

**Professional Ethics A**

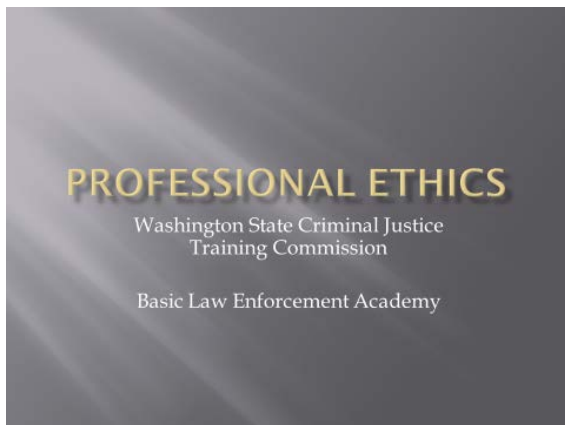
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**Session Overview**

|  |        |
|--|--------|
| Introduction and Ethics Overview           | 30m    |
| Discussion – Higher Standard Theory        | 15m    |
| Break                                      | 05m    |
| <b>GROUP EXERCISE</b> – What Would You Do? | 1hr20m |
| Break                                      | 10m    |
| Discussion – Continuum of Compromise       | 25m    |
| Wrap Up and Homework Assignment            | 05m    |
| End of Session / Break                     | 10m    |

**Total Session Time: 3 hours****Main Topics of Session:**

- *Higher Standard Theory*
- *Types of Dilemmas*
  - *Reasonable?*
  - *Ethical?*
  - *Lawful (Necessary)?*
  - *Within Dept. Policy?*
- *Continuum of Compromise*

**Facilitators Needed: 1 (Cmdr)****Location: Classroom****Materials Needed:**

- *PowerPoint – Professional Ethics*
- *Laminated Problem Statement Cards (3 per problem)*

**Students Should Already Have:***[THUMB DRIVE]*

- *HANDOUT – BLEA Problem Solving Model*
- *HANDOUT - The Continuum of Compromise*
- *HANDOUT - Higher Standard Theory*



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## SAY TO CLASS



This session is on Professional Ethics:

Apply critical thinking skills to complex ethical dilemmas

### Learning Objectives:

- Define key elements of ethics
- Identify and discuss the consequences of unethical policy conduct
- Examine common ethical dilemmas encountered by police

Throughout your academy experience, you will hear that you need to be mentally prepared. Every day, officers practice mental preparation as it relates to tactical situations. Officers who are mentally prepared to face a lethal encounter are more likely to be successful than officers who are tactically proficient but mentally unprepared.

Just like lethal encounters, ethical dilemmas occur at the most inopportune times, frequently without warning, and with little time to stop and think about the situation. When inadequately prepared, even the most honest, above reproach officers can make inappropriate split-second ethical decisions; decisions that can result in life-changing consequences. If you are going to survive ethical dilemmas you need to be as mentally prepared as you would be for tactical encounters.

- Learning Objectives
- We prepare for tactical encounters
- We should also prepare for ethical encounters

## Learning Objectives

- ▣ Define the key elements of ethics
- ▣ Identify and discuss the consequences of unethical conduct
- ▣ Examine common ethical dilemmas encountered by police personnel



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## NOTE TO FACILITATOR

Using the PowerPoint that is included with the file, conduct a 20 minute lecture/discussion on the foundations and importance of ethical performance to law enforcement.

### Why is this important?

- ▣ Think about what you hear or read in the media about the police...
- ▣ Brady v. Maryland (1963)
- ▣ Peace Officer Certification
- ▣ Mental Preparation
- ▣ The Higher Standard

- ▣ Fired King Co. deputy sentenced to 1 year for theft, drugs, prostitution
- ▣ Nisqually Tribal Police Officer Arrested Saturday in Olympia
- ▣ Lake Stevens police officer fired after 'last chance'



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## Public Trust

- ▣ Gallup Survey of the Public's Trust in the Police
  - What percentage of the public rate the police as being honest and ethical?

|        |     |
|--------|-----|
| ▣ 2012 | 58% |
| ▣ 2011 | 54% |
| ▣ 2010 | 57% |
| ▣ 2009 | 63% |
  - What drives these percentages?

## Every Contact

## Every Day

## Brady v. Maryland (1963)

- ▣ The prosecution withheld potentially exculpatory evidence from the defense.
- ▣ Interpretations since 1963 have held that it is the Prosecutions duty to inform the defense of credibility problems with prosecution witnesses.
- ▣ If an officer has past credibility issues the prosecutor has to inform the court.



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## Peace Officer Certification

- ▣ You can be terminated for unethical conduct, of course. But...
- ▣ You can also lose your Peace Officer Certification

## Mental Preparation

- ▣ We mentally prepare for lethal encounters
- ▣ We mentally prepare for driving situations
- ▣ We mentally prepare to guard our physical safety
- ▣ Is our professional and personal reputation any less important? Can we do our job without it?



### NOTE TO FACILITATOR

Have recruits spend 5 minutes reading the handout, Higher Standard Theory and then conduct a guided discussion around the questions below. This discussion should only take 10 minutes.



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**The Higher Standard Theory**

- “A higher standard is not a double standard. Persons accepting positions of public trust take on new obligations and are free not to accept them if they do not want to live up to the higher standard. A higher standard as such is not unfair: granting authority to an officer without it would be unfair to the public.”
- -Edwin Delattre, 1989, *Character and Cops*

**HOMEWORK-STUDY - HANDOUT - Higher Standard Theory**

Instructions: The info in this handout will be testable. Please make sure to read it and learn it.

**DISCUSSION - The Higher Standard Theory**

**QTC:** What does “The Higher Standard Theory” mean to us?

AR: Law enforcement has traditionally been a “pedestal” profession. Society generally expects law enforcement personnel to exemplify right and moral conduct.

**QTC:** Should peace officers be held to a higher standard? What about off duty?

AR: As peace officers we have to abide by the moral codes or “rules” of the society in which we work. This is classified as “professional ethics”. Therefore, each officer has the responsibility of having high personal and professional standards.

**QTC:** Is this a double standard?

AR: “A higher standard is not a double standard. Persons accepting positions of public trust take on new obligations and are free not to accept them if they do not want to live up to the higher standard. A higher standard as such is not unfair: granting authority to an officer without it would be unfair to the public.” - *Edwin Delattre, 1989, Character and Cops*



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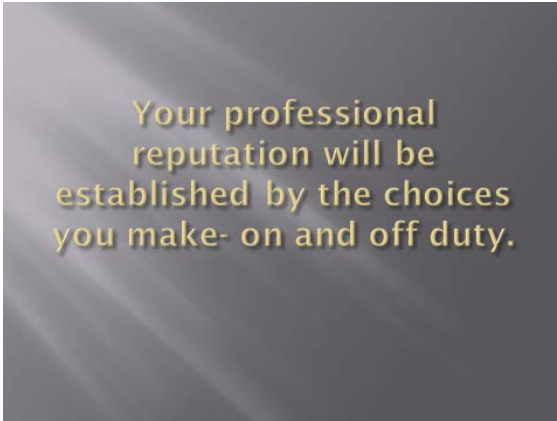
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## IMPORTANT POINT

As we go through this session, you will see that the choices we make and our actions speak loudly to who we are as police professionals. As you begin your career, we want to introduce you to the concept of law enforcement ethics and proper conduct. In law enforcement you will be held to a higher standard both while, you are on the job and even when you are off duty.

- We are held to a higher standard



## DISCUSSION - Main Points of Ethical Dilemma

**QTC:** What are the three main points you need to keep in mind during any ethical dilemma?

**AR:**

- Reasonable?
- Ethical?
- Lawful (Necessary)?
- Within Dept. Policy?



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## What are the characteristics of a ethical decision?

- Is the decision
  - Reasonable (Fair/Just)
  - Necessary (Duty to whom?)
  - Lawful (including Policy)
  
- Does lawful = ethical?

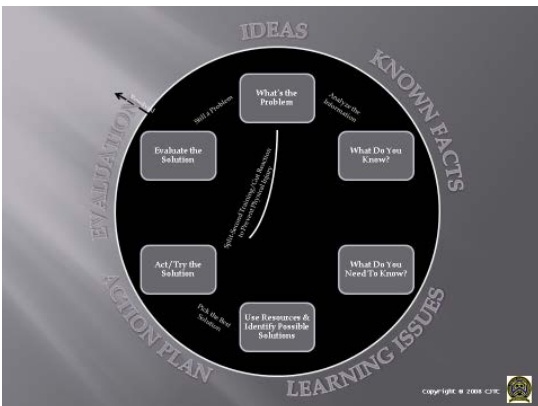


### IMPORTANT POINT

Make the point that law and policy are the **minimum** standard, and that an action can be legal, but still unethical. Solicit examples from the class. Reinforce that in order for a decision or action to be ethical, it must incorporate all three elements: Reasonable, Fair & Lawful.



BREAK



## Group Exercise

- Review Cards as you receive them
- Refer back to your BLEA Problem Solving Model as you discuss each card.
  - Ideas
  - Known Facts
  - Learning issues
  - Action plan (if appropriate)
- Take notes to help you prepare a group presentation to the class





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**GROUP EXERCISE - What would you do?**

**Time:** 1hr 20 min  
(5 prep / 5 first card / 10 second card / 15 third card / 45 presentations)

- Materials:**
- HANDOUT - BLEA Problem Solving Model
  - 3 Problem Statement cards per group
  - Easel boards
  - Toolbox

**Instructions:** As you receive your ethical dilemma cards for your group, refer back to your problem solving model. Remember to consider ideas, known facts and learning issues, and action plan when applicable. You will also need to discuss any possible criminal and policy violations that may or may not be present.

CARD 1

You have 5 minutes in your squads to discuss the first portion of your problem.

CARD 2

You now have more information to consider in your dilemma. You will now have 10 minutes to discuss the new facts.

CARD 3

This is the last information you will be given regarding your dilemma. You will have 15 minutes to work through your problem solving model and come up with an action plan.

After completing Card 3, each group will have 5 minutes to present their scenario and solution.

**NTF:** *Cards are to be given out one at a time at the end of each time break. It will be necessary that you stay in class during their group discussions to keep them on track, pointed in the right direction and to answer any questions that may arise.*

*After each group presents their scenario, solicit or suggest practical techniques students could use to address or mitigate the ethical diemmas.*

*Make sure to get the cards back at the end of the exercise.*



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## Problem Statement 1 - [Sister-in-Law's DV \(A\)](#)

### CARD 1

Your sister in law comes over to your house. She is crying and wants advice. She says that your brother assaulted her.

### CARD 2

You find out that this happened yesterday. You do not know if this is a mandatory arrest situation or not. You see no obvious signs of injury.

### CARD 3

Your sister in law tells you that your brother pushed her into a wall and that it hurt. She is afraid to go home and wants to know what she should do.



## Problem Statement 2 - [Backpack Search \(B\)](#)

### CARD 1

You have legally detained two persons known to your agency as narcotic users.

### CARD 2

Another police officer on your squad comes over and searches their backpack for drugs. You do not know if this is legal.

### CARD 3

This officer finds what appears to be a small amount of meth. He explains that he has too much paperwork to bother with such a small amount. This officer decides to throw the suspected drugs away, saying at least he got the drugs off the street.



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## Problem Statement 3 - End of Shift (C)

### CARD 1

It is your daughter's graduation tonight and you must be off work on time. You are short staffed and there are seven calls pending in your district. There is 10 minutes left on your shift.

### CARD 2

While driving down a fairly non-populated roadway, you see a car on the side of the road with emergency flashers going.

### CARD 3

As you get closer you realize that the occupants are a lone female with two young children. You know from experience that cell reception is limited at best in this area. You have just reached the end of your shift and your daughter's graduation starts in an hour.



## Problem Statement 4 - Drunk at a Bar (D)

### CARD 1

During a bar check you see an obvious drunk male holding a set of keys.

### CARD 2

He is leaving the bar on foot. In the parking lot he stands near a car.

### CARD 3

He then gets in the car, starts it. Your partner believes he may be a police officer from another agency.



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## Problem Statement 4 - Racial Slurs (E)

### CARD 1

You are three weeks out of the academy on FTO with a 15 year veteran from your department. While driving around in your patrol car, your FTO constantly makes sexual and racial comments to you about the public.

### CARD 2

You and your FTO are contacting a homeless female, who is obviously intoxicated. During the contact your FTO refers to her as a slut and uses obvious racial slurs.

### CARD 3

She appears offended; there is no one else around. The female asks for your badge number. Your FTO gives her two false badge numbers.



BREAK (IF NEEDED)

## Critiquing Presentations

- ❑ Did the presenting group consider all relevant facts and issues?
- ❑ What were the ethical strengths of the group's action plan?
- ❑ Could the decision be made ethically stronger? How?



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## IMPORTANT POINT

Because covering up for another officer has become more risky with the possibility of individual civil liability, fewer officers may be willing to do so. This justification, however, differs from an ethical argument to come forward in the name of integrity. In addition, a clear distinction exists between reporting fellow officers out of an ethical responsibility and coming forward in an official investigation in order to avoid being disciplined.

- Covering for another officer is risky for you



## SAY TO CLASS

Take time to reflect on your decision: be sure you are staying true to your own core values. Listen to that inner voice that tells you that what you are doing is *right*.

- Does it feel like the right thing to do?
- Is this decision in alignment with the oath I took as a police officer?
- Is the decision
  - Reasonable?
  - Ethical?
  - Lawful (Necessary)?
  - Within Dept. Policy?

While police work is seductive and exhilarating, it can also lead officers down the path of ethical compromise. The “continuum of compromise” outlines the path of ethical compromise and can be used to help you understand and mentally prepare for the ethical dilemmas you will face. Understanding the continuum of compromise will allow you to recognize the risks, assess your own potential for compromise and develop an effective strategy to ensure ethical integrity.

- Continuum of Compromise
  
- Right thing to do?



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## **HOMEWORK-STUDY** - HANDOUT - The Continuum of Compromise

Instructions: Read this article and be prepared to journal.



### NOTE TO FACILITATOR

Continuing with the PowerPoint that is included with the file, conduct a 25 minute lecture/discussion on the Continuum of Compromise.

### The Continuum of Compromise

- ❑ Few officers join the profession with the intent to be unethical, corrupt, abusive, etc.
- ❑ Ethical failure is often the result of a predictable process.

### The Continuum of Compromise

Perception of  
Victimization

Acts of Omission- Duty

Acts of Commission  
Administrative/ Criminal



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## What causes us to take on a victim mentality?

- ❑ Very common among police officers
  - Fatigue/ Hyper-vigilance
  - Social Isolation
  - Occupational socialization
    - Overinvestment
- ❑ The “Lethal Triad”
- ❑ Entitlement versus Accountability/Duty
- ❑ Loyalty versus Integrity



### IMPORTANT POINT

Point out that when officers start to feel victimized, they start to develop a sense of entitlement that can replace their sense of accountability. They can begin to value loyalty to the group (i.e. the Thin Blue Line) over personal integrity.

## What are “Acts of Omission”?

- ❑ Not doing something we have a responsibility/duty to do
  - Ignoring criminal violations
  - Failing to follow up
  - Failure to submit proper reports
  - “Touching the bar”
  - Not reporting another officer’s inappropriate behavior (can also be commission)

## What are “Acts of Commission”?

- ❑ Doing something that is prohibited
  - Administrative/Policy violations
    - Carrying unauthorized equipment
    - Engaging in unauthorized pursuits
    - Drinking on duty
    - Sleeping on duty
    - Affairs on duty
  - Criminal- Corruption
    - Throwing away evidence
    - Embellishing payroll/overtime records
    - Stealing drug money from dealers



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## IMPORTANT POINT

The “Lethal Triad” is a combination of prolonged fatigue, extreme social isolation and perception of victimization by those outside the “group.” When all three are present, the result can be intense resentment or even pathological rage directed against those outside the group. This can lead people to rationalize behavior they never thought themselves capable of. This is not a model for an unethical police officer however, - rather it is a model for how to train a terrorist.

### Rationalizations/Justifications?

- How do you think officers who make these choices justify them?

### Homework/Journal

- Read the handout- Continuum of Compromise
- Journal reflection
  - What kinds of ethical dilemmas might you find yourself facing in policing?
  - How can Dr. Gilmarten’s article help you make the right decision?





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## JOURNAL-ASSIGNMENT - Continuum of Compromise

Due: Due at end of Module ("Pre-Exam Review" - see schedule)

Time: Write in your journal for 30 minutes

Instructions: Read the Continuum of Compromise handout. In your journals reflect upon what kind of situations you may find yourself in as a law enforcement officer and how this article can help you make the right decision.

### Conclusion

- Ethics are guidelines to proper behavior
- Integrity is doing the right thing, for the right reason- even when no one is watching
- When you are faced with an ethical dilemma
  - Listen to your inner voice
  - Does your considered decision *feel* right?
  - Is it consistent with the oath you took?
  - Is it
    - Reasonable, fair and just?
    - Necessary (furthers your duty)?
    - Lawful (and within policy)?



END OF SESSION

