rhetorical illuminations. The recognition of the positive role of rhetorical figures or speech in public life also forces the realization that their effects are not easily confined. Insofar as they involve exaggeration, they appear to sanction more than calculating advocates intend. Worse yet, they project unrealistic hopes.

2.0 Intended Learning Outcomes (ILOs)

In this unit, you are expected to understand the concept of 'war on crime' as a well-known aspect of police duty in organization and practice, in an attempt to show that the adherence to the quasi-military model by our police forces is largely a self-defeating pretence.

3.0 Main Content

3.1 War on Crime as a Metaphor

The expression "war on crime," not only implicitly extends the stamp of legitimacy to methods that would not be acceptable on moral and legal grounds, but it also encompasses the impossible. Professor Harold Lasswell observed long ago that under certain demands police action ... becomes military action, requiring for efficiency a will to ruthlessness which cannot, in fact, be mobilized in the situation" (Lasswell, 1950). Lasswell's formulation, though exhaustively correct as stated, requires some elaborations to fully grasp its import. The "situation" to which he refers is never definable solely in terms of those forms of disorder and crime the police face. Instead it always encompasses the whole range of interlocking relations to other aspects of life in which these targets of police action are located and from which they cannot be extricated. Thus, the absence of the "will to ruthlessness" is not predicated on tender and charitable sentiments towards offenders, but on devotion to the principle that dealing with them must not be allowed to affect adversely the context in which offenses are located. The price we are prepared to pay to defeat crime and disorder does not include visiting incidental suffering on innocents. Not to observe this stricture would turn crime control into a handmaiden of crime. Second, the "will to ruthlessness" involves not only attitudes toward the adversary but also the organization of the struggle against him. It is characteristic of the posture of the military establishment that it is as

unsparing of its own as it is of the enemy. Its ferocity in engagement is preceded by a ferocity in preparedness, achieved by means of an unapologetically de-personalizing discipline among the ranks. Though one could conceivably organize police forces along such lines, the result would bear no resemblance to the institution as it exists. Finally, the "ruthlessness" of the military enterprise is a matter of coldly calculated expediency. It is deliberately produced and maintained with full regard to the exigencies of warfare against an alien enemy. To be sure, its maintenance involves appeals to spontaneous sentiments of manliness and patriotism but these feelings must not be allowed to escape the harness of strategy. The objectives and strategies involved in fighting off internal attacks are, however, different from those related to confronting an external foe, and while "ruthlessness" is the method of choice in the latter, it is not in the former. In sum, Lasswell is not overly sanguine about the capacity of policemen to be as unscrupulously belligerent against criminals as soldiers are against alien enemies. He only denies the structural feasibility of the approach.

Professor Allan Silver (1966) argues the same point even more forcefully in proposing that "the replacement of intermittent military intervention in a largely un-policed society by continuous professional bureaucratic policing meant that the benefits of police organization--continual pervasive moral display and lower long term costs of official coercion for the state and the propertied classes-absolutely required the moral cooperation of civil society." He recognizes and emphasizes that the police, like the military, are instituted for purely coercive tasks. But he also makes it clear that there issue radically different organizational needs from the objectives of military victory, on the one hand, and from "the penetration and continual presence of central political authority through daily life," on the other hand (Silver, 1966).

To cite one more authority, Professor Morris Janowitz pointed out that even when the tasks of policing are taken over by the military establishment it involves a reorientation of their normal posture. "The constabulary function as applied to urban violence emphasizes a fully alert force committed to a minimum resort to force and concerned with the development and maintenance of conditions for viable democratic institutions" (Janowitz, 1968). Though it may seem like quibbling about words whether one calls the concerns of the police with lawlessness and disorder

an effort to control them or war against them, the ambiguities of expression are symptomatic of deeper confusion.

4.0 Conclusion

While most informed observers will readily agree that there is a difference between the military and the police they would also adhere to the view that the police are in some sense a quasi-military establishment (See Unit 3 for detailed explanations). What the qualification "quasi" is supposed to mean is, however, not clear. In some countries with Special Anti Robbery Squad (SARS) like in Nigeria, national police forces, notably in certain western European states, the problem is solved by maintaining parallel organizations, one with a distinctly military cast and the other free of constraints of military organization (xxxxikuomola, Stead, 1965). Something like this situation is also evident in the United States where some aspects of policing sometimes devolve on the National Guard. Contrary to the situation prevailing in European states, the National Guard is, however, not continually available. Consequently, American police forces have broader responsibilities than the civilian police forces of France, Spain, or Italy. In an apparent effort to meet these responsibilities, our police are more generally militarized than is the case elsewhere. This causes profound organizational problems. On the one hand, the military model does seem to furnish a form of control and supervision that helps to overcome laxness and corruption where it exists. On the other hand, the core of the police mandate is profoundly incompatible with the military posture. On balance; the military-bureaucratic organization of the police is a serious handicap and a mis-normal. .

5.0 Summary

In this unit we have come to know that 'war on crime' literally means that there is a conscious effort by law enforcement officer to fight crime head-on employing all strategies of warfare as the case may demand. However, we have made known to us that it does not mean that police should fight an internal problem such as crime as if it is an external aggressor. Thus police and the war against crime is another example that can be used to justify police use of force. Metaphorically war against crime is a well known aspect of police duty in organization and practice.

6.0 Self-Assessment Exercise

When do police action becomes military action?

Feedback

* The use of force is often associated with the military, for which the police is also guilty. Similarly the training and recruitment processes in most law enforcement agencies are also paramilitary in nature.

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Unit 3

The Quasi-Military Organization of the Police

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- 2.0 Intended Learning Outcomes (ILOs)
- 3.0 Main Content
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1.0 Introduction

The conception of the police as a quasi-military institution with a war-like mission plays an important part in the structuring of police work in several countries in the past and in recent histories. The merits of this conception have never been demonstrated or even argued explicitly. Instead, most authors who make reference to it take it for granted or are critical only of those aspects of it, especially its punitive orientation, that are subject of aspersion even in the military establishment itself (Reiss & Bordua xxxxxxxxxxxx). The treatment the topic receives in the International report on law enforcement and administration of justice is representative of this approach. As students you need to note that "like all military and semi-military organizations, a police agency is governed in its internal management by a large number of standard operating procedures" (xxxxxx). This observation is accompanied by remarks indicating that the existence of elaborate codes governing the conduct of policemen relative to intra-departmental demands stands in stark contrast to the virtual absence of formulated directives concerning the handling of police problems in the community. The imbalance between proliferation of internal regulation and the neglect of regulations relative to procedures employed in the field leads to the inference that the existing codes must be supplemented by substantive instructions and standards in the latter area. The question whether such an expansion of regulation might not result in a code

consisting of incompatible elements is not considered. Instead, it is implicitly assumed that policemen can be instructed how to deal with citizens by regulations that will not affect the existing system of internal disciplinary control. The lack of appreciation for the possibility that the developments of professional discretionary methods for crime control and peacekeeping may conflict with the enforcement of bureaucratic-military regulations is not merely a naive oversight; more likely, it represents an instance of wishful thinking.

2.0 Intended Learning Outcomes (ILOs)

Students are expected to learn and digest the fact that police operations have some military components such as strict rules and regulations and extensive trainings (by a large number of standard operating procedures), sometimes under a typically military commander with the existence of an extensive and elaborate codes and the use of military facilities in countries where the police departments are not well developed. All this said, secondly there is an ethical and behavioural implication to these military activities not only on the men and women of the police departments but generally on their job outcomes, mode of delivery and the impact on the citizenry.

3.0 Main Content

3.1 The Quasi-Military Organization of the Police

For the military model is immensely attractive to police planners, and not without reason. In the first place, there exist some apparent analogies between the military and the police and it does not seem to be wholly unwarranted to expect methods of internal organization that work in one context to work also in the other. Both institutions are instruments of force and for both institutions the occasions for using force are unpredictably distributed. Thus, the personnel in each must be kept in a highly disciplined state of alert preparedness. The formalism that characterizes military organization, the insistence on rules and regulations, on spit and polish, on obedience to superiors, and so on, constitute a permanent rehearsal for "the real thing." What sorts of rules and regulations exist in such a setting are in some ways less important than that

there be plenty of them and the personnel be continually aware that they can be harshly called to account for disobeying them (Lohman&Mislner, 1966). Second, history has shown that at the inception of modern day policing and the formation of police departments in several countries, sloth and corruption were enormous. For instance in United States of America, Lohman&Mislner, (1966) noted that for the greater part of their history, police departments was the football of local politics, and became tainted with sloth and corruption. At least partly for this reason, Police reform was literally forced to resort to formidable means of internal discipline to dislodge undesirable attitudes and influences, and the military model seemed to serve such purposes admirably. In fact, it is no exaggeration to say that through the 1950's and 1960's the movement to "professionalize" the police concentrated almost exclusively on efforts to eliminate political and venal corruption by means of introducing traits of military discipline. And it must be acknowledged that some American police chiefs, notably the late William Parker of Los Angeles, have achieved truly remarkable results in this respect. The leading aspiration of this reform was to replace the tragicomic figure of the "flatfoot cop on the take" by cadres of personally incorruptible snappy operatives working under the command of bureaucrats-in-uniform.

There is little doubt that these reforms succeeded in bringing some semblance of order into many chaotic departments and that in these departments "going by the book" acquired some real meaning. Finally, the police adopted the military method because they could not avail themselves of any other options to secure internal discipline. For all its effectiveness, the military method is organizationally primitive. At least, the standard part of the method can be well enough approximated with a modicum of administrative sophistication. Moreover, since most of the men who go into police work have some military experience, they need not go to outside resources to obtain help in building a quasi-military order. This is important because a century of experience taught American police forces that outside intervention into their affairs-known as the "shake-up"-was almost always politically inspired. Because the suspicion of high-level chicanery is still very much alive, and not without reasons, the police is the only large scale institution in our society that has not benefited from advances in management science. In the absence of lateral recruitment into supervisory positions and developed technical staff skills, changes had to be achieved mainly by means of rigid enforcement of regulations of internal procedure and by

emphasizing external trappings of discipline. In a situation where something had to be done, with little to do it with, this was no mean accomplishment (Bordua & Reiss: 1966).

Acknowledging that the introduction of methods of military bureaucratic discipline; was not without some justification and conceding that it helped in eliminating certain gross inadequacies; does not mean, however, that the approach was beneficial in larger and longer range terms. Even where the cure succeeded in suppressing many of the diseases of earlier times, it brought forth obstacles of its own to the development of a model of a professional police role, if by professional role is meant that practice must involve technical skill and fiduciary trust in the practitioner's exercise of discretion. The reason for this is simple. While in early police departments there existed virtually no standards of correct procedure at all and no inducement to do well--since rewards were scant and distributed along lines of personal favouritism--one can now distinguish between good and bad officers and engaging in what is now defined as correct conduct does carry significant rewards. But since the established standards and the rewards for good behaviour relate almost entirely to matters connected with internal discipline, the judgments that are passed have virtually nothing to do with the work of the policeman in the community, with one significant exception. That is, the claims for recognition that have always been denied to the policeman are now respected, but recognition is given for doing well *in* the department, not *outside* where all the real duties are located.

The maintenance of organizational stability and staff morale require that praise and reward, as well as condemnation and punishment, be distributed methodically, i.e., predictably in accordance with explicit rules. Correspondingly, it is exceedingly difficult to assign debits and credits for performances that are not regulated by rule. Because the real work of the policeman is not set forth in the regulations, it does not furnish his superior a basis for judging him. At the same time, there are no strongly compelling reasons for the policeman to do well in ways that do not count in terms of official 'Occupational criteria of value. The greater the weight placed on compliance with internal departmental regulation, the less free is the superior in censoring unregulated work practices he disapproves of, and in rewarding those he admires, for fear that he might jeopardize the loyalty of officers who do well on all scores that officially count--that is, those who present a neat appearance, who conform punctually to bureaucratic routine, who are

visibly on the place of their assignment, and so on. In short those who make life easier for the superior who in turn is restricted to supervising just those things. In fact, the practical economy of supervisory control requires that the proliferation of intradepartmental restriction be accompanied by increases in license in areas of behaviour in unregulated areas. Thus, one who is judged to be a good officer in terms of internal, military-bureaucratic codes will not even be questioned about his conduct outside of it. The message is quite plain: the development of resolutely careful work methods in the community may be nice, but it gets you nowhere! There is one important exception to the priority of intradepartmental quasi-military discipline in the judging of the performances of policemen. Police departments have to produce visible results of their work. The most visible results are arrested persons who keep the courts busy. This demand naturally devolves on individual officers. The question about the expected contribution of individual policemen to the statistical total of crimes cleared, summonses delivered, and arrests made, is a matter of heated controversy. The problem is usually addressed as to whether or not there exist quotas officers must meet. Of course, the question can always be so framed that one can answer it truthfully either way. But more fundamentally it is quite clear that individual policemen must contribute to the sum total of visible results, unless they have some special excuse, such as being assigned to a desk job. Moreover, how could any police superior under present conditions of supervision ever know whether the men assigned to the traffic division or to the vice squad are on the job at all, if they did not produce their normal share of citations or arrests? Clearly, therefore, there is added to the occupational relevance of the military-bureaucratic discipline the demand to produce results.

While the emphasis on stringent internal regulation, taken alone, merely discourages the elaboration of careful approaches to work tasks, it exercises in combination with production demands a truly pernicious influence on the nature of police work. There are several reasons for this but the most important is based on the following consideration. Though the explicit departmental regulations contain little more than pious sermonizing about police dealings with citizens, whether they be offenders, an unruly crowd, quarrelling spouses, accident victims, or what not, it is possible that a policeman could, despite his discretionary freedom, act in some such way as to actually come into conflict with some stated rule, even though the rule is not topically relevant to the situation at hand. Since he knows that his conduct will be judged solely

with respect to this point he must be attuned to it, avoiding the violation even if that involves choosing a course of action that is specifically wrong with respect to the realities of the problem. For example, it is far from unusual that officers decide whether to make an arrest or not on the basis of their desire to live within departmental regulation rather than on the merits of the case at hand. In these situations the military-bureaucratic discipline regulates procedure speciously; it does not provide that in such-and-such a situation such-and-such a course of action is indicated. On the contrary, the regulations are typically silent about such matters, but in insisting on specific ways for officers to keep their noses clean they limit the possibilities of desirable intervention and they encourage transgression. Thus, it has been reported that in the New York Police Department, known for its stringently punitive discipline, officers who violate some official rules of department while dealing with citizens simply arrest potential complainants, knowing the complaints of persons charged with crimes are given no credence.

Incongruously, while in New York the Police Department is much more likely to discipline an officer for brutalizing a citizen than elsewhere, it in fact rarely gets a chance to do it. For whenever there is a situation in which it is possible that an officer could have an infraction entered in his record, an infraction against an explicit regulation, he will redefine it into an instance of police work that is not regulated. Thus, while citizens everywhere run the risk of receiving a beating when they anger a policeman, in some places and cases they also run the added risk of being charged with a crime they did not commit, simply because its officers must keep their records clean (Chevigny, 1969). As long as there are two forms of accounting, one that is explicit and continually audited (internal discipline), and another that is devoid of rules and rarely looked into (dealings with citizens), it must be expected that keeping a positive balance in the first might encourage playing loose with the second. The likelihood of this increases proportionately, to pressures to produce. Since it is not enough that policemen be obedient soldier-bureaucrats, but must, to insure favourable consideration for advancement, contribute to the arrest total, they will naturally try to meet this demand in ways that will keep them out of trouble. Thus, to secure the promotion from the uniformed patrol to the detective bureau, which is highly valued and not determined by civil service examinations, officers feel impelled to engage in actions that furnish opportunities for conspicuous display of aggressiveness.

John McNamara illustrates this tactic by quoting a dramatic expression of cynicism, "If you want to get 'out of the bag' into the 'bureau' shoot somebody". (McNamara, xxxx). Leaving the exaggeration aside, there is little doubt that emphasis on military bureaucratic control rewards the appearance of staying out of troubles as far as internal regulations are concerned, combined with strenuous efforts to make "good pinches," i.e., arrests that contain, or can be managed to appear to contain, elements of physical danger. Every officer knows that he will never receive a citation for avoiding a fight but only for prevailing in a fight at the risk of his own safety. Perhaps there is nothing wrong with that rule. But there is surely something wrong with a system in which the combined demands for strict compliance with departmental regulation and for vigorously productive law enforcement can be met simultaneously by displacing the onus of the operatives' own misconduct on citizens. This tends to be the case in departments characterized by strong militaristic-bureaucratic discipline where officers do not merely transgress to make "good pinches," but make "good pinches" to conceal their transgressions.

No matter how elaborate and no matter how stringently enforced codes of internal regulations are, they do not impinge on all segments of police departments with equal force. By and large the highly visible uniformed patrol (junior officers) is exposed to far greater disciplinary pressures than personnel in the detective bureaus (senior officers), which Arthur Niederhoffer (xxxx) aptly described. as "mock bureaucracies." While this situation is viewed as unavoidable, it tends to demean uniformed assignments. Because junior officers (other ranks) perceive military discipline as degrading, ornery, and unjust, the only motive they have for doing well-which, of course, involves, among others, the devious practices (militaristic attitudes) we have just described above - is to get out of the uniformed assignments especially for the up and doing personnel. Thus, the uniformed patrol officers suffer from a constant drain of ambitious and enterprising men, leaving it generally understaffed and, incidentally, overstaffed with men who are regarded as unsuitable for more demanding tasks. This probably explains why most morally inclined citizens do not join the police force in Nigeria.

4.0 Conclusion

It could be said, of course, that the argument proposed thus far merely shows that efforts to professionalize police work by means of importing traits of outward military discipline is apt to

create tendencies to displace misconduct into unregulated areas because the pertinent regulations have not yet been formulated. In time, these areas too will come under the scope of the existing discipline. It is our view that it is exceedingly unlikely that this development will take place. The charting of realistic methods of peacekeeping and crime control is profoundly incompatible with the style of current regulations of internal discipline of a pure military regime. One simply cannot bring under the same system of control rules relating to dress and bureaucratic formalities, on the one hand, and norms governing the discretionary process of handling an instance of disorderly conduct on the streets, on the other.

5.0 Summary

This unit has clearly shown why the police force has continuously adopted a military approach to service, thus the conception of the police as a quasi-military institution with a war-like mission. There is no doubt that this approach involving the use of force; stringent rules of internal discipline etc have played several important parts in the structuring and restructuring of police work in several countries. The unit also emphasised in clear terms that the introduction of methods of military bureaucratic discipline; was not without some justification and conceding that it helped in eliminating certain gross inadequacies; does not mean, however, that the approach was beneficial in larger and longer range terms. Lastly the military approach brings about a situation whereby individual policemen contribute to the sum total of visible treats to society by their method of high handedness and unregulated behaviours.

6.0 Self-Assessment Exercise

For all its effectiveness, why is the military method still organizationally primitive?

Feedback

Excessive use of force is associated with the military. The modern day and democratic process of doing things contradict this. Similarly it violates and impinges on the fundamental rights of the citizens.

7.0 References/Further Reading

D. J. Bordua & A. J. Reiss: 1966 "Command, Control and Charisma: Reflections on Police Bureaucracy," *American Journal of Sociology*, 72 (1966) 68-76.

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- B. Paul Chevigny' *Police Power, Police Abuses in New York City*, New York: Pantheon Books, 1969.
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Unit 4

Esprit de Corps and the Code of Secrecy in Law enforcement

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- 2.0 Intended Learning Outcomes (ILOs)
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1.0 Introduction

In addition to the style of internal regulation and control, the quasi-military character of the police is evident in the *esprit de corps* that pervades the institution. Like the methods of enforcing soldierly discipline, the *esprit de corps* has some basis in the realities of police work and is, in its own way, purposeful. Policing is a dangerous occupation and the availability of unquestioned support and loyalty is not something officers could readily do without. In the heat of action it is not possible to arrange, from case to case, for the supply of support, nor can the supply of such support be made dependent whether the cooperating agents agree about abstract principles. The governing consideration must be that as long as "one of us" is in peril, right or wrong, he deserves help. Moreover, many pursuits ordinarily are associated with a spirit of close knit comradeship that not only pervades personal relations but adds traits to the pursuit it does not necessarily have in and of itself. In fact, it is not unusual that some activities that are unpleasant as such are sought after' if they are attended in a spirit of brotherly solidarity. Police officers often remark that one of the most cherished aspects of their occupation is the spirit of "one for all, and all for one.'~

2.0 Intended Learning Outcomes (ILOs)

Students are expected to understand the maxim '*Esprit de Corps*' first as a fraternal loyalty, and lastly as a continuum in the analysis of law enforcement agencies as quasi-military organisations.

3.0 Main Content

3.1 *Esprit de Corps* and the Code of Secrecy in Law enforcement

To the extent that the fraternal spirit binds members of the police it also segregates them from the rest of society. It is therefore not an unmixed blessing even at first sight. But the fraternalism among policemen has come under critical scrutiny for other reasons as well. The late Chief William Parker considered it to be a major obstacle against police reform and he did everything in his power to break it up in the Los Angeles Police Department (McDonald & Parker, 1962). Naturally, Chief Parker was not opposed to the laudable practice of rushing to one another's aid; in fact he demanded that much of his subordinates in any case. Instead, his opposition was based on the realization that just as one can always count on the fact that personnel will close ranks and present a united front against outside critics, so one must also expect that similar tactics will be employed inside of the department. That is, functional parts of departments close ranks in dealing with each other, creating obstacles against integration of work, and subordinates close ranks against their superiors, preventing effective control. Thus, what appears on first glance as a uniform *esprit de corps* functions mainly as an infinite variety of contingently collusive arrangements that always bind the entire personnel against outsiders but also solidify a plethora of internal conspiracies and schisms.

Despite the fact that the fraternal loyalty of the police is not what it appears to be to the naive beholder who thinks the "cops are one great happy family," it remains a fact that officers must work with men they can trust. This is so not only because it helps in making performance look better than it actually was, one man being always ready to attest to the excellence of his associate, but also because of the manifold dangerous uncertainties that inhere in the occupation. But the kind of trusting relations with one another policemen seem to require on a continuing basis are easily met by pervasive silence. Teams of partners do not talk about each other in the presence of non-team members, line personnel do not talk about their peers in the presence of

ranking officers and, of course, no members of the department talk about anything remotely connected with police work with any outsiders. Obviously the rule of silence is not uniform throughout these levels. Thus, matters that could never be mentioned to outsiders can be topics of shoptalk among peers. But this reflects only gradations of secretiveness. In a larger sense police departments accommodate a colossally complicated network of secret sharing, combined with systematic information denial. The principal characteristic of this network of relations is that while secret sharing creates a state of mutual dependency and a semblance of lateral organization of cooperation on various levels of the institution, this result is held to a minimum by the overriding rule that no one tells anybody else more than he absolutely has to. In consequence, solidarity is based mainly on, and limited to the perception of, some external risk to a unit, regardless whether this risk is located outside or inside the institution. Beyond that, every man and every part of the force is on its own. Sometimes this breeds acrimony and bad relations among colleagues and other times, a state of near notoriety. The hostility and information denial between bureaus and details of departments is occasionally admitted. But that every individual officer has important information that he does not share with anyone is virtually never mentioned in the literature. Yet this is a central fact of police work and every officer learns about it in the first year of his practice.

By this we do not mean that individual officers have information which if revealed would compromise someone. Instead, we mean substantive factual information about crime, people, social areas, conditions, etc., which are of use in getting the work of policing done. That his brother officer might need access to such information for a specific purpose, or that he might benefit from having access to it in general, is his problem; he may receive informational help as a favour, but he has no claim on it. The fact that all police officers are in some sense individual entrepreneurs and while they are also dependent on one another gives their fraternal unity a particular cast. While all types of such solidarity are at the peak of their strength in confrontations with outsiders, that of the police is *only* outward oriented. Beyond that the solidarity does not lead to effective lateral cooperation between departments, between parts of departments, and between individual officers above the level of two-partner teams. Indeed, it appears that the most seasoned policemen who approach their work in the most craftsman-like manner are most often acting as if they were independent practitioners who merely credit the

department with the products of their work and who merely use their membership in the police force as the basis of their activity.

For examples, several detectives assigned to the fraud detail in a large West Coast city police department each had his separate files. Not only was the exclusive access to these files guaranteed by a tacit respect for privacy, but what they contained would probably not have been of much use to anyone but the men who collected them. They were meant to be a non-shareable resource, and their correct employment was impossible without the knowledge the detective kept in his head. Moreover, every detective had his private sources of information in the community who kept him abreast of new fraudulent practices and about the life and activities of known swindlers. These informants are under instructions not to speak to other policemen and it is considered to be a breach of professional ethic for one officer to trespass on another officer's informational domain.⁹⁸ Similarly, patrolmen assigned to stable beats are known to possess an enormous amount of factual information about their areas and about the people living in them, but they do not communicate this information to one another. Even the patrolmen who work the same streets do not share information. For example, one officer observed patrolling a skidrow area in a large Rocky Mountain city kept a card file of transients passing through his territory in the back room of a local bar.

The supervising sergeant knew about it but made it clear that he would not dream of demanding access to it. His explanation was that "if you want a man to do a good job you have to let him do it in his own way." It is important to emphasize that the pervasive information denial, which seems to make a mockery of the fraternal spirit, is not based solely on capricious secretiveness or on fear of disclosure of potentially embarrassing facts, though both of these factors are probably relevant to some extent. It appears that effective peacekeeping and crime control require the maintenance of personal ties with persons active in, or living on the fringes of, illegal activities. Since these ties involve an intricate exchange of secrets for favours they can be easily jeopardized by being open to others. Only the long-range symbiotic dependency between a policeman and his informer furnishes the security the latter craves. The informant has no reason to think that a third policeman who does not depend on him for a steady flow of information will have his interest at heart, and thus he will refuse to cooperate. If he has reasons to believe that his

identity has been betrayed by the officer he once trusted, he will probably refuse to cooperate with him too. In addition to the fact that sources tend to dry up when they are not secretively cultivated, officers have understandably proprietary interest in exclusive access to them. Having a good informer is a substantial asset to an enterprising policeman. In the competitive struggle for advancement in the department it would be foolish for an officer not to maximize the advantage that accrues from exclusive access to information, especially since the development of a trusting source sometimes involves a good deal of work.

This method of working is generally accepted by policemen as a routine part of their occupation and those who depend on it close ranks to defend it against others in the department whose interests are opposed to it. Thus, for example, intelligence units in police departments are frequently isolated and distrusted. The one kind of intelligence that is not available to such units is the information from those community resources individual officers use in their work. Typically, the detectives assigned to intelligence units must develop their own contacts, and they avoid seeking the cooperation of other personnel out of fear that this would antagonize them. One important consequence of this state of affairs is that even the most advanced among our police departments are not anywhere near the objective of developing adequate information storage and retrieval systems. Even if the present efforts to make use of modern electronic technology would succeed in coding existing information, this would not encompass the knowledge that is currently neither shared nor recorded. But this information is incomparably more important in getting the practical tasks of police work done than all the materials contained in the now obligatory narrative reports. Talks with detectives assigned to intelligence units make it quite clear that the information denial from which they now suffer is not exclusively, nor even mainly, based on considerations of career expediency seen from the vantage point of officers who wish to protect their advantage.

The interest of these units is to insure that this information is made use of wherever it might be useful and they would be willing to make every provision to protect the advantage of the officer who would supply it by calling him into cases where his help is desired. The real obstacle is a fraternal understanding among those who have information not to cooperate. That is, the uniformed patrol as a whole, and the various bureaus, are opposed to having any of their

members hobnobbing with detectives from the intelligence unit in accordance with the most general maxim of brotherly obligation to keep things one knows to himself"

It is part of the pathological influence of the military bureaucratic approach to the "professionalization" of the police that it actually strengthens tendencies towards the combination of occupational individualism and defensive fraternal solidarity even though it is opposed to it in principle. The proliferation of formal regulation and the singleminded care that is given to their enforcement-- even if only in appearance--creates a flow of communication that moves almost exclusively downwards through the chain of command. Though most of this communication does not actually relate to the realities of police work, or relates to it only in the most superficial way, it floods, so to speak, all the channels to capacity. Despite the fact that police departments depend almost entirely on the perceptiveness and judgment of their individual members to get the work of policing done, despite the fact that citizens who solicit police intervention always deal with individual officers whose decisions about the merits of the case are final (Davis, 1969), there is virtually no feedback to the institution beyond the kind of record keeping that barely serves statistical purposes. Even if personnel would not have reasons of their own to deny the department vital information, the system would continue to encourage it because it contains no routinely open channels for return communication. This is not to say that those in command positions would not like to know what their subordinates know. Quite the contrary, they decry secretiveness. But they don't seem to realize that they cannot expect an upward flow of communications of any kind from the soldier-bureaucrat-policeman who is conditioned to respond to the incessant voice of regulation with "Yes, Sir!" and who will inevitably reply to even the well meant question, "What do you think?" with an obligatory "Whatever you say, sir!"

Even the military method of debriefing of field personnel would be a substantial improvement over the existing state of affairs. By means of this device departments would be in a position of gathering at least a modicum of intelligence about conditions in specific territories and in specific problem areas. Optimally, police departments should institute the practice of regular staff conferences in place of the present largely meaningless roll call at which officers stand in military formation listening to the order of the day. Under present conditions such conferences are not feasible, nor are they likely to be productive of results. But this is in no way due to the

nature of police work as such, but merely to the definition of the policeman's role as a small cog in a large quasi-military machine. Some people might say that the idea of "burly" policemen having staff conferences at every change of the watch in the precinct house is absurd, presumably because they are by the nature of their background, especially their low education and inarticulateness, not prepared for it. This view is almost certainly mistaken. Whenever police officers are furnished an opportunity to discuss their work problems around a conference table, they generally display a thoughtful approach that amazes outsiders. Naturally not all policemen contribute to discussions nor do all benefit from them. But in this respect they are not very different from teachers, some of whom might also not attend faculty meetings without much loss. People with high educational attainment often have a remarkably naive opinion of what can be expected of persons who did not attend college, and they never cease to marvel when they discover that such people are informed and resolute.

There is perhaps no better example of this experience than what happened in this respect in many psychiatric hospitals. The initial impulse to have low-level psychiatric personnel, i.e., attendants and practical nurses, attend staff conferences was to try to improve their performance by association with their betters. It was soon learned; however, that such persons, whose educational attainment is often below that of policemen, were not only fully competent participants in discussions but their contribution to conferences went far beyond what was expected. There is one more reason why the view that policemen could not benefit from ways of exchanging information and coordinating activity that are characteristic of the higher professions must be a travesty. For if it is in fact true that they are so crude as not to be able to discuss their work profitably, then surely they should not be entrusted with responsibilities that involve making decisions that literally involve the very existence of a great many people. Strangely, however, many of the same people who hold that police work is of the nature of a semi-skilled occupation and ought to be organized accordingly, have absolutely no scruples in giving policemen powers that can save or destroy their own lives. It is ironic that duties that arise out of a sense of fraternal obligation should be divisive in their effects. The duties to which we refer are, of course, to spring to the aid of one's fellow officer in case of an external attack, combined with the enjoinder not to stick one's nose into his business. It is difficult to see how relations between policemen can be anything but superficial and uneasy. For they have very little control over one another,

contrary to what is commonly the case among work associates. Once accepted into his community, a policeman can be as different from the rest as he desires. The only rule he must observe scrupulously is not to go against his kind. Naturally, certain similarities of attitude develop from similarities *of* circumstance and from the common interest in opposing outside critics. Within these limits, however, reciprocal tolerance is virtually unlimited. And they do tolerate the worst of their kind in their midst without a murmur of protest. Thus, Isidore Silver can say with full justification, "Police secrecy and suspicion even in 'professionalized forces' preclude 'ratting' on those violent and sadistic officers held in revulsion by their votaries." (Wilson, 1963) Our critique of the military-bureaucratic form of internal regulation and of the particular kind of fraternal spirit was mainly directed to show that they are specious forms of organization of police departments. The former does not in any serious sense govern what policemen do in their work and the latter does not bring forth true understanding and cooperation among officers.

Indeed, they not only create a mere semblance of order and cohesion that is actually unconnected with the real concerns of peace keeping and crime control, but they are a positive impediment to the development of methodical approaches to it. It is no exaggeration to say that whatever good and responsible work some policemen do, they do despite the handicaps created by the department of which they are members. How little the existing forms of regulation mean is perhaps best highlighted by considering what the practices of medicine and nursing would be like if they were patterned solely by those bodies of bureaucratic rules that facilitate the operations of hospitals, i.e., by rules concerning duty assignments, dress, punctuality, routine paper work, hierarchy, etc., while such matters as recognizing symptoms of illness, choosing and administering remedial treatment, and the whole rest of substantive concerns with the health and illness of patients were left entirely to the personal wisdom, integrity, and compassion of practitioners without being determined in any other way. If a body of medical and nursing skills did not exist, would anyone seriously expect that it could be extrapolated from hospital regulations? Would anyone believe that if such skill and knowledge existed in only a vestigial and largely unformulated form that they could flower under conditions where compliance with bureaucratic regulation was given unqualified priority over everything else? Could anyone hope that careful approaches to problems will develop where staff feel encouraged to attempt as many

dramatic feats as possible without regard to substantive merit? Naturally the answer to these questions is a resounding no, and there can be no disagreement on the point that though hospitals must be well regulated, their regulation is necessarily subordinated to the craft of healing.

It could be said that the analogy is contrived because while we already have an elaborate and highly sophisticated craft of healing, there does not exist an even remotely similar craft of policing. This view, while true as far as it goes, is profoundly misleading. Healing was a professional craft long before a single element of its modern knowledge and technique was in existence. Though academies of medicine existed for centuries, most practitioners acquired whatever little knowledge they possessed through an apprenticeship system of training. And, of course, the requirement that licensed nursing be based on a background of academic training is of most recent origin. That is, the healing arts became professions not because they possessed a firmly formulated body of information and technique but because they cultivated the development of methodically informed craftsmanship. It was on this basis that they became emancipated from magic and came to operate' on the foundation of a secular social trust.

4.0 Conclusion

No one knows, of course, how to set the development of a profession into motion, and therefore no one should presume to talk about the professionalization of the police in any but the most tentative terms. With this reservation in mind, some problems of development can be explored in the hope that they might lead to movement in the desired direction. In this undertaking it is useful, to some extent, to dwell on analogies with existing professions, provided that it be kept in mind that conditions that accompanied their birth no longer exist, and provided that full recognition be given to the substantive differences of tasks. It must be emphasized that this discussion is not offered as exhaustive of the problem; in fact, it is not only incomplete, but to an extent desultory. These are simply some things that can be said now with some justification. If this discussion will be proven wrong in every point, but will have given rise to discussion, then the purpose for which it is offered will have been achieved. Should some of the things proposed be found acceptable, that much the better.

5.0 Summary

In this unit we have come to know that spirit de corps is necessary to as a quasi military ethic guiding loyalty to the organisation and the mode of operations on duties. This has also contributed to the understanding of law enforcement cooperation in good and bad times on and off the field. Similarly it is not in anyway devoid of rancour in absolute times. Nevertheless it goes a long way in capturing the attitude and behaviours therein in police culture.

6.0 Self-Assessment Exercise

1. Explain the reasons and justification of the key tenants of *esprit de corps*?
2. Despite the fraternal loyalty of the police it is not what it appears to be. What are some of the reasons for this? (Mention at least three reasons)

Feedback

1. *Esprit de corps* is a quasi-military character of the police that pervades the institution. Simple reason being that policing is a dangerous occupation and the availability of unquestioned support and loyalty is not something officers readily do without. In the heat of action while on duty the supply of support is often scarce, for which they have to come to the aid of their colleague. Thus *esprit de corps* is a spirit of brotherly solidarity. Police officers often remark that one of the most cherished aspects of their occupation is the spirit of "one for all, and all for one.
2. It breeds among others
 - I. Corruptions
 - II. Blind support
 - III. Ineffectiveness
 - IV. Ineptitude

7.0 References/Further Reading

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MODULE 5**Unit 1.** The Ethics of Power and Authority: The Milgram Experiment**Unit 2.** Understanding Differences in Conformity**Unit 3.** Law enforcement: Ethical Issues during an Investigation (Lies, Deception, Tricks, Gratuities)**Unit 4.** Accountability and investigations

Unit 1

The Ethics of Power and Authority: The Milgram Experiment

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1.0 Introduction

There are numerous ethical issues that arise in law enforcement that are particular only to law enforcement. While widespread systemic corruption and lawbreaking by law enforcement officers in Nigeria is relatively common, it does occur from time to time in several other climes even in Europe and America, though at a relatively lower level. Such infractions include a clear violation of federal, statutes. Students should look at such issues critically to gain an understanding of the variables that surround them. It is important to also look beyond the obvious moral, ethical, and/or legal violations of the main actor and to critically assess the ethical issues that can, at times, surround the case peripherally. Key ethical issues that face law enforcement are not easy to identify at times, and when they are identified, they are open to interpretation. Often in law enforcement, a high-profile decision made by an officer in a millisecond is analyzed over months and sometimes years. Even with this ability to analyze the decision over years, a consensus is often not reached about whether the law enforcement

officer's actions were ethical or not. It is for this reason that it is important to look at all ethical issues in law enforcement with a critical mind, so we can understand both sides of each issue. It is also why this unit will focus on those issues that are not clearly ethical or unethical, but nonetheless are deserving of debate.

2.0 Intended Learning Outcomes (ILOs)

You are expected to know that what constitute ethical and unethical behaviours. This may not be as clear as you think or as it sounds, and also may be complex to analyse. However for those ethical/unethical behaviours that are peculiar only to law enforcement, you have no reason not to be able to draw the line therein. Lastly you should be guided by the caveat that key ethical issues that face law enforcement are not easy to identify at times, and when they are identified, they are open to interpretation, for which it becomes ideated by human factors and personalities involved.

3.0 Main Content

3.1 The Ethics of Power and Authority

Law enforcement officers possess enormous amounts of power, which can be used against citizens to deprive them of their freedom, search them and their dwellings, seize their property, and use force against them. These powers are legally permitted under specific circumstances, and law enforcement officers are trained to know when these powers can be legally applied. As law enforcement officers rank among the most powerful occupations in society, what compounds their ability to use their power is that they are often in contact with relatively powerless and disenfranchised citizens who may be unable to resist an officer's illegitimate use of that power. These powers are legally prescribed, and law enforcement officers are well aware of them. It is important that law enforcement officers not misuse their power for the following reasons.

- **Because of the psychology of citizenship.**

Citizens, for the most part, want to participate in the "social contract," to be a part of mainstream society and carry out their citizenship responsibilities. They want to belong to society and will do what they think is required by authorities to accomplish this. As a result, they will often try very

hard to respond to what law enforcement requires and may be susceptible to unreasonable requests by law enforcement.

- **To maintain due process.**

Every law enforcement officer should acknowledge the importance of due process. The abuse of power runs directly contrary to the notion of due process, and officers who misuse their power are creating an environment in which due process cannot flourish. Ideally, all officers in the criminal justice system should be focused on due process, and the police have a role in accomplishing due process by being fact finders and apprehenders (Manning, 2010). Along with this, law enforcement officers who are under pressure to charge a suspect must resist the power they are afforded when charges or other actions such as search and seizure are not warranted (Reiner, 2010). Police officers, in particular, face the challenge of weighing crime control against due process, in which they are faced with opportunities to misuse their power. Officers must make decisions on when and in what situations they should use their power. Officers must reflect on how the use of their power would look in a court of law under close scrutiny.

- **To safeguard discretionary power and therefore efficiency.**

As mentioned previously, law enforcement officers exercise power through discretion. Radical criminologists propose that the police have too much discretion, with the end result being “too much street justice” for the poor, while ignoring crimes of the powerful, of which the police are a member (Box, 2008, p.274). Box argues that the way to eliminate this lack of due process is to place restrictions on discretion. Should law enforcement officers desire to maintain the discretion that they have, which is critical for efficiency, they must not abuse their power.

Power and authority are tools that law enforcement officers must use judiciously and ethically. Without an ethical life, this power will be misused, creating a power imbalance that is bad for the officer, the agency, and society.

3.2. The Milgram Experiment

Milgram experiment demonstrates the ease with which power can be used to coerce people, Stanley Milgram (1963) conducted a scientific experiment that demonstrated how far people will go when confronted with someone who has power and is in a position of authority. In this instance, subjects often performed actions that were unethical when ordered to by a person in authority. Milgram's experiment demonstrated the power of authority and how someone in a position of authority can influence people to behave unethically and against their wishes.

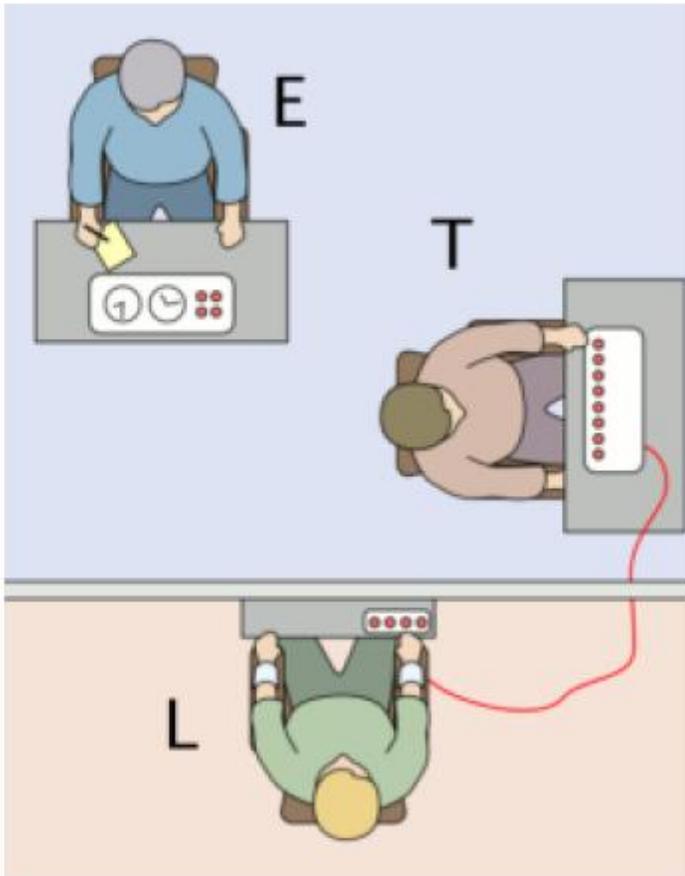
Milgram's Studies on Obedience to Authority

The powerful ability of those in authority to control others was demonstrated in a remarkable set of studies performed by Stanley Milgram (1963). Milgram was interested in understanding the factors that lead people to obey the orders given by people in authority. He designed a study in which he could observe the extent to which a person who presented himself as an authority would be able to produce obedience, even to the extent of leading people to cause harm to others. Like his professor Solomon Asch, Milgram's interest in social influence stemmed in part from his desire to understand how the presence of a powerful person—particularly the German dictator Adolf Hitler who ordered the killing of millions of people during World War II—could produce obedience.

Under Hitler's direction, the German SS troops oversaw the execution of 6 million Jews as well as other "undesirables," including political and religious dissidents, homosexuals, mentally and physically disabled people, and prisoners of war. Milgram used newspaper ads to recruit men (and in one study, women) from a wide variety of backgrounds to participate in his research. When the research participant arrived at the lab, he or she was introduced to a man who the participant believed was another research participant but who was actually an experimental confederate. The experimenter explained that the goal of the research was to study the effects of punishment on learning. After the participant and the confederate both consented to participate in the study, the researcher explained that one of them would be randomly assigned to be the teacher and the other the learner. They were each given a slip of paper and asked to open it and to indicate what it said. In fact both papers read *teacher*, which allowed the confederate to pretend that he had been assigned to be the learner and thus to assure that the actual participant was always the teacher. While the research participant (now the teacher) looked on, the learner

was taken into the adjoining shock room and strapped to an electrode that was to deliver the punishment. The experimenter explained that the teacher's job would be to sit in the control room and to read a list of word pairs to the learner. After the teacher read the list once, it would be the learner's job to remember which words went together. For instance, if the word pair was *blue-sofa*, the teacher would say the word *blue* on the testing trials and the learner would have to indicate which of four possible words (*house, sofa, cat, or carpet*) was the correct answer by pressing one of four buttons in front of him. After the experimenter gave the "teacher" a sample shock (which was said to be at 45 volts) to demonstrate that the shocks really were painful; the experiment began. The research participant first read the list of words to the learner and then began testing him on his learning.

The shock panel, as shown in [the figure], "[The Shock Apparatus Used in Milgram's Obedience Study](#)," was presented in front of the teacher, and the learner was not visible in the shock room. The experimenter sat behind the teacher and explained to him that each time the learner made a mistake the teacher was to press one of the shock switches to administer the shock. They were to begin with the smallest possible shock (15 volts) but with each mistake the shock was increased by one level (an additional 15 volts).



Once the learner (who was, of course, actually an experimental confederate) was alone in the shock room, he unstrapped himself from the shock machine and brought out a tape recorder that he used to play a pre-recorded series of responses that the teacher could hear through the wall of the room. As you can see in [the figure], [“The Confederate’s Schedule of Protest in the Milgram Experiments,”](#) the teacher heard the learner say “ugh!” after the first few shocks. After the next few mistakes, when the shock level reached 150 volts, the learner was heard to exclaim “Get me out of here, please. My heart’s starting to bother me. I refuse to go on. Let me out!” As the shock reached about 270 volts, the learner’s protests became more vehement, and after 300 volts the learner proclaimed that he was not going to answer any more questions. From 330 volts and up the learner was silent. The experimenter responded to participants’ questions at this point, if they asked any, with a scripted response indicating that they should continue reading the questions and applying increasing shock when the learner did not respond.

The Confederate's Schedule of Protest in the Milgram Experiments

75 volts	Ugh!
90 volts	Ugh!
105 volts	Ugh! (<i>louder</i>)
120 volts	Ugh! Hey, <i>this</i> really hurts.
135 volts	Ugh!!
150 volts	Ugh!! Experimenter! That's all. Get me out of here. I told you I had heart trouble. My heart's starting to bother me now. Get me out of here, please. My heart's starting to bother me. I refuse to go on. Let me out!
165 volts	Ugh! Let me out! (<i>shouting</i>)
180 volts	Ugh! I can't stand the pain. Let me out of here! (<i>shouting</i>)
195 volts	Ugh! Let me out of here! Let me out of here! My heart's bothering me. Let me out of here! You have no right to keep me here! Let me out! Let me out of here! Let me out! Let me out of here! My heart's bothering me. Let me out! Let me out!
210 volts	Ugh!! Experimenter! <i>Get</i> me out of here. I've had enough. I <i>won't</i> be in the experiment any more.
225 volts	Ugh!
240 volts	Ugh!
255 volts	Ugh! Get me <i>out</i> of here.
270 volts	(<i>agonized scream</i>) Let me out of here. Let me out of here. Let me out of here. Let me out. Do you hear? Let me out of here.
285 volts	(<i>agonized scream</i>)
300 volts	(<i>agonized scream</i>) I absolutely refuse to answer any more. Get me out of here. You can't hold me here. Get me out. Get me out of here.
315 volts	(<i>intensely agonized scream</i>) Let me out of here. Let me out of here. My heart's bothering me. Let me out, I tell you. (<i>hysterically</i>) Let me out of here. Let me out of here. You have no right to hold me here. Let me out! Let me out! Let me out! Let me out of here! Let me out! Let me out!

Before Milgram conducted his study, he described the procedure to three groups—college students, middle-class adults, and psychiatrists—asking each of them if they thought they would shock a participant who made sufficient errors at the highest end of the scale (450 volts). One

hundred percent of all three groups thought they would not do so. He then asked them what percentage of “other people” would be likely to use the highest end of the shock scale, at which point the three groups demonstrated remarkable consistency by all producing (rather optimistic) estimates of around 1% to 2%. The results of the actual experiments were themselves quite shocking. Although all of the participants gave the initial mild levels of shock, responses varied after that. Some refused to continue after about 150 volts, despite the insistence of the experimenter to continue to increase the shock level. Still others, however, continued to present the questions, and to administer the shocks, under the pressure of the experimenter, who demanded that they continue. In the end, 65% of the participants continued giving the shock to the learner all the way up to the 450 volts maximum, even though that shock was marked as “danger: severe shock,” and there had been no response heard from the participant for several trials. In sum, almost two-thirds of the men who participated had, as far as they knew, shocked another person to death, all as part of a supposed experiment on learning.

Milgram’s study is important in a law enforcement context for the following reasons:

1. Officers must be careful in exercising authority, especially to those that are most vulnerable.
2. Officers can also be greatly influenced by the negative/unethical actions of fellow officers and their own supervisors. It is important for senior officers to understand that Milgram’s study strongly suggests that the actions of senior officers will coerce the same action in junior officers. While senior officers may think they are not being copied, or are manipulating the junior officer, Milgram’s study suggests that they may be doing so.
3. Law enforcement officers are commonly involved in extraordinary situations, where heightened stress and perceived danger are high. In this environment, even those most strong willed individuals may be vulnerable to coercion.
4. When a person is being arrested, his or her perception of losing freedom may provoke a reaction to the officer, despite the officer’s position of power.

4.0 Conclusion

It is important for any person who possesses power to understand and be aware of the coercive nature of power; that power and authority are easily used to make people do things they

otherwise would not do. It is within this paradigm, that abuse of power can occur, and officers must be aware of their power and the ease with which it can be abused.

5.0 Summary

In this unit we have come to know that power and authority are two sides to a coin that have effect on others behavioural adjustment in terms of compliance to law especially when faced with law enforcement agents. For which the unit concluded that It is important for us understand and be aware of the nature of power to achieve compliance either by force (coercion) or by cooperation., lastly for which abuse and misused of power are abound in human relations.

6.0 Self-Assessment Exercise

What is the highlight of the Milgram's experiment?

Feedback

Milgram's experiment demonstrated the power of authority negatively and how someone in a position of authority can influence people to behave unethically and against their wishes. The highlight is that it is not always that power and authority bring about obedience to the law. There is need not o show or over use power to achieve compliance in society

7.0 References/Further Reading

- [Milgram_Experiment_v2](#)

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Note: The above description of Milgram's experiment comes from the chapter "Obedience, Power, and Leadership" from the open textbook book *Principles of Social Psychology: 1st International Edition*. and is licensed CC BY 4.0. All references cited on this page can be found at the end of the chapter of Obedience Power and Leadership.

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Unit 2

Understanding differences in Conformity

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1.0 Introduction

Even in cases in which the pressure to conform is strong and a large percentage of individuals do conform (such as in Solomon Asch's line-judging research), not everyone does so. There are usually some people willing and able to go against the prevailing norm. In Asch's study, for instance, despite the strong situational pressures, 24% of the participants never conformed on any of the trials. People prefer to have an "optimal" balance between being similar to, and different from, others (Brewer, 2003). When people are made to feel too similar to others, they tend to express their individuality, but when they are made to feel too different from others, they attempt to increase their acceptance by others. Supporting this idea, research has found that people who have lower self-esteem are more likely to conform in comparison with those who have higher self-esteem. This makes sense because self-esteem rises when we know we are being accepted by others, and people with lower self-esteem have a greater need to belong. And people who are dependent on and who have a strong need for approval from others are also more conforming (Bornstein, 1992). Age also matters, with individuals who are either younger or older being more easily influenced than individuals who are in their 40s and 50s (Visser&Krosnick, 1998). People who highly identify with the group that is creating the conformity are also more likely to conform to group norms, in comparison to people who don't really care very much (Jetten, Spears, &Manstead, 1997; Terry & Hogg, 1996). However, although there are some differences among people in terms of their tendency to conform (it has even been suggested that some people have a "need for uniqueness" that leads them to be

particularly likely to resist conformity; Snyder & Fromkin, (1977), research has generally found that the impact of person variables on conformity is smaller than the influence of situational variables, such as the number and unanimity of the majority.

2.0 Intended Learning Outcomes (ILOs)

Students are simply expected to know that differences exist in the way and manner conformity comes to be. Individual difference, emanating from gender, cultural affiliation and self esteem are very relevant in understanding compliance. Students must be able to explain these important variables at the end of this unit in relation to the manifestation of ethical and unethical behaviour about law compliance and law enforcement.

3.0 Main Content

3.1 Understanding Differences in Conformity

From the introduction above it is very clear that personal difference exist among those who conform to societal expectations and for which variations exist. Similarly Several reviews and meta-analyses of existing research on conformity and leadership explain these individual differences in men and women (Gender), and so it is possible to draw some strong conclusions in this regard. In terms of conformity, the overall conclusion from these studies is that that there are only small differences between men and women in the amount of conformity they exhibit, and these differences are influenced as much by the social situation in which the conformity occurs as by gender differences themselves. On average, men and women have different levels of self-concern and other-concern. Men are, on average, more concerned about appearing to have high status and may be able to demonstrate this status by acting independently from the opinions of others. On the other hand, and again although there are substantial individual differences among them, women are, on average, more concerned with connecting to others and maintaining group harmony. Taken together, this means that, at least when they are being observed by others, men are likely to hold their ground, act independently, and refuse to conform, whereas women are more likely to conform to the opinions of others in order to prevent social disagreement. These differences are less apparent when the conformity occurs in private (Eagly, 1978, 1983). The observed gender differences in conformity have social explanations—namely that women are socialized to be more caring about the desires of others—but there are also evolutionary

explanations. Men may be more likely to resist conformity to demonstrate to women that they are good mates. Griskevicius, Goldstein, Mortensen, Cialdini, and Kenrick (2006) found that men, but not women, who had been primed with thoughts about romantic and sexual attraction were less likely to conform to the opinions of others on a subsequent task than were men who had not been primed to think about romantic attraction.

In addition to the public versus private nature of the situation, the topic being discussed also is important, with both men and women being less likely to conform on topics that they know a lot about, in comparison with topics on which they feel less knowledgeable (Eagly&Chavala, 1986). When the topic is sports, women tend to conform to men, whereas the opposite is true when the topic is fashion. Thus it appears that the small observed differences between men and women in conformity are due, at least in part, to informational influence. Because men have higher status in most societies, they are more likely to be perceived as effective leaders (Eagly, Makhijani, & Klonsky, 1992; Rojahn&Willemsen, 1994; Shackelford, Wood, & Worchel, 1996). And men are more likely to be leaders in most cultures. For instance, women hold only about 20% of the key elected and appointed political positions in the world (World Economic Forum, 2013). There are also more men than women in leadership roles, particularly in high-level administrative positions, in many different types of businesses and other organizations. Women are not promoted to positions of leadership as fast as men are in real working groups, even when actual performance is taken into consideration (Geis, Boston, & Hoffman, 1985; Heilman, Block, & Martell, 1995). Men are also more likely than women to emerge and act as leaders in small groups, even when other personality characteristics are accounted for (Bartol& Martin, 1986; Megargee, 1969; Porter, Geis, Cooper, & Newman, 1985). In one experiment, Nyquist and Spence (1986) had pairs of same and mixed-sex students interact. In each pair there was one highly dominant and one low dominant individual, as assessed by previous personality measures. They found that in pairs in which there was one man and one woman, the dominant man became the leader 90% of the time, but the dominant woman became the leader only 35% of the time.

Keep in mind however that the fact that men are perceived as effective leaders, and are more likely to become leaders, does not necessarily mean that they are actually better, more effective leaders than women. Indeed, a meta-analysis studying the *effectiveness* of male and female

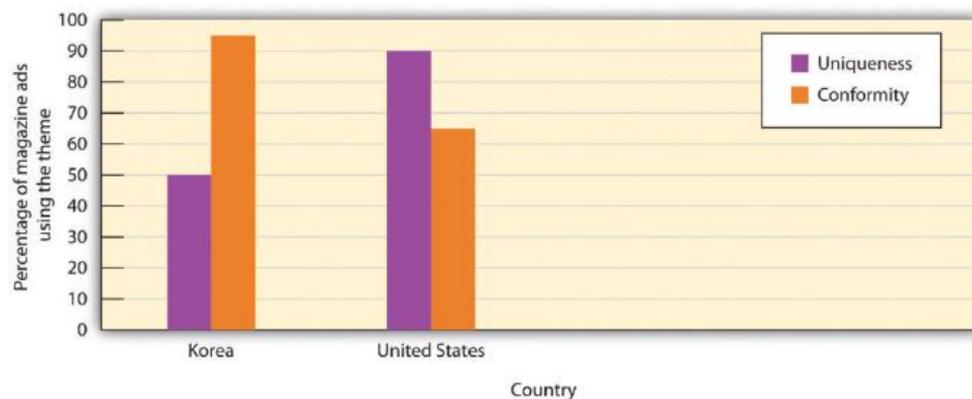
leaders did not find that there were any gender differences overall (Eagly, Karau, & Makhijani, 1995) and even found that women excelled over men in some domains. Furthermore, the differences that were found tended to occur primarily when a group was first forming but dissipated over time as the group members got to know one another individually. One difficulty for women as they attempt to lead is that traditional leadership behaviours, such as showing independence and exerting power over others, conflict with the expected social roles for women. The norms for what constitutes success in corporate life are usually defined in masculine terms, including assertiveness or aggressiveness, self-promotion, and perhaps even macho behaviour. It is difficult for women to gain power because to do so they must conform to these masculine norms, and often this goes against their personal beliefs about appropriate behaviour (Rudman & Glick, 1999). And when women do take on male models of expressing power, it may backfire on them because they end up being disliked because they are acting non-stereotypically for their gender.

A recent experimental study with MBA students simulated the initial public offering (IPO) of a company whose chief executive was either male or female (personal qualifications and company financial statements were held constant across both conditions). The results indicated a clear gender bias as female chief executive officers were perceived as being less capable and having a poorer strategic position than their male counterparts. Furthermore, IPOs led by female executives were perceived as less attractive investments (Bigelow, Lundmark, McLean Parks, & Wuebker, 2012). Little wonder then that women hold fewer than 5% of Fortune 500 chief executive positions. One way that women can react to this “double-bind” in which they must take on masculine characteristics to succeed, but if they do they are not liked, is to adopt more feminine leadership styles, in which they use more interpersonally oriented behaviours such as agreeing with others, acting in a friendly manner, and encouraging subordinates to participate in the decision-making process (Eagly & Johnson, 1990; Eagly et al., 1992; Wood, 1987). In short, women are more likely to take on a transformational leadership style than are men—doing so allows them to be effective leaders while not acting in an excessively masculine way (Eagly & Carli, 2007; Eagly, Johannesen-Schmidt, & van Egen, 2003). In sum, women may conform somewhat more than men, although these differences are small and limited to situations in which the responses are made publicly. In terms of leadership effectiveness, there is no

evidence that men, overall, make better leaders than do women. However, men do better as leaders on tasks that are “masculine” in the sense that they require the ability to direct and control people. On the other hand, women do better on tasks that are more “feminine” in the sense that they involve creating harmonious relationships among the group members.

3.2 Cultural Differences

In addition to gender differences, there is also evidence that conformity is greater in some cultures than others. Your knowledge about the cultural differences between individualistic and collectivistic cultures might lead you to think that collectivists will be more conforming than individualists, and there is some support for this. Bond and Smith (1996) analyzed results of 133 studies that had used Asch’s linejudging task in 17 different countries. They then categorized each of the countries in terms of the degree to which it could be considered collectivist versus individualist in orientation. They found a significant relationship: conformity was greater in more collectivistic than in individualistic countries. Kim and Markus (1999) analyzed advertisements from popular magazines in the United States and in Korea to see if they differentially emphasized conformity and uniqueness. As you can see in [the figure], “[Culture and Conformity](#),” they found that while U.S. magazine ads tended to focus on uniqueness (e.g., “Choose your own view!”; “Individualize”) Korean ads tended to focus more on themes of conformity (e.g., “Seven out of 10 people use this product”; “Our company is working toward building a harmonious society”).



Culture and Conformity

Kim and Markus (1999) found that U.S. magazine ads tended to focus on uniqueness whereas Korean ads tended to focus more on conformity. In summary, although the effects of individual differences on conformity tend to be smaller than those of the social context, they do matter. And

gender and cultural differences can also be important. Conformity, like most other social psychological processes, represents an interaction between the situation and the person.

3.3 Psychological Reactance

Conformity is usually quite adaptive overall, both for the individuals who conform and for the group as a whole. Conforming to the opinions of others can help us enhance and protect ourselves by providing us with important and accurate information and can help us better relate to others. Following the directives of effective leaders can help a group attain goals that would not be possible without them. And if only half of the people in your neighborhood thought it was appropriate to stop on red and go on green but the other half thought the opposite—and behaved accordingly—there would be problems indeed. But social influence does not always produce the intended result. If we feel that we have the choice to conform or not conform, we may well choose to do so in order to be accepted or to obtain valid knowledge.

On the other hand, if we perceive that others are trying to force or manipulate our behaviour, the influence pressure may backfire, resulting in the opposite of what the influencer intends. Consider an experiment conducted by Pennebaker and Sanders (1976), who attempted to get people to stop writing graffiti on the walls of campus restrooms. In some restrooms they posted a sign that read “Do not write on these walls under any circumstances!” whereas in other restrooms they placed a sign that simply said “Please don’t write on these walls.” Two weeks later, the researchers returned to the restrooms to see if the signs had made a difference. They found that there was much less graffiti in the second restroom than in the first one. It seems as if people who were given strong pressures to not engage in the behaviour were more likely to react against those directives than were people who were given a weaker message. When individuals feel that their freedom is being threatened by influence attempts and yet they also have the ability to resist that persuasion, they may experience psychological reactance, *a strong motivational state that resists social influence* (Brehm, 1966; Miron&Brehm, 2006). Reactance is aroused when our ability to choose which behaviours to engage in is eliminated or threatened with elimination. The outcome of the experience of reactance is that people may not conform or obey at all and may even move their opinions or behaviours away from the desires of the influencer. Reactance represents a desire to restore freedom that is being threatened. And an adult who feels

that she is being pressured by a car sales representative might feel the same way and leave the showroom entirely, resulting in the opposite of the sales rep's intended outcome. Of course, parents are sometimes aware of this potential, and even use "reverse psychology"—for example, telling a child that he or she cannot go outside when they really want the child to do so, hoping that reactance will occur. In the musical *The Fantasticks*, neighboring fathers set up to make the daughter of one of them and the son of the other fall in love with each other by building a fence between their properties. The fence is seen by the children as an infringement on their freedom to see each other, and as predicted by the idea of reactance, they ultimately fall in love. In addition to helping us understand the affective determinants of conformity and of failure to conform, reactance has been observed to have its ironic effects in a number of real-world contexts. For instance, Wolf and Montgomery (1977) found that when judges give jury members instructions indicating that they absolutely must not pay any attention to particular information that had been presented in a courtroom trial (because it had been ruled as inadmissible), the jurors were *more* likely to use that information in their judgments. And Bushman and Stack (1996) found that warning labels on violent films (for instance, "This film contains extreme violence—viewer discretion advised") created more reactance (and thus led participants to be *more* interested in viewing the film) than did similar labels that simply provided information ("This film contains extreme violence"). In another relevant study, Kray, Reb, Galinsky, and Thompson (2004) found that when women were told that they were poor negotiators and would be unable to succeed on a negotiation task, this information led them to work even harder and to be more successful at the task.

Finally, within clinical therapy, it has been argued that people sometimes are less likely to try to reduce the harmful behaviours that they engage in, such as smoking or drug abuse, when the people they care about try too hard to press them to do so (Shoham, Trost, & Rohrbaugh, 2004). One patient was recorded as having reported that his wife kept telling him that he should quit drinking, saying, "If you loved me enough, you'd give up the booze." However, he also reported that when she gave up on him and said instead, "I don't care what you do anymore," he then enrolled in a treatment program (Shoham et al., 2004, p. 177).

4.0 Conclusion

Person, gender, and cultural differences in conformity are important in a law enforcement context for the reasons discussed below. Citizens may not obey a lawful order by a police officer when the officer uses power lawfully. This may occur when the citizen perceives the officer is eliminating the citizen's right to engage in the behaviour they wish to. This, according to Dr. Rajiv Jhangiani and Dr. Hammond Tarry, may lead people not to conform, or obey an order, and may indeed lead the citizen to oppose the officer who is trying to make a lawful order.

5.0 Summary

This unit typically examined key variables and dynamics of compliance of law and order, with emphasis on individual, gender and culture as predisposing factors that explains compliance. It shows that while person variables may predict conformity, situational variables are usually more important. Thus, concluded that the behaviour and action of a law enforcement officer would have a strong role to play in determining whether or not the citizens will conform to law and order.

6.0 Self-Assessment Exercise

Why often do we emphasize adaptability in the explanation of conformity?

Feedback

*Conformity is usually quite adaptive overall, both for the individuals who conform and for the group as a whole. Conforming to the opinions of others can help us enhance and protect ourselves by providing us with important and accurate information and can help us better relate to others. Law enforcement officers should also know the demographics about the variability of compliance as it applies to gender, age, educational attainment, rural-urban divide as well as individual experiences/encounters in the life course with law enforcement officers, and also the nature of different law enforcement officers.

7.0 References/Further Reading

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Unit 3

Law enforcement: Ethical Issues during an Investigation (Lies, Deception, Tricks and Gratuities)

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1.0 Introduction

Law enforcement officers who are in investigative roles are often confronted with ethical issues during the investigative process. Officers who have a heavy caseload are expected to determine which case to investigate at the expense of other cases. Officers often rely on the solvability of the case, and concentrate on that case, which means that cases that may be slightly more difficult to solve are never solved. This is a consequentialist perspective, in which the end result is seen as the most important aspect of the investigation. Some officers may do an assessment of the victim, coupled with other investigative variables that allow the officer to decide which case is ultimately more serious and more important to work on. The difficulty with this approach is that the officer's values are taken into account and are weighed against the rights of all victims. Problems arise when victims who may not be considered high on the investigator's valued list (for example an officer who does not value sex-trade workers), do not receive the same level of service that other, favoured victims do. Officers must be cognizant of their personal biases and ensure that they consider other variables, such as solvability, continuation of the offence, serial offences of the suspect, seriousness of the injury, and perishable evidence. This introduction typically explains what is referred to as caseload management (xxxx). in case load management officers of the law often employ the use of so many tactics (formal and informal) that are sometimes unethical such as the use of tricks, lies and deceptions. In the main discussion below, these will be engaged.

2.0 Intended Learning Outcomes (ILOs)

In this unit we expect you to understand that there are circumstances that would warrant a law enforcement officer to employ lies, tricks and deception in the course of his or her duties. And that law enforcement practices, to a large extent would go a long way to in employing informal tactics in achieving results. Lastly you need to know that law enforcement is a profession that frowns on officer receiving gratuities while performing their duties and the negative influence it is capable of generating

3.0 Main Content

3.1 Law enforcement: Ethical Issues during an Investigation (Lies, Deception, and Tricks)

Investigators walk a line between being tenacious in their investigations and being overzealous in refusing to give up a case that ought to be closed due to a lack of evidence. Officers must be aware not to allow their personal feelings to interrupt objective, critical and reflective consideration of the case. Investigators should routinely ask themselves how a case would look in court when all the facts are known by the defence counsel and the judge. Would their credibility suffer as a result? If the answer is yes, investigators need to address this and decide whether they should continue along their investigative path, or stop. The Supreme Court of Canada for instance does permit officers to use “tricks” to solve crimes. In *Regina v. Rothman*, the Supreme Court ruled that police can use tricks, so long as they do not shock the community. Such shocking or “dirty” tricks include things such as impersonating a priest or a lawyer to gain a covert confession. Tricks that officers are able to use include posing as gangsters or drug dealers in undercover operations in order to obtain covert confessions. Other tricks that officers may use are lies in interviews to bond with subjects. Lying in law enforcement is allowed in certain circumstances, but is strictly forbidden in other circumstances. These include, but are not limited to:

- A. Creating evidence or planting evidence
- B. Lying in court (testifying)
- C. Lying in reports, notebooks, or other administrative or investigative reports
- D. Lying in any administrative or civil proceedings
- E. Lying to fellow officers or supervisors

The scope for lying is very narrow and it should be used sparingly for serious investigations by officers who know the boundaries and what would be accepted in court. However, the ethics around lying lead some officers to discount it as a tactic. Some of the reasons they cite for the unacceptability of lying include:

- I. Lies destroy confidence in the police. Both the suspect and the community at large will not believe even truthful information brought forward in the future by an officer who uses lying.
- II. Lies are immoral because they are an illegitimate means to an ends. It goes against Kant's categorical imperative that we should never lie, regardless of the consequences of not getting a confession in what may be an important case.
- III. The courts may disallow the evidence because the courts may determine that the evidence was obtained through tactics not warranted under *Regina v. Rothman*.
- IV. The officer's religious beliefs and scripture prohibit or strongly discourage lying for interviews and criminal investigations.

Some officers have little issue with lying to suspects, taking a utilitarian and legalistic approach. They argue the following:

- I. It is for the greater good because lying justifies the end result (a classic utilitarian perspective that maximizes happiness).
- II. The positive consequence of lying to find evidence outweighs the consequence of not lying and thus not retrieving evidence.

Other officers take a different perspective, arguing:

- a) It is their duty to do what they can to solve a crime. However, lying does not follow Kantian logic because the act itself is wrong. The duty is to solve crime, not to lie. Furthermore, Kant would argue that the officer is using the person as a means to an end to get a confession.
- b) Solving a crime means you have to play at the criminal's moral level at times, and that as long as the evidence is admissible, anything goes.

This perspective brings officers dangerously close to crossing the ethical line, venturing into noble-cause corruption. Officers must, in this case, be aware of the limits allowed by the court and not be tempted to surpass these limits. Other investigative tricks include undercover operations ranging from simple stolen property investigations to elaborate and lengthy operations for murder and drug conspiracies. Essential in undercover operations is the need for an undercover officer to establish credibility with the suspect or target. In doing so, the officer may have to commit, or appear to commit, a crime. This may include stealing or damaging property, selling and handling drugs, or selling and handling restricted weapons. The actions of undercover officers have limits, such as officers not engaging in drug use, crimes of violence, or sex-related activities. Section 25.1 of the Criminal Code protects officers against prosecution as long as they are in the lawful execution of their duty and can account for the need to “break the law.”

3.2 Law enforcement: Ethical Issues during an Investigation (Gratuities)

For the purpose of discussion surrounding ethics in law enforcement, a **gratuity** is the gift of an item to another person based solely on their occupation. A gratuity is most often given to officers by workers in the service industry, such as waiters and bartenders. Additionally and problematically, gratuities are given for services expected and services already rendered; free coffees for law enforcement officers often come with strings attached, or at the very least, as an insurance policy to gain favours in the future should the need arise. A cynic would argue that offering free coffee is not an altruistic gesture, but rather an insurance policy for security in the future. A law enforcement officer who receives free coffee from a restaurateur will likely be expected to provide extra service to the restaurant should it be required. Conversely, a law enforcement officer who removes a drunk person from a restaurant can often expect a free coffee after the drunk has been removed. Four main reasons that gratuities are given to law enforcement officers are:

1. Because of the **theory of reciprocity**, where people feel they owe something to the giver. In a law enforcement context, this will be collected after the gift (the free coffee) is given.
2. To ensure future cooperation, where the gift-giver may want the services of the officer in the future. This can include gaining biased support of officers in spite of the facts surrounding an issue.

3. To use the presence of police officers, attracted by free coffee, as an advertisement to potential patrons that the environment is safe.
4. To use the presence of police officers, attracted by free coffee, as a way to dissuade potentially problematic patrons from patronizing the restaurant.

Gratuities are often seen as the first step on the slippery slope toward major corruption (Coleman, 2004), and it is for this reason that accepting gratuities is always frowned upon by law enforcement agencies. Coleman argues that while each step is, on the slippery slope, individually insignificant, it is the cumulative effect of the steps that draws and pushes officers to more serious forms of unethical behaviours. Once an officer starts on the slippery slope, one step leads to another: the coffee leads to a coffee and a donut, which eventually leads to a free dinner. The cumulative effect of these gratuities, according to Coleman (2004), leads to a situation that is difficult for the officer to stop doing or turn around. Coleman (2004) also identifies an absolutist perspective in which the free-coffee gratuity is viewed the same as receiving a thousand dollar bribe. They are both wrong regardless of the financial gain received by the officer. It can be argued that the intent of the officer should be considered. If the officer's intent in receiving the free coffee is to build community cohesion and better relations with the police, that should always be considered. However, if the intent is unethical, such as to save money by using the officer's power position, then this too should be considered. In a controversial paper, Kania (1998) proposes that the police should be allowed to exercise discretion and decide the appropriateness of receiving minor gratuities such as free coffee. This, he argues, is similar to other professions and is a way to foster community relations; refusing minor gratuities such as coffee strikes at the core of building bridges with the community and can have an adverse effect on relationships. Kania (1998) offers little more than anecdotal evidence of this and recalls incidents in his own policing career in which he observed noble officers rejecting free coffee to the consternation of the provider, thus creating a rift between police and the community.

The most balanced view on gratuities belongs to Pollock (2007), who draws a sharp distinction between a gift and a gratuity. The gift refers to an exchange in which there are no strings attached, whereas a gratuity would likely be given for future favour, however subtle (Pollock, 2007). The difficulty is in determining what is and is not a gift versus a gratuity. Pollock utilizes ethical systems to make this determination. A deontological perspective would suggest that if all

businesses were to give all police gratuities, the ramifications would not be desirable (Pollock 2007). In essence, Rawls' (1999) principles of justice would be subverted by a system in which only those who pay are entitled to service. Pollock (2007) also suggests from a formalism perspective that the motive of the giver would be paramount and that the giver who has good intentions would make the gift morally permissible. Conversely, utilitarianism would suggest that the negatives outweigh the positives and, as a result, the gratuities would be unethical; however, act utilitarianism would judge each act on its own merits, allowing for gratuities to be accepted when the consequences are good for all concerned (Pollock, 2007). Rule utilitarianism, on the other hand, would determine that the long-term consequences of gratuities would be damaging to more people than they would aid, and therefore would not be morally permissible (Pollock, 2007). Kania's (1998) perspective would fall under an ethics of care approach, in which gratuities would be ethical if there were a positive social relationship already formed between the giver and the taker. The ethics of virtue would be concerned only with the virtues of the receiving officer (Pollock, 2007).

In conclusion, while other professions, such as doctors, are free to receive gratuities, law enforcement officers must be careful when receiving gratuities for the following reasons:

- Police are professionals and professionals don't take gratuities.
- People will expect different treatment.
- Gratuities could erode public confidence.
- There is the slippery slope potential; the receipt of gratuities can be a gateway for more corruption.
- Police get paid by the public to treat everyone equally.

4.0 Conclusion

In conclusion, though tricks, lies and deceptions are allowed to a large extent in law enforcement with a popular African adage that says if one wasn't to catch a monkey he or she must act like one. In relation to gratuities while other professions, such as doctors, engineers and lawyers are free to receive gratuities, however law enforcement officers must be careful (in absolute terms) and if possible desist from it) when receiving gratuities for the following reasons:

- i. Police are professionals and professionals don't take gratuities.
- ii. People will expect different treatment.
- iii. Gratuities could erode public confidence.
- iv. There is the slippery slope potential; the receipt of gratuities can be a gateway for more corruption.
- v. Police get paid by the public to treat everyone equally.

5.0 Summary

In this unit we have examined the circumstances that would warrant a law enforcement officer to employ lies, tricks and deception in the course of his or her duties. And it was concluded that this are needed in law enforcement practices to achieve results especially when it does not create a crack in the moral fabric of the society with regards to shock to the public when it becomes dangerous. Similarly we discussed the limitation and implication of law enforcement officers receiving gratuities.

6.0 Self-Assessment Exercise

1. Lying in law enforcement is allowed in certain circumstances, highlight some of these circumstances/
2. What are the evil therein when law officers receive gratuities?

Feedback 1

- A. Creating evidence or planting evidence
- B. Lying in court (testifying)
- C. Lying in reports, notebooks, or other administrative or investigative reports
- D. Lying in any administrative or civil proceedings
- E. Lying to fellow officers or supervisors

Feedback 2

- i. Gratuities could erode public confidence.
- ii. There is the slippery slope potential; the receipt of gratuities can be a gateway for more corruption.
- iii. Police get paid by the public to treat everyone equally.

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Unit 4

Accountability and investigations

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1.0 Introduction

For all of us in the field of police and security studies, it has become obvious that we are witnessing a paradigm shift. While we cannot expect this shift to result in a uniform approach to policing everywhere in the world, we can assume that all the various approaches will be based on the same set of assumptions of modern policing, namely the community involvement, a proactive approach that emphasizes prevention, professionalism, innovation, and problem-solving, and an integrated view of criminal justice (Pagon, 1998). In this process, policing is getting closer to professionalization, a change long advocated by police scholars. As several authors (e.g., Becker, 1998; Hahn, 1998; Vicchio, 1997; Murphy, 1996; Fry & Berkes, 1983) point out, aspirations by the police to become professionalized either create or at least re-emphasize several requirements, such as wide latitude of discretion, higher educational requirements, higher standards of professional conduct, and self-regulation. At the same time, however, we have witnessed countless accounts of police brutality and abuse of authority, some of them making the headlines, and others taking place outside the public eye. In some countries, police corruption has already reached epidemic proportions. It is obvious that corruption, brutality, and other forms of police deviance go against the above-mentioned efforts for police professionalization and community involvement. The community cannot trust nor attribute a professional status to deviant police officers. No wonder then, that modern police organizations all over the world are fighting police deviance, trying to achieve proper conduct of their members. However, according to Sykes (1993), a brief history of these efforts to enhance police accountability reveals that they relied on rules and punishment. "Although each of these reform efforts had an impact, the sum total fell short of providing assurances that they were adequate and serious incidents continued... In short,

the various rule based systems of accountability seem insufficient if officers hold different values or there is a subculture which nurture values different from the ideals of democratic policing” which entail accountability in/and investigation. Investigation by nature is an element of democratic policing.

2.0 Intended Learning Outcomes (ILOs)

In this unit you are expected to come to terms with accountability and investigation as key components of law enforcement practice and ethics. This will enable you to open your mind and boost public confidence and trust on law enforcement agents. Similarly you will be exposed to the various types of investigative models employed in handling erring law enforcement officers differently from of the erring public. At the end of the unit you will come to see the link between issues discussed in model 4 and how they can impinge on accountability and the investigation process among law enforcement officers. Have a smooth reading ahead!

3.0 Main Content

3.1 Accountability and investigations

The police must remain autonomous and free from the influence of government and mass media. Law enforcement executives should not be forced into decisions based upon the dictates of a mayor, premier, prime minister, or the media. Law enforcement executives should remain autonomous and concern themselves with the effective and efficient operation of their agencies to achieve an ethical law enforcement agency with high standards and values. Likewise, officers on the line must remain impartial, and, in doing so, should avoid comment on political and judicial matters. This does not mean that officers do not have the right to comment like everyone else, but that their comments should not be made in their capacity as police officers. While the independence of law enforcement is important, oversight of law enforcement is also crucial. Oversight includes ensuring agencies are accountable to the public for resource allocation, are fiscally responsible, and have law enforcement policies and procedures. Law enforcement agencies must balance the need for accountability with the need for independence, but doing so can create tension. According to Reiner (2010) there are four ways in which law enforcement is held accountable:

1. Officers are charged and prosecuted for crimes (under the Criminal Code or the Police Act).
2. Officers are held civilly liable in court.
3. Judges ruling on cases find the evidence brought before them is as inadmissible.
4. Judicial review of policy forces changes upon the police.

Griffiths (2013, p.58) further identifies six processes that hold police accountable:

1. Political accountability to governing authorities
2. Legal accountability through the courts
3. Accountability to administrative agencies
4. Freedom of information legislation
5. Community policing committees
6. Special ad hoc mechanisms such as royal commissions

In cases that may not warrant a criminal investigation, police officers internationally are governed by statutes. Offences alleged under different acts in different countries are often investigated by police officers in their own agencies. For more serious and/or high-profile cases, police officers from specialised agencies may conduct the investigations. These are known as *internal investigations*, *professional standards investigations*, or *police act investigations*. These specialized investigations are conducted by units within departments, which are often referred to as Professional Standards Units.

3.2. Understanding Accountability through Complaint against the Police force

In Nigeria, just like in other countries where democracy is practiced, the Police Act allows for complaints against law enforcement officers (the police) to be made directly by an aggrieved party or by a complainant who is acting as a third party. The latter, called a *third-party complaint*, allows a person who is otherwise uninvolved in the incident to make a complaint. The rationale is to protect those people who have been victimized by police who do not want to complain (or are not capable of doing so) to be safeguarded. The third-party complaint rule essentially protects those who do not complain, and in doing so allows for the investigation of officers whose unethical conduct may have otherwise gone un-investigated. Complaints about police misconduct under the Police Act must be related to the following:

- i. Allegations of misconduct by individual police members
- ii. Complaints concerning various aspects of the administration of a police department
- iii. Matters that concern the maintenance of discipline within a police department and that do not directly impact the public

The nature of the allegations against police officers under the Police Act is varied; however, two complaint types that face police officers are corruption and breach of public trust. These are briefly explained below:

- a. **Corruption** as defined by the Police Act includes such things as not promptly returning money or property while performing one's duty; using or attempting to use the position of police officer for personal gain; and using or attempting to use equipment or facilities for purposes unrelated to duty.
- b. **Breach of public trust** encompasses a wide range of activities that are used as a "catch-all." When an officer engages in behaviour that is unethical, but not against the Criminal Code or other legislation under which civilians would be charged, the officer can be charged under the Police Act. Charges can be brought against an officer for unethical activities such as:
 - i. Anything that discredits the reputation of the member's police department
 - ii. "Abuse of authority," referred to as oppressive conduct toward a member of the public
 - iii. Using unnecessary force, or detaining or searching a person without good and sufficient cause
 - iv. On or off duty, when in uniform, using profane, abusive, or insulting language to any person. The language can be used to intimidate people or disrespect them.

The Police Act states that the regulations detail the expected or code of professional conduct for police officers. Along with the expectations for conduct are the consequences that may occur when an officer commits a disciplinary default.

3.3 Accountability: Investigating the police

Griffiths (2013) describes three different models that are used in different jurisdictions to investigate the police: (a) the dependent model, (b) the interdependent model, and (c) the independent model.

- a. **The dependent model** includes police departments in which police officers investigate allegations against their own members, or members of another police department. The benefits of a dependent model include the following: the officers being investigated are easily accessible to the investigator; there are lower costs associated with the investigation; and the investigators are fluent in the local police culture and organizational values and have greater legitimacy among officers. Conversely, the criticism associated with the dependent model of investigation is primarily directed at the lack of accountability toward subject officers. The lack of accountability is a result of investigators being part of the same subculture and therefore not being independent enough to be objective. Without independence, the investigation can be viewed as biased and therefore not legitimate by society.
- b. **The interdependent model** is a system in which investigators investigate allegations against their own members, or members of another police department with civilian oversight. One of the benefits of this model is that it demonstrates independent oversight of the investigation. This enables the community to believe that the investigation will be balanced and not in favour of the police or the civilian party. Additionally, the community is able to provide feedback and suggestions regarding the investigation from a civilian perspective. Criticisms include the inability to gain the cooperation of the police should they decline to participate in the investigation. Furthermore, given their own experiences with investigations, police officers may be reluctant, in some instances, to follow the directions of civilians who may not be aware of flaws in an investigation's process.
- c. **The independent model** includes a civilian body of investigators that receive complaints and initiate and conduct the complete investigation independently from the law enforcement agency that is involved in the allegation. The public generally views this model as the most effective due to the independence of the investigators, which offers greater accountability for the actions of officers. The independent model allows citizens

to feel more comfortable complaining about officer misconduct, without the fear of reprisals or the fear of being interviewed in a manner in which they are the “them” in an “us versus them” situation. Arguments against an independent model include are that investigators may not have a full understanding of police techniques and police culture and they may lack experience in criminal investigations. Additionally, independent investigators will likely be unable to gain trust within law enforcement agencies, therefore eliminating such important investigative tools as source information and the necessity to bond with subjects.

4.0 Conclusion

Ensuring accountability is not as easy as put forward, and can often be correlated to the “mechanics” of investigations into law enforcement misconduct. Remember we have discussed about *Esprit de Corps* and the Code of Secrecy in policing as well as the use of force and quasi military strategies (Module 4). These events in one way or the other have a lot to do in impacting and influencing police accountability and investigations. To ensure these investigations are carried out fairly and with due process, the Police Act designates a police complaint commissioner who has the duty and responsibility to oversee investigations.

5.0 Summary

In this unit we have come to know that accountability and investigation are important and they are good drivers of modern policing in a democratic regime. The two concepts are necessary to checkmate police excesses as well to ensure public trust on the police as an organisation. For these reasons accountability and especially investigation are not only limited to the public or offenders (defaulters of the law) or suspects alone but also applicable to erring law enforcement officers. The unit looked at three major models of investigation (the dependent model, the interdependent model, and the independent model) often employed by the police as put forward by Griffiths (2013) in putting the police on the scale.

6.0 Self-Assessment Exercise

1. What are the three models of investigation proposed by Griffiths (2013)

2. Highlight the two major allegations that are globally facing the law enforcement officers.

Feedback

1. The three models of investigation by Griffiths (2013) are: (i) the dependent model, (ii) the interdependent model, and (iii) the independent model.
2. (a) Corruption and (b) Breach of public trust.

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MODULE 6**Unit 1. Law Enforcement: *Security Operations in the Management Environment*****Unit 2. Police legitimacy: Police –public contacts and encounters****Unit 3. Law enforcement: Policing of the youth and Police legitimacy****Unit 4. Law enforcement ethics and the call for community policing****Unit 1. Law Enforcement: *Security Operations in the Management Environment***

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1.0 Introduction

To achieve optimal protective goals, law enforcement officers, security chiefs, directors, and managers must operate successful programs. The origins of certain management-related words clarify this objective. The word “operate,” for example, is derived from the Latin *operatus*, the past participle of the verb “to work”; hence, operations are concerned with exerting power or influence in order to produce an effect. Security operations, therefore, are the processes whereby the protective aims of the society, various organizations visavis the criminal justice system are to be achieved. Success does not depend upon good intentions alone. Personal effort causes such desired changes to occur. The security practitioner must assume correctly that his or her appropriate involvement is consequential in achieving what needs to be done. Operating security programs is not easy. Protection is an intrinsic factor in success and continuity of an operation. Because of this, one might assume—falsely—that efforts to protect assets would receive broad, largely uncritical support from senior management and ownership. That’s not necessarily so. A paradox exists within the workplace: Freedom results in creativity, spontaneity, and economic development, while at the same time making abuses within the law enforcement organization or

(organisations generally) easier to occur. Therefore, controls that decrease the possibilities of loss are implemented. However, these same controls may also decrease creativity and efficiency. The art of the security practitioner is thus to encourage expression and achievement while making the control mechanisms reasonably unburdensome to employees, visitors, vendors, and the public at large. Law enforcement and security organisations should flourish without the appearance of constricting security operations. This unit considers the tasks of operating security loss prevention programs in contemporary societies and the criminal justice system. Most of the organizational protective features are common to the concerns of general management. Indeed, security operations are aspects within a broad management context. Therefore, the initial part of this unit will consider the concepts that have helped shape management practices in the 20th century and that are guiding it in the 21st.

2.0 Intended Learning Outcomes (ILOs)

At the end of this unit students are expected have a robust knowledge of the brief history of security operations dynamics and consideration about what security operations is, (ie protecting loss, for which the principle of loss-management and operating security loss prevention programs are key principle in contemporary society and the criminal justice system). The linkages of theory and practices as organizational principle will be pivotal to their understanding as taught in earlier units. key managerial concepts will further help you comprehend the subject matter of security operations and management practices.

3.0 Main Content

3.1A Security operations: BRIEF HISTORY OF A GROWING FIELD

Security has always been important for the protection of people and property. Indeed, security is essential for the establishment and growth of nations, communities, and commercial enterprises. However, the security industry itself only emerged as a modern business activity within the United States in the second half of the 19th century (McCrie, 1988). During this period, investigations, guarding, executive protection, consulting services, alarm monitoring and response, and armoured courier services all had their origins. By the mid-20th century, large corporations had established proprietary security programs that initially were concerned with

loss prevention and order maintenance. Managers for these programs in industrial applications often reported to engineering, maintenance, and general administrative or operational units. The era of security as a modern management function did not arrive until the second half of the 20th century. At the end of the 1950s, a resurgent economy and the implications of Cold War protectionism vastly increased the importance of security as an organized business practice. Industry was serving the needs of military preparedness and expanding commercial inventiveness: Both required adequate security measures, though of differing sorts. Such diverse interests in proprietary security were met, in 1955, with the founding of the American Society for Industrial Security, now ASIS International (McCarie, 2005). Full members were employed usually as loss prevention directors serving for-profit and institutional organizations. Typically, they would be concerned about physical security, emergency response planning and coordination, and internal investigations. Members who worked for industrial corporations that provided products, systems, services, and research for government, especially the military, monitored extensive compliance requirements to protect information and production know-how from possible compromise. ASIS members in those early years included many retired military officers. Membership also consisted of retired police officers, special agents of the Federal Bureau of Investigation and other law enforcement organizations, and persons who became responsible for security without having had any previous formal preparation in the military or law enforcement. Security directors in these organizations often were responsible for identifying and assigning security classification to information and materials requiring protection in the national interest. With the fall of the Berlin Wall in 1989, the military threat between the superpowers in the East and West diminished rapidly. The need for protection of intellectual property and of physical developments related to military requirements declined, but did not disappear. Meanwhile, other security priorities and duties emerged. While the modern origins of professional security are related to military and industrial concerns, protection was needed in other organizations where theft, vandalism, and employee safety were issues.

Retailing, distribution, general manufacturing, and many types of service businesses—, especially the banking industry—added security services at the place of work. Most security programs in the 1950s and 1960s concentrated on anti-theft and information protection measures. But by the late 1970s, numerous security programs began to absorb other management and administrative

duties, including safety. In the 1990s, data security, emergency planning, and organizational ethical concerns became significant management issues. In the 21st century, a variety of issues has emerged without any reduction in the significance of earlier protective mandates. Anti-terrorism, protection of intellectual property, and rapid recovery from untoward incidents (contingency planning) have become paramount issues for management attention. Today, the security industry is not one entity but a series of commercial activities that sometimes overlap each other but generally are distinct. These activities include services such as guarding, investigations, alarm monitoring, escorting, and consulting; electronics (including companies that manufacture, distribute, and add value to systems); cyber-security technology and software; and hardware (encompassing non-electronic, high-quality products and materials that serve above-standard protective needs). Additionally, in Europe and America as well as other developed nations government outsources some security services. For example during the war in Iraq, the numerous security contracts were outsourced to the private sector that are part law enforcement support and part conventional assets protection. These services and products vendors compose thousands of independent entities.

3.2 Law Enforcement: *Security Operations in the Management Environment*

Security operations normally do not exist within an organization for a single reason. Typically, numerous factors interweave to justify commitments to fund protective operations. These will vary in significance according to a wide variety of factors relating to the degree of risk appetite, demand for internal services, and the value of assets to be protected in the workplace. Here are the leading elements that underpin the reason for being and growth of contemporary security programs and that drive their growth and vitality today:

- i. **Cost savings.** An operating security program may reduce losses to an organization that will in turn offset the apparent cost of the security services. For example, employees may be unwilling to work certain shifts because they feel unsafe at or near the workplace. Their replacement could be costly. The presence of access control and a security patrol could make the perilous shift a possibility.
- ii. **Risk mitigation.** Security is a fundamental necessity for corporate endurance and success. Lack of adequate protection could lead to devastating results. Security programs identify weaknesses and seek to reduce risk (see Box 2.2). The goal of security

management programs generally is not to reduce risks as low as possible. That would be excessively burdensome and costly. Rather, it is to reduce risks to an acceptable or practicable level.

- iii. **Income generation.** A security program is often thought by managers not involved with protection to be a “cost” to the operation, not a source of “profit.” However, in some circumstances, security departments perform services that can generate fresh income for the organization that would otherwise be unavailable. For example, some organizations share their own security services with other businesses or institutions and charge for them accordingly. Hence, they can become a profit centre for the parent organization (see Box 2.3).
- iv. **Crime.** Violent and property crime that could occur within or near a facility or property can be deterred by the presence of security personnel, the installation and functioning of an alarm and CCTV system, and good security design. This is supported by research from situational crime prevention studies, which confirms that pertinent measures may reduce losses from crime and other risks.
- v. **Fear.** The presence of trained security personnel and state-of-the-art systems make employees, vendors, and visitors feel safer at the workplace. For example, the availability of a parking lot security patrol may reduce users’ trepidation while it lowers actual risk. In this sense, security provides a desirable service to those who use the parking lot.

Box 2.2 A Case of Inadequate Security: The Demise of Pan Am World Airways

The advertisements proclaimed: “Pan Am Makes the Going Great!” And it did. Pan Am World Airways was the first transatlantic carrier to provide regularly scheduled flights. For most of the 20th century, Pan Am possessed its own distinctive cachet. Pilots, flight attendants, ground crew, and passengers were attracted to the carrier for its élan and quality services, and the airline prospered. In fact, one of the major midtown skyscrapers constructed in Manhattan in the 1960s (now the MetLife building) was named for the airline as its headquarters.

In the late 1960s, airlines became aware of their vulnerabilities to breaches of security. Numerous planes were skyjacked, and pre-board screening became a requirement instituted by the FAA. The impetus for international air carriers to improve security had become a priority. Almost all international air carriers saw the loss of some business as a result of travelers’ fears of potential skyjacking, rare as it might be.

Most airlines developed passenger and luggage preboarding programs to provide for their own needs. The attractiveness to contract out proprietary services to other airlines became a consideration. One airline that acted on the opportunity was Pan Am, which created, in 1986, a wholly owned subsidiary, Alert Management Systems, Inc., to provide services to Pan Am and other airlines. The new security service was financed, in part, by a surcharge of \$5 per ticket on each transatlantic flight.

Pan Am’s Alert Management Systems was presumably a high-visibility service provider and revenue generator for the parent company. Yet the security “was more for show than genuine security,” according to Steven Emerson and Brian Duffy, authors of *The Fall of Pan Am 103*. When Alert Management Systems began operations at New York’s John F. Kennedy Airport, for example, Alert personnel paraded dogs throughout Pan Am’s check-in counters for the media’s cameras. However, according to Alert’s first president, Fred Ford, they were not dogs trained to sniff for bombs; they were merely “well-behaved German shepherds.”

Pan Am retained the services of a security consultancy, Ktalav Promotion and Investment Ltd. (KPI), to critique its performance and to review operations at Frankfurt and 24 other airports. Isaac Yeffet, a former security chief for El Al Airlines, then with KPI, wrote to the airline that “Pan Am is highly vulnerable to most forms of terrorist attack,” despite the existence of their own Alert Management, and that “a bomb would have a good chance of getting through security” at the Frankfurt Airport. Yeffet concluded: “It appears, therefore, that Pan Am is almost totally vulnerable to a mid-air explosion through explosive charges concealed in the cargo.” But Yeffet’s report and Ford’s request for more resources for Alert Management were ignored by Pan Am’s senior management. The price of inadequate security would be high. On December 21, 1989, Pan Am flight 103, a Boeing 747 jet, was blown apart over Lockerbie, Scotland, killing all 259 people aboard and an additional 11 on the ground.

Pan Am’s decline as a viable business did not begin with Lockerbie, but instead started in 1973 when the Arab oil embargo pushed up fuel prices at the same time as a sharp recession began. From then through the 1980s, Pan Am lost over \$2 billion and only survived by selling its Pacific routes to United Airlines in 1986. But Lockerbie substantially sealed the fate of Pan Am. By 1994, the airline was bankrupt. A jury held that Pan Am and its Alert Management Systems, because of the numerous security deficiencies, were guilty of “willful misconduct” in permitting a security breach that allowed a bomb to be placed aboard the craft.

Sources: S. Emerson and B. Duffy, *The Fall of Pan Am 103*, New York: G.P. Putnam’s Sons, 1990; R. Stuart, “Pan Am Ads Touting Security Plan Stir a Debate,” *New York Times*, June 10, 1986; John Greenwald, “Fallen Emperors of the Air,” *Time*, January 7, 1991, p. 71; and R. Sullivan, “Court Upholds Pan Am 103 Awards,” *New York Times*, February 1, 1994, p. D2

Box 2.3 Making Security a Profit Centre

Profit centres are workplace activities that bring rewards from income derived by the enterprise from an unrelated entity. Profit centres provide security services to non-competitive businesses for fees. Such activities include guarding, investigations, alarm monitoring, computer backup services, and consulting. The process can be profitable for the service provider. The customer or client derives benefits from resources with demonstrable performance characteristics and ongoing management attention. Not all security operations can or should possess profit centres, but for some, opportunities exist and may be pursued to strengthen the security program and the parent organization simultaneously.

- vi. **Litigation.** The failure to have an adequate security program may leave the owner and operator of a facility vulnerable to a successful tort action for negligent security in the event that a crime or related loss occurs. The defence burden is greater if the facility has a weaker protective program than do comparable operations within the region. The existence of a security program by itself, however, does not protect the facility from successful litigation in the event an actionable offense for negligence takes place.
- vii. **Insurance.** Organizations often are required to provide security services and systems for themselves because their property and casualty liability insurance coverage—or other specific insurance policies—mandate certain minimum protective measures.
- viii. **Legal mandates.** In some cases, specific litigation directly requires the presence of security operations. For example, financial institutions face general obligations to maintain a security program subsequent to the Bank Security Act of 1968 and as subsequently modified.
- ix. **Bureaucratic requirements.** Numerous governmental agencies create regulations that mandate the existence of security programs. Usually, these are the outgrowth of federal laws that contain broad language and leave the specifics to be developed by a designated federal agency. For example, the Federal Aviation Administration (FAA) requires airport

managers and airlines to institute a variety of protective measures, including preboard screening of airline passengers and personnel and vetting of checked luggage. These regulations were developed to protect the air-traveling public.

- x. **Accreditation requirements.** Institutions that meet the general standards of their appropriate accreditation body sometimes also face the specific demands for the provision of general security measures from such an accrediting association. For example, the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO) promotes high-quality patient care through a voluntary process of accreditation, encompassing thousands of healthcare organizations. JCAHO has no specific security standards at present; however, in practice, the desirability of an appropriate security program is expressed through the “Plant, Technology, and Safety Management” section of the *JCAHO 2000 Comprehensive Accreditation Manual for Hospitals*, which requires a safe environment for institutions desiring to meet the criteria of JCAHO.

3.3. Key Concepts and roles in *Security Operations as management Strategy*

Strategy of Management

“Management” refers to the way in which members of an organization make key decisions on how goods and services are produced. Management can also refer to the process by which such goals may be achieved. Throughout contemporary organizations, the strategy of management is accomplished via a process of identifying, analyzing, planning, organizing, deputizing, and supervising activities common to the attainment of these goals. This process is systematic in progressive order, and action is required to achieve objectives by members of the organization. Once given authority to proceed, the manager sees to this process in each link of the chain (see Box 1.1). Specifically, the concatenation of managerial tasks is as follows:

1. **Problem identification.** The first organizational process step identifies the need for desirable and required managerial action. This need may be to commence a new program or initiative, to revise an old one, to solve a problem, to seize an opportunity, to expand or contract operations, or to handle still other options. The management process begins

by asking the question, “What needs be accomplished and why?” It then grapples with the clarified requirements that emerge from the following stages (see Box 1.1 below).

2. **Analyzing and planning.** Analyzing is the process of separating something into its constituent parts or basic principles. This allows the nature of the whole issue to be examined methodically. To analyze a security problem, the practitioner seeks to collect all pertinent information, which then becomes the basis of planning—or formulating—a means to achieve the desirable goals. These are the critical next parts of the managerial process. Wise managers generally do not proceed to the next step in the sequence until the previous one is reasonably completed. How much planning is enough? A manager is never likely to have all the knowledge and facts necessary to comprehend every relevant facet to analyze fully and then plan comprehensively without ever looking back. Further, conditions change constantly and create new situations with which the manager must now contend. Yet at some point, the analysis must be summarized when a reasonable quantity of information has been collected and a plan for action has evolved. That process of working with finite knowledge and resources is what is fascinating and challenging about the art and method of management. For example, in business continuity planning, operational issues must be identified and assessed for their impact on the enterprise before efforts to mitigate the risk begins. Figure 1.1 provides a grid that can be used on paper or electronically to help estimate the impact and begin the continuity strategy.
3. **Organizing.** After the need has been determined, its critical parts have been identified, and a plan has been established to respond to the need, resources must be organized—that is, created or accumulated in order to achieve the objective. Money and personnel must be committed. Technology and software strategies may be required and must be allocated. Impediments must be resolved. Commitments must be assured. Then the plan can be implemented by selecting subordinate managers and operational personnel.
4. **Deputizing.** A manager does not achieve the objectives of the plan solely by his or her actions; a manager works in the company of others. In the management process, the problem has been analyzed and a plan to deal with it has been agreed upon. Resources

have been committed firmly. Now the process of assuring that the plan achieves its objectives is shared with persons who will follow through—hopefully to realize the intended goals. Persons deputized to achieve these ends on behalf of the planning managers are themselves managers who are now transferred the responsibility for assuring that the plan will be carried out. The senior planning manager supervises this person or persons and gradually becomes free to concentrate on other issues.

5. **Supervising.** The planning manager supervises the manager who has been given responsibility (deputized) for achieving the goals set by the plan. Through this process, the manager can assure that goals are reached in the face of constantly changing circumstances. Thus, the principal manager is engaged in controlling the work of others and the allocation of resources in pursuit of the desired objectives. The supervising manager in the hierarchy remains available to critique, and supports and guides the manager deputized to carry out the plan. The supervising manager now has time to concentrate on other matters, such as identifying another need and planning its resolution or supervising other operating programs.

Box 1.1 The Security Management Process

Managers in modern organizations use a simple, logical process to achieve desired goals. The problem or opportunity may differ in significance, and the time required to adequately analyze and plan it also may vary. A major problem or opportunity may require weeks or months to resolve, but the sequence of events remains the same. Here's an example:

Problem Identification. Assume that the organization is expanding and must create a new facility to achieve desired production. This new facility will require a security program to protect its assets. How will it be created? Early in the process of planning for such a facility, the responsible security director collects pertinent information so that an optimal security program may be designed. The size, condition, employment, production requirements, environmental issues, potential problems, and other issues will be considered, and the most problematic matters will be isolated. Then the director, often aided by others, completes additional tasks until the program is fully implemented. The process is as follows:

1. **Analysis and planning.** The security director might collect and analyze the following information about the new facility:
 - Function of the new facility (what it does, its size and significance)
 - Site selection (for protective and risk-averse features of the topography)
 - Architectural and engineering involvement
 - Local conditions where the facility is to be located (for example, physical location, crime and traffic patterns)
 - Local resources available (police, fire, emergency-oriented)
 - Special security features likely to be required at such a facility

This process involves a fact-finding process in which the manager, or a surrogate, visits the site to determine its potential risks and opportunities so that these may be incorporated into the formal plan. When as much relevant data is collected as possible in the time available, the planning team is ready to prepare the physical security plan for the new facility. Planning for security measures needed by the facility once it begins operating is also undertaken at this time. The manager then discusses the analysis and planning with senior management.

2. **Organizing.** The plan must now be accepted by relevant decision makers throughout the organization. Resources required for the security program at the new facility are then mobilized. The steps taken may include:
 - Consulting with architectural and engineering personnel about specific security design needs

- Issuing a request for proposal (RFP) for the system to qualified contractors (Chapter 10)
- Establishing qualified bidders for the security project
- Reviewing submissions and awarding the contract
- Supervising the project's installation
- Assuring adequate training and support materials
- Testing the system under normal and adverse circumstances
- Adjusting the system based on insights from the testing process
- Planning for future testing and improvements (Chapter 10)

At this point, a complex system has been created for the new facility. Meanwhile, a security staff must be hired and procedures for both security and nonsecurity personnel must be prepared and reviewed. The next step assures these goals are met.

3. **Deputize.** As the new security system is configured and the operational commencement for the new facility can be scheduled, a manager must run the enduring, ongoing security program. Consequently, someone is deputized to assume this responsibility on behalf of management at headquarters. He or she will carry out the earlier aspects of the plan through the commencement and subsequent routine operations of the new facility.
4. **Supervise.** The principal central manager's time commitment for the new facility gradually lessens as the deputy assumes control of the new program or facility. That deputy reports regularly on developments. The central manager maintains quality control over the physical and procedural process involved in creating the plan for the new facility.
5. **Constant critical analysis and change.** At this point, the managerial process has been completed. The time it takes to complete the process varies considerably, depending on the particular problem to be managed. It may take as little as a few hours by a single individual or as much as months of concerted effort by a managerial team. The process is dynamic; circumstances change constantly, often in ways that could not have been anticipated early in the planning period even by the most conscientious and rigorous planners. Therefore, the manager must be prepared to constantly refine the plan to new circumstances, seizing fresh opportunities for further gains in programmatic objectives whenever possible.

6. **Constant critical analysis and change.** At this point, the planning process has been completed from inception to realization. The sequence may take as little as a few hours

by a single individual or as much as months of concentrated effort by a devoted managerial team. Such a team could include internal managers, contract personnel, and independent consultants retained for the project. However, although the program may be functional, the process is never complete. Circumstances change constantly, often in ways that could not have been anticipated even by the most conscientious and rigorous planning process. Therefore, the manager must refine the plan to fit the new circumstances, seizing new opportunities for further gains in programmatic objectives whenever possible.

For the program to succeed, wide participation in the enterprise is desirable. All stakeholders need to be involved in the process, or at least as many as practicable. As the testing process of the plan is completed, managers conduct a *gap analysis* to isolate areas for improvement based on impact to operations.

Type of Impact and its Effects	Impact Descriptors and Event Categorization			
	Catastrophic	High	Medium	Low
Financial				
Loss of revenue				
Loss of value after insurance recovery				
Loss of shareholder value				
Penalties				
Bad debts				
Additional operating costs				
Non-Financial				
Reputational loss				
Loss of operational opportunity				
Customer service				
Regulatory/legal				
Loss of market share				
Loss of quality				
Brand tarnish				
Environmental				
Contractual				
Staff morale				
Political				

FIGURE 1.1 Early in the continuity planning process, key assets and critical business processes are identified. They can then be categorized according to likelihood of occurrence and level of control possible. This grid can be use for different types of untoward events, emergencies, and disasters with their collateral effects estimated. *Source:* Control Risks Group.

4.0 Conclusion

Clearly, the need for security management strategy, programs and services in commerce and institutions is not derived from a single requirement, but rather from a combination of factors. The individual reasons for having a particular level of security are affected by geography, time, financing, available personnel, legal precedents pending legislation and litigation, and other considerations. Ultimately, security programs exist due to the conviction that any vulnerability eventually will lead to unfavorable consequences. This explains why security services continue to grow.

5.0 Summary

This unit examined the knowledge and consideration security operations as protecting loss, for which the principle of loss-management and operating security loss prevention programs in contemporary society and the criminal justice system were linked and highlighted as organizational principle. Security operations were discussed within a broad management context. And key managerial concepts were identified which can help shape security operations and management practices.

6.0 Self-Assessment Exercise

1. What do we mean by Security operations?
2. *What do you understand by management Strategy?*

Feedback

1. Security operations involves several issues, strategies and mechanisms in place to ensure effective security in motion and continuously in practice
2. “Management Strategy refers to the way in which top members of an organization make key decisions on how Security functions produced, made effective and sustained. Management strategy can also refer to the process by which such goals of security are achieved. Such goals and processes involves:
 - Problems identification,
 - Analysis and planning
 - Organising
 - Supervision
 - Deputizing
 - Constant critical analysis and change.

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Unit 2

Police legitimacy: Police –public contacts and encounters

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1.0 Introduction

The ability of the police to maintain formal social control over situations is largely dependent on citizens' perceptions of their legitimacy. Whether the public perceives the police to have the legitimate authority to act on behalf of the government is a crucial factor in obtaining their compliance. Gaining and maintaining cooperation is particularly important during police-public contacts to ensure officer and public safety. Fortunately for the police and public, violence against the police and other citizen resistance-behaviours are not uncommon (Eith&Durose, 2011), and only on few occasions are these interactions without incident. In general, according to Mastroski, Snipes, and Supina (1996), 78% of citizens having face-to-face encounters with the police are compliant with police directives. The 22% who are noncompliant and resist police directives, however, pose a danger to the police and, consequently, the ability of law enforcement to protect the public. Increasing police legitimacy – or fairness – may be one way to reduce such threats to safety. In this unit, two questions will be our guide: (1) Do perceptions of police illegitimacy – or unfairness – influence citizen resistance against the police; and (2) Are citizens more likely to use resistance-behaviors during specific types of police-public contacts? These questions are important for several reasons. Foremost, it will inform policy, as results may persuade police departments to incorporate training on police fairness – especially encouraging individual officers that following the tenets of legitimacy is personally beneficial by increasing their safety. Second, studying this topic is important because if the police are incapacitated in

large numbers through citizen resistance, there is no “Plan B” – aside from sending reinforcement officers whose directives also may be ignored by resisting citizens. Reducing such behaviour is important for law enforcement officer and public protection. This unit begins by reviewing the literature on citizen behaviour during police-public contacts and legitimacy theory, which is typically discussed in the criminal justice literature through procedural justice and distributive justice.

2.0 Intended Learning Outcomes (ILOs)

In this unit, you are expected to know that police legitimacy is full of many components of which police fairness is often expected by the public most especially those who have contacts with the law enforcement officers - the police- knowing that fairness leads to many desirable outcomes, including citizen cooperation with the police. At the end of this unit you will come to realise in-depth the fact that Police fairness also should decrease citizen resistance-behaviours, including confrontational behaviour during contacts with the police.

3.0 Main Content

3.1 Police legitimacy: Police –public contacts and encounters

A great deal of research on police-public encounters focuses on police behavior toward citizens (e.g., Engel, Tillyer, Klahm, & Frank, 2012; Mastrofski, Reisig, & McCluskey, 2002). However, citizen behavior can generate reciprocal reactions from police, and studies of citizen behaviour can be important for police policy – especially studies indicating what helps police remain safe and keep the peace by encouraging citizens to comply. Data on citizen behavior indicate that the majority of people conform to the law and to police directives most of the time. For example, Mastrofski and colleagues (1996) noted that there was 78% compliance without resistance in their Richmond, VA sample, 76% of citizens in Dai et al.’s (2011) Cincinnati sample complied with police directives. On the other hand, few citizens are noncompliant. Other data indicate that even when police use force against citizens, less than one-quarter of citizens engage in some form of resistance behavior such as arguing with the police (Eith&Durose, 2011). That said, correlational studies have shown that citizens are less likely to be compliant if the officer uses force – or officers are more likely to use force when citizens are noncompliant (Dai et al., 2011;

Hickman, Piquero, & Garner, 2008; Mastrofski et al., 1996). But, use of force is not the only factor related to citizen resistance.

Citizen demeanour during police-public contacts may depend on demographic, situational and even officer characteristics. There is evidence that impoverished (the poor) citizens are more likely to resist police directives (Mastrofski et al., 1996), and female citizens are more likely to be disrespectful toward police (Engel, 2003). From police officers' perspectives, regardless of the officer's race, drivers who self-identified as Black were more likely to be considered disrespectful, non-complaint or resistant to the officers' directives (Engel et al., 2012).

In Europe and America with racial mix, Engel and colleagues (2012) reported that some officers – particularly White officers – were more likely to view citizens as disrespectful. Indeed, police-citizen race dynamics may influence noncompliance, but the evidence on this is mixed: Mastrofski and colleagues (1996) found that a minority citizen was more likely to comply with the directives of a White officer while Engel (2003) reported the opposite; Mastrofski et al. (1996) also found an officer who identifies with a minority racial group was less likely to elicit compliance from a White citizen. However, citizens seem more likely to comply with older officers (Mastrofski et al., 1996; but see Engel, 2003) and officers who adopt a community policing perspective (Mastrofski et al., 1996). Perhaps most important, police behavior – especially whether police act with fairness or “legitimacy” – may affect citizen compliance (Dai et al., 2011; Mastrofski et al., 1996).

3.1.1 Police Legitimacy and Citizen Compliance

A number of criminological scholars suggest that legitimacy leads to many desirable outcomes, such as citizens' voluntary obedience to the law (i.e., reduced crime) and, by extension, citizens' cooperation with the police. Tyler (2004) views police legitimacy as an important component of maintaining social order. Expanding on this idea, the Committee to Review Research on Police Policy and Practices (2004) writes that police legitimacy is defined by the public's beliefs about the police and their willingness to recognize police authority

.... [L]egitimacy... means the degree to which citizens recognize the police as appropriate and justified representatives of the government.... [T]he more lawful

police are, the more likely the outcomes produced by their actions will be accepted and embraced by the public. Lawful policing increases the stature of the police in the eyes of citizens, creates a reservoir of support for police work, and expedites the production of community safety by enhancing cooperation with the police. (pp. 5-6)

Police cannot effectively maintain public safety without the cooperation of the public – as reporters of crime, as witnesses in criminal investigations, and as compliant citizens during police-public contacts. This increased cooperation with police officers, who are the most visible agents of formal social control, provides essential support for the basic tenets of the social contract where citizens sacrifice some personal freedoms for the good of society as a whole (e.g., Hobbes, 1651) – in this case, public safety. However, voluntary cooperation becomes strained when citizens do not believe the police are legitimate or fair (Jackson, Bradford, Hough, Myhill, Quinton, & Tyler, 2012; LaFree, 1998). Police illegitimacy has many negative consequences for the police during face-to-face contacts with the public: “When they are not viewed as legitimate, their actions are subject to challenge, their decisions are not accepted, and their directives are ignored” (Sunshine & Tyler, 2003, p. 517). In short, the public they serve does not support them and citizens do not cooperate with them when their presence and authority are not viewed as legitimate. Specifically, citizens may retaliate against police whose purpose, behaviors and or actions are perceived as illegitimate (Umoja, 1999; see also Tankebe, 2009). In the criminological literature, police legitimacy is most often discussed in the framework of its precursors: distributive justice – fairness of outcomes – and procedural justice – fairness of process. These two antecedents of legitimacy are important to understanding the relationship between police-citizen hostility.

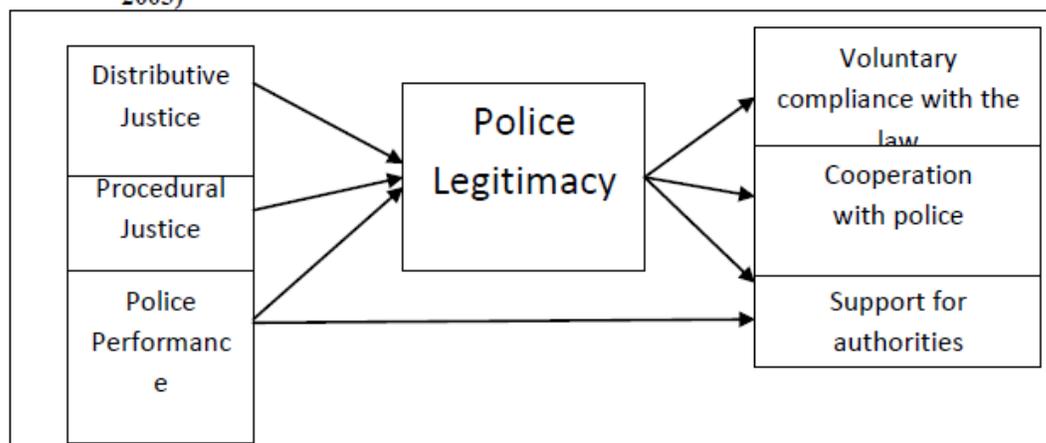
3.1.2 Distributive Justice

Citizens’ perceived treatment by state agents may affect their attitudes toward the police – in particular, whether police are legitimate. Treatment consists of both the outcomes received and the police-citizen interaction itself; the former is the focus of this section and the latter (procedural justice) will be discussed below. Distributive justice refers to fairness of outcomes in comparison with others or with earlier experiences. According to distributive justice, people are

more likely to accept outcomes – regardless of whether those outcomes are what they want – as long as those outcomes are perceived as fair (i.e., comparable to those outcomes received by similarly situated others or to those outcomes received earlier). Police legitimacy is boosted in the public’s eyes when outcomes are viewed as distributed fairly.

Distributive justice impacts people’s satisfaction with the criminal justice system (Casper et al., 1988) and, more importantly, there is some (mixed) evidence that fairness of outcome affects police legitimacy (Sunshine & Tyler, 2003). Distributive justice may impact compliance with the law (*but see* Freeman, Lioxis, & David, 2006), but perhaps only through legitimacy (*see* Figure 1). Further, distributive justice is only one precursor to legitimacy. Another is procedural justice.

Figure 1. Causes and consequences of police legitimacy (adapted from Sunshine & Tyler, 2003)



3.1.3 Procedural Justice

The procedural justice literature stems from distributive justice research (Blader & Tyler, 2003), but the two concepts are different. Whereas distributive justice is concerned with outcomes (whether services are delivered equally across communities and whether citizens are stopped, frisked, cited, arrested, etc. by the police), procedural justice focuses on the fair and consistent process by which criminal justice sanctions are applied, as perceived by citizens (Blader & Tyler, 2003b; Tyler, 2006). Thibaut and Walker (1975) found that, while a desired outcome certainly is important to people, the process by which the outcome is generated is more important than the outcome itself. Fair procedures are important in part because people believe that fair procedures generate fair outcomes (Thibaut & Walker, 1975, 1978). As Colbert, Paternoster and Bushway (2001) explain, “Fair treatment shapes [citizens’] view that authorities are acting not just with

power, but with legitimacy” (p. 1744). Procedural justice emphasizes the process of the police-citizen interaction, which, according to theory, is at least as important as the favorability of the outcome. In the area of policing, procedural justice is usually operationalized by respondents’ perceived quality of treatment by police and respondents’ beliefs about the quality of police decision-making (Blader & Tyler, 2003a, 2003b; Casper et al., 1988; Reisig, Bratton, & Gertz, 2007; Reisig & Lloyd, 2009; Sunshine & Tyler, 2003; Wells, 2007), and procedural justice often leads to police legitimacy.

4.0 Conclusion

Police legitimacy stems, in part, from fairness of outcomes (distributive justice) and fair procedures (procedural justice; Tyler, 2004; Sunshine & Tyler, 2003). Fairness is thought to generate trust and voluntary obligation to obey the law (Jackson et al., 2012; Tyler, 2004) – that is, the two components that typically define police legitimacy in the literature. Taking this one step further, police legitimacy – or fairness – should not only affect obedience to the law, but it also should be related to whether citizens resist police directives.

5.0 Summary

This unit examines findings relating to the theory of police legitimacy. It applies the theory to police-youth practises. It speculates upon which means of police-youth communication are likely to be most effective in fostering legitimacy, and offers strategies that may best advance it. It concludes that policy-makers ought to consider redirecting a portion of police resources away from practises, which have traditionally been regarded as ‘crime fighting’ and towards developing policies, that are aimed at enhancing value-based motivation in young people and developing their communication skills. It posits the view that building trust in the legal system and agents of the law from a young age can be a key to ‘crime control’ in both the short term (youth offending) and long-term (adult offending).

6.0 Self-Assessment Exercise

1. What are the two antecedents of legitimacy in criminological literature?
2. Why are they important in understanding the relationship between police-citizen hostility?

Feedback

1. The two antecedents of legitimacy regarding police and policing: these are (i) distributive justice – fairness of outcomes – and (ii) procedural justice – fairness of process. These two antecedents of legitimacy are important to understanding the relationship between police-citizen hostility.
2. Understanding the relationship between police-citizen is important for the following reasons:
 - it enables knowledge about dealing with citizens
 - Understanding their needs and plights.
 - Knowing how to ameliorate resistance
 - Forestalling resistance and hostility
 - Enabling persuasive tactics
 - Encouraging compliance by cooperation and not by coercion Etc.

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Unit 3

Law enforcement: Policing of the youth and Police legitimacy

Contents

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1.0 Introduction

Modern policing is predominantly focused on *responding* to crime. Although some proactive initiatives have been implemented to form part of the current policing framework, reactive strategies (focused on improving efficiency, shortening response times and enhancing ‘clear-up’ rates) continue to play the primary role in police practises. The defined ‘functions’ of police typically focus upon responding to emergency situations and preventing crime thereby. A reactive paradigm fits principally with what is understood as an ‘instrumentalist’ approach to crime reduction. Gary Becker (1974, 9) was a prime figure in instrumentalism. He theorized, for example, that a person will be more likely to commit an offense if the result of the crime (such as riches, or satisfaction arising out of an assault on another person) exceeds the expected result of directing his or her time and resources towards more law-abiding activities. Becker was also of the view that the probability of being caught and convicted has a much greater impact upon this weighing up of options than does the threat or severity of punishment (Becker, 1974, 11), a view that predominates in current discourse as well (see Balko, 2013). There is a corollary in broader policy-making too. Political strategies that see value in promising the implementation of ‘tough on crime’ policies continue to predominate to this day. They are based essentially on instrumentalist perspectives, and their attendant reactive approaches (Sarre, 2011).

One should not forget, of course, that proactive strategies have a role in policing too. For example, the South Australia Police (SAPOL) ‘core functions’ include crime prevention objectives (*Police Act 1998 (SA)*, section 5(c)), which will, presumably, involve the use of

situational crime prevention tools such as ‘target hardening’ and ‘designing out crime’ (Sarre, 1997; 2003). Those training Victoria Police, too, have been instructed to ensure that proactive approaches to crime prevention are spliced into probationary training (Victorian Parliament, 2012, 126). If one looks internationally, one finds that there is no shortage of evidence that the most effective crime prevention-focused policing requires police to take a proactive approach (ICPC, 2011, 21). However, ‘social’ crime prevention strategies, such as providing community outreach schemes and pursuing educational and welfare objectives as a prophylactic against anti-social conduct, are not seen as predominant aims, or, indeed, may not be commonly within the bailiwick of police at all. In other words, proactive crime prevention strategies are rarely in the forefront of the minds of police, nor are they typically, one might assume, in the minds of the public when they are asked to consider the police function. Hence these strategies do not become the focus of police performance measures. It is easy to see why this might be the case. For a start, reactive measures are easier to quantify and measure. It is far more difficult to count what *hasn't* happened. There is often political interference, too; that is, governments keep an eye out for reactive policing responses and highlight them when police feature in them, because politicians know that they need to keep voters happy, and voters are a lot happier, by and large, when policing is immediate and visible.

2.0 Intended Learning Outcomes (ILOs)

In this unit you are expected to know that the youth are very interesting and most times problematic population in law enforcement encounters with the police. For which several strategies are expected to be used by the police to capture their attention towards compliance not necessarily by force, but by strategies that will prove effective and enable and project the legitimacy of the police in our society. The unit posits the view that building trust in the legal system and agents of the law from a young age can be a key to ‘crime control’ in both the short term (youth offending) and long-term (adult offending).

3.0 Main Content

3.1 Law Enforcement and Policing of the Youth

Thus, in reality, reactive strategies remain the dominant approaches employed by police in the fight against crime. Planning and training continues to be devoted primarily to improvements in police efficiency, response times and clearance rates. Moreover, where there *is* police proactivity

in crime prevention, it is far more likely to be of the situational variety than the ‘social or structural’ variety. It should not be forgotten, too, that the impact of policing on crime reduction is relatively small. Some twenty years ago David Bayley (1993) made the observation that 90% of the variation in crime rates among population aggregations of substantial size can be predicted by factors *other* than police strength, such as population density, ethnic heterogeneity, unemployment levels, income levels, school leaving rates, and single-parent households. A recent New South Wales Bureau of Crime Statistics and Research (BOCSAR) study reinforces this notion. Its results illustrate the minor roles that police intervention and the likelihood of imprisonment have on rates of crime, certainly when compared with a key demographic variable, namely household income levels (Wan, Moffatt, Jones, & Weatherburn, 2012).

The BOCSAR researchers reviewed data from across all Local Council areas in New South Wales from 1996-2008. They examined the effect on violent crime and property crime of changes in the probability of imprisonment and the likelihood of arrest, and then reviewed correlations between the rates of crime and income levels. In relation to violent crime, the researchers determined that a 10% increase in *imprisonment* risk produces a 2% reduction in crime; while a 10% in *arrest* risk produces a 3% reduction in crime. In relation to property crime, the results were slightly different but with the same disparity, namely a 1% and 1.5% reduction in crime respectively. That is, there is evidence that the risk of apprehension is, indeed, a more predictive factor in crime trends (for both violence and property) than the severity of punishment. However, the study revealed to the researchers that the strongest relationship influencing crime reduction was found not to be as a result of instrumentalist policies (of likelihood of police detection and deterrent punishment) but to household income. A 10% increase in household income correlates with a 15% reduction in violent crime, and a 19% reduction in property crime. These results should not be surprising. In 2005, Pratt and Cullen reviewed 214 aggregate-level studies published between 1960 and 1999 for their evidence of effectiveness in reducing crime (Pratt & Cullen, 2005). They concluded from their meta-analysis that police expenditure, police numbers, and increases in penalties were among the *weakest* macro-level predictors of crime rates. That is, police have a necessary but not sufficient role in crime prevention and reduction. The outlier, they noted, was the incarceration rate, although they

found some difficulty distinguishing between the deterrent effect of the threat (or certainty) of imprisonment and its obvious incapacitation effects (Pratt & Cullen, 2005, p. 417).

There is another thread in this argument, i.e. the growing inventory of compellingly argued work that details the criminality wrought by inequality and social destruction over which police have, arguably, little control. Not only are there strong correlations between lower crime rates and higher household income, as shown by Wan, Moffatt, Jones, and Weatherburn (2012), but there are strong correlations between high crime rates and rates of generational unemployment, mental illness, child neglect, family breakdown, and poverty. For example, Elliott Currie (2008) has written on the links between child abuse and violent crime, and between school failure and crime (Currie, 2013). Don Weatherburn and Bronwyn Lind (1998) found that juveniles who reside in low socio-economic neighbourhoods are more likely to become involved in crime than those (matched on age, ethnicity, social class and gender) who do not reside in such neighbourhoods. Poor child development, too, is a strong predictor of crime (Manning, Homel & Smith, 2010).

Drawing on the work of Marmot and Wilkinson (2006), Richard Wilkinson and Kate Pickett (2009) found that economic impediments to citizens feeling valued (impediments such as low wages, low social security benefits and low public spending on housing and education, for example) are strong precursors of crime. What does this mean for police? Surely one would assume that there is no place for police in driving 'social' crime prevention, given all of the emphasis upon reactive policing and the helplessness that police might feel when confronted with dysfunctional families, poor educational outcomes, Indigenous peoples' disadvantage, poverty and generational unemployment. On the other hand, a case can be made out that police could and should be involved in fostering societal conditions that make it less likely for people to engage in criminal activity. This is because we now know more about why people *don't* commit crime (rather than why they *do*), and it is linked to police and people's trust in them. With this premise the next section of unit examines how to use this information to enhance the police role in crime prevention. In this context the discussion focuses on the policing of young people.

3.2 Police Legitimacy – The Key to Crime Reduction

Police legitimacy is one example of institutional legitimacy. Institutional legitimacy is 'the property that a rule or an authority has when others feel obliged to defer voluntarily' (Tyler, 2003, p. 307). It is a social value-based motivation – a normative feeling to obey a particular

authority or institution (Sunshine & Tyler, 2003). The driving force behind the legitimacy of institutions is policies which shape an individual's voluntary deference and which builds trust in the institution/system. Police legitimacy relates to the obligation members of a community feel towards complying with the law and the decisions law enforcers (police) make. There is a growing body of research concluding that police legitimacy is correlated with greater public respect for and compliance with the law (Tyler 1990; Sunshine & Tyler, 2003; Tyler 2003). U.S., British, and European studies observe that police legitimacy has an independent influence on compliance, even when controls are placed on estimates of the risk of a person being caught and punished, peer disapproval, the morality of law breaking, performance evaluations of authorities, and demographic characteristics (Tyler & Huo, 2002; Tyler, 2003; Sunshine & Tyler, 2003; Tyler, 2007; Hough, Jackson, & Bradford, 2013a, 2013b; Bradford, Jackson, & Hough, 2013).

Findings from studies examining the association between police legitimacy and compliance suggest that procedural justice (fair and just processes along with respectful treatment of individuals) is fundamental to fostering public perceptions of police legitimacy (Tyler, 2003). These findings are supported by a recent European study examining public trust. The fifth European Social Survey (ESS) was conducted in 28 countries in 2010/2011 (Hough, Jackson, & Bradford, 2013b). The study found that trust in police procedural justice is the strongest and most consistent predictor of a 'felt obligation to obey,' the association being positive and significant in relation to all 26 countries for which a data set became available in 2012 (Hough et al., 2013b). On this view when people view the law and enforcers of the law as acting lawfully and being procedurally fair, they are more likely to defer to rules and to police decisions, and to self-regulate (Sarre, 2012; Tyler, 2003, Tyler & Fagan, 2008; Tankebe, 2013; Hough et al., 2013b). One way to establish positive beliefs regarding the fairness of police practises is to ensure that police are making consistent decisions rather than arbitrary and capricious judgments. According to Tyler, the quality of police decision-making improves when members of the public have the opportunity to be heard by police and when police explain their decisions in a frank and open manner (Tyler, 2003). Where police appear neutral and unbiased and their decisions are perceived as objective, the perceptions of fairness are enhanced (Tyler & Lind, 1992). The experience of being (and perception that one would be) treated with respect and dignity by police assists in building trust between the public and the police. Compliance and co-operation flows therefrom. This fosters police legitimacy, and, in turn, leads to less crime.

What does this mean for our reliance upon instrumentalist policies and reactive policing? Should there be a new emphasis? There is an argument that the answer to this question is ‘yes’ because the results of surveys show that Australians do not rate police highly in terms of fairness and reliability. Recent data suggest that only 13.2 % of adults (over the age of 18) “strongly agree” that “police can be relied upon” and only 16.8 % of adults “strongly agree” that the “police treat people fairly” (Australian Bureau of Statistics, 2013). Whilst around 60 % of Australia adults “agree” that police treat people fairly and can be relied upon, 20.2 % of adults either “strongly disagree”, “disagree” or have “no opinion”, and 26.2 % of adults either “strongly disagree”, “disagree” or have “no opinion” that “police can be relied upon” (Australian Bureau of Statistics, 2013). Given that perceived trust in police, fair treatment and quality of decision-making are predictors of police legitimacy (Jackson, Bradford, Hough, & Murray, 2012). It may be concluded that this is problematic and priorities may need to be re-aligned.

Tyler posits the view that policy-makers ought to consider redirecting a portion of resources allocated to crime-fighting to developing initiatives focused on building the required trust (Tyler, 1990). He argues that motive-based voluntary compliance based upon perceptions of legitimacy is more economical and more effective over time than compliance based on instrumentalist strategies. That is, crime reduction will be more sustainable in the long term if we make policy choices that favor a broader normative approach over a narrower instrumentalist approach (Tyler 2003, p. 307). This will happen without policy-makers having to increase police numbers (which is an expensive justice option) or to enhance police powers. The difference between the two approaches is simple: legitimacy functions on normative values supported by policies based on why people *comply* with the law. Instrumentalist strategies, in contrast, are driven by policies based on why people choose to *defy* the law, and seek to punish and deter them from such defiance. The argument for the former view was well expressed by Antonio Buti (2011) in narrating the tale of the police ‘verballing’ of the Mickelberg brothers in the so-called ‘Perth Mint swindle’ in Western Australia in the 1980s: Police officers are society’s protectors. It is imperative for a civil society, for a just society, that the police do not deny members, all members of the society, their basic human rights and engage in behaviour that is corrupt and an abuse of processes. To do so runs the real risk of eroding public confidence in the policing institution necessary for a functioning civil society and for the proper and effective operation of the judiciary and government. ... Police officers, and prosecutors, who contemplate immoral and

corrupt shortcuts to get the job done must remember the reason why, in criminal trials, our system of justice demands juries be satisfied beyond all reasonable doubt that the accused is guilty. (Buti, 2011. pp. 228, 229).

Young people continue to have consistently higher rates of offending than older people (Commonwealth of Australia, 2010). The rate of juvenile offending (youth aged between 10 to 17 years) was consistently higher than that of adult offending for the period 2008-2011 (Australian Institute of Criminology, 2013). Moreover, recent data suggest young Australians aged between 15 to 19 years of age are more likely to be processed by police for the commission of a crime than any other age group (Australian Institute of Criminology, 2013). Given these trends, it is imperative that the policing of young people is accomplished correctly. The Australian *National Youth Policing Model* aims to promote ‘strong and immediate responses to problem behaviours’ and advocates ‘police participation in prevention and diversion strategies such as education and awareness programs’ (Commonwealth of Australia, 2010). A multitude of community engagement projects such as Victoria Police – Assertive Youth Outreach Service; Northern Territory Police – Youth Diversion Scheme; Western Australia Police – Youth at Risk Diversion Programs); Northern Territory Police – School Based Policing; South Australia Police – Crime Prevention Education Program (Commonwealth of Australia, 2010) all have the potential to foster ‘trust’ and ‘respect’ in the law and police. One could theorize that this might advance police legitimacy in the eyes of young people.

Will this work to reduce juvenile crime? The argument is that if there are more young people who comply with the law (because they view police as being legitimate agents of the state), there will be less youth offending. Moreover, if young people are receptive to externally-driven values during their developmental years especially at transition points in their lives (France & Homel, 2006) then it is possible to instil legitimacy in the day to day relationships that children of any age have with police officers. Values education has been successfully applied in schools in relation to various social problems (Starratt, 1994). For example, ‘acceptable behaviour’ campaigns (anti-aggression; anti-bullying; cyberbullying campaigns) aim to instil a normative value of respect in school children (by influencing their perceptions as to what is acceptable and unacceptable behaviour), which, in turn, may influence a student’s voluntary deference to

comply with school behaviour policies. The argument is that campaigns directed at fostering a positive perception towards police at a young age might instil normative value-based compliance with the law and its agents.

So, what are the most effective strategies for relaying information and communicating messages to young people? One idea emerged from an Australian Human Rights Commission study conducted by the Child Health Promotion Research Centre, Edith Cowan University (Perth, Western Australia). It was designed to identify the most effective strategy to be used to undertake a marketing campaign aimed at encouraging cyberbullying bystanders to take positive action when they witness the conduct (Thomas, Falconer, Cross, Monks and Brown, 2012). Findings from focus groups consisting of over 100 students from Catholic and Independent schools in Western Australia conducted between July 28 and 1 August 2011 identified YouTube (videos and trailers), television advertisements, a combined approach using YouTube and television advertisements, Facebook campaigns, and school-based activities (presentations) as most effective (Thomas et al., 2012). The findings shed new light on which strategies young people generally consider the most effective communication channels. Policies aimed at building trust in police are likely to be most influential when information is presented through these predominantly digital means of communication. In light of the above discussions, key strategies for building trust in police practises are offered below:

1. Police should be developing online campaigns, including YouTube presentations and Facebook campaigns, aimed at building trust between police and young people by communicating that all people will be treated fairly, that police understand challenges young people face, that young people will be heard and that young people and adults alike will be treated with respect and courtesy.
2. Police should be encouraging further active engagement between themselves and school communities. This may be achieved by increasing the number of police presentations given at schools, including those aimed at encouraging the use of non-violent dispute resolution (Centre for Restorative Justice, 2009). Frequent school/community engagement is likely to assist young people to feel more comfortable with police, which, in turn, may encourage feelings of trust. It

may be instructive to involve as presenters young people who have already come into contact with police and the justice system. The process of a young person relaying his or her lived experiences to other young people can be a powerful means of validating police messages. These peer-based intervention strategies can act as pivotal drivers for changing student norms (Willard, 2012).

3. Police should provide further training for all officers to improve their ability to communicate effectively with young people. A recent UK trial study published by the College of Policing reported that police officers who undertook classroom-based learning (focused on developing specific communication techniques broadly linked to procedural fairness) and scenario-based role play exercises improved officer attitudes and behaviours and victim perceptions of treatment by police (Wheller, Quinton, Fildes, & Mills, 2013). Although this study was conducted in relation to adults, employing a like model with the additional focus on teaching communication techniques known to be particularly effective in relation to youths could positively influence interactions police officers have with young people.

4. Long-term solutions should be developed to turn around the lives of vulnerable young people who are 'caught in the system' to minimize the number of youths who are simply 'passed' between police and any number of institutions/care services. Policies should be designed to strengthen relationships between police and professionals who have regular association with vulnerable youths (e.g. social workers; mental health professionals; child protection officers and children's court lawyers); these should be designed to increase trust and respect for all appropriate government and non-government agencies.

4.0 Conclusion

The key issue is not whether police have a role to play in reducing crime (which of course they do), but to what extent they can best use their resources for greater crime-reductive effects. Just as policy-makers have traditionally and predominantly favoured short-term answers to crime problems such as more police and enhanced police powers. Models of policing built upon costly, populist solutions, however, have been shown to be inadequate in law enforcement, maintaining law and order and reducing the rate of crime. It is perhaps time to seek a new involvement for

police in crime prevention (especially around young people) by reference to legitimacy theory. It is argued here that young people are more likely to comply with the law if they view police as being legitimate agents of the state. If that legitimacy can be encouraged, then fewer offenses will be committed and fewer resources will be needed to fight crime in the short-term (youth offending) and in the long-term (adult offending). Fostering a positive perception of police at a young age is particularly important. To that end it would be prudent for policy-makers to adopt modern channels of communication to ensure policy messages enhancing police legitimacy reach as many young people as possible. These approaches and channels warrant further exploration, debate, and consideration.

5.0 Summary

Police play an important role in combating crime and maintaining law and order. Yet, according to normative models of behaviour, obedience to law is built more upon one's trust in the agents of law enforcement than fear of police and the likelihood of their detecting one's criminal activity. This unit reviews recent findings relating to the theory of police legitimacy. It applies the theory to police-youth practises. It speculates upon which means of police-youth communication are likely to be most effective in fostering legitimacy, and offers strategies that may best advance it. It concludes that policy-makers ought to consider redirecting a portion of police resources away from practises, which have traditionally been regarded as 'crime fighting' and towards developing policies, that are aimed at enhancing value-based motivation in young people and developing their communication skills. It posits the view that building trust in the legal system and agents of the law from a young age can be a key to 'crime control' in both the short term (youth offending) and long-term (adult offending).

6.0 Self-Assessment Exercise

1. What are some of the key strategies for building trust in police practises with regards to young population?
2. What is Police Legitimacy?

feedback

1. These strategies are not limited to the following:

- ✓ Effective communication
 - ✓ Use of social media
 - ✓ Long lasting programmes to bring them closer to understanding the law
voluntary teaching in schools
 - ✓ Engaging in training that emphasises youth psychology
 - ✓ Building programmes in school communities
 - ✓ Involving youths in disseminating positive energy against (The process of a young person relaying his or her lived experiences to other young people can be a powerful means of validating police messages)
2. Police Legitimacy is the voluntary acceptance of police activities (law enforcement activities and strategies) with little or no coercion (ie voluntary acceptance)

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Unit 4

Law enforcement ethics and the call for community policing

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1.0 Introduction

Modern policing is facing its most fundamental challenge in decades. Not only is policing beset by chronic questions about its effectiveness in reducing high crime rates and about its success in the “drug war”; now the fundamental operating philosophy and organizational approach to the traditional, professional model of policing is being questioned. Borrowing a term from Kuhn (1962), advocates of community policing are calling for a shift in the “paradigm”; of policing as it exists in the late twentieth century (e.g. Sykes, 1991). Such a shift is designed to re-integrate the police and the citizenry in an effort to define and solve specific problems mutually identified within the community. Far from methodologically straightforward, these approaches are non-traditional and require officers and agencies to change their basic philosophies of work. To the extent that officers are to become all things to all people, some degree of role conflict and confusion is inevitable. For example, are police agencies to merge the traditional models of law enforcement and social work or are they to focus on entirely different roles such as those found in public housing, transportation, and education? Such a shift will challenge sacred assumptions about efficient and effective police organizations. Traditional indicators such as response times, miles driven, arrests made, and cases cleared are irrelevant measures of productivity in community policing models. At the same time that a number of country’s police are being asked to adopt a new paradigm, there has been a growing interest in police ethics. During the past decade, a vigorous academic literature on the subject has developed (e.g. Cohen, 1986; Elliston

& Feldberg, 1985; Heffernan & Stroup, 1985; Sherman, 1982). Courses on ethics or those including the topic have become routine in criminal justice programs.

Criminal Justice Ethics has become a significant journal, and the public has become concerned with selected aspects of police behavior. Indeed, as this unit is being written, reforms are going on in launching a nationwide review of police brutality complaints, Special anti Robbery Squads Policing, prompted by public shock over the videotaped of beating and molestation of youths, students and the unemployed and mere suspects of some criminal acts before the la take its course. These are routinely observed and calls for the radical reorganization of police work, along with the increased interest in police ethics, raise important issues. Since it is well established that police deviance is best understood not as an individual pathology, but as a product of the social organization of police work (Bracey, 1976; Stoddard, 1968), it follows that if police work is fundamentally reorganized, patterns of police misconduct also are likely to change. If the traditional, professional model of police work produces one set of ethical challenges, will not community policing present other, or additional, challenges? This unit presents informed speculation on ethical issues that will arise regarding the adoption of the community policing model. To begin, the basic outlines of both the traditional, professional policing model and the community policing model will be discussed.

2.0 Intended Learning Outcomes (ILOs)

In this unit students are expected to critically examine the ethical nuances in law enforcement with regard to the agitation of Community policing which requires fundamental changes to the philosophy and organization of the traditional police work we have come to grapple with in recent times. Among these changes will be on how best and how substantially autonomy and discretion can be well utilised without eroding the intended objectives of new policing strategy.

3.0 Main Content

3.1 The Traditional, Professional Model of Policing

It is one of the ironies of criminal justice practice that the ‘emergence’; of community policing is actually its re-emergence. Early policing, both in England and the United States, was community policing. It was only in the mid-decades o the twentieth century that policing in the U.S. was

rationalized, bureaucratized ‘professionalized’; and centralized such that it lost important elements of its community orientation. Indeed, escaping the ethical consequences of certain kinds of close ties with the community was a principal goal of police reformers. Kelling and Moore (1987, cited in Trojanowicz and Bucqueroux, 1990) describe the model of policing that emerged out of the reform efforts of August Vollmer and O.W. Wilson by emphasizing a narrow professionalism, crime control, centralization, aloofness from community ties, preventive motor patrol rather than foot patrol, rapid response to calls for service, and effectiveness measured by control of crime. In particular, reformers attempted to remove police work and police executives from the corrupting influences of local politics. Police efficiency was to be maximized and police misconduct was to be minimized by hierarchical, centralized administration with clear lines of authority, specific procedures, accountability, and close supervision. While such reforms may have been, in some respects, “successful” critics charge that it was at great cost (Trojanowicz and Bucqueroux, 1990). Police executives became preoccupied with internal matters of management, efficiency, and control. Police work was conceptualized primarily as law enforcement, which meant a one-at-a-time response to criminal acts. Police organizations, police executives, and individual police officers intentionally became isolated from their communities. At best, communities responded with apathy and abdicated their responsibility for the crime problem. At worst, they came to view police as an alien, occupying force.

3.2 The Community Policing Model

Goldstein (1990) traces the major impetus for community policing to the turmoil and crises of the 1960s. As both insiders and outsiders subjected police work to more scrutiny, its complexity began to be more appreciated and the narrowness of the traditional model to be more clearly understood. Enhanced police-community relations efforts were one response to crises, but these were limited and often cosmetic. The 1970s gave rise to team policing efforts in several U.S. cities. From the early sites in Cincinnati, as well as in the Seven Case Studies (Sherman, et al., 1973), the drive to dramatically change traditional police methodologies continued. Problem-oriented policing (e.g. Goldstein, 1977a, 1977b, 1979, 1990) was the next step in moving the police closer to the community. Trojanowicz and Bucqueroux (1990), however, suggest that problem-oriented policing did not go far enough in “...restructuring departments to promote continuous community involvement” (p.8). They propose ten principles of community policing

(p.xiii-xv), the essence of which may be summarized as follows. Rather than focusing on specific crimes and criminals, community policing as a philosophy and as an organizational strategy enjoins all police personnel, but especially the community police officer, to form a new partnership with the community to identify and address a range of problems that are the causes and consequences of crime. In order to enter this partnership, the community police officer forsakes the isolation of the patrol car in favor of “...daily, direct, face to face, contact with the people they serve in a clearly defined beat area”; (p.xiii) In carrying out their new roles, line officers, particularly community police officers will have the autonomy and discretion of true professionals. In summary, community policing, as described by Trojanowicz and Bucqueroux, abandons two of the principal elements of police reform of the traditional model relevant to police ethics and misconduct, the benefits of a significant amount of social isolation and of strict supervision of lower level officers.

3.3 Ethical Challenges In Community Policing

With the outlines of the traditional model and the community policing models in mind, we may now proceed to discussion of likely ethical challenges accompanying community policing. We see these challenges arising out of two of the principal elements of community policing: (1) reduction of the political and social isolation of the police department and individual police officers, and (2) lower levels of control and more autonomy for lower-level individual officers.

While it certainly cannot be argued that police departments in the United States were ever insulated from political influence, the traditional model regards the intrusion of politics into policing as an inevitable evil. Police executives must be somewhat responsive to local political power as they pursue their professional task of law enforcement. In any case, there is likely to be little disagreement between the members of the local business and social elite and the police chief over what should be the tasks of the police department. Community policing, on the other hand, recognizes that in many communities the hegemony of the traditional local elite has weakened, and that diverse groups seek to wield influence and to pursue their own agenda. They may have quite different ideas of the nature of social problems in general and the crime problems in particular. Community policing advocates thrust police departments into the thick of the political fray by inviting the police to abandon the narrow but safe emphasis on “law enforcement” and seek to broaden the police role to include addressing broader social problems.

Unless community policing is narrow, cosmetic, and co-optive, as it undoubtedly will be in some communities, police departments will hardly be able to avoid becoming partners in the political and social projects of particular community factions, perhaps bringing the department into conflict with other community segments. If the principal goal of community policing is to bring order to the community, and if different segments of the community have different views of “order,” whose “order” will prevail? What if one segment’s preferred “order” compromises the legal rights of another segment? Indeed, influence with or control of the police department may increasingly become the big prize in segmented communities. How is a police department to navigate these uncharted waters? Does the department unabashedly ally itself with some factions at the expense of others? Does it endorse candidates for office or perhaps put up its own? How does it respond to political factionalization within its own ranks which mirrors the divisions within the community? Is it able to resist the unethical use of its vast manpower, investigative resources, or secret, sensitive information in local political fights?

If history is any indicator, we think not. Reports of police corruption and abuse of power in political matters continue to appear in the popular media. Even those who advocate the involvement of the police in local elections, acknowledge the potential abuse of police power (Muir, 1985). Similar questions emerge about the political role of the individual community police officer. If the community policing model works as intended, individual community police officers should become the most knowledgeable, trusted, and popular individuals in their community. Who else will be able to spend paid work hours in close contact with community residents and merchants discussing problems, arranging for police or other public services, getting involved in community organizations, and receiving and dispensing favours? Can it be long before the community police officer becomes a significant political force? Will it be long before the ranks of those seeking local political office are swelled by community police officers? What are the implications of this for the Nigerian tradition of civilian control of the police? Reduction of the social isolation of individual police officers poses additional ethical challenges. The social isolation of police officers in their cars responding to calls for service retarded the establishment of individual relationships between community members and police officers. Community policing mandates a return to the “beat cop” model and the building of close relationships with community members. The community police officer will be assigned to a

community or neighbourhood for as long as possible, and will not be routinely reassigned. The payoff, according to community policing advocates, will be more trust, less apathy, better understanding of problems, and better information. However, as relationships develop, the community police officer will experience increased pressure to accept gratuities and gifts. Kania (1988) argues that acceptance of gratuities is key to building positive relationships and that declining them damages relationships. However, it is also true that a fundamental component of human relationships is reciprocity (Homans, 1950). As the community police officer becomes more socially integrated into the community, there will be increased pressure to reciprocate with selective enforcement, special police services, or other benefits that police good will may confer. The compromising relationships that vice officers often have with informants (Skolnick, 1966) may also become more prevalent within the department. Community policing will also present the police officer with other ethical challenges in the exercise of discretion. One goal of the community policing model is to make police officers intimately aware of all of the various activities, legal, semi-legal, or illegal, in their communities. There has to be a proactive stance rather than mere reaction to citizen complaints.

Community police officers run the risk of information overload. If they become intimately knowledgeable about their communities, they will discover more serious and petty crimes, and annoying behaviour than ever was broadcast over the police radio. They will face questions of what incidents to process in the criminal justice system, what to handle informally, and what to ignore. Just as intensive supervision probation may provide probation officers with too much information about their clients, community policing may provide too much information to police officers about their communities. Officers will have to make more decisions, many of them with significant ethical implications, in a more politically and socially complex environment. In addition to the ethical implications of reduced political and social isolation for police departments and individual police officers, lower levels of control and more autonomy for individual officers will raise ethical issues. The literature on this issue is complex and ambiguous. On the one hand, some commentators (e.g. Komblum, 1976) view strict discipline as a cause of ethical problems in police work. Unable to follow all the departmental rules and policies and still get police work done, officers in traditional organizations must cut corners and, as a result, compromise themselves. The collective solution to this dilemma, and the general

alienating consequences of rule by fear, is the "code of silence" which allows police officers to run amok with relative impunity. On the other hand, some commentators regard strict discipline and supervision as a necessity for good police conduct. If the former view is correct, the greater discretion and autonomy that accompanies community policing may reduce police misconduct. Hierarchical control will be replaced by a true sense of professionalism which fosters self-control and collegial control. If the latter view is correct, community policing runs the risk of producing, within police departments, a new class of "princes of the city" (Daley, 1981) who are loosely supervised at best and who are largely unaccountable for their activities. This, along with the tendency for community police officers to become popular and to gain the loyalty and support of their communities, may put them effectively beyond the reach of departmental discipline. Related to the issue of supervision and accountability is the question of police misconduct induced by organizational and individual goals. To the extent that the traditional model of policing emphasizes solving crimes and making arrests, police misconduct often involves taking improper shortcuts to these goals through illegal searches, coerced confessions, and perjury. When police departments shift emphasis to broader goals and measure the performance of police officers in relation to achievement of these goals, new shortcuts will emerge and new systems of accountability will be required.

4.0 Conclusion

Community policing requires a necessary and important reform. The recognition of the close relationship of crime to other community problems is long overdue. In addition, reducing the isolation of police departments and police officers from the community is a positive step. However, the implementation of community policing is fraught with difficulties. Community policing appears to be a concept in vogue! As noted community oriented policing represents what is progressive and forward-looking. Unfortunately, every new police technique or strategy is being incorporated into the concept of community policing;

5.0 Summary

Community policing requires fundamental changes to the philosophy and organization of police work. Among these changes will be substantial reduction in the political and social isolation of police departments and police officers as well as the granting of more autonomy and discretion

to individual police officers. Just as the traditional, professional model of police work presents ethical challenges to police departments and officers, so will community policing. Reduction of the political and social isolation of the police may increase the risk of corruption and favouritism and greater autonomy and discretion for police officers increases the risk of police officers being beyond the effective control of their departments. By anticipating these unintended consequences of police reform steps may be taken to avoid them.

6.0 Self-Assessment Exercise

What are the possible ethical challenges that are likely to befall community policing in Nigeria?

Feedback

- (1) reduction of the political and social isolation of the police department and individual police officers, and
- (2) lower levels of control and more autonomy for lower-level individual officers.
- (3) Problem Supervision and accountability

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