

HOW FAR HAVE WE COME?

THE STATE OF POLICE ETHICS TRAINING IN POLICE ACADEMIES IN THE U.S.

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to Kent State University in partial
fulfillment of the requirements for the
degree of Doctor of Philosophy

By

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CHAPTER 1

INTRODUCTION

DESCRIPTION OF STUDY

This dissertation examines pre-service police ethics training in police academies in the United States by comparing the approaches to teaching police ethics in ten states. The study represents exploratory and descriptive research that seeks to determine what is being taught to police cadets in police academies in the U.S. on the topic of ethics, how it is being taught, the minimum qualifications of ethics instructors, and whether there are any significant differences from state to state.

The purpose of this study is to find out how ethics training is being taught in police academies across the country. A purposive sample of ten states from every major region of the U.S. was employed. An informational survey of the state directors of law enforcement training or a member of their staff was conducted in each state in the sample. Additionally, the instructional materials provided by the state to the academy ethics instructors were collected from each state. Results of the survey were tabulated and compared from state to state to determine differences and similarities in the overall structure of police academy training to include the academy system, the hours of instruction, the qualifications of instructors, the revision process for the content of the ethics curriculum, and the types of materials provided to

ethics instructors. The survey results provide unique insight into ways police academy training can be made more consistent and ways quality control can be ensured. Thematic analysis was used in this project to examine the content of the ethics instructional materials and documents in each state to identify the major themes that were being used in the delivery of ethics training to prospective police officers at this early stage in their career. Dominant themes in the training were identified across the sample, as were those that were alarmingly absent.

SIGNIFICANCE OF STUDY

Ethics in government seems like an oxymoron to many American citizens. They are becoming increasingly cynical in their view of politicians, appointed officials and other public servants at all levels of government. Scandals and abuses of power are reported in the local and national news on a weekly basis, further eroding trust in government. At no level does this lack of trust have more serious implications than on the front-lines of American government – the local police.¹ A prospective police officer becomes socialized into the profession during the selection process and in the police academy (Conti, 2006). The first opportunity to introduce them to ethical and constitutional methods of policing is in the police academy. It is therefore critically important to understand and evaluate what is being taught to cadets in police academies across the nation. This study lays the groundwork for other avenues of research by exploring and describing the way police officers are introduced to ethical concepts at the very beginning of their career. Given the current climate in the U.S. and the number of law

¹ The previous four sentences are taken in toto from p. 1 of a prior essay on the same topic titled, “Improving American Police Ethics Training: Focusing on Social Contract Theory and Constitutional Principles,” in *Forum on Public Policy*, by Moll, Monica M. 2006, Urbana, IL: The Forum on Public Policy. Copyright 2006 by The Forum on Public Policy, 406 West Florida Avenue, Urbana, IL 61801.

enforcement agencies that are being investigated and/or monitored by the U.S. Department of Justice due to allegations of unconstitutional and unethical police practices, this study comes at an important time. Moreover, this is the first empirically-based description and analysis of the ethics training being taught in police academies across the United States to appear in the last 30 years. The findings will significantly contribute to recent efforts to provide a road map for improving police practices and rebuilding trust between police and the community. The community must have confidence in the police function in any democracy for the government to remain legitimate.

Each country strikes a different balance between order and liberty. The fundamental purpose of police in every society is social control. In democratic societies, some dimension of service to the citizenry could also be viewed as fundamental. The police are called upon to maintain the balance between freedom and security that the government has established. The United States of America has historically placed more weight on the side of freedom and has been described as an experiment in ordered liberty. Edwin J. Delattre points out that the police play a central role in the success of this experiment, and therefore, "America's government is also an experiment in law enforcement and peacekeeping" (Delattre, 2006, p.18). He goes on to say:

In America, we have chosen the presumption of innocence out of regard for justice and for the importance of the individual. For all its deficiencies, our system exhibits greater respect for the dignity of humanity than any other ever devised. Within it, police are charged to respect the lawful liberty of the people while applying authority, good judgment, and power to see that order and peace do not collapse under individual or group excesses. The role of police in the experiment in ordered liberty must be respected to grasp the specifics of their mission (Delattre, 2006, p. 25).

The police in the United States are entrusted with enormous power. Police represent the arm of American government that is authorized to use non-negotiable, coercive force on its citizens (Bittner, 1985, p. 23). No other government official legally holds and regularly uses the power to detain citizens, search their personal belongings, use physical force against them or otherwise deprive them of their normal liberties. As a result, people of all demographic backgrounds fear the police, yet rarely does the average citizen express fear of the President of the United States or of their representatives in Congress. With this awesome power comes the responsibility to use it for the public good in accordance with the democratic principles our republic was founded on.² The legitimacy of our system of government relies heavily on the ability of the police to carry out their function of social control while respecting Constitutional principles. Maurice Punch (2000, p. 322) summarizes it best in the conclusion of his comparative review of the experience in four societies dealing with police corruption. He states:

Police officers are the state made flesh. As law enforcers and problem solvers they are the most direct representatives of the state for citizens given their visible, uniformed, 24-hour presence on the streets and their crucial involvement in social intervention and law enforcement. If they are corrupt, and if citizens lose confidence in them, then this undermines the legitimacy of the state. More than any other officials their integrity is a vital barometer of a healthy society.

How can citizens of the United States ensure that police officers take this responsibility seriously? How should police administrators prepare new officers to handle this responsibility? How should our elected officials respond to concerns raised about police accountability?

² The previous paragraph and this paragraph up to this point are taken in toto from pp. 1-2 of a prior essay on the same topic titled, "Improving American Police Ethics Training: Focusing on Social Contract Theory and Constitutional Principles," in *Forum on Public Policy*, by Moll, Monica M. 2006, Urbana, IL: The Forum on Public Policy. Copyright 2006 by The Forum on Public Policy, 406 West Florida Avenue, Urbana, IL 61801.

FRAGMENTED NATURE OF POLICING IN THE U.S.

The fragmented nature of policing in the United States is unique in the world and is regarded by some to be less efficient, less effective, and less professional than a more consolidated and centralized approach to policing would be (Dutta, 2014). Centralizing the police function in the U.S. has long been resisted. Since colonial times, local control of police has been considered a safeguard against the subversion of democracy and is thought to produce a police service that is more responsive to local needs. There is significant debate as to whether these impressions hold true (Berkley, 1970). As problems of crime and disorder have become more complex over time, some consolidation of services has occurred, but local police and federal law enforcement agencies have adapted largely through shared information networks and mutual aid agreements. Decentralized policing makes it impossible to make comprehensive or systemic changes to police training because the fragmentation results in different approaches and requirements for police training and education across the country. This has proven frustrating to reformers and activists. It also makes it difficult to study the nature and extent of police ethics training in the U.S. available at the later stages of an officer's career. However, in nearly every state there is a state agency (frequently called Police Officer Standards and Training or POST) that establishes minimum standards for entry level police education and training that will allow for some degree of state to state comparison for this study at that level of training.

THE CURRENT LANDSCAPE

Beginning primarily in the summer of 2014 when the data collection for this project was under way and all through 2015, one could hardly scan their online newsfeed, listen to the radio or turn on the television without being exposed to some reference in the national or local news regarding police misconduct, abuse of police power or excessive use of force. Eric Garner in New York City, John Crawford III in Beavercreek, Ohio, Michael Brown, Jr. in Ferguson, Missouri, Tamir Rice in Cleveland, Ohio, Walter Scott in North Charleston, South Carolina, and Samuel DuBose near the University of Cincinnati in Ohio are just a handful of the tragedies since the summer of 2014 involving unarmed black citizens being shot and killed by police officers. What follows is a brief description of each of these six encounters between a citizen and police that left an unarmed person dead.

On July 17, 2014 Eric Garner was suspected of violating the law by selling loose cigarettes on a sidewalk in New York City. Part of the interaction and confrontation between Mr. Garner and the police officers was captured on video by a bystander. The video shows that two New York City police officers in plainclothes approached Mr. Garner and questioned him about the allegation. Mr. Garner was clearly upset and agitated. He protested his innocence and complained that the police were constantly harassing him. Eventually, when other uniformed officers arrived, the initial officers attempted to place Mr. Garner under arrest. He did not comply with their commands, told the officers not to touch him, and raised his arms, refusing to allow them to handcuff him. An additional officer responded to this resistance by climbing on Mr. Garner's back, placing his arm around Mr. Garner's neck, and taking him to the ground. He continued to keep his arm around Mr. Garner's neck while the other officers tried

to handcuff him. While on the ground, Mr. Garner either could not or would not place his hands behind his back. He is heard saying, “I can’t breathe” eleven times on the video before going silent. He was later pronounced dead at the hospital. Observers criticized the police for using a chokehold that was thought to be banned previously by the NYPD, for ignoring the pleas from Mr. Garner about his struggle to get air in his lungs, and for what seemed to be a slow response on the part of the officers to get medical aid to Mr. Garner or provide aid themselves until paramedics arrived. The death of Eric Garner at the hands of police prompted mostly peaceful protests in New York City and across the country for several months with demonstrators adopting the phrase “I Can’t Breathe.” Celebrities and professional athletes wore shirts with the phrase on it on national television as a form of protest. One year after the incident, New York City reached a settlement with the family of Eric Garner as the result of a wrongful death lawsuit, agreeing to pay them 5.9 million dollars. The officer who applied the chokehold was not indicted (Goodman, 2015).

On August 5, 2014, John Crawford III was killed by police in a Walmart in Beavercreek, Ohio near Dayton. Some of the incident was captured by Walmart surveillance cameras. Mr. Crawford had been talking on a cell phone and holding an air rifle in the store that could shoot bb’s or pellets. He was walking around the store with it. A concerned citizen who thought it might be a real firearm called 911 to report that a man with a gun was waving it around, loading it, and pointing it at people in the store. Police rushed to the scene and confronted Mr. Crawford. Responding officers said they told him to drop the weapon and he did not. The officers shot him and he later died at the hospital. The officers were not indicted (Izadi, 2014).

On August 9, 2014, Michael Brown, Jr. was shot and killed by a police officer in Ferguson, Missouri. Michael Brown and a friend had just taken cigarillos from a convenience store without paying for them, and Mr. Brown shoved and intimidated the store employee who tried to stop him from leaving. The police dispatched the call on the radio to Ferguson police officers, giving a description of the suspects. Shortly thereafter, a Ferguson police officer pulled up in a police vehicle near Mr. Brown and his friend. Through the window of the police vehicle, as they walked by, the officer told them to stop walking in the street and to get on the sidewalk. The officer then realized they matched the description of the suspects involved in stealing cigarillos. The officer positioned his car to cut off the suspects and a confrontation between he and Mr. Brown ensued through the car window. Shots were fired inside the vehicle. The officer exited the vehicle and shot Mr. Brown, killing him. The officer said Mr. Brown struck him in the head through the car window and grabbed his gun. After shots were fired inside the car, the officer said Mr. Brown disengaged, allowing the officer to exit the vehicle. The officer said Mr. Brown subsequently charged toward him and was shot when he refused to stop. Several witnesses were interviewed that saw some or all of the encounter. The officer was not indicted. Peaceful protests digressed into riots and destruction over the ensuing months in Ferguson, Missouri. Later, a federal investigation by the U.S. Department of Justice (U.S. DOJ) also found there was nothing to indicate the officer used inappropriate levels of force. However, the U.S. DOJ report consisted of a scathing critique of the general practices of the Ferguson Police Department and the City of Ferguson, indicating it used the police and courts as a money making venture for the city, often at the expense of the poor and minorities (Hennessy-Fiske, Muskal & Phelps, 2015). This amounts to repeated violations of Cohen &

Feldberg's (1991) moral standard of "safety and security." As will be discussed in the next chapter, this ethical standard instructs officers to enforce the law in light of the impact enforcement will have on overall safety and security (rather than other motivations, like the generation of revenue). Mr. Brown's friend had claimed he saw Mr. Brown with his hands up, in a surrender posture prior to being gunned down by the officer. This caused protestors across the country to immediately adopt the phrase, "Hands up, don't shoot!" Unlike the "I Can't Breathe" rallying cry from the Eric Garner case, there was nothing uncovered in any subsequent investigation to discount the officer's version of events or to support the notion that Mr. Brown was surrendering or had his hands up. On the contrary, it appeared he was moving toward the officer when the fatal shots were fired.

On November 22, 2014, a twelve year old boy named Tamir Rice was shot and killed by a Cleveland police officer in a park. Once again, there was surveillance video footage available that showed what happened. Rice was holding an air-soft pistol that had the orange markings removed, causing it to look like a real weapon. A citizen in the park called 911 to report that Rice was pointing the gun at passersby. Although the caller indicated Rice may have been a juvenile and the gun may not have been real, this information was not passed on by the dispatcher to the responding officers. The initial two officers responded together in one patrol car. A rookie officer in training was in the passenger seat. His field training officer was driving and pulled the vehicle right up to Rice, placing the rookie officer within inches of him. The officer in training shot Rice within a few seconds of arriving on scene when Rice allegedly reached for the gun. The officer believed he had a real weapon. This incident was one in a series of high profile cases involving police use of force in Cleveland and it prompted peaceful

demonstrations and protests throughout the city. Two outside investigations were conducted at the request of the prosecutor in Cleveland. One was performed by a retired FBI supervisor and the other by a prosecutor in Boulder, Colorado. Both investigations indicated the actions of the officer who shot Tamir Rice were reasonable based on the situation and the information available to him at the time (Smith, 2015). The situation seemed similar in many ways to the death of John Crawford III in Beavercreek, Ohio just a few months earlier. A grand jury ultimately failed to indict the officers involved.

On April 4, 2015, Walter Scott was shot and killed by a police officer in North Charleston, South Carolina. A bystander captured the shooting on video. Scott was pulled over for a broken brake light. Somehow a struggle outside the vehicles ensued between Scott and the officer. A witness noticed that the two were on the ground at one point in the encounter. The officer stated Scott took his taser, and the officer shot him. The video does not clearly show what happened to the officer's taser or how it may have been deployed by the officer during the struggle. However, the video does clearly show Scott running away from the officer, and the officer shooting him in the back several times as he ran away. It did not appear at the time he was shot that Mr. Scott posed any apparent threat to the officer or anyone else. In this case, the officer was charged with murder and is awaiting trial (Berman, 2015).

On July 19, 2015, Samuel DuBose was shot and killed by a University of Cincinnati police officer. DuBose was pulled over for not having a front license plate on his car, which is illegal in Ohio. Unlike the other incidents where the encounter was recorded by surveillance cameras or a bystander, this incident was captured on video by the officer's body camera. When the officer could not get DuBose to produce his drivers license, the encounter became tense. The

officer asked Mr. DuBose to step out of the vehicle and the officer tried to open the door of the car. DuBose pulled and held the door shut rather than getting out of the car. It appears Mr. DuBose started the car, possibly in an attempt to drive away. Within seconds, the officer pulled his firearm and shot DuBose in the head killing him, and the vehicle moved forward down the street. The officer claimed DuBose was dragging him with the car when he shot him. The video does not support that version of events. The officer was charged with murder (Horn & Sparling, 2015).

Allegations as minor as selling untaxed cigarettes, playing with a bb rifle for sale in a Wal-Mart, stealing cigarillos and bullying a store-clerk, a juvenile carelessly pointing an airsoft pistol at passersby, a broken brake light, and no front license plate all somehow led to the deaths of unarmed black men and immense scrutiny of the police officers and police departments involved. Families are without loved ones. The public trusts the police less. Additionally, even in cases where police shootings are justified, officers are left with dealing with the fact that they took a human life with a split-second decision, which is often personally devastating.

These represent some of the more high profile cases since this study began. The narrative regarding excessive use of force by police, especially toward unarmed black citizens, has become so popular that even the online social and entertainment news source Buzzfeed has compiled and posted the following list in addition to the six tragedies mentioned previously: Dontre Hamilton in Milwaukee, Wisconsin on April 30, 2014, Ezell Ford in Florence, California on August 11, 2014, Dante Parker in Victorville, California on August 12, 2014, Tanisha Anderson in Cleveland, Ohio on November 13, 2014, Akai Gurley in Brooklyn, New York

on November 20, 2014, Romain Brisbon in Phoenix, Arizona on December 2, 2014, Jerame Reid in Bridgeton, New Jersey on December 30, 2014, Tony Robinson in Madison, Wisconsin on March 6, 2015, Phillip White in Vineland, New Jersey on March 21, 2015, Eric Harris in Tulsa, Oklahoma on April 2, 2015, and Freddie Gray in Baltimore, Maryland on April 19, 2015. They all represent unarmed black citizens who died at the hands of police or while in police custody, and this is not a complete list (Quah & Davis, 2015).

Despite the fact that independent investigations in some of the incidents found that police officers acted reasonably with the information they had, that they were well within their constitutional role, and that they followed their training and their policies when using force, the incidents still served to erode police legitimacy. For example, it did not matter to most minority citizens in Ferguson, Missouri that the U.S. Department of Justice agreed with the local prosecutor that there was virtually no evidence to indicate the officer who shot Michael Brown, Jr. acted unreasonably or used excessive force. What mattered more were the daily interactions with police on other matters, such as the way they were treated for minor traffic violations. These more routine encounters with police had likely set the stage for the total lack of trust and lack of police legitimacy that led to the riots following Michael Brown, Jr.'s death. Police cadets spend a great deal of time in the academy training on shooting, defensive tactics, use of force and traffic laws, and sometimes miss the importance of enhancing the legitimacy of police and building public trust by focusing on acting ethically and treating people well, in even the smallest encounters or tasks.

Media scrutiny has placed the previously mentioned police use of force incidents front and center in the national debate. These and other perceived abuses of police power have

sparked grass roots movements like Black Lives Matter, civil demonstrations, non-violent protests, riots and social and political unrest across the country. Citizen groups have demanded action and elected officials at the national and state level have responded by calling for investigations of police practices by the U.S. Department of Justice and by forming committees and task forces in search of best practices and to recommend change. On the list of things being examined are the militarization of police, police training and methods of holding police accountable for their actions (Ohio Attorney General's Advisory Group on Law Enforcement Training Issues, 2015; President's Task Force on 21st Century Policing, 2015; Ohio Collaborative Community-Police Advisory Board, 2015). Now perhaps more than any time in the history of policing in the U.S., the spotlight of the media and public outcry have created momentum for change and reform in the police service, and the legitimacy of the police is hanging in the balance in some communities. A policy window has developed.

A policy window is a point in time where issues move onto the government's agenda and are ripe for action. John Kingdon's (1995) model for a policy window consists of three converging streams: a problem stream, a policy stream and a political stream. A problem stream is where problem identification occurs based on focusing events. A policy stream is where varying groups or policy communities produce proposals and alternatives. The political stream is where interest group activity, shifts in public opinion and receptive politicians interact. When all three streams are aligned, a policy window opens where action in the public policy arena is possible (Kingdon, 1995).

This study comes at a time when a policy window has opened due in part to President Obama occupying the White House and shifts in public opinion in the political stream. A Gallup

poll showed public confidence in police was at a 22 year low in the U.S. in the summer of 2015 at 52%. Only 30% of black citizens reported having confidence in police, a 6% drop from two years prior (Jones, 2015). High profile cases of police excessive use of force being highlighted in the media have served to better focus the problem stream. Citizen advocacy groups and prominent community leaders who are willing to engage government officials and participate on task forces and advisory panels to develop policy alternatives are operating in the policy stream. For example, one policy change has occurred already due to public pressure regarding the increased militarization of police. In 1997, the U.S. Department of Defense implemented an excess property program referred to as the 1033 Program. The program transferred excess military equipment to local police jurisdictions (Nakamura & Lowery, 2015). In May of 2015, President Obama announced it would restrict these transfers. An article in the *Washington Post* explained:

The Obama administration announced Monday it will ban federal transfers of certain types of military-style gear to local police departments, as the president seeks to respond to a spate of incidents that has frayed trust in communities across the country.

The banned items are tracked armored vehicles, bayonets, grenade launchers, ammunition of .50-caliber or higher and some types of camouflage uniforms, according to a report released by a White House working group that made the recommendations. Other equipment, including tactical vehicles, explosives and riot equipment, will be transferred only if local police provide additional certification and assurances that the gear will be used responsibly, according to the report.

"We've seen how militarized gear sometimes gives people a feeling like they are an occupying force as opposed to a part of the community there to protect them," Obama said during remarks in Camden, N.J. "Some equipment made for the battlefield is not appropriate for local police departments" (Nakamura & Lowery, 2015).

The Obama Administration has also stepped up federal efforts through the Department of Justice to reform policing. Since the 1994 Violent Crime Control and Law Enforcement Act passed, the Civil Rights Division of the U.S. Department of Justice has been authorized to investigate and sue law enforcement agencies if they exhibited a “pattern and practice” of violating the Constitutional rights of citizens. Approximately twenty-five police departments had experienced some form of investigation and negotiated settlement by the U.S Department of Justice (U.S. DOJ) in the first two decades of the pattern and practice program (PERF, 2013), and several more have been added to the list recently due to high profile-cases of alleged police misconduct, like Ferguson, Missouri, Cleveland, Ohio and Chicago, Illinois. Pittsburgh was the first major investigation that resulted in a negotiated consent decree in 1997 (PERF, 2013). Chicago has been the most recent subject of a U.S. DOJ investigation, announced at the end of 2015.

Allegations of improper use of force, unlawful stops and searches and biased policing most frequently trigger federal involvement (PERF, 2013). A review of documents on the U.S. DOJ webpage pertaining to 32 local police agencies was conducted as part of the background research for this project (U.S. DOJ 1, 2015; U.S. DOJ 2, 2015). The documents consisted of technical assistance letters, memorandums of understanding and consent decrees resulting from the pattern and practice program since the law’s inception. The documents reveal that agencies of all sizes tend to be held accountable by the U.S. Department of Justice for several common areas for improvement in police practice. The key issues that appear to be the focus of every negotiated agreement between the federal government and local police agencies include: tighter and more detailed use of force policies and training and tracking procedures, an

early intervention system that alerts management to warning signs that the behavior of certain officers is going off track, better management and supervision of officers in general (to include management information systems that allow data to be readily accessible and a robust performance evaluation system), monitoring of stops and searches and training in this area to reduce unlawful stops and searches, monitoring and addressing various forms of bias in policing, the citizen complaint process, and a systematic field training program where field training officers are selected from among the ranks of the best officers in the agency. Table 1, “Common U.S. DOJ Recommendations for Improvement,” on the following page, lists the most frequently cited recommendations or mandates delivered by the U.S. DOJ as found in the technical assistance letters, memorandums of understanding and consent decrees found online at the U.S. Department of Justice web-page (U.S. DOJ 1, 2015; U.S. DOJ 2, 2015).

Table 1: Common U.S. DOJ Recommendations for Improvement

U.S. Department of Justice Recommendations
Performance evaluations of officers on at least an annual basis
More detailed use of force policies with examples of appropriate levels of force for common types of resistance
Systematic use of force review process on both the individual and aggregate level
Systematic review process of all searches and seizures
Systematic review process of all stops and arrests
Better supervision of officers with appropriate officer-to-supervisor ratios
Supervisory training for those who are newly promoted
Accessible and publicized citizen complaint process
Thorough investigations of citizen complaints
Robust internal affairs function and process
Management information systems that allow supervisors to access information on the performance and activity levels of their subordinates
Field training process for new officers that follows best practices
In-service training programs that cover ethics and integrity, implicit bias and biased policing, cultural diversity, procedural justice, use of force, lawful searches, seizures, stops and arrests and firearms use and handling
Better policies and training on handling calls involving the mentally ill
Institution of an early alert warning system to flag officers who may be straying from established training, policy and procedure
Institution of an employee assistance program
Switch to "guard and bark" policy when deploying canines
Banning or greatly restricting choke holds and similar tactics
Deadly force review boards made up of officers of all ranks
Enhanced community engagement activities
Review of in-car and body cameras by supervisors when available as part of routine reviews of stops, arrests, use of force, etc.

It is worth emphasizing that at its base, every one of these common recommendations can essentially be viewed as an effort to catch unethical and unconstitutional behavior early and train officers to avoid such behavior. Additionally, in the agreements or technical

assistance letters for Steubenville, OH, Los Angeles, CA, Highland Park, IL, Buffalo, NY, Mount Prospect, IL and Warren, OH, the recommendations from the U.S. DOJ specifically mentioned the need for increased in-service training on ethics and integrity. This is significant for this study because the focus of this project is pre-service police ethics training. Improving and enhancing police ethics training in the police academy could greatly assist in making intervention by the U.S. DOJ less necessary by properly disposing police cadets to the ethical and moral reasoning that will be required of them to avoid biased policing, excessive force, and unlawful stops, searches and arrests. All of these issues are ethical issues that can be integrated into police ethics training in the police academy.

Excessive force, racially biased police practices, and using law enforcement primarily as a means to generate revenue are all constitutional issues and ethical issues. This study will contribute to the available policy alternatives for improving police legitimacy and enhancing public trust in police by focusing on one aspect of the solution: police academy ethics training. Although it will not solve all of the problems related to the erosion of police legitimacy, improved ethics training for police officers is one avenue for changing public perception of police and remedying misconduct, corruption and abuse of authority.

Eighteen years ago, ethics training was identified by the International Association of Chiefs of Police as the “greatest need” in law enforcement training in this country (IACP 1, 1998). Sadly, it appears it remains so today. The first opportunity to address the problem is in police academies that train new recruits, yet little information is available about what is currently being taught across the country in this first stage of officer training. As stated previously, police officers begin being socialized into the profession during the selection

process and in the police academy (Conti, 2006). Additionally, many police officers do not receive any ethics training throughout their career after their police academy training (Wyatt-Nicol & Franks, 2010). It is therefore necessary for us to know what is being taught to police cadets on ethics in the police academy.

Dilip K. Das (1986) conducted a comprehensive study of police academy ethics training nearly thirty years ago. This study will bridge the gap between what is known about the police academy ethics training of the 1980's and what is going on today. This project also represents a necessary first step in getting at larger questions about the quality of police ethics training. It is important to know whether the level and duration of ethics training in police academies in the U.S. is adequate to re-enforce ethical behavior on the part of police and promote public trust and police legitimacy. To do so, we must first know what the current status of police academy ethics training is. What is the content and where was it derived from? How often does it change? Who teaches ethics to police cadets? What teaching methods are used? Once these questions are answered by this study, future research can be conducted that evaluates the training and determines whether it is sufficient to lay the groundwork for a young officer's entry into a career that is certain to be filled with opportunities to make decisions that have ethical implications. The present study establishes an important factual foundation that will help determine whether the ethics training police officers receive at the very beginning of their career is adequate preparation for enhancing police legitimacy and helping new recruits become "the state made flesh."

OVERVIEW OF STUDY

Chapter 2 reviews the relevant literature pertaining to methods of ethics instruction, the type of instructor, and the content of police ethics instruction. The chapter identifies the gap in literature regarding the content of pre-service police ethics training and describes the conceptual framework for this study. It makes the point that the legitimacy of government is dependent on the perceived legitimacy of the police, and the legitimacy of police is closely tied to police ethics. Therefore, police ethics and police ethics training are critical aspects of maintaining the legitimacy of the government in the U.S. Recommendations in the literature for the content and methods of police ethics training are reviewed. The three major approaches to normative ethics are examined in detail in this chapter as they relate to police ethics training: virtue or character theories, deontological or principle theories, and utilitarian or consequentialist theories. A discussion follows of the pros and cons of using each approach in policing and the way codes of ethics and constitutional principles fit into these approaches. This study seeks to discover which of the three approaches is dominant in the content of pre-service police academy ethics training.

Chapter 3 begins by reviewing the research questions for the study. It then describes the methods employed in the study, followed by an explanation of the research design to include the sample, the data, the data collection methods, the variables and the data analysis. The chapter concludes with a discussion of the trustworthiness and rigor of the study.

Chapter 4 lays out the findings by beginning with the informational survey results which compare each of the ten states in the sample on eight variables: the number of academies in the state, the total minimum hours of training to complete the police academy and graduate,

the minimum number of hours devoted to the topic of ethics in the academy, the year ethics training was introduced in the state, the type of materials supplied to academy ethics instructors, whether the instructor had freedom to add to the content of the lesson, the content revision process, and the minimum qualifications in each state for academy ethics instructors. Next, the results of the thematic analysis of instructional materials are presented and explained. Seven dominant themes were present within the documents provided to ethics instructors to guide them in teaching the topic: job related scenarios, the law enforcement code of ethics, reporting the wrongdoing of other officers, personal consequences of misconduct, avoiding gratuities and bribes, a character approach to ethics, and peer pressure. Five frequent but more subtle themes were discovered: professionalism, higher standards for officers, fairness and impartiality/objectivity, off duty-conduct, and excessive force. Finally, and significantly, based on the review of relevant literature and the current climate in policing, five themes are discussed that appear to be notably absent in the instructional materials provided to ethics instructors: fidelity to the U.S. Constitution, ethical decision making models, caution regarding drugs and alcohol, officer suicide, and the philosophy of ethics.

Chapter 5 offers analysis and interpretation of these findings in light of the literature review and current climate for policing in the U.S. Ohio is referenced throughout Chapters 4 and 5 as an example of the way one state in the sample is responding to the current climate in policing and taking advantage of a policy window by operationalizing some of the recommendations being made for police training. The concluding chapter makes the point that there are significant problems with the way police ethics training is conducted in police academies in the U.S. and offers recommendations for improving the state of pre-service police

ethics training to ensure better quality and consistency. This is followed by a discussion of the limitations of the study, the significance of the findings and directions for future research on the topic.

CHAPTER 2

LITERATURE REVIEW

The existing literature makes scant reference to police academy training in general, let alone police ethics training within the pre-service police training academies across the country. There is a body of literature devoted to public service ethics that is applicable to policing. Although studies of police ethics training in police academies were hard to come by, the literature does give some clues as to what one might expect to find in an examination of the current state of ethics training in police academies.

OTHER VARIABLES THAT AFFECT INTEGRITY

Ethics training or education in the police academy is obviously only one of a number of variables that may affect the integrity and ethical decision making of police officers. Police misconduct and corruption are complex issues that have been the focus of researchers, politicians, activists and practitioners for decades. There are many other variables that police administrators must pay attention to in order to ensure that only officers with the highest level of integrity work for their agency.

Within police ethics literature one debate centers on the question of whether corruption and misconduct in the police service are the result of rotten apples or a rotten

barrel.³ There are several theories about police corruption that focus on the individual and just as many others that focus on the organization (Pogrebin & Atkins, 1976). The two causes are tough to separate. Enough individuals of poor character could conceivably impact the general culture or atmosphere, the policies, and procedures of an agency, and that environment could in turn begin to erode the character and change the habits of officers who came into the occupation wanting to do the right thing as they understand it.

A robust selection process is a key element of preventing police misconduct. Police executives across the country invest time and money in the police officer selection process to be as sure as possible that they are selecting individuals of good character who want to become police officers to serve the public rather than using the position to serve their own interests. Agencies look for individuals who have demonstrated a sincere desire to do the right thing and a willingness to accept responsibility for and learn from their mistakes. Assessment centers that use situational judgment tests, role play scenarios and interviews are geared toward weeding out individuals of poor character. In depth background investigations, polygraph exams and psychological testing are important steps in any police officer selection process as well. Those who have criminal records, who have a lengthy record of traffic violations, who ignore their obligations, who lack courage, and who routinely lie, cheat, steal, commit acts of violence and harass or abuse others are typically not hired if the selection process brings any of this to the attention of the hiring administrator. In most states, the selection process is

³ I first used this metaphor on p. 2 of a prior essay on the same topic titled, "Improving American Police Ethics Training: Focusing on Social Contract Theory and Constitutional Principles," in *Forum on Public Policy*, by Moll, Monica M. 2006, Urbana, IL: The Forum on Public Policy. Copyright 2006 by The Forum on Public Policy, 406 West Florida Avenue, Urbana, IL 61801.

determined by the individual agency rather than by a state mandate. The process can vary significantly from one agency to the next. Civil service rules often dictate part of the process. Law enforcement accreditation programs have standards for selection based on best practices. As will be reviewed later, some states require specific selection criteria to even be admitted to the police academy, while most leave it up to the individual agency to do in-depth screening of applicants after they have graduated from the academy. Regardless of where it occurs, selection criteria is an important variable.

Organizational perspectives of police officer behavior zero in on the structure, clarity of expectations, policies, procedures and consequences for misconduct within the agency itself which may contribute to the decisions officers make in the field (Punch, 2000; Kaptein & van Reenen, 2001; Johnson & Cox, 2004; Marche, 2009). Policies, procedures, and good supervision within a police agency can serve to assist officers with forming habits of excellence (Delattre, 2006, p. 86). Policies and procedures based on solid ethical principles for policing encourage officers to make the right decisions even if they have not completely developed their ethical reasoning abilities or have yet to apply them to particular situations. They get into the habit of following policy and doing the right thing, and can then reflect in their down time on why those policies are in place. There are many fast evolving situations in policing that require officers to make quick decisions where there is no time for ethical reasoning. Officers must often rely on following standard operating procedures or immediate instructions from their supervisors until they have time to reflect on the situation later. For example, pursuit policies have been put in place in police departments nationwide that require officers to terminate pursuits when the pursuit itself poses a greater risk to public safety than that posed by letting the offender get

away. Officers in these agencies know policy, and supervisors can communicate instructions over the radio to them. This is necessary in this type of dynamic, high stress situation where the officer is focused on catching the offender, and there is little time for them to reflect on ethical principles that might apply.

Cultural perspectives of police behavior focus on the impact the culture of the occupation as a whole has on the decisions officers make in the field (Cochran & Bromley, 2003). Even if police agencies are careful to select individuals of excellent character, the culture of policing may erode the sound ethical reasoning with which these new employees came to the job. One aspect of police culture that poses ethical problems for officers is the sense of entitlement that seems to be pervasive in the occupation (Kingshot, et al., 2004). Gilmartin defines entitlement as the expectation of receiving favorable treatment or being granted privileges. He goes on to explain that in policing, entitlement is the belief that an individual, by virtue of his/her position as a police officer, is owed certain privileges or latitude in terms of their behavior (Gilmartin, date unknown). In other words, it is the belief that the rules that apply to other citizens do not apply to cops.

Finally, continued education and training courses in ethics at *other* stages in an officer's career also have the potential to impact their ethical reasoning, although this type of training rarely occurs (Wyatt-Nicol & Franks, 2010). Even so, no matter how often it is offered or at what point in the officer's career, ethics training alone will not increase the level of trust in the police or end abuses of police power and authority across the U.S. As suggested above, improving ethics training for police officers in the U.S. is one crucial component of a series of activities that could be implemented within the profession to reduce instances of police

misconduct and corruption. This project will deal only with ethics training that police recruits receive at the very beginning of their career in the basic academy. I acknowledge, however, that selection criteria, organizational structure, police culture, compensation, training at other points in an officer's career, and other factors all contribute to the problem of police misconduct and corruption. Providing good police academy ethics training will not completely solve the problem, but it could certainly contribute to the solution. The pre-service ethics training provided to cadets in the police academy is often the only ethics training an officer receives in their career. Since a high school diploma is the minimum educational requirement for police officers in most agencies (Baro & Burlingame, 1999), there is no guarantee an officer will be exposed to ethical theory in a college setting either.

METHODS OF INSTRUCTION

Like any other type of education or training, the methods used to teach ethics to police cadets is as important to learning outcomes as the content of the curriculum. Andragogy is a term that has been associated with adult learning principles and has been pitted against traditional pedagogy as a more effective approach for teaching adults. Andragogy consists of explaining the reasons for needing to learn the material, using experience as the basis for learning, making sure the material has immediate relevance to the work of students, making it problem-centered and focusing on internal motivators (Knowles, 1980). Proponents assert that the andragogical approach will be more successful because it can draw on the trainee's past experiences, treats trainees as adults, adapts to the needs of the participants and fosters critical thinking and creativity (Birzer & Tannehill, 2001).

Although perhaps not in the form of a pure andragogical approach, adult learning principles have been incorporated into many police training environments to offer alternatives to the standard lecture/discussion format (White & Escobar, 2008). For example, in Ohio a 40 hour instructional skills course was previously required for veteran police officers who wanted to teach police cadets in the police academy. In 2009 this course was updated to incorporate adult learning principles and an additional 40 hours of classroom time was added to the course to allow more time to learn this method of instruction. Police officers who want to teach in the police academy now must complete an 80 hour instructional skills course. The Ohio Peace Officer Training Commission describes the course as follows:

This split schedule, two week course prepares students to write and present lesson plans in a law enforcement setting. Topics include: instruction in the theories of adult education, teaching techniques, lesson plan development, student learning objectives, platform teaching skills, facilitative learning, evaluation and measurement, working with problem learners and training aid usage. This is an academically challenging course merging theory and practice. Students will be required to develop and present a 15 minute lesson plan, a 30 minute lesson plan, and a 45 minute course of instruction using a prepared Commission basic training lesson plan. Students should bring resource materials and requisite props to create and conduct instruction in a law enforcement cognitive or psychomotor skills area. Students should be prepared to work an average of 20-30 hours outside of the classroom in the evening and weekends to prepare for classroom presentations. (Ohio Attorney General website, 2014).

The change was made to require instructors to learn more options in teaching methods for adult learners.

In 2007 the staff at Idaho Peace Officer Standards and Training (POST) developed a problem-based learning curriculum for certain topics in basic police academy classes in an effort to move away from instruction dominated by lecture and presentations. The methods employed incorporate principles consistent with an andragogical approach to adult learning. These student-centered methods use ill-structured problems, role playing scenarios,

discussions about where to find the information needed to come up with solutions, and student-generated options for solving the problem. Instructors facilitate this learning process. Although thus far the majority of cadets who have experienced the problem-based learning format have been satisfied with these new teaching methods, staff have noted this style of instruction has some limitations. It costs more to implement than lecturing, instructors have to invest more time in preparing lesson plans, and it takes a greater number of staff members to implement as it is harder to use scenarios and role playing with large groups of students when compared to a traditional lecture format. Additionally, some students and instructors resist self-directed learning (Werth, 2011).

Although it was in a business education setting, McWilliams and Nahavandi described a course project they called “live” case studies to teach undergraduate business students in an effort to make ethics instruction more meaningful and lasting. Instead of creating scenarios and ethical problems specifically for classroom discussion, they used ethical problems in current events that students were likely to have heard of or read about already. Students were tasked with finding a firm or individual who was viewed by the public as having done something unethical and then had to write a paper, give a presentation to the class and facilitate a classroom debate about the case. The student had to take a position on whether the firm or individual actually acted unethically and then explain what they would have done differently if it were them. The authors felt this method of integrating ethics into undergraduate education was relatively easy for instructors to incorporate (McWilliams & Nahavandi, 2006). If adapted for police training, this method could be less complex and time consuming for instructors than using scenarios that involve role players.

Using data from a 1995 survey of MPA students, Menzel found evidence of an association between the students' self-reported ability to resolve ethical dilemmas and the use of case studies and decision-making scenarios as methods of instruction, even though the students reported the lecture format was the most widely used method in the ethics education they received in their MPA program (Menzel, 1998).

Miller and Braswell (1985) contend the use of experiential case studies is effective in improving the ethical decision making of police officers. They define experiential cases studies as the use of cases in a way that encourages the participant to focus on the experience of the key players in the case rather than focusing on one single correct outcome or decision. In an experiential case, there will be many options for action and those options are debated and evaluated. They argue that officers typically learn from their experiences on the job, and this method of classroom instruction more closely resembles learning through experience. They proved the effectiveness of this method of instruction by separating officers into two different groups. Both groups were taught the same police ethics concepts, but only one group applied the concepts to experiential cases. The group that was trained using the experiential case method had better outcomes on the ethics post-test (Miller & Braswell, 1985).

The International Association of Chiefs of Police (IACP) produced a report titled, "Ethics Training in Law Enforcement: A Report by the Ethics Training Subcommittee of the IACP Ad Hoc Committee on Police Image and Ethics." The report is based on the results of an ethics training survey of IACP members in 1997 and lists a series of recommendations for police ethics training. There were 900 responses to the survey, which represented a 20% rate of return. The report stated ethics represented the greatest training and leadership need in law enforcement,

and that ethics did not appear to be a very high priority in police academies. At that time, most agencies devoted 4 hours or less to the topic of ethics (IACP 1, 1998). Included among the suggestions for addressing this need are recommendations that police ethics instructors use adult learning principles, ethics should be taught across the entire curriculum in the academy and then repeatedly throughout an officer's career, job related ethical dilemmas and role plays should be used that include scenarios where officers intervene to keep a co-worker from doing something unethical, and finally that officers leave the training with a decision-making model and set of universally agreed upon values to use as a tool when navigating through ethical dilemmas. The report also suggests the use of the IACP's code of ethics and oath of honor. This study will determine whether police academies across the country have heeded this advice. Additionally, it is curious to note that the IACP report never recommends a particular decision making model or set of universally agreed upon principles that should form the basis of the training.

In 1986 Das found the average length of police academy ethics training to be 3.5 hours and 80% of the states included ethics as a mandatory topic in the academy curriculum (Das, 1986). In 2002 the Bureau of Justice Statistics conducted a census of police training academies in the United States (Hickman, 2002). The total median hours of training in 2002 for basic recruits in the academy was 720 hours. The reported median number of hours devoted to ethics was 8 hours and 98% of the academies offered some sort of instruction on the topic of ethics. Six years later, Wyatt-Nichol & Franks (2010) found the hours devoted to ethics to be closer to Das' findings from 1986. A survey sent to 100 police chiefs in the summer of 2008 revealed pre-service ethics education in the police academy was typically 4 hours or less

(Wyatt-Nichol & Franks, 2010). The survey was sent to municipal departments that served populations between 100,000 and 500,000 and 34 chiefs responded. The researchers discovered that codes of ethics, ethical decision making models and the case study approach were preferred strategies for police ethics training, but no mention was made of which decision making models were used. The andragogical approach or adult learning approach appeared to be the most popular. This is consistent with the recommendations by the IACP and confirmed the conclusions of Van Slyke's (2007) research one year earlier. Van Slyke found consumers of police ethics training and police administrators preferred the use of case studies with methods of moral reasoning. He, too, recommended approaches to ethics training based on adult learning principles that consisted of the mutual involvement of the instructor and the student rather than the traditional lecture format. Interestingly, Van Slyke discovered instructors of ethics training preferred the lecture format and the use of a code of conduct. This implies the training of the instructors may be an important aspect of improving police ethics training.

Otwin Marenin (2004) also argues police training in a democratic society must move from a pedagogical approach to an andragogical approach to be successful. He describes andragogy as the mutual involvement of the expert and the novice in the learning process, and traditional pedagogy as the transmission of knowledge from the expert to the learner (Marenin, 2004).

Pollock and Becker (1995) have used officer dilemmas as a teaching tool by asking the officers in the class to submit ethical dilemmas for discussion that they have actually experienced. This allows the class to determine the focus of the discussion and addresses the ethical issues they find most relevant to their work. In a study using criminal justice students,

movies portraying ethical dilemmas and semi-structured discussions proved to help students retain the material and make better decisions when compared with a traditional lecture based format (Pino, 2009). However, trying to achieve in four hours in a police academy setting what a professor can achieve in 40+ hours of instruction during an undergraduate course would be difficult.

In the informational survey, respondents were asked about the qualifications and minimum requirements for their instructors. If an instructional skills course was required, I inquired in a follow-up phone call whether adult-learning principles were incorporated into the instructor course. I also coded the instructional materials for role-play activities, case studies and job-related scenarios to determine the degree to which they were utilized in each state in the sample.

SELECTING THE INSTRUCTOR

Teaching applied ethics to potential police officers is no easy task. Instructors in basic police academies are typically a mix of police officers, professors, and practitioners in other related fields such as attorneys, judges, and victim advocates. The vast majority of instructors, though, are police officers themselves. Howard Cohen (1983) argues that both academicians and police officers are equally capable of teaching police ethics, however Crank and Caldero (2000) make the point that police officers are powerful and credible instructors because they have experience in the field and can serve as role models. Ford cautions that “war stories” told to police cadets by experienced practitioners may serve to subtly and unconsciously erode the message intended to be sent by the state-imposed curriculum. He argues that instructors who

are current or former practitioners sometimes bring their profession-born cynicism with them to the academy (Ford, 2003).

Each state has its own requirements regarding qualifications for instructors. Using Ohio as an example, police officers who want to be unit instructors in police academies must be a high school graduate or possess a G.E.D., must have at least five years of full time experience as a police officer, must have completed courses that have allowed the person to learn knowledge and skills specific to the topic they want to instruct, and must complete the 80 hour course on instructional skills approved by the Ohio Peace Officer Training Commission that was mentioned in the previous section. The Ohio Peace Officer Training Commission then issues an instructor's certificate to the officer with a list of topics printed on the back of it that the officer is permitted to teach based on prior training, education and experience. Non-police officers who want to instruct special subjects in police academies have to possess credentials to show they are qualified to teach the topic they wish to instruct. A special subject instructor typically holds a professional license (such as a nurse, lawyer, medical doctor, teacher, etc.) and must have five years of full time experience and training related to the topic they wish to instruct (Ohio Administrative Code 109:2-1-06).

If policing is like other fields that employ instructors, it is likely that some people in the basic police academies are very good at teaching and others are horrible. Some will breathe life into the state mandated lesson plan using their own personal experiences and knowledge, and others will read right from the lesson plan without using examples to illustrate the points and generate class discussion. It would seem the standards in place for the minimum qualifications and training of instructors in each state could matter in terms of the effectiveness of the ethics

training. This is why the informational survey for this project asked respondents what the qualifications for ethics instructors are.

CONTENT OF THE CURRICULUM

While most scholars and practitioners agree on the need for increased ethics training for police officers, and some recommend particular methods of instruction, there does not appear to be clear guidance on what the content of the training should be, even though this is arguably the most important element of conducting good ethics training. We have reviewed some thoughts and opinions on *how* to teach and *who* should teach, but we still haven't addressed the question of *what* should be taught. Finding out what is currently being taught is the primary focus of this project. We should begin with a brief review of the major theoretical approaches to ethics from which police ethics instructors may be drawing material.

Normative Ethical Theories

Normative ethical theories seek to answer the question, "What kinds of things are good?" The central task of normative ethics is to define an adequate theory for guiding conduct (Solomon, 1998). Since there are many different kinds of good things, there are many theories that each focus on different aspects of what it means to be ethical, and each conceptualizes what is good in a different way. Three broad categories of normative ethical theories exist: virtue or character theories, deontological or principle theories and utilitarian or consequentialist theories (Svara, 2007, p. 47; Solomon, 1998). As Solomon (1998) explains, the three main types of normative theories differ based on their differing perspectives on the three main features of human action: the agent, the action and its consequences. Virtue-based

ethical theories will focus primarily on the character and motives of the agent. Principle-based theories will focus primarily on the rightness of the actions or rules for actions themselves. Consequence-based theories will focus on the goodness of the outcome of the actions or rules for actions. There are many variants within each category and some theories blend more than one approach.

Virtue ethics is probably most closely associated in the minds of many with the ancient philosophers such as Aristotle and Plato. Virtue ethics is centered on learning how to be a good person based on the ideal person and the list of virtues a person like that would have to possess or acquire. Whether the list contains classic cardinal virtues, Christian virtues, or some other set of virtues that are considered “ideal,” the main question of which action should be performed is answered by virtue theories as the action that a perfectly virtuous person or a person with good character would perform (Solomon, 1998). This view of ethics is attractive because virtues or attributes of good character are thought by some to be intuitive and therefore do not really need to be learned through extensive studying. The right decision in an ethical dilemma will come from within a person, rather than emanating from an analysis of the situation at hand. Virtues or characteristics of a good person, however, do need to be pointed out, practiced and honed to become second nature (Svara, p. 49, 2007; Delattre, p. 7, 2006). Practicing virtues until they become second nature is not something that can be confined to the classroom, but it can be explained, reinforced and encouraged there. This is why many argue attention should be given to virtue theories when teaching ethics. However, Egon Bittner cautions that “...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” (Bittner, 1970, p. 9).

Alasdair MacIntyre and Edwin Delattre are modern day proponents of virtue ethics. MacIntyre (2007) suggests justice, courage and honesty are essential virtues for any practice. He argues that in every practice there are internal goods and external goods. When practitioners achieve or acquire internal goods, those goods benefit the whole community. External goods, such as fame and wealth, benefit only some individuals and the more some people acquire the less other people will have. MacIntyre believes a practice should focus on acquiring internal goods. He defines virtues as “an acquired human quality, the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such goods” (MacIntyre, 2007, p. 191). MacIntyre explains that the virtues that are required to obtain the internal goods in any practice may inhibit the pursuit of external goods at times. If policing is considered a practice, adhering to MacIntyre’s view of virtue would require us to decide which internal goods are central to policing and then which virtues support the pursuit of those goods. Edwin Delattre (2006) cites justice, courage, temperance, compassion and honesty as core virtues essential to good policing (p. 2).

Virtue ethics is based on the goodness of a person, so no matter which positive attributes end up on the list of ideal character traits in any given virtue theory, it is hard to argue against using this approach to ethics for police officers and other public servants.

Certainly we all want police officers to be good people who are self-disciplined, rational, trustworthy, fair, responsible, caring and respectful. We hope police administrators are screening applicants to hire those they believe are good people at their core. Background investigations, polygraph exams, assessment centers, psychological tests and interviews all assist in some way with finding people of good character. However, some amount of good character is almost a necessary first condition when contemplating what should be taught to police cadets on the topic of ethics. Instruction in ethics during the police academy would be fruitless if this first condition was not substantially met in the academy recruits. As Delattre notes, "No one who does not already care about being a good person and doing what is right can have a serious ethical question. A person must have achieved a disposition to do the right thing in the right way at the right time for the right reasons before any moral perplexities can arise" (Delattre, p. 6, 2006). It would seem if we do not fill the police academy with people who want to do the right thing, instructors will be wasting their time trying to teach them how to reason through ethical dilemmas. Although it would be wise during academy training to list virtues and core values, discuss the benefits of the virtues and talk about ways to practice them to make them habits, this necessary first condition may not be enough. Another approach to ethics could complement and build upon virtue ethics. If we focus only on practicing the virtues that make up good character to encourage officers to develop more of the positive attributes as part of their second nature, we could still leave them ill-prepared for the dilemmas they will confront on the job. A good person who wants to do the right thing may still sincerely be confused as to what the right thing is. For example, a police officer may desire to be fair and may have developed fairness as a virtue, but if they are ignorant of the principles our system of

justice is based on, they may choose an action that the courts would consider unfair or illegal. There is a difference between *being* good and knowing how to *do* good. As Svava states, “It is hard to resolve these issues without reference to other sources of moral guidance that could come from other ethical approaches; by referring to principles or consequences” (Svava, p. 52, 2007).

Assuming individuals attending basic academies (or at least those among that group who will ultimately be hired by a police agency) are individuals of good character who are open to learning how to reason through ethical dilemmas, consequentialist theories represent one approach to helping police officers sort through their options for action. Utilitarian theories are the most prominent type of consequentialist theories. Svava argues that utilitarian approaches have few proponents but many practitioners (Svava, p. 48, 2007). Why do many public servants use a consequence-based approach to ethics and decision-making in practice, yet reject its premise as a suitable way to weigh the merits of actions? Utilitarian theories are most closely associated with classic utilitarians like Jeremy Bentham and John Stuart Mill. Essentially, this approach to ethics suggests one should act in the way that will promote the greatest happiness for the greatest number of people (Solomon, 1998). The ends or outcomes take precedence over the means, whether you are focusing on the consequences of a specific act or on the consequences of a general rule for action. For example, with a strictly utilitarian approach, being trustworthy has no intrinsic value or goodness – only the outcome produced by being trustworthy matters. Public servants, including police officers, often find themselves weighing different courses of action based on the possible consequences or outcomes of the action. The public has a right to expect that police officers do things in an effective and efficient manner.

The media focuses on outcomes such as crime rates, arrests, and solved cases, which in turn requires politicians and police organizations to measure their performance based on these outcomes. It would be impossible for street-level officers and police administrators to select the best methods for use in keeping the peace, controlling crime and solving community problems without putting some thought into the outcomes or consequences of their actions. The focus on producing positive outcomes makes this an attractive approach to ethics. However, an “ends justifies the means” way of thinking can become problematic for police officers in a hurry once they are on the street.

Noble cause corruption is one type of moral problem that develops when police officers begin to view their actions primarily through the lens of utilitarianism. Essentially, noble cause corruption results from taking illegal actions that violate the rights of citizens for some other moral consideration (Delattre, p. 211, 2006; Harrison, 1999; Kleinig, 2002). The “noble cause” of crime fighting and protecting the public from criminals who would do them harm takes precedence over following rules and procedures. Punch (2000, p. 305) describes noble cause corruption as, “using illicit means for organizationally and socially approved ends.” For example, an officer who succumbs to noble cause corruption may decide it is better to falsely report that they read a murder suspect Miranda warnings prior to his confession than to tell the truth that they forgot to advise the suspect of their Miranda rights. The officer may know that the law and department policy require him to issue Miranda warnings before any questioning of a suspect in custody, but he also knows the only way a conviction is possible in the case is through the confession and the evidence collected as a direct result of the confession, which will surely be suppressed if he is honest and admits to the oversight. A utilitarian approach to

ethical decision-making may lead the officer to believe the better outcome (ends) of protecting the public from a murderer justifies the means of ignoring the principles of justice that our democracy has been founded on and ignoring the virtue of honesty. The term “noble cause corruption” was coined to draw our attention to the problems that develop when police officers focus on what they believe to be the noble cause or end of crime fighting and use that to justify problematic means that run counter to their oath to uphold the Constitutional rights of citizens. What then should be added to training for officers to use to guide their discretion and help them make decisions if possessing virtues are not enough and relying solely on consequences and outcomes to justify actions could lead them toward corrupt actions? This is where the strengths of the principled or deontological approaches to ethics become evident. They can be used to complement the two other approaches.

Deontological approaches guide action based on a set of moral principles or moral rules (Solomon, 1998). In order for this approach to work, there must be an agreed upon set of rules that officers have knowledge of, and they must also have the deductive capacity to appropriately apply these rules or principles to actual situations (Svara, p. 53, 2007). Immanuel Kant is probably the best known philosopher that espoused a deontological approach to ethical theory (Solomon, 1998). Kant’s “categorical imperative” can be used to derive agreed upon principles. His categorical imperative holds that one should only act if that action would hold up as a universal law for everyone to follow in a preferred world (Svara, p. 54, 2007). The idea of the categorical imperative could prompt police officers to ask the question, “What would happen if every officer always behaved in the way I am proposing to behave in this situation?” This perhaps is a bit different than the question Kant would ask, since it is not asking “what

would happen if every person behaved this way,” but rather focuses specifically on other police officers in their role as a public servant. Kant also stressed that people should never be treated as a means to an end, but only as ends in themselves (Svara, p. 54, 2007). One major problem with using a principle-based approach to ethics is in finding a set of agreed upon principles that could be universally applied to all police officers in the U.S. Another problem is in weighing principles when two seem to conflict. W.D. Ross’ concept of “prima facie” duties can assist in helping to sort out the best action when using a deontological approach. Actions that are “prima facie right,” meaning they are in accord with the major moral duties that we are always bound by, may be different than actions that are “actually right” when other moral considerations or principles intervene or override them based on the particulars of the situation. It may be necessary to violate one prima facie duty or ethical principle in order to satisfy another true ethical principle that carries more weight in a given situation (Ross, 1930/2002, p. 28; Svara, p. 56, 2007). If you find you are obliged to violate a prima facie duty, another equally compelling duty or moral consideration should be the reason you are compelled to do so. If a set of prima facie duties for police officers can be derived from a set of principles viewed as universally applicable to all in the police service, they could be considered duties that are always intrinsically “good,” but fulfilling one over another may be “right” based on the circumstances.

Some argue that choosing only one approach to police ethics is not necessary and would not be effective. As this review of approaches indicates, each strain of normative theory starts from a different conceptual framework that concerns itself with different forms of “good,” and each approach complements the other two in certain ways. Some amount of

virtue and good character is a necessary starting point for police officers in order for them to want to be good and want to do good. From there it seems logical to discuss in the classroom the elements of good character and virtues practiced by the ideal person and to reinforce them through academy rules to encourage police cadets to try harder to practice them and make them habits over the course of their career. Additionally, principles could be established that officers can use to guide their discretion and to show them how to do good. Finally, once a number of good courses of action have been identified based on these principles, examining the possible consequences of more than one good action will help officers decide which will have the most desirable outcome. However, just because all three theoretical approaches can make useful contributions to police ethics training, this may not mean all three get equal treatment in the limited amount of time devoted to ethics training in police academies. Some hard choices have to be made in terms of content when an instructor only has 4-8 hours to provide an ethical foundation that may have to last an entire career.

Nearly thirty years ago, Dilip K. Das (1986) called for the use of two of the three major approaches when his review of the literature pointed to principles and the higher values of law (deontological approach) and values of personal integrity (virtue approach) as the recommended focus for police ethics. Das asserted that the relevant literature at that time called for courses on police ethics to focus on adherence to higher values of law or legal moralism, and the cultivating of conduct based on principles and values (Das, 1986). He was particularly interested in whether the basic police academies in the country were answering that call with the state mandated ethics training they provided police recruits. In 1983 he sent a survey to the state organization responsible for police training in all fifty states. He received

responses from 38 states, and at that time 32 of those states had courses within the basic academy curriculum on ethics. Das determined that the average length of the ethics instruction was three and one half hours, with 17 states below that average. He found several common themes in the content of the courses: (1) avoiding gifts, gratuities, bribes and rewards, (2) caution in the use of drugs, alcohol and tobacco, (3) adherence to the law enforcement code of ethics, (4) maintaining public image by profession ethical values, and (5) developing an awareness of the unethical conduct of fellow officers. Das did not believe these themes lived up to the recommendations for ethics training in the existing literature. He indicated some indirect references were made in the course materials to legal moralism and conduct based on principles and values, but as a whole, those who developed the curriculum in each state largely ignored the suggestions from leading scholars in the field. The instruction in each state instead focused on the more simplistic and pragmatic approach of discussing the things officers needed to avoid doing in order to maintain public image (Das, 1986).

About a decade after the Das study, Arnold (1997) studied police ethics training in the state of Illinois by interviewing ethics instructors for police academy pre-service training and in-service police training, conducting participant observation in several different police academies during pre-service ethics training, and through an examination of instructional materials. In the police academy training, he found little to no mention of the philosophy of ethics in police academy training. The state at that time required four hours of training on ethics, but no structured lesson plan was provided by the state, and in his observation of ethics training in several academies, the total instructional time was significantly less than four hours. He described what he found in Illinois academies as a “vocational treatment of ethics” which

focused mostly on “issues related to the use of force, fair treatment of minorities, free meals and coffee, giving special consideration to other police officers, and the IACP professional code of conduct.” He argued the content centered more on sanction avoidance by following laws and policies rather than on making moral and ethical decisions in the field (Arnold, 1997, p. 126).

Bradford and Pynes (1999) reviewed the curriculum for basic police academy curriculum in 22 states and found that less than 3% of the time devoted to instruction in basic police academies is spent on cognitive and decision-making topics. They found more than 90% of academy time was focused on reactive, task-oriented topics and activities.

Finally, ten years ago Conti and Nolan (2005, p. 183) used participant observation to study themes present in ethics training in one police academy ethics class. The major theme identified by the researchers in this block of training was authority and obedience rather than any particular philosophy of ethics. They state, “...the police see themselves as a mostly closed society of professionally trained ‘warriors’ whose aim is to protect the ‘good’ citizens from the ‘bad.’ In furthering this warrior life, moral choices are made based on power and authority. Obedience to authority is essential to obtaining the good life as defined in this way.” It is unclear from their research whether that theme was unique to ethics training or was a theme that could have been dominant in every topic taught in pre-service police academy training.

The Murky Middle

Most officers who want to do the right thing in their profession and want to be a good person probably realize that they should not engage in serious criminal conduct, even if they are not absolutely sure what the “right thing” is or what a “good” person would do in all cases.

But what about the more subtle questions that erode the level of trust that citizens have in the police? Officers and police administrators grapple daily with a host of questions that have ethical implications and yet may not always realize it. Here are just some of them. What if different factions in the community make opposing demands on police? Is it wrong for police agencies to accept contributions from local businesses to augment the budget? What if the mayor says she wants more traffic tickets written to increase funds coming into the city? What if the mayor requests that city residents only receive warnings? When should an officer arrest an offender rather than give a warning? Why can't officers accept half price meals? When is it permissible to lie to a suspect? What should an officer do if he/she pulls over an off-duty officer? Is it wrong for an officer to run personal errands within his/her jurisdiction while working? Is it wrong for an officer to go home for lunch? What if a rookie's training officer or supervisor asks him/her to do something that he/she thinks is wrong? What is expected of an officer that observes a co-worker doing something wrong? What should an officer do if he/she sees an officer from another department do something wrong? Does an officer have to wear a seatbelt in the cruiser if he/she never gives seatbelt tickets to citizens? Are officers permitted to let a person's circumstances influence whether or not the person gets charged with a crime, or must every citizen be treated exactly the same? Is it permissible for officers to give "courtesy cards" to their friends that identify them as a friend of a police officer? If an officer is off duty and gets pulled over, is it wrong for him/her to show his/her badge to the officer that stopped them? Can police officers overlook some crimes that are committed in their presence? How should an officer decide which offense to charge a person with when several offenses fit the crime? Is it wrong for an officer to take a quick nap on midnight shift if their dispatchers

know where they are and can wake them up if there is a call for service? What should a supervisor do if he/she knows a subordinate has used excessive force or has otherwise violated someone's rights, but the citizen has not complained about it? Can police executives make an effort to keep certain reported crimes a secret so as not to panic the public? What weapons or tools are police administrators obligated to provide the officers to ensure they have everything they need to use the appropriate levels of force? These are just a few of the more common situations with ethical implications that officers and police administrators face. What is being taught to police recruits that will help them reason their way through these issues?⁴

The fact that officers could choose the wrong course of action in many of these scenarios and yet not violate any law or department policy makes the need for this present study even more apparent. Cohen & Feldberg (1991) describe these as grey areas and state, "...there are circumstances that police encounter that are genuinely ambiguous, circumstances where it is not easy to know what is the right thing to do" (p. 19). Kleinig calls these challenges "the murky middle." He observes, "Yet morally responsible decision-making is more than a matter of 'following the rules', or even of resort to established procedures. The rules may not be sufficiently nuanced or entirely compatible. Judgment is required" (Kleinig, 2002, p. 298). Pollock and Becker (1995) explain that it is important to focus the discussion in training on the things which officers themselves identify as ethical dilemmas because it is often the less serious issues that they are struggling with on the job. What should guide an officer's judgment that

⁴ This paragraph first appeared on pp. 3-4 of a prior essay on the same topic titled, "Improving American Police Ethics Training: Focusing on Social Contract Theory and Constitutional Principles," in *Forum on Public Policy*, by Moll, Monica M. 2006, Urbana, IL: The Forum on Public Policy. Copyright 2006 by The Forum on Public Policy, 406 West Florida Avenue, Urbana, IL 61801.

will apply to situations with ethical implications across the spectrum? The document analysis in this study was designed to show the range of what is presently being taught in that regard. How much time should be devoted to teaching police cadets how to develop good judgment and think through an ethical problem? The informational survey asks respondents how much time they are currently devoting to this topic.

Codes of Ethics, Oaths of Honor and Standards of Conduct

The International Association of Chiefs of Police developed a code of ethics in 1957 that was adopted by law enforcement agencies across the country. The code was updated and revised slightly in 1989. Although it was augmented in 2000 by the creation of an oath of honor (IACP 2, 2000) that was later adopted by the Association as part of an “ethics toolkit” (IACP 3, 2002), the law enforcement code of ethics is still commonly found framed and hanging in police departments. Both the code of ethics and the more recent addition of the oath of honor have been widely adopted as part of the ethics training offered at other points in an officer’s career. They seem to be a mix of all three major approaches to ethics. Virtues, principles and consequences are all embedded in these documents. There are some very useful principles, values and admirable virtues present. Unfortunately, parts of the code of ethics and oath of honor do not incorporate the three approaches in a way that offers assistance for practical decision making. For example, the following are excerpts from the IACP Code of Ethics and the IACP Oath of Honor that may not be very helpful when trying to sort out the issues that comprise the “murky middle” of real-world ethical situations that officers face:

- fundamental duty to protect the innocent against deception
- fundamental duty to protect the weak against oppression or intimidation

- keep my private life unsullied
- keep courageous calm in the face of danger, scorn or ridicule
- no compromise for crime and a relentless prosecution of criminals
- never betray my badge
- always uphold my community
- always uphold the agency I serve

The meaning of each is not clear and therefore may not be very helpful in practice. What does having no compromise for crime mean? Certainly police cannot and should not enforce every law all of the time. “Relentless prosecution of criminals” isn’t even in the authority of police officers. What does it mean to betray the badge? Will drinking alcohol, gambling in Vegas or cohabitating with an intimate partner prior to marriage cause one to violate their pledge to keep their private life unsullied? Or does this just mean an officer should avoid violating laws in their private life? What should an officer do if they have to choose between protecting the weak against oppression or intimidation and upholding a criminal’s Constitutional rights? While most of the excerpts above are certainly good things for a police officer to strive for, they may not provide adequate guidance to officers to help them weigh the tough choices they have to make on a daily basis, both on and off the job. The code of ethics and oath of honor would need to be supplemented by other sources that could guide an officer’s discretion.

In 1998 the IACP also developed a model policy on standards of conduct (IACP 4) that can be used to supplement the code of ethics and oath of honor. This policy covers a long list of prohibited acts pertaining to the following categories of behavior:

- obedience to laws, regulations and orders

- conduct unbecoming an officer
- accountability, responsibility and discipline
- conduct toward fellow employees
- conduct toward the public
- use of alcohol and drugs
- use of tobacco products
- abuse of law enforcement powers or position
- off duty police action
- prohibited associations and establishments
- public statements, appearances and endorsements
- political activity
- expectations of privacy

Nearly every police department has a policy on standards of conduct and most of them cover the majority of these topics. Delattre (2006, p. 351) explains the need for standards of conduct:

External constraints on wrongdoing tend to carry far less weight with persons of good moral habits than the internal constraints of their own conscience. But no institution can take for granted that all of its personnel are people of good conscience, so attaching sanctions to rules of accountability remains essential. Institutions have a duty to explain the reasons for each specific rule, so that all personnel have the opportunity to understand why the rule deserves to be followed, why the rule has moral authority. Good explanations encourage persons to internalize the standard of conduct.

While necessary because it does give some concrete guidance to officers, a policy on standards of conduct cannot possibly prohibit every unethical act nor provide advice for every new situation with ethical implications that they may encounter on the job. Police academies that only admit cadets for one particular agency (like an academy run by a large municipality) do

tend to incorporate that agency's policy on standards of conduct during their ethics training.

Academies that train cadets from several different agencies probably do not since each agency has its own variant on standards of conduct in their agency policy, despite the model policy being drafted by the IACP.

Police Legitimacy and Ethics

In his discussion of politics as a vocation, Max Weber describes the relationship between the power of government in the modern state and the perception of legitimacy:

...the state is the form of human community that (successfully) lays claim to the monopoly of legitimate physical violence within a particular territory.... all other organizations or individuals can assert the right to use physical violence only insofar as the state permits them to do so. ...the state represents a relationship in which people rule over other people. This relationship is based on the legitimate use of force (that is to say, force that is perceived as legitimate). If the state is to survive, those who are ruled over must always acquiesce in the authority that is claimed by the rulers of the day. (Weber, 1919, pp. 33-34).

Police represent the institution of democratic government that is authorized to legally use force to control citizens (Bittner, 1985). Unrest occurs when police organizations are not viewed as legitimately exercising this power. Examples in 2014 of perceived misconduct on the part of police in New York City, Ferguson, MO and Cleveland, OH illustrate how quickly the legitimacy of police and therefore government can come into question and prompt civil unrest. A police force that is viewed as ethical and as one that follows the commonly accepted principles of justice and rules for engagement will be more likely to be viewed as legitimate and will be more effective in controlling crime and disorder (Tyler, 2004). Tom Tyler (2004) concurs with Max Weber:

People are more willing to cooperate with legal authorities when they believe that those authorities are legitimate. This includes both deferring to their decisions during personal encounters and generally obeying legal rules in their everyday lives. Furthermore, people are more cooperative in helping the police to deal with crime in their communities when they view the police as legitimate. Hence, as anticipated in the work of Weber, legitimacy does represent a basis upon which authorities can act that is distinct from the possession or use of power and resources (p. 89). ...People think that decisions are being more fairly made when authorities are unbiased and make their decisions using objective indicators, not personal views. As a consequence, evidence of evenhandedness and objectivity enhances perceived fairness (p. 94).

It's not surprising that in a society that puts heavy emphasis on liberty, the legitimacy of the police rests more on how well the public thinks police treat people than on the impact the public thinks the police have on crime rates (Mastrofski et al., 2001). Police ethics and police legitimacy are tied together. If an action by a police officer is viewed as lacking legitimacy, it is often also viewed as being unethical. The riots in Ferguson, Missouri are an example of an instance where a legitimate act on the part of one police officer was viewed as unethical by a facet of the community due to the lack of legitimacy of the police force and the local government as a whole.

Approaches Based on Social Contract Theory, Democratic Values and the Constitution

Asking police officers to obey legal rules and use objective indicators when making decisions to safeguard legitimacy and promote ethical conduct can only be accomplished by first teaching police officers what those universal rules or principles are. Cadets come to the academy with all sorts of expectations about the role of police officer. Some come to the classroom with that sense of entitlement that Gilmartin speaks of. Others focus on outcomes and view policing through the noble cause lens of crime fighting where the end justifies the means (Delattre, 2006; Kleinig, 2002; Punch, 2000). The police academy often serves as the officer's introduction to the topic of police ethics and the role of the police officer in the United

States. It provides that first opportunity to dispel myths about policing and reorient their thinking about what is right and what is wrong when it comes to the behavior of police officers. The academy is where cadets begin thinking about *why* certain actions are considered right and why others are thought to be wrong. Certainly a few hours of ethics training in basic police academies will not be sufficient to help an officer navigate through every situation with ethical implications in a career that could span 30+ years, but it does provide an opportunity to lay the groundwork for a career of proper ethical reasoning that can be built on in years to come.

For a principled approach to ethics to be most effective, officers would need to accept a set of clear and inarguable principles that can help them weigh their options when faced with a situation where they have to decide which course of action is right. As mentioned earlier, a good amount of literature exists that addresses the need for an increased amount of ethics training in policing, but very few scholars and practitioners have stated clearly which ethical principles should be taught and integrated into the occupation. Department policies, codes of ethics, standards of conduct and oaths of honor are useful, but they would be more effective if it could be argued they were based on principals that apply equally well to all officers in every jurisdiction in the U.S. and would be used to make those standards more precise. If it makes sense to include a principled approach to ethics in a portion of any lesson plan for police ethics training, appropriate principles for ethics in policing could be found in the U.S. Constitution. Peter Brandon Bayer (2011) argues the founding fathers were deontologists who asserted in the Declaration of Independence that government is legitimate only if it governs according to eternal moral precepts. In his defense of viewing the Constitution through the lens of deontology, Bayer (p. 289) asserts “To be a true constitution, that which society calls its

constitution must enforce values so imperative, so fundamental, that the constitution comprises not only a way to live but more profoundly, a reason to die.” There are basic constitutional principles that could form the basis of ethics education at all levels of policing in the U.S. An introduction to these principles at the beginning of an officer’s career would help police officers to understand them and be able to use them to reason their way through an ethically challenging situation. Police officers in every state in the U.S. take an oath to uphold the very same Constitution, therefore it could be argued that they are all bound by a duty to uphold the democratic principles found within this document.

The Declaration of Independence and the U.S. Constitution are based on John Locke’s concept of the social contract (Locke, 1690/1986). Officers need to be familiar with social contract theory because it gives legitimacy to our system of government and the role of police in society. The authority of police is derived from the people through the social contract. Briefly, social contract theory holds that the purpose of government is to better protect the rights that people already naturally possess: those of life, liberty and property. Citizens enter a bargain in which they agree to give up their power to enforce their own rights to the government and trust that the government will use this power to benefit the public. If a government proves to be consistently ineffective at securing the basic rights of life, liberty and property, then the people owe no allegiance to it. As an agent of the government, the police are also bound by this social contract. Their power is held as a public trust. Social contract theory informs members of the police service on the general attitude they should have about

their occupation and towards the public.⁵ Social contract theory is a moral theory about what makes government legitimate. However, going back to our discussion on police legitimacy, government agents typically aren't perceived as ethical if they aren't first perceived as legitimate. Police ethics and police legitimacy are indeed tied together.

Cohen & Feldberg (1991) argue social contract theory is an appropriate moral foundation for understanding and evaluating police practices because it will allow police ethics to be grounded in a broader political theory that has shaped the structure and practice of our government (p. 24). Additionally, using principles from the Constitution, its Bill of Rights and the Federalist Papers as the basis for police ethics training makes sense to many because our entire justice system is based on them. They can be viewed as inarguable principles because all police officers take an oath to uphold them. As Kooker explained fifty years ago, police are given "the duty of upholding and defending the principles of the American way of life" (Kooker, 1947, p. 186). Unless and until our Constitution and resulting system of government undergo significant changes, the following principles will be important benchmarks of ethical policing by which officers and citizens alike can gauge police behavior: due process, justice, checks and balances, equal protection of the laws, separation of power, freedom of speech, religion, press, petition and assembly, right to bear arms, protection against unreasonable searches and seizures, protection against self-incrimination, right to a lawyer and right to a speedy trial.

⁵ All of the material in this paragraph up to this point first appeared on p. 5 of a prior essay on the same topic titled, "Improving American Police Ethics Training: Focusing on Social Contract Theory and Constitutional Principles," in *Forum on Public Policy*, by Moll, Monica M. 2006, Urbana, IL: The Forum on Public Policy. Copyright 2006 by The Forum on Public Policy, 406 West Florida Avenue, Urbana, IL 61801.

Cadets may wonder whether police officers can still get the job done with all of these constraints. Proponents of a Constitutional approach to ethics would argue that prospective officers should be taught that these are rights that are essential to our way of life rather than viewing them simply as constraints on their power. These are the very principles they will be working to uphold, not rules that they must constantly be looking for exceptions to or ways to get around.

Scholars and practitioners have long called for American police to use Constitutional principles as a guide. Cogshall (1949) argued that a lack of knowledge of basic constitutional law was one factor that could lead to the corruption of the police service. He thought police officers were routinely tempted to violate rights because some were ignorant of Constitutional guarantees and others were lazy and wanted to ignore rights to get things accomplished in an easier way. He states, "In order to counteract these factors the police administrator must set up a system of education within his department that will indoctrinate thoroughly the individual police officer in the civil and criminal rights of suspects and accused" (Cogshall, 1949, p. 244).⁶ Marenin (2004) recognized the need to teach police officers in democratic societies a conceptual framework that was tied to a set of criteria which can be used to make decisions.

Marenin (p. 108) states:

Police officers must acquire the basic conceptual apparatus which will guide them in understanding the conflicting yet equally legitimate demands made on

⁶ All of the material in the previous two paragraphs and in this paragraph up to this point are taken in toto from pp. 5-6 of a prior essay on the same topic titled, "Improving American Police Ethics Training: Focusing on Social Contract Theory and Constitutional Principles," in *Forum on Public Policy*, by Moll, Monica M. 2006, Urbana, IL: The Forum on Public Policy. Copyright 2006 by The Forum on Public Policy, 406 West Florida Avenue, Urbana, IL 61801.

them within democratic societies—that is, they must understand their job as it exists and needs to be carried out within larger democratic cultures, practices, and institutions. They must know how to balance, in their thinking, diverse expectations and demands on them, and they need to understand the criteria commonly used to make reasonable decisions. Officers, also, must learn how to exercise judgments in practical situations, that is in the typical conditions of their day-to-day work.

Marenin contends democratic values must be taught and linked to rules for working that make sense to officers. He states, “Democratic values, taught in the abstract or disconnected from the realities of work and other influences on police decision-making, will not become incorporated into the working habits of the police” (Marenin, 2004, p. 115).

John A. Rohr (1989) wrote at length about the need for bureaucrats to be educated in what he calls “regime values” in order to have the proper orientation for using their discretion to make ethical decisions in every-day situations. He asserts that “the normative foundation of ethical standards for public servants in any regime is the values of that regime” (Rohr, 1989, p. ix). He says in the U.S., regime values are the Constitutional values, so public servants should turn toward constitutional tradition when they look for moral guidance (Rohr, 1989, p. viii). Rohr argues the low road of basing the foundation of ethics education for public servants in the U.S. on adherence to rules is inferior to teaching Constitutional principles.

He also argues the high road of basing the foundation of ethics education and training on moral and political philosophy or humanistic psychology is also less effective than training bureaucrats in respecting regime values. By humanistic psychology, Rohr is referring to approaches where the individual person is important and not how the person is employed. He cites Kohlberg’s six stages of moral development and the work of Abraham Maslow and Carl Rogers as humanistic psychology. Rohr says when examining the discretion public servants possess, a normative system based on the individual person is not suitable because it does not

contribute in a way that is relevant to bureaucratic decision-making and public policy. Rohr admits these “low road” and “high road” perspectives add insight and contribute to the discussion, but says they should not be the foundation of ethics education for public servants. Rohr also says we must be realistic about curriculum demands when it comes to presenting information about all of the different philosophical perspectives (Rohr, 1989, p. 64-68).

He prefers an approach to ethics education where the normative foundation is regime values when teaching bureaucrats in the U.S. who must take an oath to uphold the Constitution. Rohr says the regime values are found in the public law of the regime. His book uses the opinions from justices on the Supreme Court of the United States in interpreting the Constitution to ferret out the meaning of the three primary regime values he has identified for the U.S.: freedom, property and equality (Rohr, 1989, p. 75). Rohr (1989, p. 70) states:

Because the Constitution of the United States is the preeminent symbol of our political values, an oath to uphold the Constitution is a commitment to uphold the values of the regime created by that instrument. ...The oath to uphold the Constitution is the moral foundation of ethics for bureaucrats. ...An argument can be made that one should not enter a career in government unless one is first convinced that the regime is fundamentally just.

Taking an oath of office fits well with a deontological system of ethics. The principles one is swearing to uphold in their oath become the principles they can use to make ethical decisions which are applicable to all in their profession. Charles Fox (1991) categorizes Rohr’s regime values as a mostly deontological approach to ethics. Fox states, “Positions may be classified as deontological when attached to a substantive principle thought of as foundational and so compelling as to be binding or obligatory in a moral sense; rules are right and wrong on their own account or because of higher laws (these then self-validating) from which they are logically deduced rather than because of their imputed consequences” (Fox, 1991, p. 113). He

says Rohr's position represents a foundational deontological ethics based on the values of equality, freedom and property, and when conflicts between them occur, public servants should look toward the spirit and methods of Supreme Court jurisprudence for a resolution (Fox, 1991, p. 113). However, it is also possible to view Rohr's regime values as the internal goods that MacIntyre refers to. Equality, freedom and property could be viewed as internal goods in the practice of policing, and therefore virtues that would assist the police in obtaining these internal goods would be necessary for successful practitioners to possess. Similar to Rohr's thinking, MacIntyre (2007, p. 190) states:

A practice involves standards of excellence and obedience to rules as well as the achievement of goods. To enter into a practice is to accept the authority of those standards. ...It is to subject my own attitudes, choices, preferences and tastes to the standards which currently and partially define the practice. ...the standards are not themselves immune from criticism, but nonetheless we cannot be initiated into a practice without accepting the authority of the best standards realized so far.

Others have echoed John Rohr in terms of the importance of Constitutional principles and democratic values. Thompson insists that the main business of government ethics should be education in democracy. He says ethics education for public servants must relate ethical standards to the broader ethical purposes of government. Ethics training should focus less on how to stay out of trouble and more on ways to make democracy work better (Thompson, 1992). More recently, FitzPatrick has addressed the need for a unified theory of ethics for American police that is rooted in the democratic principles the country was founded on. He borrows from Cohen & Feldberg (1991) and adopts four of their five moral standards as the basis for this unified theory (FitzPatrick, 2006). Because all police officers across the U.S. take an oath to uphold the same Constitution, a unified theory of ethics based on the democratic principles our government was founded on will apply equally well to police officers in every

jurisdiction in the U.S. What ethical standards for American policing can be drawn from these principles that can then be taught to new recruits?⁷

Howard S. Cohen and Michael Feldberg (1991) created an ethical guide for policing in a book titled *Power and Restraint: The Moral Dimension of Police Work*. Cohen and Feldberg's five moral standards for police can be viewed as both ideals to strive for and minimum requirements. They are standards of responsibility that apply generally to all government officials, and police in particular. Those who accept the power and authority that comes with the position of police officer must also accept these standards of responsibility (Cohen & Feldberg, 1991, xv). The following is a brief summary of Cohen and Feldberg's five standards of ethical policing taken from chapter 3 (pp. 39-66) of their book.⁸

1. Fair Access

Policing is a shared social resource. As such, police must provide fair access to their services based on relative need. Social contract theory and the principle of justice informs police in this area by reminding officers that *all* citizens have agreed to transfer to government their own power to enforce their basic rights. Therefore, all citizens have a right to the services of the police. This standard cautions officers against the two extremes of favoritism and neglect.

2. Public Trust

Through the social contract, the public has given police the authority to act on their behalf and the power to take actions that are no longer permitted to private citizens. The public has also given up their right to resist the lawful commands of a police officer. They trust that the police will use this power with restraint, doing the

⁷ This paragraph originally appeared on pp. 6-7 of a prior essay on the same topic titled, "Improving American Police Ethics Training: Focusing on Social Contract Theory and Constitutional Principles," in *Forum on Public Policy*, by Moll, Monica M. 2006, Urbana, IL: The Forum on Public Policy. Copyright 2006 by The Forum on Public Policy, 406 West Florida Avenue, Urbana, IL 61801.

⁸ This paragraph, and the summaries that follow all originally appeared on pp. 7-9 of a prior essay on the same topic titled, "Improving American Police Ethics Training: Focusing on Social Contract Theory and Constitutional Principles," in *Forum on Public Policy*, by Moll, Monica M. 2006, Urbana, IL: The Forum on Public Policy. Copyright 2006 by The Forum on Public Policy, 406 West Florida Avenue, Urbana, IL 61801.

minimum amount of harm necessary to accomplish their tasks, while respecting the protections the Constitution affords every citizen. The public also trusts that the police will use this awesome power for the public good, and not for personal gain.

3. Safety and Security

Police must undertake enforcement activities within the framework of maintaining safety and security and should avoid unreflective enforcement of the law. The purpose of living under the social contract is increased security, not the desire to live under rules for their own sake. Safety and security is the end to which government is the means. Laws should be enforced when officers reasonably believe that doing so will have some impact on the safety and security of citizens. Overzealous enforcement has the potential to make society less safe and secure.

4. Teamwork

Police are an extension of one branch (executive) of government and represent only one part of the criminal justice system. The behavior of police officers must meet the tests of teamwork – coordination, communication and cooperation. Police officers need to understand their role within the government, the criminal justice system, and their own agency and should be careful not to overstep the mandate given to them. It is not their role to make laws, interpret laws, decide guilt or innocence or to exact punishment, but they must cooperate with the other facets of government that are responsible for these functions. The three functions of government delineated in Locke's social contract theory and the Constitutional principles and protections of due process, the right to a speedy trial, separation of powers, and checks and balances form the basis for this standard.

5. Objectivity

Police work is a social role that requires officers to demonstrate objectivity while serving as society's referees. They must maintain a non-partisan attitude in carrying out their duties. This ethical standard cautions the officer against using personal feelings as the basis for official police action and against the two extremes of becoming over-involved or cynical. Police act as agents for all people, and not for one faction over another. This standard is based on the principles of justice and equal protection of the law.

Taken together, these five ethical standards provide a decision-making framework for the everyday dilemmas that police face. They can be used to guide the broad discretion that officers are given. Cohen and Feldberg are careful to point out that more than one morally

sound outcome may exist for each situation and there may be no available option that will satisfy each of the five standards (p. 43). The authors also acknowledge that efforts at fulfilling one standard completely will often result in diminishing the officer's capacity to fulfill another standard (p. 65). At times tradeoffs must be made because the standards are interrelated. The situation will dictate which standard is most important in resolving the dilemma.⁹ This is very similar to the W.D. Ross concept of an ethic of prima facie duties – only rather than the duties Ross suggested, Cohen & Feldberg based their list on the democratic principles our government was founded on and that police officers take an oath to uphold. Cohen & Feldberg's five moral standards for police are also consistent with Rohr's idea of basing ethics on regime values since they are derived from principles found in the U.S. Constitution. W.D. Ross, Rohr and Cohen & Feldberg all represent a mostly deontological approach, although none are as rigid in that respect as a Kantian approach.

This study determines which of these approaches is most prominent in police academy ethics training through the document analysis of the instructional materials provided to ethics instructors. The instructional materials were coded for each variant or approach to ethics. More will be said about the coding and data analysis in the next chapter.

⁹ All the material in this paragraph up to this point are taken in toto from p. 9 of a prior essay on the same topic titled, "Improving American Police Ethics Training: Focusing on Social Contract Theory and Constitutional Principles," in *Forum on Public Policy*, by Moll, Monica M. 2006, Urbana, IL: The Forum on Public Policy. Copyright 2006 by The Forum on Public Policy, 406 West Florida Avenue, Urbana, IL 61801.

KNOWN AND UNKNOWN

Based on this review of the literature and the ideas that have formed the conceptual framework for this project, we know that the membership of the International Association of Chiefs of Police believe there is a great need for ethics training in the police service. We know most basic police academies provide some sort of pre-service ethics training to cadets. We know that case studies and scenarios using real ethical dilemmas are perceived by the police officers who are being trained and police administrators as the most valuable teaching tool. We expect most pre-service training on ethics will consist of four to eight hours of instruction. We expect the use of the IACP code of ethics and oath of honor as a teaching tool to be common. Prominent works on police ethics seem to be based on character approaches or principled approaches, but it is unknown as to whether they will factor into academy ethics curricula more prominently than approaches based on consequences. The absence of prior studies and comprehensive information in the existing literature about the current content of pre-service ethics training for police cadets across the country and the absence of recommendations on *which* decision making framework should be taught are the driving forces for this study. We can discuss at length how important ethics training is, how little time we have to teach it due to other high liability topics that must be covered, how it should be reinforced all throughout an officer's career, and about the best teaching methods to use to get the lessons to sink in – but none of this does us any good if we don't know what is being taught right now and if once we find out, we can't agree on what *should* be taught. This project will primarily be an attempt to tackle that first unknown by determining *what* is currently being

taught in the U.S. to police cadets. This is a necessary first step toward evaluating whether what is being taught is any good.

The next chapter will review the research questions for this project and explain the methods employed and the research design. It will conclude with a discussion of the trustworthiness and rigor of the research.

CHAPTER 3

METHODS AND RESEARCH DESIGN

METHODS

Research Questions

The research questions for this study are: what is currently being taught to police cadets in police academies in the U.S. on the topic of ethics? How is it being taught? What are the minimum qualifications of those teaching ethics to police cadets? How does ethics training in police academies differ from state to state?

Fact Finding and Description

Social science research is aimed at describing and explaining. Each is essential because meaningful casual explanations cannot occur without first collecting facts and describing what we know about something (King, Keohane & Verba, 1994, p. 34). In *Designing Social Inquiry*, King et al. state (p. 15), "Sometimes the state of knowledge in a field is such that much fact-finding and description is needed before we can take on the challenge of explanation." The goals of exploratory and descriptive research are the identification and description of relevant variables and the distribution of their values so we can better understand "what is."

Exploratory and descriptive research are appropriate when we have a limited understanding of the problem and we are trying to lay the groundwork for other knowledge building that will

follow (Yegidis & Weinbach, 1996, pp. 92-93). Given that there has been no nationwide study of the ethics training in police academies for thirty years, the present state of knowledge in this field requires that a great deal of exploration and fact gathering be done to adequately describe the current state of ethics training in police academies across the country. We have to know what is being taught to police cadets before we can make casual inferences, attempt to determine which model for ethics training is most effective or discover how pre-service ethics training might correlate with police misconduct or public confidence in police. That is why this study will be exploratory and seeks to answer questions that are descriptive in nature.

There are a variety of both quantitative and qualitative methods that can be employed for exploratory and descriptive research. This project utilizes qualitative methods that will lead to a comparative analysis of pre-service ethics training between several states representing all major regions of the U.S. The study consists of the collection and analysis of documents, the use of informational surveys and follow-up phone calls to respondents.

Thematic Analysis

Qualitative analysis is often used to find out what is going on and describe what is happening (Gibbs, p. 4). Context and meaning are typically important aspects of qualitative analysis. A major component of qualitative research is the analysis of text and writing, usually in the form of field notes, transcribed interviews, historical documents, or other documents. This type of analysis is called content analysis or thematic analysis. Thematic analysis involves searching across the data set to find repeated patterns of meaning (Braun & Clarke, 2006). This project employs thematic analysis to analyze the documents provided to ethics instructors in police academies which guide them in their instruction of police cadets.

Chapter 2 referenced several studies that utilized some form of thematic analysis to answer questions about police ethics training. Das (1986) reviewed the content of police academy ethics training in 32 states. As is discussed later in this chapter, the themes that emerged in his analysis of curriculum documents thirty years ago are also being used in the present study. Arnold (1997) used thematic analysis to examine police ethics training in four police academies in Illinois. He employed the method to analyze field notes from classroom observation, interviews and instructional documents. Ford (2003) used thematic analysis to examine the themes present in the “war stories” told to police cadets by academy instructors as reported to the researchers by the cadets in interviews. Conti and Nolan (2005) uncovered the themes of ethics instruction in one police academy class by conducting thematic analysis of the researcher’s field notes from participant observation. Van Slyke (2007) studied modes of teaching police ethics. He used thematic analysis to identify themes found in his semi-structured interviews with practitioners and in documents such as ethics policies, and police academy syllabi, handouts and curricula.

Others have adopted thematic analysis as a method for studying other aspects of policing or ethics. Vito, et al. (2004) used thematic analysis to study the police middle manager’s perspective on community policing. The participants in the study were middle managers from police organizations who were attending a manager’s training course. Vito, et al. used thematic analysis to examine the participants’ responses to an essay exam question about their experiences with community policing. Conti (2006) relied on thematic analysis to examine themes in his field notes from participant observation of a recruit selection process. He was studying the process by which applicants seek status elevation through a police officer

selection process in Pittsburgh, PA. DeRosia (2012) surveyed police officers in his own police department about their perceptions of ethics violations and the need for ethics training. His thematic analysis identified themes present in the narrative portion of their responses. Molina and McKeown (2012) studied public service values by surveying and interviewing state and local public administrators about the role that values played in their work. They used thematic analysis to identify themes that emerged in the interviews. None of these studies were focusing on issues directly related to the questions being asked in this project and therefore were not included in the literature review, but they all used thematic analysis to answer questions about public service ethics, police selection, police training or police practices. In short, thematic analysis is a widely used and well-accepted method of inquiry in social science in general and in this field of study in particular.

Informational Survey

A questionnaire was used in this project to assist with gathering information from state directors of law enforcement training about the police academy system being used, the qualifications of ethics instructors, the number of training hours devoted to ethics, the origin of the content of the instructional materials and the process for revising the content. The responses to the questions on the informational survey/questionnaire provided data that was relatively descriptive and straightforward, and therefore there was no need for thematic analysis to understand meaning. A follow-up phone call to several respondents to review key data points ensured the accuracy of the data.

RESEARCH DESIGN

Sample

Sampling decisions determine to a large extent the degree of reliability and validity of a study (Boyatzis, 1998, p. 54). Representative sampling is a time-honored technique in social science. Owing to that and to time constraints, a sample of states to study were chosen instead of including all fifty states. Rather than randomly selecting ten states to study, maximum variation sampling (Patton, 1990, p. 172) was used by selecting one state from each of the ten standard federal regions that were established by the U.S. Office of Management and Budget in 1974 (see Appendix A). This purposive sampling method was used to be sure that states representing all regions of the country were included to account for any possible regional differences in ethics training. Neighboring states may share material for training lesson plans, and therefore, choosing states from different regions of the country should increase the likelihood for variation in content. Only states that had a state mandated curriculum for academy training and that had a state director of law enforcement training who participated in the informational survey and provided documents could be included in the sample. There would not be complete data for the state unless both conditions were met. If the public officials contacted for the state in any particular region refused to participate in the research project by providing data, another state from that region was selected. Fortunately all of the selected states had a state mandated curriculum for academy training. Unfortunately, not all of the public officials contacted in the states selected initially were willing to provide complete information. A public official in New York never responded to the survey and failed to send instructional materials despite multiple requests and several indications that they would be

willing to participate. As a result, New Jersey replaced New York in the sample to represent Region 2. A public official in Pennsylvania did respond to the survey, but on the advice of counsel, he declined to provide the ethics lesson plan used in the academies in that state due to a concern that this could prompt public records requests from other parties for lesson plans on other topics. A public official in Virginia insisted all of the data could be found online and did not send any data, however this was not the case, so that state could not be used either. As a result, West Virginia was used instead of Pennsylvania or Virginia as the state representing Region 3. The following states comprised the sample for this project:

Region 1: Maine

Region 2: New Jersey (Unable to obtain required data from New York.)

Region 3: West Virginia (Unable to obtain required data from Pennsylvania and Virginia.)

Region 4: Georgia

Region 5: Ohio

Region 6: Texas

Region 7: Missouri

Region 8: Wyoming

Region 9: California

Region 10: Washington

Survey Instrument

The informational survey sent to each state director of law enforcement training in the sample consisted of 13 questions (see Appendix B). Questions 1-3 were designed to determine

whether the state could be used in the sample. Any state that did not have a state mandated curriculum for basic police academy training and/or did not list ethics as a mandatory topic could not be included in the sample. Questions 4-9 pertained to the number of hours devoted to ethics training and other related topics and to the placement of ethics in the academy curriculum. Question 10 asked about the minimum qualifications for academy ethics instructors. Questions 11-12 pertained to the origin of the content of the curriculum. Question 13 was open-ended and asked the respondent to add any additional comments or information about police academy ethics instruction in their state that they thought would be helpful.

Documents

The documents that were collected from each state consisted of over 200 pages of lists of learning objectives, lesson plans, presentation materials, student handouts such as sample ethical case scenarios or the code of ethics, notes to the instructor and any other material provided to academy ethics instructors to guide their teaching. Some states provided guidance to instructors as minimal as a brief list of learning objectives, while other states supplied learning objectives along with a detailed lesson plan and student handouts. One state provided instructors with an instructor's guide that contained suggested classroom activities for each topic in the state mandated curriculum. States with little in the way of instructional materials allowed academies and instructors to have wide latitude regarding what was taught to cadets on the topic of ethics.

Data Collection

In the summer of 2014 an email was sent to the state directors of law enforcement training in the selected states. Attached to the email was the consent waiver and the

informational survey. The message in the email briefly described the project and asked that the instructional materials provided to ethics instructors be sent to me via email along with the signed consent waiver (see Appendix C) and their responses to the survey. Follow-up phone calls were made to the director of law enforcement training or a member of their staff in each state to make introductions, make sure the email had been received, and to answer any questions about the project. As mentioned previously, the public officials contacted in New York and Virginia did not follow through on the request for data. The lesson plan used for ethics in Pennsylvania was not obtained due to a concern about whether lesson plans were considered a public record under Pennsylvania law. All public officials in the other states were helpful and eventually provided a signed consent waiver, survey responses and instructional material documents via email. After the initial analysis of the data from the surveys and instructional materials was completed, another follow-up phone call was made to the respondent in several states to review the data points to further confirm accuracy if anything seemed unclear. Several respondents requested that the results from this project be sent to them upon completion so they could compare academy ethics training in their state to other states. A total of approximately 200 pages of instructional material documents were collected from all ten states combined.

Variables

Using the data obtained through informational surveys, follow-up phone calls with state directors of law enforcement training or members of their staff and from the content and thematic analysis of lesson plans, the following variables were examined for a state to state comparison of ethics training in police academies:

1. whether there was a single academy in the state or multiple academies
2. the total number of training hours required by the state to complete the academy
3. the number of years ethics has been a mandatory topic
4. the number of training hours devoted to the topic of ethics
5. whether instructors are free to add to the content of the training
6. the process for creating and updating the curriculum or lesson plans
7. the minimum required qualifications and training of instructors
8. the degree to which case scenarios and/or role playing exercises are used
9. whether the IACP code of ethics is used
10. whether the IACP oath of honor is used
11. the degree to which decision-making models are used
12. the degree to which instruction on the philosophy of ethics is included
13. the degree to which any of the three major philosophical approaches to ethics is used

Information pertaining to variable 1 came from a simple internet search on law enforcement training in each state and was then confirmed through the follow-up phone calls to survey respondents. Measures of variables 2-5 were obtained primarily from the informational surveys and were fairly straightforward with regard to the range of available responses.

Questions on the survey related to variables 6-8 required a little more explanation and often necessitated clarification in the follow-up phone call. Information regarding variables 9-13 was obtained primarily through the content analysis of the instructional materials.

Data Analysis

The unit of analysis for this study is the state. Information obtained from an internet search, informational survey and follow-up phone calls to respondents were tabulated in a spreadsheet from which a table was developed to compare states on the first eight variables listed above. The results in the table were then reviewed to determine similarities and differences among the ten states in the sample on these data points.

Regarding the analysis of documents in this project, thematic analysis can be done on at least two different levels. One level focuses on looking for latent themes in the data and the other focuses on looking for manifest themes (Boyatzis, 1998, p. 16). Boyatzis describes manifest themes as those that represent the visible or apparent content of something. Simple counts of specific words or word patterns would represent analysis at the manifest level. He describes latent themes as those that get at the underlying meaning of the data. He indicates latent thematic analysis is more interpretive than manifest thematic analysis (Boyatzis, 1998, p. 16). This project consists of analysis at both the manifest and latent levels.

In content analysis, themes in the data are indicated from codes assigned to the respective data piece by the researcher. The researcher analyzes the data by identifying and coding bits of data that represent themes. Saldanas (2013) describes coding as arranging parts of the data in a systematic order, making them part of a system or classification and categorizing them. He states coding is a cyclical act that is rarely perfectly achieved in the first cycle. A second (or more) cycle of recoding is needed to further manage, filter, highlight and focus on the salient features of the data for generating themes, concepts and grasping meaning (p. 8). In this way, it is an iterative process. Likewise, Braun and Clarke (2006) explain coding is

an ongoing, organic process and re-coding should be expected throughout the analysis.

Regarding finding themes in the codes, Ryan and Bernard state, “You know you have found a theme when you can answer the question, What is this expression an example of?” (Ryan & Bernard, 2003, p. 87). Braun and Clarke (2006, p. 10) state, “A theme captures something important about the data in relation to the research question and represents some level of patterned response or meaning within the data set.”

Boyatzis (1998) states, whether manifest or latent, thematic codes can be developed three different ways: theory driven, prior data or prior research driven, and inductive or driven from the raw data (p. 29). Gibbs (2007) identifies two different approaches to coding: a concept-driven approach and a data-driven approach. He defines a concept-driven approach as one where the categories that the codes represent would come from the researcher’s experience in the field, literature and prior studies (p. 44). He describes data-driven coding (sometimes called open coding) as an approach that in this case would begin with reading the lesson plans, learning objectives, other instructional materials and survey responses and selecting categories for codes that become apparent during the review of the data (p. 45). Gibbs states most researchers move back and forth between the two approaches and he cautions against becoming too tied to the initial codes one has selected prior to reviewing the data (p. 46). Boyatzis argues data-driven codes constructed inductively from the raw information result in higher inter-coder reliability and are also more likely to obtain validity against criterion and construct variables (p. 30). As a result, data-driven codes are used more often in thematic analysis. He states, regardless of the approach, a good thematic code will have a label or name, a definition of what the theme concerns, and a description of how to

know when it occurs which should include any qualifications or exclusions. Boyatzis also recommends selecting positive and negative examples for each code to remind the researcher of what they are looking for when examining the data (p. 31). These elements for each code are kept by the researcher in a code book that can be referred to throughout the analysis or by other researchers. The concept and data driven approaches that Gibbs describes were used in this study. As Boyatzis would describe it, approaches were used based on both prior data and research and on an inductive process driven from the raw data. Some of the codes have been identified from existing literature and prior research and others have been identified during a review of the raw data.

While many qualitative researchers employ thematic analysis, there is some disagreement as to whether it should be viewed as a tool within a method or as a distinct method. Boyatzis (1998) views thematic analysis as a tool to be used across different methods, such as a process used within grounded theory. Braun & Clarke (2006) and many others disagree and argue thematic analysis is a foundational qualitative method in its own right and does not always have to be coupled with grounded theory.

Prior to the thematic analysis of the instructional materials, a review of relevant literature was conducted. This may have served to narrow the field of vision in terms of the themes that were recognized in the content analysis of the documents, making the analysis a bit less inductive than it might have been had the literature been engaged after the thematic analysis of documents was complete (Braun & Clarke, 2006). One study in particular was used to develop a priori themes. Das (1986) discovered five themes that were prevalent in the ethics instructional materials from the 32 states that he reviewed. He found the major themes in pre-

service academy ethics training three decades ago to be avoidance of gifts, gratuities, bribes, and rewards; cultivation of caution in the use of drugs, alcohol and tobacco; adherence to a law enforcement code of ethics to demonstrate a commitment to professionalism; a profession of ethical values for maintaining so-called public image; and the development of professional sensitivity toward unethical conduct in fellow officers. These themes were coded for in the present study as well, but were re-labeled as follows:

1. Avoiding gratuities and bribes
2. Caution regarding drugs, alcohol and tobacco
3. Law enforcement code of ethics
4. Core values or virtues (any list of key ethical values or virtues)
5. Reporting wrongdoing of other officers

This study represents a follow-up to the Das study from thirty years ago. It is therefore critical that the major themes he identified are also coded in this study to determine whether police academy ethics training has progressed over the course of the past three decades. As factors such as increased technology, a much shorter news cycle, increased diversity in communities, and new threats to safety have changed the landscape in the past thirty years, it is important to know whether police ethics training has changed along with the environment police officers work in.

All other codes were developed inductively from the raw data and are strongly linked to the data themselves. The thematic analysis conducted in this project represents a method in its own right and was not used as part of grounded theory since this project is primarily descriptive and is not geared toward generating theory. The six phase process for thematic analysis

recommended by Braun and Clarke (2006) was utilized in this research. Braun and Clarke describe the first step of thematic analysis as familiarizing yourself with the data. They recommend that the researcher read and re-read the raw data several times before moving into the next phase of generating initial codes. Initial codes are then identified. Following this, the researcher then searches for themes among these codes, reviews the themes, defines and names the themes, and then writes the analysis.

The analysis for this study was initiated by reading through all 200 pages of instructional materials from every state in the data set three times to become immersed in the data. Preliminary notes were made during this process across the entire data set regarding potential themes that consisted of topics discussed in prior studies, different decision-making models, different philosophical approaches to ethics, types of learning activities, the mention of specific ethical problems, particular advice to cadets, anything that appeared to be a pattern across the data set, and many other things that were interesting about the data. Next the data from each state was read separately with potential code names written in the margins of the documents next to text that was underlined to indicate which data was part of the coded material. A preliminary list of codes was developed for the entire data set. A priori codes were then added to the list. Another reading of the entire data set, one state at a time, was conducted to solidify the codes in the data. When all initial coding had been completed for all instructional material in each state, basic word processing software was used to record the final names of the codes identified in each state, as well as a brief description of what the code was and was not. Some were codes identified in the preliminary review of the data, some were codes based on the themes that Das (1986) had discovered in his prior review of police academy ethics training,

while others were new codes that emerged upon closer examination of the data when examined state by state. After the data in all ten states were coded in this manner, the codes for each state were reviewed and a list was compiled of all of the codes across the entire data set. Code labels were further refined to form a preliminary code book. A total of forty-five codes were employed in the thematic analysis of documents.

Following a two week break from data analysis, all instructional materials were reviewed again to check previously coded data. Coded data was matched up to the definitions of the code in the code book to ensure reliability of the codes. Final codes were organized into broader themes, and in some cases sub-themes. A check for internal homogeneity and external heterogeneity in the themes was conducted. Patton (1987) describes internal homogeneity as the extent to which the data that belong to the theme hold together or dovetail in a meaningful way. He describes external heterogeneity as the extent to which differences among themes are bold and clear (p. 154). A final list of themes and sub-themes was produced and arranged into a thematic map. A thematic map is a visual display or layout of the themes and sub-themes to see how they are related and connected and to ensure they are in fact distinct enough to be a separate theme. A thematic map also assists with determining how the themes support (or do not support) the conceptual framework for the study. At this point a final reading of the documents in the entire data set was conducted to ensure the themes in the thematic map accurately reflected the meanings of text in the data set and to ensure no potential themes pertaining to the research questions were missed. Once a final list of themes, sub-themes and codes was established, the code labels and definitions in the code book were finalized. Multi-colored highlighters were then used to readily distinguish which coded bits of text in the data

matched up with which themes so they were easily retrievable as examples when writing up the findings. Likewise, final definitions and names for themes were detailed in analytic memos to be retrieved for use in writing up the findings.

Trustworthiness and Rigor

The concepts of reliability and validity are most closely associated with a positivist perspective and quantitative research. In qualitative research, terms like trustworthiness, dependability, quality and rigor are sometimes used by researchers instead of reliability and validity to reflect the multiple ways of establishing truth (Golafshani, 2003). Regardless of the type of research or the terms used, to establish confidence in their findings it is important for the researcher to explain the degree to which the results are consistent over time, the degree to which the results are an accurate representation of the total population under study, and that the study truly measures what it was intended to measure.

For this project, the sampling method coupled with multiple sources of data added to the trustworthiness and rigor of the study. Selecting states that represent all major regions of the U.S. should increase the likelihood that the findings are more broadly representative of what is going on with ethics training across the country. Data from the informational survey and follow-up calls to the respondents in several states provided additional sources of data to confirm what was found in the analysis of instructional material documents.

The sampling method did not address one threat to validity. The respondent in every state indicated individual ethics instructors were free to add to the content of the training as long as the learning objectives provided by the state were covered. Therefore, it is not possible to know with certainty from the data collected all of what is actually being taught in the

classroom. Since most of the materials provided to instructors are state-mandated and a certification exam is typically given to cadets based on the learning objectives, it is likely the information in the lesson plans, training aids and learning objectives will be taught, but it may not be all of what is taught. Additionally, in states that provided minimal direction to instructors by providing only broad learning objectives, any number of variations in the content of the curriculum could be used in the classroom. Since the state officials who responded to the survey and provided the instructional materials also are not present in the classroom when individual instructors teach ethics to police cadets, the multiple sources of data would not alleviate this concern.

The biggest threat to reliability in this project is that there is only one researcher and therefore there was no code cross-checking to measure the reliability of codes. Gibbs (2007) states “definitional drift” is one problem that could occur when developing codes from a dataset. He describes this as coding material later in the project slightly differently from the material coded at the beginning of the project (p. 98). To guard against this inconsistency, detailed descriptions of each code were included in a codebook, and those definitions were reviewed periodically throughout the coding process. Additionally, there was a two week break between the initial coding and a subsequent review of all codes and their associated definitions. Guest et al. (2012) recommend waiting a period of time and then going back to review the coding as a strategy for increasing reliability when there is only one person coding data (p. 92).

One possible additional threat to the trustworthiness of the findings is my own experience as a police officer and an ethics instructor, which I will briefly recount here to

increase transparency and allow the reader to better evaluate potential bias. I have spent the past 20 years as a police officer and I am currently a police chief. I've attended various types of police ethics training as a student throughout my career. I've taught ethics to police cadets in several police academies in Ohio; I've also taught ethics to undergraduate students over the course of several semesters while teaching a class on the role of police in society. I have taught and continue to teach ethics to police officers as part of regular in-service training. Having been exposed to a wide variety of content and methods of instruction for ethics, I do have pre-conceived notions about the most effective way to teach ethics to prospective police officers and must admit I had hoped to find in each state at least a partial approach to ethics based on democratic values and Constitutional principles. However, because this project is exploratory and descriptive in nature and seeks to find out what is being taught to police cadets on the topic of ethics, my experience and standpoint should not pose a significant threat to the credibility of the findings, since this study is not an evaluation of which methods and what content is most effective.

These experiences may have also been beneficial to this study. My current position as a police chief has likely helped me gain access to the information and documents needed to conduct the study. Likewise, my familiarity with teaching ethics and other topics in a police academy setting has assisted me in identifying and understanding possible limitations of the methods and data utilized in this analysis. For example, when I instructed in police academies and observed others doing so, I and other instructors often inserted extra material into the lesson after teaching the state recommended material and the performance objectives that

were on the state exam. This allowed for a great deal of variation in what each class of cadets was exposed to, depending on who their instructor was.

In the next chapter, the findings will be presented. The results of the informational survey are listed, comparing the ten states in the sample on multiple data points. The dominant themes found in the instructional materials are then listed and explained, followed by frequent but more subtle themes. Finally, notably absent or infrequent themes are pointed out. Most of the analysis of and conclusions drawn from the findings will be reserved for the concluding chapter.

CHAPTER 4

FINDINGS

This chapter will introduce and present the results of the survey first, followed by an introduction to and presentation of the major themes discovered through document analysis. Both sets of findings are key to understanding what is being taught to prospective police officers about ethics and how it is being done.

RESULTS OF SURVEY ANALYSIS

The survey for this study represents responses from each of the ten states in the sample on eight points of data or information regarding the way in which pre-service police academy training in general, and academy ethics training in particular, are structured. The points of comparison are: the number of academies in each state (a single academy or multiple academies), the total minimum training hours required to complete the academy, the minimum number of hours required to be devoted to the topic of ethics, the year that ethics training was introduced into the academy curriculum, the type of materials provided to the academy ethics instructors by the state to guide them in their teaching, whether academy instructors are permitted to add to the content of the lesson on ethics, the content revision process for lessons, and the minimum qualifications required by the state for academy instructors. This

section of the chapter will lead the reader through the survey results organized by data point.

First the general academy system or organization of academy training in the state will be presented. The two basic approaches to organizing pre-service police academy training are discussed in detail, with Maine and Ohio used as examples regarding the extremes on the continuum from one single academy in the small state of Maine versus 62 different pre-service police academies operating in Ohio. Basic admission requirements to enter the academy are included in this discussion. Advantages and disadvantages of a more centralized approach versus a de-centralized approach to training police cadets are discussed. Information about this data point is important because the type of academy system in each state has implications for the consistency of training that cadets throughout the state receive. A more centralized approach makes it easier for the state to control what is being taught and to revise content and methods to adhere to best practices as they change over time. A de-centralized approach to police academy training provides more access points to training and an opportunity for innovation, but makes it harder to control content and quality. Additionally, a discussion of stress-based academy settings versus a college or academic academy setting is included, along with a comparison of the “warrior mindset” approach to police training versus the “guardian of democracy” approach to training. This is followed by information about the range of hours devoted to academy training in general and for ethics in particular, along with the amount and type of instructional material provided to instructors and the academy instructor minimum qualifications in each state. Setting, tone, allotted time, instructor qualifications and preparation are important variables to compare because they all contribute to the quality of instruction.

To allow for a quick comparison of states on the variables, a summary of the results of the survey are presented on the following page in Table 2, “State to State Comparison of Survey Data.” All ten states are listed in order of region showing the survey responses.

Table 2: State to State Comparison of Survey Data

SURVEY SUMMARY	Maine (ME)	New Jersey (NJ)	West Virginia (WV)	Georgia (GA)	Ohio (OH)	Texas (TX)	Missouri (MO)	Wyoming (WY)	California (CA)	Washington (WA)
Number of Academies	One	Many	One	Many	Many	Many	Many	One	Many	One
Total Minimum Training Hours	720	No Total	800	408	653	643	600	542	664 (most over 800)	720
Minimum Hours Devoted to Ethics	6	No Total	4	2	5	8	4	8.5	8	4
Year Ethics Training Introduced	1999	1962	Unknown	1970	1971	At least 1979	At least 1995	Unknown	2004	At least 1981
Materials Provided to Instructor	Detailed lesson plan and learning objectives	Unit goals and performance objectives only	Power point slides from prior instructors	Four learning objectives only	Detailed lesson plan and performance objectives	Detailed instructor guide, unit goals and learning objectives	Learning objectives and document listing sources only	Instructional objectives and numerous job related scenarios	Learning objectives, list of required tests and activities, student workbook	Detailed lesson plan and learning objectives
Instructor Permitted to Make Additions	Yes	Yes	Yes	Yes, instructors write lesson plans	Yes	Yes	Yes	Yes	Yes	Yes
Content Revision Process	As needed	As needed	Instructor does so as needed	Annual review	3 year cycle	As needed	Annual review and as needed	Annual review and as needed	As needed, but revisions need POST approval	As needed
Minimum Instructor Qualifications	80 hour instructor course, write a lesson plan, teach a class while being monitored	40 hour instructor course	40 hour basic instructor course, additional 16 hours ethics training	80 hour instructor course	80 hour instructor course, 5 years as an officer	40 hour instructor course	40 hour instructor course	Academy instructor is a full time job	40 hour instructor course	Commander or Assistant Commander of academy teaches ethics

What follows is a more detailed description of what the results of the survey revealed about the structure of basic training in general and ethics training in particular among the ten states in the sample.

Academy System

There are generally two models for delivering basic training among the states in the sample. Under both arrangements, a state agency, commission or committee regulates the certification and curriculum for basic police officer training in every academy and ensures the academies follow state laws and regulations pertaining to the training program.

One model consists of having a single basic police academy run by the state. Four of the states in the sample had only one police academy in the state that prospective police officers could attend for pre-service basic training. The single academy is typically a live-in academy where the recruit stays in dorms or barracks with their classmates for the duration of the training. Maine, West Virginia, Wyoming and Washington each had a single training academy operated by the state. Of the ten states in the sample, they represented the states with the least total number of sworn law enforcement officers (CIUS, 2009). It is likely that operating from a single academy is more practical when there are fewer police officers employed in the state.

The other six states in the sample operate using a different model of training police cadets which consists of a larger number of academies throughout the state. These academies are a mix of private/for-profit entities, academies run by colleges and universities, academies run by the larger municipal and county law enforcement agencies, and academies run by the state. New Jersey, Georgia, Ohio, Texas, Missouri and California all use this system for basic police academy training. When compared with states using a single academy, states with multiple academies train more cadets who have not yet acquired a job with a law enforcement agency and are therefore paying for the training on their own. This is because some of the

academies are run by colleges, universities, career centers or private entities rather than the state. These cadets are referred to by terms such as “open-enrollment” or “unaffiliated” recruits. The more opportunities available for obtaining the training, the more likely it is that persons considering a career in law enforcement will register for the training prior to finding a job in the field. Likewise, states with multiple academies tend to be less selective when admitting cadets, allowing the hiring agency to screen the person through background investigations, psychological testing, polygraphs, etc. as part of the agency hiring process rather than during the process to be admitted to training.

In Maine, tuition in the sole academy in the state is currently about \$9,000 for the 18 week program consisting of a minimum of 720 hours of training. The program is offered twice per year. Although Maine does allow people to attend who have not yet been hired by a police agency and are therefore paying the tuition on their own, individuals who have already been hired by a police agency are given preference. In either case, Maine requires all attendees to pass a writing assessment, provide a detailed personal history review, pass a fitness assessment and undergo a personal interview all prior to being conditionally admitted. Once conditionally admitted, the applicant has to pass a medical fitness evaluation, a background investigation, a psychological evaluation and a polygraph examination. Applicants who have not already been hired by an agency have to pay for these tests on their own. Otherwise, the agency who hired them will typically pay for the tests and cost of training.

In stark contrast to Maine, in Ohio in 2015 there were 62 basic police academies in operation throughout the state (Ohio AG Report, 2015). Approximately 85% were open-enrollment academies run by community colleges, career centers and universities, meaning

they accepted tuition paying applicants who had not yet been hired by a law enforcement agency. Some of these were full time academies (40+ hours per week), and some consisted of part-time hours. Tuition costs for attending an academy ranged on average from \$3500-\$6000. A handful of academies run by large municipalities in Ohio like Columbus, Cleveland, Cincinnati and Dayton are closed academies that typically allow only newly hired officers from their own agency to attend. Every academy was required to follow the state mandated curriculum consisting of a minimum of 653 hours of training. Minimum requirements for admission in any academy in Ohio were that an applicant be at least 18 years of age, a medical provider had to sign off that they were physically able to participate in the academy training, and they could have no felony convictions or convictions for offenses that would prevent them from carrying a weapon in the state. In Ohio, more in-depth screening of potential police officers typically occurs during the selection process for individual agencies after cadets graduate from the academy, pass the state peace officer certification exam and begin to apply for police jobs. Due to several recent high profile use of force incidents that made headlines and caused unrest in communities across the country and in Ohio, Ohio Attorney General Mike DeWine created an Advisory Group on Law Enforcement Training to review the training process for police officers in the state and to recommend changes. Some of the recommended changes in their subsequent 2015 report included dramatically reducing the number of academies operating throughout the state, providing more resources and authority to the Ohio Peace Officer Training Commission to allow them to better monitor the quality of training being delivered by each academy, and more rigorous pre-screening of applicants prior to being admitted in the academies (Ohio AG Report, 2015). It remains to be seen whether, when or how these

recommendations will be implemented. In December of 2015, the Ohio Attorney General surveyed all law enforcement agency administrators and police academy commanders in the state to see what their opinions were regarding better pre-screening of applicants to police academies. The survey asked whether there was support among the chiefs for the individual academies or the Ohio Peace Officer Training Commission arranging for pre-admittance psychological tests and polygraph exams, among other screening tools, and whether the individual police agencies would feel the need to conduct similar tests on the cadets again when they applied for an actual police position. (At the time of this writing, the results of the survey were not known.)

In states like Maine where there is one central training academy in the state, the primary advantage is that the state-mandated curriculum is delivered the same way for all officers in the state. The state has more control over instructors and the quality of the training being delivered. Changes and reforms in training are thus easier to implement. Privatization and quality control is a complex public policy problem in many fields, and police training is no exception. Advantages to having multiple and competing academies in a state like the model used in Ohio are that access to training is arguably more convenient for attendees which could increase the diversity of applicants, competition could foster innovation, and agencies have a choice in which type of academy they send their recruits to. For example, in Ohio the academy operated by the Ohio State Highway Patrol is a stress-academy that is very militaristic. Many of the academies offered by colleges and universities are less like a boot-camp and more similar to a college classroom setting. Chiefs can consult with their superiors and decide which type of training is more likely to produce the kind of applicant they are looking for and choose

accordingly. However, states that allow multiple and competing academies have much less control over the way the state-mandated curriculum is being delivered. Some academies may do an exceptional job training cadets while others are churning out cadets who are ill-prepared for the jobs they've already acquired or, if still looking for employment as a police officer, who will never actually land a job.

Within both models, there are two general approaches to basic training in police academies across the country, with some academies falling on a continuum somewhere between the two approaches. Reaves (2006, p. 10) describes the two approaches to training as follows:

The more traditional stress-based model of training is based on the military model and typically includes paramilitary drills, intensive physical demands, public disciplinary measures, immediate reaction to infractions, daily inspections, value inculcation, and withholding of privileges. Proponents of this approach believe it promotes self-discipline in recruits resulting in a commitment to follow departmental policies, better time management, and completion of duties even when undesirable. The non-stress model emphasizes academic achievement, physical training, administrative disciplinary procedures, and an instructor-trainee relationship that is more relaxed and supportive. Proponents of this approach believe it produces officers better able to interact in a cooperative manner with citizens and community organizations, and therefore more suited to the problem-solving approaches of community-oriented policing.

Although single academy states like Maine tend to run a more militaristic, stress-academy, one such state in the sample is in the process of changing that. In Washington, Sue Rahr is the Executive Director of the Washington State Criminal Justice Training Commission and is the former King County Sheriff. For the few years she has been in this role, she has been working to change the police academy experience from one that emphasizes the "warrior" mindset to one that emphasizes the "guardian of democracy" mindset (Miletich, 2013). She stated, "This is not about preparing soldiers to go to war. It's a different role. By having their role established

in the Constitution — and, you know, the bigger umbrella of democracy — that sets the tone for everything that goes past that. If they only see themselves as enforcers, that’s going to limit what they’re paying attention to, what they’re interested in learning” (Miletich, 2013). This is consistent with the “warrior heart” and law enforcer focus that Conti and Nolan (2005) found when using participant observation to determine what was being taught in one police academy ethics course. Although it did not focus particularly on ethics training, a study of academies a decade ago showed a majority of recruits in the U.S. were trained in an academy that was more oriented toward a militaristic, stress-style of training (Reaves, 2006). As a result, Sue Rahr’s changes have met some amount of resistance by practitioners who are familiar with the militaristic style of training. Social media posts and comments in online forums reveal many police officers do not support or do not understand the call for switching from a warrior mindset to that of a guardian. Others are in support of the change in mindset and are calling the current state of militaristic training “law enforcement’s warrior problem” (Stoughton, 2015). Seth Stoughton is a former police officer and current law professor at the University of South Carolina. He has written several opinion pieces on the issue. In one of them, he uses the incident in McKinney, Texas in 2015 where officers responded to a fight at a pool party as an example of the contrast between the two approaches to policing. The following excerpt is a description of the two approaches in practice:

An officer in McKinney, Texas, dashes down a sidewalk, losing his flashlight as he runs past a teenage videographer toward an emergency. Seconds later, the teen with the camera walks up to another officer, one who is standing with a group of kids. “I’m just saying,” the officer is saying in a calm, corrective tone that parents and school teachers everywhere will recognize. “Don’t take off running when the cops get here.”

He thanks the videographer for returning the flashlight, then listens for a few seconds as the kids around him try to explain who was and was not involved in a prior incident. “Okay, guys, I appreciate that,” the as-yet-unidentified officer says. He responds to their concerns—that the police had detained the wrong people—by saying, “Okay, that’s what I’m saying. They’re free to go.” While not casual, the officer is composed. His tone is friendly and professional as he engages with the kids.

Seconds later, another officer, Corporal Eric Casebolt, is shown interacting with some of the same kids. His angry tone and aggressive attitude stand in marked contrast to the first officer in the video. “Get on the ground,” he commands sharply while pulling on a young man’s wrist in a way that looks like he’s trying to force the man to the ground with a painful joint manipulation (technically a supinating wrist lock or, for martial arts enthusiasts, *kote gaeshi*).

When that proves ineffective, he grabs the back of the young man’s head and shoves him down. “I told you to stay,” he yells, pointing a large metal flashlight at someone off camera. “Get your asses down on the ground.” Like the first officer, he lectures some of the kids about running from the police, but he takes a very different approach. “Don’t make me fucking run around here with thirty pounds of god-damned gear on in the sun because you want to screw around out here.” He is anything but composed, calm or professional.

The two officers in this brief video represent two different policing styles, two different mindsets that officers use as they interact with civilians: the Guardian and the Warrior. As a former police officer and current policing scholar, I know that an officer’s mindset has tremendous impact on police/civilian encounters. I’ve described the Guardian and Warrior mindsets at some length elsewhere; for now, suffice to say that the right mindset can de-escalate tense situations, induce compliance, and increase community trust over the long-term. The kids interacting with the first officer were excited, but not upset; they remained cooperative. Had they gone home at that moment, they’d have a story for their friends and family, but it would be a story that happened to have the police in it rather than being a story about the police.

The wrong mindset, on the other hand, can exacerbate a tense encounter, produce resistance, and lead to entirely avoidable violence. It can, and has, caused long term damage to police/community relations. We shouldn’t be surprised that the kids Corporal Casebolt was yelling at weren’t eager to do what he was ordering them to do—no one likes being cursed at and disrespected in front of their peers, and people of all ages, especially teenagers, resent being treated unjustly. That resentment can lead to resistance, and Police Warriors—taught to exercise unquestioned command over a scene—overcome resistance by using force.

Although the short video does not provide a complete picture of the scene, it appears likely that force in this case could have been avoided. Consider how Corporal Casebolt took issue with the way a group of girls standing on the sidewalk some distance away were “running their mouths,” so he yelled at them: “Leave!” and “Get your ass gone!” As one bikini-clad girl, 15-year-old Dajerria Becton, did exactly that, Corporal Casebolt stopped her—possibly after some verbal exchange not captured by the camera—and wrestled her to the ground. When quickly approached by two young men who appear unhappy with his treatment of Becton, he unholstered his firearm almost two seconds after those two young men began backing away from him. About ten seconds later, as Becton continued to sit on the ground where he left her, Corporal Casebolt again grabbed her and forced her down, pushing her face into the ground and planting a knee in her back as she cried. The kids now have a story about an officer, and it may well be one that sours their faith in police for years to come.

What should officers do in similar situations? For starters, they must realize that the public—even a group of non-compliant teenagers—are not an enemy to be vanquished, but civilians to be protected, to the extent possible, from indignity and harm. A Guardian mindset encourages officers to be “procedurally just,” to ensure that their encounters with civilians are empowering, fair, respectful and considerate. Research of police and military encounters strongly suggests that officers are most effective at fostering goodwill and reducing antagonism when they approach each encounter with the goal of building civilian trust.

The Cleveland Division of Police is currently under a federal consent decree and is examining ways to reform and improve police training. Police Chief Calvin Williams was recently quoted in the local paper as saying, “Our officers have been trained to survive, to be prepared, to go out in our neighborhoods as if they are in the military. We want our officers to be safe and vigilant and able to protect our community and themselves. But we have changed that philosophy from being a warrior ... to being a guardian” (Atassi, 2015). Despite this attitude on the part of Chief Williams, curiously, the city is apparently considering the option of disbanding their internal training academy for recruits and instead sending their new police cadets to the Ohio State Highway Patrol Academy instead for basic training. This would seem at odds with the desire to switch from a warrior mentality to a guardian mentality because that

particular academy is one of the most militaristic in the state. The union representing Cleveland's rank and file police officers has filed a lawsuit against the city to block this plan (Lieszkowszky, 2015).

Across the country, federal, state and local commissions and task forces have been established in 2014 and 2015 to re-examine police training as it relates to police-community relations. President Obama formed a policing task force to examine these issues. In the summary, under "Pillar One: Building Trust and Legitimacy," the final report from the task force states the following (President's Task Force on 21st Century Policing, 2015, p. 1):

Building trust and nurturing legitimacy on both sides of the police/citizen divide is the foundational principle underlying the nature of relations between law enforcement agencies and the communities they serve. Decades of research and practice support the premise that people are more likely to obey the law when they believe that those who are enforcing it have authority that is perceived as legitimate by those subject to the authority. The public confers legitimacy only on those whom they believe are acting in procedurally just ways. In addition, law enforcement cannot build community trust if it is seen as an occupying force coming in from outside to impose control on the community. Pillar one seeks to provide focused recommendations on building this relationship. Law enforcement culture should embrace a guardian – rather than a warrior – mind set to build trust and legitimacy both within agencies and with the public.

The warrior mindset and the perceived militarization of police are now on the agenda at the federal level and in an increasing number of communities. It remains to be seen whether the "guardians of democracy" concept will overtake or modify the "warrior mindset" in a significant number of police training academies in the future.

Hours of Instruction

In most states, academies routinely exceed the minimum number of training hours required by the state commission that regulates training and certification requirements. For

example, the respondent in California stated 664 was the minimum number of training hours required by the state, but indicated the majority of the academies in the state exceeded 800 hours of instruction. However, the minimums are still useful in determining the relative amount of training offered in each state. West Virginia required the highest minimum number of training hours at approximately 800 hours. Georgia required the lowest minimum number of hours of training at 408 hours. New Jersey is unique in the sample in that the state does not require a minimum number of training hours. As long as all topics are covered adequately, academies in New Jersey are free to determine the total hours required and the hours necessary to teach each topic. The average minimum number of required training hours for the ten states in the sample was just over 638 hours, with six of the states coming in above this number.

Other than New Jersey, each state also required or allotted a minimum number of training hours for each training topic in the basic academy curriculum. Every state in the sample had ethics listed as a mandatory topic in the curriculum. See Table 3, “Minimum Hours of Ethics Instruction by State,” for a comparison of the states on this variable. States are listed from the lowest number of required hours to the highest, with the average placed on the continuum as well.

Table 3: Minimum Hours of Ethics Instruction by State

State	Minimum Ethics Hours
New Jersey	No Min.
Georgia	2
West Virginia	4
Missouri	4
Washington	4
Ohio	5
Average	5.5
Maine	6
Texas	8
California	8
Wyoming	8.5

Two states were uncertain of when ethics was introduced into the curriculum as a mandatory topic. New Jersey was the state that had evidence of being the earliest adopter of mandatory ethics instruction giving 1962 as the date it was introduced. California listed 2004 as the date ethics became a mandatory topic of instruction. Most states had evidence of ethics training being a required part of academy training for the past several decades.

Georgia required the lowest number of training hours specifically devoted to ethics at only two hours. Wyoming required the most at 8.5 hours of training on ethics, followed closely by Texas and California at eight hours each. The average for the ten states in the sample was 5.5 hours. This is significantly higher than the 3.5 hours of training that represented the average for ethics training three decades ago (Das, 1986). In all states, the proportion of required hours of training devoted specifically to the topic of ethics was less than 2% of the total hours of instruction. The majority of the states in the sample were below 1%. Eight states indicated they tried to tie ethics into every training topic throughout the curriculum to

reinforce ethical decision-making throughout the basic training, consistent with the recommendation made by the IACP to do so (IACP 1, 1998). While every state indicated academies typically teach ethics within the first few weeks of training, three states did not require topics to be taught in any particular order, so academy commanders were free to move it to whatever week seemed appropriate to them. Sometimes the availability of a good instructor determined the placement of ethics in the curriculum.

Instructional Materials

Each state was asked to provide all instructional materials provided to ethics instructors, whether that be in the form of lesson plans, learning objectives, performance objectives, handouts, or some combination of these. Respondents from all states in the sample except West Virginia indicated the state provided learning objectives or performance objectives for the topic of ethics to academy instructors. Five states also provided lesson plans, resource guides and other materials to instructors which incorporated the learning objectives and in some cases included tips on quality instruction. Respondents in every state indicated instructors were free to add to the content of the lesson as long as the learning objectives were covered. Typically the state certification exam following academy training was based on the learning objectives for each mandatory topic, so it was critically important for the instructors to include them in their lessons. In states that operated only one academy, the lesson plan used by the current ethics instructor was in fact then the lesson plan delivered to every recruit in the state, even if state officials had not had a hand in drafting the lesson plan. Similarly, in states with multiple academies where the commission on training provided a well-developed lesson plan to all instructors as a guide, it would be more likely the training received by cadets was more uniform

in nature when compared to states that offered little in the way of guidance to ethics instructors other than a short list of learning objectives.

For example, the state that gave the least amount of guidance to ethics instructors was Georgia. As mentioned previously, Georgia also represented the state in the sample with the lowest required total minimum hours of training at 408 hours and the lowest number of required minimum hours of ethics instruction at two hours. Georgia provides the following four learning objectives to its academy ethics instructors:

1. Given an assignment as a law enforcement officer, students will perform law enforcement duties while adhering to ethical and professional standards, in accordance with the Georgia Peace Officer Standards and Training Council rules and regulations and relevant statutory and case laws.
2. Identify the characteristics of ethical and unethical conduct.
3. Identify characteristics of a profession.
4. Identify the sanctions for unethical behavior to include departmental discipline, criminal action, and civil action.

Based on these four course objectives, academy instructors are free to design the ethics course as they choose. The respondent for Georgia stated, “Since GA does not have designated curriculum writers, instructors are encouraged to use information from their own training and develop their own lesson plans that exceed the minimum objectives of the course.” If the state only had one academy and had a knowledgeable instructor teaching ethics in that academy, it would be quite possible the recruits in that state would receive uniform, quality instruction. However, Georgia operates from the model consisting of multiple academies, meaning multiple instructors are developing course content for ethics with only the four sentences above offering guidance from the state on what should be covered and how the topic should be approached with new recruits. While it is possible academies in Georgia are providing consistently good ethics training, the minimal amount of state-mandated training hours and instructional

materials make it more likely that there is wide variation in quality among the state's academies.

The state of Maine lies on the other end of the spectrum in terms of consistency of delivery and volume of information provided to ethics instructors. Maine operates one academy for all recruits in the state and provides its ethics instructors with approximately 58 pages of instructional materials to guide the lesson on ethics. The lesson is broken up into two parts, and there are well-developed lesson plans for each part. The first portion occurs within the first couple weeks of training and consists of three hours of instruction by the academy chaplain. The second portion also consists of three hours of instruction and is taught by an investigator from the Attorney General's office who has experience investigating corrupt officers. Also, from time to time, police officers in Maine who are on certification probation for violating laws or rules must as a condition of their probation come to the academy to address a class of recruits by telling their story and explaining how poor ethical choices caused them to go off track in their career. The respondent in Maine thought this was particularly effective as it was both humbling for the officer who had been sanctioned and also useful for the new recruits because it represented a cautionary tale and real case study they could examine. This practice was unique among the ten states in the sample.

Ohio provided the largest quantity of material to ethics instructors. Ohio requires a minimum of five hours of ethics training and provides about 68 pages of materials to its ethics instructors in the form of a lesson plan in a format similar to that of Maine. Washington, Texas, Wyoming and California all provide 20 pages of instructional material or more. The materials from Washington and Texas include a formal lesson plan or instructor guide. While Wyoming

does not provide a formal lesson plan to instructors, their detailed learning objectives are accompanied by several handouts of role playing scenarios that are used by instructors to achieve the course objectives. California's material is split between a long list of learning objectives specific to the topic of ethics and an instructor guide is available that is applicable to instructors of every topic with suggested learning activities for ethics. Missouri, West Virginia and New Jersey provided from three to six pages of instructional materials. Missouri and New Jersey's material consisted of only learning objectives for the topic of ethics while West Virginia provided the power point presentation used by the current instructor in the sole academy that operates in the state. If the power point slides used in West Virginia are included as a more formal, state-issued guide for instructors, only half of the states in the sample provide something more structured than learning objectives to academy ethics instructors.

The respondents in five states indicated the learning objectives and other instructional materials were updated on an "as needed" basis. One state had no requirement or system for revisions. Three states indicated the information is reviewed on an annual basis to determine whether updates are required. Ohio reviews the lesson plan for every required academy topic on a three year cycle to determine whether updates or revisions are in order.

Instructor Qualifications

Instructors of ethics training in the ten states in the sample consisted of those who were active or retired law enforcement officers, academy commanders, chaplains, other criminal justice officials, professors or other subject matter experts. For those who were active law enforcement officers rather than subject matter experts from other professions, most states required officers who wanted to teach in an academy to attend an instructor course to become

certified as an academy instructor. The required instructor course in three states consisted of 80 hours of training. The basic instructor course in five states consisted of 40 hours of training. Two of the four states that operated only one training academy for the entire state did not require any specific instructor course, which makes sense. Those states can be much more selective in the persons utilized as instructors due to the centralization of basic police officer training. In Wyoming, the instructor positions are full time jobs for persons employed by the state to teach new recruits. The qualifications of the instructor are vetted in the selection process when hiring someone for the position. In Washington, the academy commander or assistant commander is typically tasked with teaching the ethics portion of the training. States that utilize a formal instructor training course tend to emphasize adult learning principles or problem based learning in the course. California and Ohio are examples of states that do so.

MAJOR THEMES FROM DOCUMENT ANALYSIS

Each state was asked to submit the material they provide to their police academy ethics instructors to guide them in teaching the topic. All ten states provided documents in the summer of 2014 resulting in a total of a little over 200 pages of instructional material documents. What follows is a description of the general themes that were found in the instructional materials provided by the states in the sample. As the reader will recall from Chapter 2, very little is mentioned in the literature regarding recommendations for the actual content of police ethics instruction. When content is mentioned, it lacks the specificity required to guide the states. For example, the International Association of Chiefs of Police released a report that urged the inclusion of decision making models and a universal, agreed-

upon set of ethical values, but didn't offer any concrete suggestions of models or values that would be appropriate for policing (IACP 1, 1998). Methods of delivery are touched on in the literature, and who is best situated to teach police officers is discussed, but there isn't much guidance as to what the focus of the lesson plan should be. The document analysis for this project produces key findings that show us what the states are using for content, which is a necessary first step toward evaluating that content.

Taking the data set as a whole, seven dominant themes existed that were mentioned explicitly, along with five other frequent but less prominent themes that were touched on in more subtle ways. All of the dominant and subtle themes listed were present in some way in at least half of the states in the sample. Generally, states that provided more material and guidance to their instructors had more to say about each theme. Maine, Ohio, Texas and Washington had fairly well-developed lesson plans or instructional materials and therefore in many cases had more manifestations of each theme in the documents they provided. There were five themes that one might expect to see referenced based on prior studies or a review of relevant literature that were notably infrequent or altogether absent from the instructional materials provided by the states in the sample.

Dominant Themes

Table 4, "Dominant Themes in Instructional Materials," depicts the seven themes that were conspicuous in the instructional materials of the states in the sample.

Table 4: Dominant Themes in Instructional Materials

Theme	Number of States
Job related scenarios	8
Law enforcement code of ethics	8
Reporting the wrongdoing of other officers	8
Personal consequences of misconduct	7
Avoiding gratuities and bribes	7
Character approach to ethics	8
Peer pressure	7

A discussion of the ways in which each dominant theme appeared in the sample follows.

Job Related Scenarios

Apparently following the recommendations reviewed in the literature in Chapter 2 by McWilliams & Nahavandi (2006), Menzel (1998) and Miller & Braswell (1985), eight of the ten states in the sample used role plays, hypothetical ethical dilemma scenarios or case studies to assist police recruits in applying the concepts they learned in the ethics block of instruction. Some states require recruits to act out the parts in the scenario, while others have the instructors read the scenarios and then lead the class in a discussion of different approaches for dealing with the dilemma or issue presented. This is consistent with the androgogical approach to teaching recommended by Malcolm Knowles (1980) for adult learners. As Chapter 2 explained, the andragogical approach consists of explaining the reasons for needing to learn the material, using experience as the basis for learning, making sure the material has immediate relevance to the work of students, making it problem-centered and focusing on internal motivators. Job related scenarios and case studies serve to use the past experiences of other police officers as the basis for learning, the scenarios used were relevant to the students in their new career, and they were problem centered.

Code of Ethics

Not surprisingly, as the literature suggested would be the case and as Das (1986) discovered in a prior study, the IACP version of the Law Enforcement Code of Ethics was referenced in the instructional materials of seven of the ten states in the sample. If a very similar but more detailed document called the Canons of Police Ethics is included, then eight states in the sample use a professional code of ethics. (New Jersey uses only the Canons of Police Ethics document, and Texas uses both the Law Enforcement Code of Ethics and the Canons of Police Ethics.) Many of those states provide the full code and/or canons as a handout to students. In Maine, the first performance objective is listed as “Identify the key components of the Law Enforcement Code of Ethics and the Oath of Honor.” The following is an excerpt from the lesson plan in Maine:

The Law Enforcement Code of Ethics: Developed in the 1950s by the International Association of Chiefs of Police (IACP), these four paragraphs have been widely adopted as a straightforward ethical statement of what an officer should strive to achieve throughout his/her life and career. The Code of Ethics represents a 7-day-a-week, 24-hour-a-day commitment to integrity and describes responsibilities related to officer’s duty, conduct, actions and position.

Elsewhere in Maine’s lesson plan, the code is broken down into separate clauses that are each examined individually. California’s instructor’s guide suggests the following as a learning activity pertaining to the code of ethics:

The academy staff or instructor will assign a member of the class (usually the class sergeant) to read the Code of Ethics to the entire class. The academy staff or instructor will then question students about the meaning and importance of the Code of Ethics. Students will then read and recite the Code of Ethics on each break one to two times per week, and academy staff or instructors will continue to engage them in dialogue regarding the meaning of the Code after the recitations.

Both California and Texas refer to the Code of Ethics as one point to consider in an ethical decision-making model. For example, Texas lists the steps in making an ethical decision as:

1. Consider all relevant sides of an ethical problem.
2. Consider basic ethical values.
3. Act in accordance with the code of your profession.

New Jersey has a learning objective that simply states, “The trainee will describe the contents of the Canons of Police Ethics.” Both the Law Enforcement Code of Ethics and the Canons of Police Ethics contain references to other themes that were identified in this project and are discussed below. For example, reporting the wrong doing of other officers, avoiding gratuities and bribes, a character approach to ethics, professionalism, higher standards, fidelity to the U.S. Constitution, fairness and impartiality, excessive force, and off-duty conduct are all referenced in the code and canons. Although these themes are all referenced somewhere within the two documents, for this project they were *not* coded inside the code of ethics or canons of ethics – they were only coded as a separate theme if they were present elsewhere in the instructional materials of the states in the sample. Please refer to Appendix D for the complete Law Enforcement Code of Ethics. Refer to Appendix E for the complete Canons of Police Ethics.

Reporting the Wrongdoing of Other Officers

Eight of the ten states in the sample had instructional materials that addressed issues related to noticing another officer doing something unethical or against rules or laws and the responsibility of the student to address the unethical officer and/or report the behavior.

Clearly the states in the sample recognize the fact that part of the equation for controlling

police misconduct is getting the officers who follow the rules to speak up and do something to stop the officers who do not. Although many officers hold that it is a small minority of cops who act unethically, given the prominence of the topic in the materials submitted, it would appear there is a much larger group who is willing to look the other way and keep it to themselves when they witness unethical conduct on the part of their co-workers. The references to this issue range from a series of case studies or scenarios that deal directly with the problem in six states to a mere mention of it as “blind loyalty.” West Virginia has a power point slide about blind loyalty containing the following statements:

Much needed loyalty can be misplaced with the “bad officer” who thinks other officers won’t speak up about his corruption. The fact is, if you are going to be a police officer, you need to have the courage to stand up for what’s right. Officers whose weak character allow them to become dishonest, deceitful, and unworthy of a badge deserve nothing.

Maine’s lesson plan opens the discussion on this point by stating:

The “Code of Silence,” the “Blue Wall” or the “Thin Blue Line” refers to the unwritten rule among some law enforcement officers that an officer must not report another officer’s errors or misconduct. It stems from the intense bonds that develop between individuals in the profession.

Maine’s lesson plan then goes into detail about research conducted by Trautman (2001) regarding the code of silence, including the fact that he found when officers were pressured by co-workers to keep silent about something, 73% of the time it was a leader who was applying the pressure. Somewhat perplexing was the concluding paragraph in the lesson plan on this issue:

Conclusion: The Code of Silence exists in the law enforcement profession, and officers will likely face ethical dilemmas about it in their careers. There are values underlying both sides of the decision to report an officer’s misconduct. On one side is loyalty, and on the other, truth and the officer’s integrity. Officers must carefully weigh these values by considering the short and long-term

consequences to everyone involved when faced with a decision to report or not to report.

It would appear Maine is encouraging the trainee to first consider the consequences of reporting wrongdoing rather than flatly stating they should give more weight to basic ethical principles and their own integrity. West Virginia does the opposite when it indicates an officer who acts unethically is not owed your loyalty. Maine has a learning objective associated with the ethics instruction which also seems to reinforce the idea that it isn't always necessary to report a fellow officer's misconduct. It states, "Identify circumstances when it would be necessary to report a fellow officer's misconduct." Perhaps they are trying to be realistic in their approach. For example, reporting a fellow officer for not wearing their seat belt in the police cruiser is quite a bit different than reporting a co-worker for stealing something from a crime scene, and therefore the moral obligation to report may be different in each case as well. Even still, it seems to leave it up to officer discretion as to whether the consequences will outweigh doing the right thing. That said, Maine's instructional materials are the most comprehensive on this issue and break down the reasons it may be difficult for officers to speak up when they see something concerning. Hopefully this better prepares the officer when they confront the dilemma on the job.

Most of the materials for ethics provided by Wyoming consist of exercises on "issues in policing" that detail scenarios officers might find themselves in followed by a series of discussion questions about the scenario. Of the nineteen scenarios provided, eight of them deal directly with situations where an officer notices another officer or official doing something wrong, and then has to decide how to address the problem. Texas equates reporting the wrong doing of other officers with moral courage and also has eight scenarios or case studies related

to this very issue. California suggests the ethics instructor ask the students to compare the unwritten Code of Silence to the written Code of Ethics and see how the underlying principles for each code conflict with one another. New Jersey addresses the problem in two learning objectives associated with the topic of ethics which state: “The trainee will explain why it is necessary for an officer to take some positive action when he/she becomes aware of criminal conduct on the part of a fellow officer;” and “The training will identify and evaluate methods for handling unethical conduct, criminal misconduct, or violations of agency regulations on the part of a fellow officer.” Washington and Ohio each have scenarios dealing with the issue. Additionally, Washington’s lesson plan draws the distinction (which Maine’s fails to do) between weighing the consequences and being motivated by who will get into trouble versus reporting wrongdoing based on a moral obligation or principle. Washington’s lesson plan states:

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.

Personal Consequences of Misconduct

Seven states make some mention of the personal consequences of misconduct for the individual officer in the materials provided to ethics instructors. This is consistent with what Arnold (1997, p. 109) described as a focus on “sanction-avoidance” in his study of ethics training in police academies in Illinois. In this portion of the lesson plans or learning objectives, the instructor is encouraged to convince the new recruits that the individual consequences for misconduct are severe and do not outweigh anything that might be gained from unethical

behavior.

Two performance objectives in Maine focus on consequences to the officer. One states, “Identify the negative consequences to officers and others that can result from unethical decisions.” The other reads, “Identify how immoral conduct by an officer adversely affects the officer in the performance of his/her official duties.” The introduction to the ethics topic in Maine states, “Each year in Maine and around the country officers are investigated, fired, suspended without pay, arrested, and/or decertified.” Elsewhere in the lesson plan, there is a section titled “Accountability and Consequences.” This section is introduced with the following statement:

Officers’ behaviors and decisions can and will be observed by others. If officers do not hold themselves accountable for their behavior, government or other individuals and organizations will do it for them, and the consequences can be painful.

After this introduction to the section, the lesson plan goes on to list lawsuits, negative media coverage, loss of the officer’s reputation in the community, loss of reputation among peers, no longer being able to give credible testimony in court, discipline at work, job loss, devastation to family, decertification, a criminal record, jail or prison time, and suicide.

Ohio’s lesson plan also lists lawsuits, department discipline, dismissed cases in court, and a prison sentence as consequences of misconduct, in addition to the potential loss of job, other career options, retirement benefits, marriage, self-respect, and reputation. Ohio states, “Being exposed as corrupt is a humiliating and degrading event.”

Washington has a learning objective that states, “Identify and discuss the consequences of unethical conduct.” The lesson plan goes on to list termination and decertification as a peace officer as personal consequences of unethical conduct. Georgia has a course objective

that states, “Identify the sanctions for unethical behavior to include departmental discipline, criminal action, and civil action.” California has a learning objective for the topic that states, “Describe the consequences of unprofessional/unethical conduct to the community, agency, and peace officer.” West Virginia has a slide in their ethics presentation that simply states, “Agencies must give no compassion to officers who have yielded to temptation. Following due process, automatic termination for a substantial offense must be standard policy across America.” In the portion of the Texas instructional materials that addresses ethical decision making, the instructor is directed to have the cadets discuss the personal consequences of unethical behavior.

Avoiding Gratuities and Bribes

Since a prohibition against gratuities and bribes is referenced in both the widely adopted IACP Law Enforcement Code of Ethics and in a similar document called the Canon of Ethics, the eight states in the sample that reference one or both of those documents or provides them as a handout has material that touches on gratuities and bribes. However, seven of the ten states in the sample have additional references to the issue in their instructional materials. Arnold (1997) also found this to be a recurring theme in the ethics training in police academies in Illinois.

Maine integrated the prohibition against bribes and gratuities with other aspects of their lesson plan. They linked it to what cadets learn about the IACP Law Enforcement Code of Ethics and Cohen & Feldberg’s five moral standards for police. For example, when discussing the “public trust” standard of Cohen & Feldberg’s five moral standards for police, the lesson plan states:

Corruption in the form of kickbacks or favors: The receiving of money, gifts, or favors for providing information or services to another. Law enforcement should never use their badge for personal gain.

It then goes on to give an example where a rookie officer is with his field training officer when the training officer says he wants to go to lunch at a place that regularly gives him half price meals. The lesson plan then walks the recruit through several options for responding to the suggestion and asks them to consider them, reminding the recruit at the end of the scenario that the IACP Law Enforcement Code of Ethics is clear on the point that they should never accept gratuities. In the section of the lesson plan that offers several ethical dilemma scenarios, there is a scenario that offers another variation on the half price meal theme.

Missouri has a learning objective that asks cadets to “Describe the difference between bribery and extortion.” Elsewhere in the instructional materials, Missouri makes the point that “Some believe that those who do not offer gratuities are denied the presence of officers.” New Jersey has a learning objective that states, “The trainee will identify and evaluate the problems associated with an officer’s acceptance of both small and large gratuities.” West Virginia has a slide in their presentation on ethics that addresses the issue of gratuities. It states:

A gratuity is something given voluntarily in return for or in anticipation of a favor or service. The real difficulty is in determining what giver is expecting something in return and what giver is merely supporting the local police. There is a big difference between accepting a cup of coffee and a free set of tires. The only way to ensure that a citizen doesn’t expect special treatment is to not accept it.

Ohio lists “NEVER accepting gratuities” as one of nine primary ethical responsibilities of a peace officer. Ohio’s lesson plan also details the state law against bribery of public servants.

Similarly, the lesson plan in Texas devotes time for a discussion of the sections of the Texas Penal Code pertaining to bribery and corrupt influence. Texas also offers the following as a

point for discussion among the cadets, “The acceptance of gifts by a public servant is problematic. Is it okay to accept gifts as a peace officer? If so, why; if not, why not?” Additionally, in one of the role play scenarios in Texas, the issue of free meals is addressed. In Wyoming one of the instructional objectives for the topic of ethics states, “Gratuities are any goods or services, which are given to law enforcement officers solely because they are law enforcement officers.” Two of the ethical dilemma scenarios in Wyoming deal with the issue. One is about half price meals and another is about accepting gifts and favors from a local businessman who then gets pulled over for speeding and expects to be given a warning in return.

Character Approach

Eight of the ten states in the sample approached the topic of ethics in part through the lens of character development, with six of these referencing core values or core virtues. This is a critical finding in that it definitively answers which of the three normative approaches to ethics discussed in Chapter 2 appears to be the dominant approach for police ethics training. The focus in the police academies in the sample is definitely on developing the character of the individual cadet.

When reviewing literature and online sources that target a police audience and the instructional materials submitted by each state in the sample for this project, it became evident that there were three relatively popular sources of material for a character approach to police ethics training: the work of Neal Trautman and the National Institute of Ethics (now called Neal Trautman, Inc.), the work of Michael Josephson and the Josephson Institute of Ethics, and the work of Kevin Gilmartin.

Neal Trautman, Ph.D., is a researcher and trainer who was a police officer in Florida for 16 years prior to assuming other city positions and then retiring as a human resources director to develop and conduct police training courses. He eventually founded the National Institute of Ethics to deliver anti-corruption training to police officers and other public servants. He worked closely with the International Association of Chiefs of Police in the 1990's to improve their approach to ethics training and the resources they made available to law enforcement agencies on ethics. Trautman has traveled across the country to train officers, supervisors, and management in many agencies. Some of the respondents for this project indicated they try to send their ethics instructors to instructor training through the National Institute of Ethics (now Neal Trautman, Inc.) and their instructional materials reference this organization as a primary source. Trautman's research has indicated that most acts of misconduct or corruption result from the root causes of greed, anger, peer pressure or lust (Trautman, 2004), with the exception of lying on police reports or in testimony. Although that appeared from his research to be the most common type of police misconduct, the motivation for such didn't always fit neatly into one of the four categories of causes. It could be argued that lying in testimony and on reports often results from anger (at the suspect), peer pressure (from others who don't want you to document or testify to their wrongdoing), or an additional motivation of pride (in a concern over your own reputation and possible embarrassment if you admit something was done inappropriately).

Kevin Gilmartin, Ph.D., is a behavioral scientist from Arizona with a doctoral degree in clinical psychology. He worked as the police psychologist for a sheriff's office in Arizona before retiring. He is a co-founder of Gilmartin, Harris and Associates, which engages in public safety

consulting. They developed the Continuum of Compromise, which is popular in police training circles along with a book by Gilmartin titled, *Emotional Survival for Law Enforcement* (2002). Gilmartin and Harris (1998) argue that the continuum along which a police officer's rationalization for misconduct starts to develop usually begins with a perceived sense of victimization on the part of the officer. That sense of victimization sometimes leads to rationalization and justification of acts of omission, which could then lead to administrative acts of commission, then criminal acts of commission. According to Gilmartin and Harris, a sense of entitlement instead of accountability and a sense of loyalty instead of integrity contribute to the officer progressing further along this continuum. Gilmartin has traveled to many states to provide a course for police officers on these concepts and those found in his book. The course is also available on DVD and has been utilized by numerous law enforcement agencies.

The Josephson Institute of Ethics was founded in 1987 by Michael Josephson. It is a non-profit organization in California focused on improving the ethical quality of society. A portion of their material is focused on ethics in policing using a values-based approach. The Institute collaborated with the California Commission on Peace Officer Standards and Training to develop a 142 page, two-part guide for police officers titled *Becoming an Exemplary Peace Officer: An Introduction to Peace Officer Training* (Josephson, 2009) and *Becoming an Exemplary Peace Officer: A Guide to Ethical Decision Making* (Josephson, 2009). Several states in the sample for this project borrowed material from this guide for their police academy ethics instructional materials. Many police officials in California assist the Institute in developing police training courses on ethics. See Appendix F, "Manifestations of the Character Approach

to Ethics,” for a detailed list of the elements of the instructional materials among the ten states in the sample that focused on the character/virtues of the individual police officer.

Peer Pressure

While two states referenced Trautman’s work pertaining to anger, lust, greed and peer pressure, an additional three states referenced the effects of peer pressure on ethical decision making outside of Trautman’s work. New Jersey has a performance objective that states, “The trainee will identify techniques of overcoming or coping with negative officer peer influences.” A portion of the instructional material in Texas simply states, “Ethical people are made, not born, and peer pressures can work for or against ethical behavior.” In Wyoming’s academy instructional materials for ethics, the issue is addressed through the following scenario:

Officer Miller is the most productive officer on the shift. He constantly has more arrests, more traffic citations, and more convictions than any other patrolman that he works with. Officer Lewis approaches Officer Miller and advises him to “slow down” because he is making the other officers look bad. Officer Miller notices that the other patrolmen seem to avoid him and that they are constantly talking about him behind his back.

Subtle Themes

Table 5, “Subtle Themes in Instructional Materials,” depicts the five themes that were definitely frequent but were less prominently situated within the instructional materials provided by each state in the sample when compared to the previous seven themes.

Table 5: Subtle Themes in Instructional Materials

Theme	Number of States
Professionalism	7
Higher standards	7
Fairness and impartiality/objectivity	7
Off duty conduct	6
Excessive force	5

The following section will review in detail the ways in which each subtle theme was situated in the instructional materials in the sample.

Professionalism

Seven states in the sample made at least some brief reference to professionalism or the definition of a profession in their instructional materials on ethics. Most described law enforcement as an occupation that was striving to become a profession and/or equated the status of a profession as one that was closely linked to ethical conduct. The title of the block of instruction on ethics in California is titled, “Leadership, Professionalism and Ethics.” In Washington the title is “Professional Ethics.” In Texas it is labeled, “Professionalism and Ethics,” and in Ohio and Missouri it is called “Ethics and Professionalism.” Clearly many states view ethics and ethical conduct as a key component of professionalism. West Virginia’s power point presentation for ethics states:

If law enforcement is to be considered truly professional, ethical conduct is of great importance and must be a way of life. Officers at all levels must exhibit professional attitudes and conduct. A positive, professional attitude by individual officers is essential for society to accept them as professionals. Officers who are driven by high esteem, pride, and sound moral values will have no problem in sustaining conduct consistent with the highest ideals of professionalism.

Maine, New Jersey, Georgia and Texas define or list the characteristics or principles of a profession. In the instructional materials for ethics in Texas there is a review of several different definitions of professionalism. The outline then goes on to explain that occupations differ on the degree to which they are professional based on the degree to which they adhere to the following characteristics:

- Service to others
- Assessment of client needs
- Theoretical body of knowledge obtained through extended pre-service education
- Standards for entry, practice and ethical conduct
- Professional association to maintain standards
- Continuing education and life-long learning

In several states the instructional materials relate the Law Enforcement Code of Ethics to professionalism by stating it is the standard in the profession for ethical conduct.

Higher Standards

Seven states in the sample make some reference to the idea that there is a higher standard for the conduct and behavior of police officers than for others. This consistent with the emphasis Edwin Delattre (2006) places on this concept in his popular work. Four of those merely mention in several places in their instructional materials that police officers must adhere to high ethical standards. Several states mention the high standards must be adhered to both on and off duty. In Maine, the lesson plan states these high ethical standards are necessary for five reasons: officers are protectors of society, they are given a great deal of power and authority over others, they are enforcers of the law, they are in role model positions, and they have taken an oath of office to equally and fairly protect the constitutional rights of all citizens. The instructional materials in Texas and Washington also relate the

necessity for a higher standard due in part to the fact that police officers are often viewed as role models in society. The instructional materials in Texas state:

Peace officers should maintain the highest standards of personal and professional behavior possible. ...Police officers and other criminal justice personnel, even when they are not at work, stand out as representatives of the system. The standards by which they are judged, even in their private lives, are often higher than those required for other members of society.

Of all of the states in the sample, Washington is the most explicit in its references to a higher standard. The lesson plan in that state calls it the “Higher Standard Theory” and quotes Edwin Delattre’s work (2006) with the following statement:

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.

Fairness and Impartiality/Objectivity

The instructional materials of seven states in the sample made reference to the need for officers to be fair, objective and impartial in their decisions. This is consistent with the works of Weber (1919), Mastrofski (2001) and Tyler (2004) reviewed in Chapter 2 which contend that procedural justice and fair treatment of citizens is central to maintaining the legitimacy of police and the government. States have an opportunity to use this theme to tie in these concepts for police cadets.

Texas makes numerous references to the need to be impartial, objective and fair in their instructional materials. The following are all excerpts from the instructor’s guide in Texas:

The ethical role is performed by being objective and ethical in personal behavior and in functioning as a representative of the criminal justice system. Elements of the ethical role are:

- To act in a manner that reflects belief in the fundamental value of ethical behavior and in application of this value to your job

- To conduct daily activities in an objective manner striving to be uninfluenced by emotions, personal prejudice, or insufficient evidence
- To provide objective and constructive assistance or information to all persons, regardless of personal feelings
- To assist the public to understand how they can help in achieving objective and ethical behavior

The ability to be objective is learned and improved with practice. If you become aware of your personal feelings, prejudices, 'blind spots,' and other elements of personality, you have taken a giant step toward introducing objectivity into your behavior. Having achieved this awareness of yourself, you can then view things in their proper perspective.

Practicing objectivity in your personal life makes it easier to practice it in your professional life.

Word gets around if an officer is biased, prejudiced, and unfair, and his/her ability to serve is diminished. Word also gets around if an officer is fair and objective in their work, and their ability to serve is increased.

Missouri and Maine covered the issue when discussing the objectivity standard of Cohen & Feldberg's Five Moral Standards for Police Work. One of the ethical scenarios in Maine deals with a situation where one officer observes another ridiculing two gay men and treating them poorly due to their sexual orientation. Ohio discusses fairness when reviewing the seven virtues for integrity. New Jersey lists fairness as a core value and has a performance objective which states, "The trainee will identify and discuss the importance of conducting his or her official responsibilities in a fair and impartial manner avoiding any appearance of actions based on race, ethnicity, age, sexual preference, gender or any other extraneous factors." Wyoming devotes four scenarios to the issue of fairness and has one instructional objective about fairness and another about objectivity.

Off Duty Conduct

Six states in the sample discuss off-duty conduct by police officers in their instructional materials on ethics. Maine, New Jersey, Ohio, Texas, Wyoming and Washington all make reference to the fact that high standards for behavior apply both on and off duty. Wyoming uses three ethical scenarios that involve off duty conduct to generate discussion on the topic. New Jersey and Wyoming each have a learning objective that talks about off duty conduct. Texas deals with the issue the most explicitly by stating:

Police officers and other criminal justice personnel, even when they are not at work, stand out as representatives of the system. The standards by which they are judged, even in their private lives, are often higher than those required for other members of society. If biases, animosities, and friendships are allowed to influence decisions in their personal lives, it is likely that they will influence their professional decisions as well. Associating with persons of questionable moral character as a private citizen may carry into professional life.

Excessive Force

Notably, the prohibition against using excessive force is referenced in the instructional materials of only five states in the sample, and then only briefly. Given the many recent high-profile cases of excessive use of force and the fact that nearly every local police agency investigated by the U.S. Department of Justice was asked to focus on their use of force training and policies, one would think this theme would have shown up in the instructional materials of every state in the sample.

Maine discusses this issue when reviewing “respect” within the Six Pillars of Character and within the public trust standard within the Five Moral Standards for Police Work. West Virginia devotes one power point slide to excessive force. Ohio mentions never using excessive force as one of the ethical responsibilities of peace officers. Texas uses the Rodney King

incident as a case study on excessive force. Missouri discusses the 1985 U.S. Supreme Court decision in *Tennessee v. Garner*, which narrowed the use of deadly force on fleeing suspects to only incidents where the officer believes the suspect poses a significant threat of death or serious physical harm to others.

Notable Infrequent or Absent Themes

Table 6, “Infrequent/Absent Themes in Instructional Materials,” depicts five themes that, based on a review of relevant literature, were expected to be present but were noticeably infrequent or altogether absent from the instructional materials provided by the ten states in the sample.

Table 6: Infrequent/Absent Themes in Instructional Materials

Theme	Number of States
Fidelity to the U.S. Constitution	3
Ethical decision making models	3
Caution regarding drugs and alcohol	1
Officer suicide	2
Philosophy of ethics	0

What follows is a discussion of the ways a few states managed to include these to some degree, and how others missed the mark.

Fidelity to the U.S. Constitution

Only three states in the sample related police ethics in some way to upholding principles found within the U.S. Constitution and/or protecting the Constitutional rights of all persons outside of the Law Enforcement Code of Ethics or the Canons of Police Ethics. Two of these states did so in passing rather than focusing a significant portion of the content of the ethics

lesson on fidelity to the Constitution. This is contrary to the recommendations reviewed in Chapter 2 by Kooken (1947), Rohr (1989), Cohen & Feldberg (1991), Thompson (1992), Punch (2000), Marenin (2004), and others that Constitutional principles should be central to the lesson on ethics. The exception was Ohio, which stated the source of ethics for police was the Declaration of Independence and the U.S. Constitution. Ohio's lesson plan went on to explain social contract theory as it related to the Constitution and ethics.

Ethical Decision Making Models

While most states used job-related scenarios to illustrate the types of ethical dilemmas officers could find themselves in on the job, few offered more than positive character traits, ethics laws and the code of ethics to guide cadets in working through the dilemmas. There appeared to be a lack of any formal ethical decision-making models in the instructional materials of most states in the sample, contrary to the IACP recommendations reviewed in Chapter 2 (IACP 1, 1998).

The advice given in West Virginia's instructional materials was simply "Let your conscience be your guide." Washington offered more with the following advice to cadets, "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? Is it necessary (furthers your duty)? Is it lawful (and within policy)?" Maine and Missouri were notable exceptions in that those two states presented several of the same decision making models in their instructional materials. They both used Cohen and Feldberg's Five Moral Standards for Police Work, the ACT Model, the Bell the Book and the Candle, and the Ethics Check Questions. California's POST has supplemental resource guides that were developed in

collaboration with the Josephson Institute of Ethics which contain most of these ethical decision-making tools. These guides are available online and therefore available to academy ethics instructors if they search for it, however the decision making tools are not referenced at all in California's learning objectives and learning activities outlined by the state and therefore do not appear to be provided to instructors and are not a mandatory subject of ethics training in basic academies. Ohio recently added an ethical decision-making tool called the PLUS model which was borrowed from a non-profit organization called the Ethics and Compliance Initiative.

A detailed review of Cohen and Feldberg's Five Moral Standards for Police Work is contained in Chapter 2 and therefore won't be repeated here. Briefly, the standard they encourage police officers to be mindful of is whether their actions meet the five tests of:

1. Fair Access
2. Public Trust
3. Safety and Security
4. Teamwork
5. Objectivity

The Josephson Institute of Ethics is cited as the source in both states for the ACT Model and the Bell, the Book and the Candle. The steps for ethical decision-making when using the ACT model consist of:

A = identify Alternatives (What are the available options?)

C = project Consequences (What are the likely consequences for each option?)

T = Tell the story (Can you defend the decision as being right to any audience?)

The Bell, the Book and the Candle method is listed as:

The Bell = Are there any warning bells going off about your proposed action?

The Book = Does your choice of action violate any rule, law, policy or code?

The Candle = Will your choice of action be able to withstand public scrutiny?

Blanchard and Vincent-Peale (1988) were cited as the source for the Ethics Check Questions.

The five questions that form this decision making model are listed as the following:

1. Is my decision legal?
2. What is my motivation for my decision?
3. Is my decision balanced?
4. How will I feel about myself?
5. Is my decision worth my job and my career?

The Ethics and Compliance Initiative's PLUS model describes the following "ethical decision-making filters":

1. P = Policy – Is it consistent with my organization's policies, procedures and guidelines?
2. L = Legal – Is it acceptable under the applicable laws and regulations?
3. U = Universal – Does it conform to the universal principles/values my organization has adopted?
4. S = Self – Does it satisfy my personal definition of right, good and fair?

The Five Moral Standards for Police Work are primarily based on Constitutional principles, whereas the ACT Model, the Bell the Book and the Candle, the Ethics Check Questions and the PLUS model are a mix of a principled approach, an approach based on consequences, and a character approach.

Caution Regarding Drugs and Alcohol

Although Das (1986) found the theme of caution regarding drugs and alcohol to be prominent almost 30 years ago, only one state in the sample for this project made specific mention of this. Ohio's lesson plan contained a class exercise consisting of a scenario regarding an officer who is off-duty and driving while intoxicated, and devoted some of the lesson plan to discussing both drug and alcohol use by officers.

Officer Suicide

More police officers lose their lives to suicide each year than to acts of violence by others. For example, one study found that 141 police officers committed suicide in 2009, while only 41 were feloniously killed (O'Hara and Violanti, 2009). Although seven states made reference to the personal consequences of misconduct for the officer and four states suggested learning to be ethical was a matter of surviving your career, only Maine and Ohio had any mention of suicide as one possible consequence of being caught up in a scandal or committing some act of misconduct. Ohio had a handout that used a real example of an officer who committed suicide after making a poor ethical decision.

Philosophy of Ethics

No state devoted any learning objectives, space in the lesson plan or in handouts on teaching cadets anything about the philosophy of ethics. This is consistent with Arnold's (1997) findings in his study of ethics training in police academies in Illinois. The state of California does have a booklet issued by their POST on ethical decision-making tools which briefly reviews different philosophical approaches to ethics, but there is nothing in their learning objectives or learning activities that utilizes this information and it is unclear to what extent academy ethics

instructors make use of the information since it is not required or referenced in any of the state mandated instructional material. The Canons of Police Ethics used in New Jersey and Texas do caution police officers against using improper means, and the instructional materials in Texas discuss the motive for an act by a police officer, but they never attempt to distinguish between the major approaches to ethics. No state in the sample contained information about specific philosophers or ethical theories.

Interesting Observations

A few items stood out when reviewing the instructional materials in the data set. Perjury was discussed in four states but racial profiling was mentioned in only two. This is a striking finding given the prominence of racial profiling in contemporary discussions of perceived and real police misconduct. Sexual harassment appeared prominently in the instructional materials of four states, perhaps indicating a particular problem of misconduct that policing is experiencing. A high proportion of the ethical dilemma scenarios in Wyoming are devoted to the question of whether it is proper to give a fellow law enforcement officer a break, known as “professional courtesy” in the occupation.

Also interesting was that in 2015, Ohio took advantage of the developing policy window and increased the hours devoted to ethics instruction from three to five and added an ethical decision-making model, the continuum of compromise, and an exercise on implicit bias. Cadets in Ohio’s academies are asked to take one of Harvard’s six available implicit bias tests and then answer a series of discussion questions regarding their results. This was unique among the states in the sample.

Summary

This chapter presented what the study uncovered about the current status of ethics training in police academies in each state. The results of the survey revealed 5.5 hours was the average length of time cadets were exposed to instruction on police ethics in the police academy. The states were mixed in terms of organizing pre-service academy training in a centralized fashion with a single academy versus a de-centralized fashion with multiple academies. Most states required a formal instructor course for ethics instructors that was 40 or 80 hours in length. Some states provided instructors with detailed lesson plans to follow or a large amount of resource materials. Others provided nothing other than a few learning objectives to the instructors and allowed the individual instructor wide latitude to construct the lesson based on those. Following the recommendations in the literature, there was evidence in each state that student-centered approaches to learning and job-related scenarios were used to illustrate the points being made. The code of ethics appeared prominently as the tool relied upon most frequently to guide ethics instruction among the states in the sample, and unfortunately most of the states in the sample failed to use any other ethical decision making tools, despite the call from the IACP to add them. As was expected, discussion of the philosophy of ethics was absent from the instructional materials. The content of ethics training appeared to be centered on the character approach to ethics and also stressed the consequences to the officer for being caught committing unethical acts. Most of the themes Das (1986) noted were present 30 years ago are still present in today's ethics training, suggesting not much has changed in the training over the course of three decades, even though technology and police practice have changed considerably.

The following chapter will consist of a review and discussion of these findings to include an analysis of their meaning, implications for police training, directions for future research and concluding thoughts. Ohio is again used throughout the next chapter to illustrate the way in which one state in the sample is responding to the current climate by recommending changes to police training.

CHAPTER 5

ANALYSIS AND CONCLUSION

The research questions for this project were: what is currently being taught to police cadets in police academies in the U.S. on the topic of ethics? How is it being taught? What are the minimum qualifications of those teaching ethics to police cadets? How does ethics training in police academies differ from state to state? Chapter 4 listed the findings that pertain to each question by working through the survey results by data point and by listing each major theme discovered through the analysis of the instructional materials provided by the state to ethics instructors. What follows is a summary of these results along with a discussion and analysis of the more consequential findings organized by the research questions rather than by data point or major theme. As in the previous chapter, Ohio will be used as an example throughout this chapter of the way in which one state in the sample is responding to current events by considering changes to police training.

First is a discussion of *what* is being taught to police cadets on the topic of ethics, followed by *how* it is being taught, and then a discussion about the qualifications for those who teach ethics. Finally, an analysis of the results that describe how ethics instruction differs from state to state are presented. The chapter then presents concluding thoughts on the implications the results of this study have for the future of police ethics training, along with

recommendations for improving training. The limitations of the study are again reviewed, along with suggested directions for further research on police ethics training. Lastly, the strengths of the research and its significance in light of the current state of policing in the U.S. are presented.

WHAT IS BEING TAUGHT?

Regarding *what* is being taught, the findings show us that some of the recommendations in the literature for best practices are being followed and others are not. Some states provide instructors with a detailed roadmap of where the lesson should take the cadets, and other states leave the road map almost totally up to the instructor. This matters because it directly affects the quality and consistency of the training cadets receive across the state. The academies in most states are likely teaching to the state certification test that cadets are required to pass upon graduation from the academy. However, in states with multiple academies where little guidance is provided to the instructor, it is presumed little else is consistent and a wide variety of material is likely used to train cadets.

There was no evidence in any state of discussion of the different strains of ethical theory or approaches to ethics in the abstract, similar to what Arnold (1997) found in his study on ethics training in police academies in Illinois. This did not seem to detract from the material being presented and there was no place in any of the materials submitted by each state where it seemed logical to include such a discussion or where it appeared the cadets would benefit from this instruction. Given the limited amount of hours devoted to ethics in each state, it does not seem that an in-depth treatment of the philosophy of ethics would be a good use of time

in a block of instruction on police ethics in practice, as Rohr (1989) had suggested in his work on regime values. Even if the allotted hours for ethics training were significantly expanded in each state, as will be noted later in this chapter, other aspects of ethics such as implicit bias, procedural justice, police legitimacy and constitutional principles would be better additions to course content than in-depth instruction on ethical theory. However, it may be beneficial to explain the three normative approaches to ethics and the pros and cons of using each lens to evaluate police practice. For example, the risks associated with viewing the actions of police through the utilitarian lens should be noted to guard against the tendency toward what the literature calls “noble cause corruption” in the police service.

However, although there was no discussion of Aristotle or Plato, it is apparent that the character approach to ethics is the preferred approach among the states in the sample. Pillars of character, core values, virtues for integrity, cardinal virtues, moral courage and the continuum of compromise all serve to center the discussion on the character of the individual. These character-based approaches to police ethics, coupled with frequent references to the responsibility of police officers to adhere to higher standards than the average citizen were stressed in a majority of the states. This finding is significant as it clearly indicates each state has shown a preference for this approach over the principled approach or the consequences approach. Thirty years ago, Das (1986) called for more content focused on personal integrity, and it appears this has occurred. However, as discussed in Chapter 2, teaching virtues and admirable character traits may not be enough guidance for police officers. Das also called for more content based on principles and the higher values of law. A good, honest, trustworthy person could still choose the wrong course of action if they are confused about the role of

police in a democratic society and are not grounded in the founding principles of the U.S. system of government. This will be discussed further in this chapter pertaining to the findings about instruction on constitutional principles.

In just as many states as the character approach to ethics appeared, as expected, the IACP Law Enforcement Code of Ethics was also included in the lesson plan. The code primarily blends the character approach and principle-based approach to ethics, with some reference to consequences. The fact that the code of ethics is a popular component of ethics training is not necessarily problematic – what is more concerning is that in many states, it appears to be the primary source for making ethical decisions and is the only decision making tool, as will be noted later. The document is good as far as it goes, but it certainly does not give the kind of guidance that will help an officer in many of the day-to-day decisions they will make that could have ethical implications. Replacing the code of ethics (see Appendix D) with the canons of police ethics (see Appendix E) used in New Jersey would be preferable. The canons document focuses much more on democratic values, Constitutional principles, procedural justice and proper means, yet still covers the material present in the code of ethics.

An approach centered on consequences in the utilitarian sense was largely absent among the states in the sample. This is wise due to the already ever-present temptation among officers to lean toward noble cause corruption by focusing solely on crime fighting and catching the ignoble guys as the end, while ignoring proper means.

One way in which consequences *were* frequently stressed throughout the states in the sample was in regards to the personal consequences of misconduct to the officers themselves. This is different than a utilitarian/consequences approach in terms of evaluating decisions to

determine which action will produce the greatest good for the greatest number, which is probably best to stress the least in a police ethics course. Instead, the lesson plans focused squarely on the detrimental effects of misconduct and corruption on the individual police officer's life if they were to get caught in their wrongdoing. This dominant theme represented more of a deterrence approach. This is consistent with Arnold's finding that academies in Illinois tended to center the content of ethics training on sanction avoidance rather than making moral and ethical decisions (Arnold, 1997). Using Lawrence Kohlberg's (1984) stages of moral development, this is akin to appealing to cadets through the lowest level of ethical reasoning.

Kohlberg's theory proposes moral reasoning occurs in six developmental stages over the course of a person's life. The initial stage is an obedience and punishment orientation. Officers in this stage would choose the right course of action because they are afraid of being punished if they do not. The next stage is the self-interest or "what's in it for me?" stage. The third stage is interpersonal accord or conformity. The fourth stage is described as an authority and social order maintaining orientation. The fifth stage is a social contract orientation. The sixth and final stage is adherence to universal ethical principles (Kohlberg, 1984).

While it is not a bad idea to touch on all six motivations for behaving ethically, the fact that more time is spent on the first stage rather than the final two stages focusing on the social contract and universal principles found in the U.S. Constitution is concerning. If an officer only focuses on avoiding punishment, they aren't as likely to choose the right course of action when no one is looking. This is one reason politicians and citizen groups are now calling for increased use of body cameras to make sure someone is always looking.

Related to personal consequences to the officer and given the fact that suicide is a leading cause of death among police officers, it was surprising to see that only Maine and Ohio mentioned suicide as a potential consequence of being caught up in misconduct and corruption. Loss of reputation upon being exposed for ethical lapses contributes to the many other factors related to police officer suicide rates. Perhaps Maine included it because it has a unique understanding of the toll a lapse in judgment has on a police officer's psyche due to a unique component of their academy ethics instruction. As mentioned previously, they at times require officers whose peace officer certification has been put in probationary status for ethical violations to address a class of cadets in the academy. This appears to be a powerful way to discuss a real ethical case scenario in a personal way that will hit home with new police officers. The respondent in Maine indicated that while it was usually a difficult and humbling process for the sanctioned officer, it helped the officer to feel like they were doing some good by using their mistake to help others avoid misconduct and corruption and perhaps made the sanctioned officer more likely to strive to avoid a lapse of judgment in the future. One example the respondent in Maine gave as a type of violation that may require an officer to go into probationary status with their peace officer certification (rather than complete revocation) was being charged with a first time offense of driving while intoxicated off duty.

The fact that only three states linked fidelity to the U.S. Constitution to police ethics in any meaningful way was a troubling finding. Ohio was a notable exception in that they devoted a significant portion of the lesson plan for ethics on the U.S. Constitution. While good character and teaching character development is essential for reducing misconduct and corruption in the police service, it is equally important to teach the rules and principles that underpin the U.S.

system of government which police officers take an oath to uphold. As Chapter 2 explained, even a person of good character can get it wrong if they are not familiar with the very rules they are expected to live by. Police legitimacy is tied to procedural justice, and procedural justice is based on principles, rules and procedures which derive from the Constitution. Almost every state does have a separate section of the curriculum devoted to the justice system, Constitutional protections, case law, etc. However, if this block of instruction isn't clearly and prominently linked to the portion of the curriculum on ethics, an important opportunity to augment the character approach to police ethics with one that focuses on democratic and Constitutional principles is being lost. The works of Kooken (1947), Rohr (1989), Cohen and Feldberg (1991), Thompson (1992), Punch (2000) and Marenin (2004) should be consulted by curriculum designers to understand the important link between police ethics, democratic values and constitutional principles, which is in turn tied to procedural justice and police legitimacy.

Equally as troubling is the infrequent use of ethical decision-making tools, meaning states have apparently ignored the call from the IACP (IACP 1, 1998) to make use of them. Perhaps the issue is the lack of guidance regarding which tools are appropriate for police officers. As Chapter 2 discussed, there is a call in the literature for an increase in police ethics instruction and training, but very little is offered in the way of making suggestions for what the content of the instruction should be. Maine and Missouri were the exceptions in regard to the use of ethical decision making models. They each presented several decision-making tools that blended the character approach and principle-based approach to ethics, with even some reference in certain models to weighing consequences. Cadets of good character who want to

do the right thing will still need to understand which “good” decisions are appropriate within the constraints of the principles our government was founded on, and they would benefit from decision-making models that guide them through these considerations such as Cohen & Feldberg’s Five Moral Standards for Police, Vincent-Peale’s Ethics Check Questions, the ACT model, and the Bell, the Book and the Candle. Most states seemed to only supply the IACP Code of Ethics as a decision-making guide. This finding matters because it shows many states are leaving police cadets with the code of ethics and a discussion of positive character traits as their only guide to choosing the right course of action among available alternatives when in the field.

The dominant theme of the role of peer pressure in making poor ethical choices was tied closely to the theme regarding an officer’s responsibility to report the wrong doing of other officers. It appears the states in the sample are making an effort to combat against the idea of the “blue wall of silence” by facilitating class discussion on doing the right thing even when it may not be popular with peers. Avoiding gratuities and bribes was also a dominant theme that was related to resisting pressure from others to act unethically. Trautman found that ethical lapses related to peer-pressure amounted to 12.76% of the de-certifications of police officers in the U.S. from 1990-1995 (Trautman, 2004, p. 57). His work is widely known in the police service and may have contributed to the focus on addressing this issue in academy training. Combating the code of silence is essential to changing police culture. Since police socialization begins in the selection process and police academy training (Conti, 2006), it is important that it start there. Unethical and improper acts by police officers are often noticed first by their

colleagues. If their fellow officers were more willing to speak up and report such instances, corrupt officers could be held accountable and rooted out of police agencies.

Maintaining professionalism was a frequent but more subtle theme among the states in the sample that was often related to adhering to the profession's code of ethics and in maintaining an objective, impartial attitude to ensure fairness. This theme of fairness and impartiality could be augmented nicely with a discussion of implicit bias, procedural justice and police legitimacy. These three training topics have been recommended by the U.S. Department of Justice as outcomes of pattern and practice investigations (U.S. DOJ 1 & 2, 2015; PERF, 2013).

An alarming finding was that excessive use of force was a theme that was only present in half of the states in the sample. While it is true that use of force is covered at length in several other blocks of instruction in each state, the fact that the topic is not tied into the ethics instruction in half the states represents another missed opportunity to address the primary abuse of power that has come to attention of the public, especially in the past few years. As mentioned in the introduction, in Ohio alone, John Crawford III in Beavercreek, Tamir Rice in Cleveland and Samuel DuBose in Cincinnati are all names of unarmed black males who were shot and killed by police recently. These incidents and others across the country like them have inspired public outcry that has resulted in mass protest and political action. Additionally, my research revealed that nearly every negotiated agreement between the U.S. DOJ and a local police agency under the pattern and practice program zeroed in on the agency's use of force practices, documentation and training (see Table 1 in Chapter 1). Excessive force is clearly an ethical issue and one that threatens police legitimacy.

When discussing the need for police officers to use force, Delattre (2006) notes,

“Respect for justice holds them back from using threats when reasoned persuasion will suffice, from force when threats will suffice, and from greater force when lesser force will suffice” (p.12). He goes on to explain, “We allow police to use force because we prefer a disinterested party to have this authority, rather than allow those impassioned by involvement to use force against each other. The use of reasonable force by an authorized official for a legitimate purpose – even if extreme force is required – is not the same as the brutal use of force or as police brutality” (p.30). Regarding the use of force by police, Bittner (1970, p. 9) adds,

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.

Kleinig states, “Nevertheless, we can see that authorizing the police use of force represents a very significant ceding of power, one that needs to be carefully regulated and monitored” (Kleinig, 1996, p. 98).

The U.S. Department of Justice’s pattern and practice program is a key part of this effort to regulate and monitor. The use of force by police is a complex and often controversial issue in the U.S. While it is true that it is rarely tidy or clear-cut, there *are* some clear ethical principles that relate to police performance in this area. One of which is that legal use of force and ethical use of force are not always aligned. While it may be legal to use a certain level of force, better training and the consideration of better tactics could allow for an avenue where less force is used to achieve the desired outcome. Former Chief of Police at the Metropolitan Police Department in D.C. and current Philadelphia Police Commissioner Charles Ramsey

explained, “One important element of training is to teach your officers that just because you can legally use deadly force in a certain situation, that doesn’t necessarily mean you should use it” (Police Executive Research Forum, 2013, pp. 13-14). I concur with Mr. Ramsey. Use of force training should stress the need to use available resources in ways that will allow officers to do the least amount of harm necessary when attempting to achieve their objective. Police officers should be trying in many cases to protect certain citizens from themselves by using tactics to keep citizens prone to violence from escalating a situation to the point where deadly force is the only option. This might include the deployment of less lethal weapons like tasers, waiting for backing officers to arrive before approaching a volatile situation, taking the extra time necessary to try to negotiate a surrender with a barricaded suspect, or simply maintaining barriers and a reactionary gap between officers and suspects when possible. This is why most of the federal consent decrees, memorandums of understanding and technical assistance letters call for more detailed policies and better training for officers regarding the use of force.

In Ohio, Governor Kasich convened a task force to examine police training, ethics and use of force. He established a group called the Ohio Collaborative Community-Police Advisory Board. In August of 2015 this board announced the completion of recommendations on police use of force. They developed state standards on the use of force to guide law enforcement agencies in the state and to be used as best practices when developing a use of force policy. Ohio’s Attorney General took action that preceded that of the Governor and also convened an Advisory Group on Law Enforcement Training Issues. That group released in April of 2015 a report on the status of police training in police academies across the state. It called for higher standards of admission for cadets, a significant increase in the total minimum number of

training hours, the addition of instruction on implicit bias and procedural justice, more scenario-based training, and devoting a component of the state certification exam to practical demonstration of skills and abilities through scenario-based testing. The recommendations are currently being considered by the Attorney General. Some have already been implemented as evidenced by the change in Ohio's ethics training in 2015 from three hours to five hours with added material on implicit bias. This new focus on implicit bias during the ethics portion of training in Ohio is significant due to the fact that biased-based profiling is indeed an ethical issue. Given the current climate in policing where much attention has been devoted recently in the media and on the part of activists to the use of force against black men, other states may do well to follow Ohio's lead.

Thirty years ago, Das found the most prevalent themes in police academy ethics training to be the following: avoidance of gifts, bribes and gratuities; caution regarding the use of drugs, alcohol and tobacco; adherence to a law enforcement code of ethics, maintaining public image through a profession of ethical values; and developing sensitivity to the unethical conduct of fellow officers (Das, 1986). Not much has changed – four out of five of Das' themes remain dominant themes today. This is disappointing given all that has changed in policing and in the communities police serve over the past three decades. This shows police ethics training as a whole has not evolved and kept up with police practice. Das lamented the fact that ethics courses in the 1980's did not stress legal moralism, which he defined as "the need for police commitment to strengthening the rule of law, appreciation of the limitations of authority, and disassociation with practices that violate the spirit of the law" (Das, 1986, p. 74). This has also remained an issue today. As discussed previously, the focus is currently on the code of ethics

and a character approach, and not nearly enough is centered on Constitutional principles that get at the underlying democratic spirit of the law. There is some hope a change could be on the horizon in Ohio. At the Ohio Attorney General's Law Enforcement Conference in October of 2015, a Lieutenant from the Ohio State Highway Patrol instructed a seminar entitled, "Defending the Principles of Liberty." The following is the description of the course:

The workshop will explain how the underlying principles contained in the U.S. Constitution relate to law enforcement officers. Officers are required to take an oath to "support" the Constitution but many lack a basic understanding of its founding principles. The presentation will delve into the theories that were the foundation upon which the nation was built. In addition, the workshop will apply the theories to the role of the law enforcement officer to apprise him or her of the responsibility accompanying the oath. Furthermore, it will warn of the potential dangers of ignoring the Constitution's principles and using police power as a tool for oppression.

The course discussed procedural justice and police legitimacy. It would only add 1.5 hours to the ethics instruction and would be a useful addition to the current basic academy curriculum in Ohio. The Ohio Peace Officer Training Commission also offered an 8 hour course throughout the state in 2015 on procedural justice and police legitimacy. These two courses were geared toward officers in field, but it would benefit police cadets to be exposed to this material in the police academy.

The Das theme of caution regarding the use of drugs, alcohol and tobacco is not currently a dominant theme, but this could be due to the fact that the law and perception regarding drugs and alcohol has changed a great deal in the past three decades. The drinking age has been increased in most states since then, and groups like Mothers Against Drunk Driving (MADD), initiatives like Drug Resistance Education (DARE), and tougher laws against driving under the influence have probably served to make it more obvious that police officers should not drink to excess, use illegal drugs, or drive while intoxicated. These are now career

ending mistakes in many cases and may not need to be addressed as prominently in an ethics course for police cadets.

This study has revealed the content of police academy ethics training and has shown it is lacking in several areas. There is a potential over-reliance on the law enforcement code of ethics as the primary tool for guiding an officer's discretion. The content also focuses too much attention to the lowest form of ethical reasoning, which is motivated by avoiding punishment or negative consequences. The use of force by police does not appear to be a topic that is adequately integrated into the lesson on ethics, which is extremely problematic given the current climate in policing. Likewise, the limited content related to fidelity to the U.S. Constitution is detrimental to efforts to professionalize police as well. Every officer in the U.S. takes an oath to uphold the Constitution, and the principles found therein – what Rohr (1989) would call “regime values” – which should be the basis for many of the decisions made by officers that have ethical implications. Instead, the U.S. Department of Justice must intervene after the fact when allegations of unconstitutional practices by local police agencies come to the attention of the federal government. A considerable portion of the content of police academy ethics training focuses on the character of the individual police officer, which is indeed important – but it would be more effective training if it were augmented by a principled approach based on democratic values and constitutional principles and used decision-making tools that incorporated the character and principled approaches equally. The use of *any* decision-making tools would be an improvement to the content in most states.

HOW IS IT BEING TAUGHT?

Regarding *how* ethics is being taught, it does appear that some of the recommendations of the International Association of Chiefs of Police were adopted. The IACP recommended that adult learning principles be used, ethics should be taught across the entire curriculum, and that job related ethical dilemmas and case scenarios should be used (IACP 1, 1998). Among the states in the sample, experiential case studies and job related scenarios were the most common instructional technique. This is consistent with what the literature reviewed in Chapter 2 recommends as a best practice for courses in practical ethics (McWilliams & Nahavandi, 2006; Menzel, 1998; Miller & Braswell). Narratives of ethical dilemma situations were distributed to the class as handouts in most states in the sample and cadets were asked to discuss the scenarios in small groups and then with the class. A series of discussion questions typically followed each scenario in the lesson plan to generate debate and thoughtful consideration of the issues involved in each situation. Scenarios regarding reporting the wrongdoing of other officers, accepting free meals and other gratuities, and those where the question of giving special consideration and professional courtesy to fellow officers were most common.

These scenarios would be even more effective if states incorporated more than just positive character traits and the code of ethics for use in deciphering the proper course of action. Introducing ethical decision-making tools and Constitutional principles as another source of guidance in working through each ethical dilemma would greatly enhance the benefit of using job related case scenarios. This is one area where the recommendations of the IACP appear to have gone unheeded. The IACP report indicated officers should leave the training

with a decision-making model and a set of universally agreed upon values as a tool to navigate through ethical dilemmas (IACP 1, 1998). Democratic, constitutional values are the universal source that officers need to draw from, and they were only mentioned in three states.

Decision-making models were also only used in three states. More states should draw upon the models used in Maine and Missouri like the ACT model, the Bell, the Book and the Candle, the Five Moral Standards for Police, and the ethics check questions.

Andragogy and adult learning principles were stressed in the lesson plans of most states as evidenced by the student-centered exercises suggested to the instructors in the instructional materials. The value of this approach appears to have been somewhat comprised, however because performance objectives or learning objectives were utilized in every state to focus on the items that cadets would be expected to know for the state certification exam. A certification exam with standard, multiple choice questions restricts some of what instructors focus on during the short time they have to devote to ethics. They have to be sure cadets are memorizing the things they need to know for the test, and so they are teaching to the test. However, there are signs of change in at least one state in the sample. For example, Ohio's recent recommendation of changing the state exam to include scenario-based exercises could significantly change the way classroom instruction is conducted. More emphasis would be placed on demonstrating and understanding the material being taught rather than rote memorization of definitions and other things that do not always translate into effective, ethical performance on the street. Perhaps if Ohio finds a way to successfully incorporate this into the state certification exam, other states will follow given the policy learning and policy diffusion that often occurs between states.

The warrior versus guardian debate is one to take note of in the coming decade. Although the “guardian of democracy” concept is gaining some footing in light of recent, much publicized abuses of police power, traditional facets of the police service are resistant to change and worry the “softening” of police training will result in more officer deaths. The guardian of democracy approach to police training that is being implemented in the state of Washington is consistent with an emphasis on a Constitutional approach to ethics training and police training in general. As discussed in Chapter 1, the militarization of police and the “warrior mindset” is now under scrutiny. A policy window has opened. This is the perfect time for reform minded police leaders and politicians to push for changes and try new approaches to police training on tactics while public pressure supports them.

My own experience has been that local police possessing military gear and vehicles is not the problem. Restricting this by altering the 1033 Program via executive order wasn’t the best policy alternative. This equipment has actually proven to be necessary in some instances. For example, in 2005 I was on a SWAT call-out where an armored vehicle was needed to safely end a stand-off with a subject who had murdered three people, terrorized a neighborhood, and was shooting at police with a high-powered rifle from a duplex that was situated right in the middle of an open field. We had to wait nearly seven hours for an armored vehicle to arrive from another jurisdiction to end the situation. The suspect was taken into custody alive and is on death row, and no officers were killed in the process. This would not have been possible without that vehicle, and it would have ended much sooner had any police agency in the county had an armored vehicle available. The problem comes in when military gear and equipment is used inappropriately or paraded around in an unnecessary show of force. It goes back to the

mindset of police officials, and this is where better training regarding the role of police is in order. Connecting the role of police in a democratic society to the lesson on ethics is essential for helping police officers reason through the options when it comes to available tactics. A guardian of democracy may indeed employ military equipment when necessary or even have it hidden nearby on standby to safeguard the community, but not to occupy the community. If jurisdictions who received the equipment did not display it for show or deploy it in full view at incidents where it was unlikely to be needed, the call for a change in the program may not have occurred.

WHAT ARE THE QUALIFICATIONS OF INSTRUCTORS?

In all but two states in the sample, a formal instructor course was required for officers to teach any subject in a police academy. Most academy ethics instructors are active or retired police officers. Five states required a 40 hour course on instructional skills. Three states required an 80 hour course. The two states that did not require a formal course were states that only operated one academy in the entire state, and the person instructing ethics was employed full time by the academy. This greatly enhances the opportunity to put someone in the position who is capable of teaching. Respondents in each state that required an instructor course explained adult learning principles were stressed in the instructor courses to teach potential instructors techniques other than simply lecturing. Creating student-centered learning activities was the focus of the instructor courses in most cases. Since prior studies have shown the lecture format is the favorite of most police instructors but less popular among students (Van Slyke, 2007), it will remain important for states to stress other modes of teaching

and learning in their instructor courses and to incorporate student-centered learning activities in their lesson plans and instructional materials. This will assist officers who are instructors in getting out of their comfort zone when teaching and should make the course content more meaningful to cadets.

ARE THERE DIFFERENCES IN TRAINING FROM STATE TO STATE?

The average length of pre-service ethics training among the states in the sample is 5.5 hours, but it ranged from only two hours in Georgia to 8.5 hours in Wyoming. The average total for minimum hours of required training for the entire academy curriculum was just over 633 hours, but this ranged among the states in the sample from as low as 408 hours in Georgia to 800 hours in West Virginia. The percentage of total training hours that were required to be devoted to the topic of ethics was on average just below 1%. Although there were typically no hard and fast rules about the order of each topic (probably due to the difficulty of finding and scheduling qualified instructors who were knowledgeable about the topics), most respondents indicated they try to place ethics in the beginning of the academy curriculum.

The difference between the states that has the potential to have the greatest effect on the quality and consistency of the ethics training a cadet receives is whether the state operates one or many academies. See Table 7, "Academy System," for a depiction which states operated one single academy and which operated numerous police academies. Four states in the sample operate a single academy. Six states operated multiple academies.

Table 7: Academy System

Centralized - Single Academy	Decentralized - Multiple Academies
Maine	New Jersey
West Virginia	Georgia
Wyoming	Ohio
Washington	Texas
	Missouri
	California

Ensuring the quality of instruction is much more difficult if multiple organizations are offering the state mandated training. It makes quality control by the state more labor-intensive, makes consistency nearly impossible and makes the process of revising and updating the curriculum more difficult. The increased opportunity for innovation in academies by different instructors and easier access to training for those interested in pursuing a career in policing is probably outweighed by the risk of inconsistent training. Table 8, “Advantages and Disadvantages of a Centralized Approach to Training,” lists the pros and cons of operating one or only a few police academies in the state.

Table 8: Advantages and Disadvantages of a Centralized Approach to Training

Advantages	Disadvantages
Easier to implement quality control measures	Reduces opportunity for training on topics specific to particular regions of the state
Easier to implement changes to the curriculum	Less innovation due to lack of competition between academies and fewer instructors
Training is consistent for all cadets throughout the state	Decreased access to training by potential police officer candidates who cannot relocate to central academy for training
Fewer instructors provides opportunity to better train instructors in teaching methods	Decreased access to training by potential police officer candidates may reduce opportunities to add diversity to officer ranks

This is one reason why the Attorney General’s Group on Law Enforcement Training Issues in Ohio recently recommended reducing the number of academies that operate in Ohio (Ohio AG Report, 2015). One solution to this problem in states that want to continue operating numerous open-enrollment academies would be to provide much more guidance to instructors on each topic in terms of concrete lesson plans, learning activities and instructional objectives that are mandatory rather than just suggestions for teaching the course. Some states like Ohio, Maine, and Washington provide more than just the basic learning objectives to instructors. They prepared and provide detailed lesson plans, handouts, and learning activities to guide the ethics instructor. Maine and Washington only have one academy, but Ohio has the most in the sample at 62. If other states with multiple academies followed Ohio’s lead in preparing professional, detailed lesson plans for instructors and then went a step further and mandated instructors to teach from the lesson plan, consistency would be improved, thereby improving

the confidence the public would have in the quality of training. Ohio is actually considering taking it even one additional step further than a mandate by considering requiring every academy in Ohio to become internationally accredited through the Commission on Accreditation for Law Enforcement Agencies (CALEA). An academy that could not achieve CALEA accreditation and maintain it would not be permitted to operate in the state. This would provide a level of oversight and enforcement that the Ohio Peace Officer Training Commission is currently unable to support. The Ohio Attorney General discussed this idea in person with police executives in October of 2015 to get their feedback.

Likewise, mandating a more systematic revision process of the learning objectives and lesson plans would be beneficial in improving the quality of instruction in police academies, regardless of whether the state permits multiple academies or runs one central academy. All states in the sample allowed instructors to add to the content of the ethics lesson as long as the learning objectives were taught. However, six states had no firm process for updating or revising the instructional materials and course content. They indicated it occurred on an “as needed” basis. Three states did an annual review of the content, and Ohio reviews every topic in the curriculum on a three year cycle at a minimum, or as needed if required before then due to changes in law or emerging issues. While it would be difficult to do a thorough review of the entire curriculum every year, it seems important to put each component on a revolving cycle so they are at least reviewed every other year or every three years. The fact that the majority of states had no set timetable or process for reviewing, updating and revising curriculum probably contributes to the lack of change in ethics training over the past three decades.

Based on the results of the survey and the instructional materials provided, Maine is the state in the sample that does pre-service ethics training the best. The small size of the state allows them to operate one academy, they have an unusually rigorous selection process for admitting cadets into that academy, they devote at least six hours to the topic of ethics, they provide instructors with a detailed and lengthy lesson plan to guide and facilitate the teaching, they incorporate many decision-making models and numerous role plays and scenarios to get students involved in their own learning, and they require an 80-hour instructor course to teach in the academy. One less positive aspect of the way Maine manages police academy training is that they only revise lesson plans on an as-needed basis rather than on a consistent cycle of review.

The state in the sample that appears to be in the worst position in terms of the ability to ensure the quality and consistency of ethics instruction is Georgia. They allow multiple academies to operate in the state but require only two hours of ethics instruction, they only provide four learning objectives to guide instructors, and instructors write their own lesson plan to support those objectives. They also have the least number of total required hours for the entire academy curriculum, making it less likely ethics is adequately addressed in other topics. However, Georgia does require annual review of the learning objectives for each topic and they do require an 80-hour instructor course for those who want to teach in police academies. See Table 9, “Strengths of Approach to Academy Ethics Training by State,” for a list of what each state does particularly well.

Table 9: Strengths of Approach to Academy Ethics Training by State

State	Strengths of Approach
Maine	Requires instructors to take an 80 hour instructor's course
	Thorough background screening of cadets prior to admittance to academy
	Operates a single academy for the entire state
	Provides six hours of training
	Detailed lesson plan provided to instructor
	Incorporates several ethical decision-making models
	Numerous role plays and scenarios used throughout
	Officers on certification probation address cadets about their mistakes
New Jersey	Have included ethics in the academy curriculum since 1962
	Numerous and detailed learning objectives provided to instructor
	Uses Canons of Police Ethics document as part of training
West Virginia	Operates a single academy for the entire state
Georgia	Has always included ethics in the curriculum since inception in 1970
	Requires instructors to take an 80 hour instructor's course
	Has a process for revising the curriculum annually
Ohio	Requires instructors to take an 80 hour instructor's course
	Detailed and lengthy lesson plan is provided to instructors
	In depth discussion of social contract theory and constitutional principles included
	Numerous role play and scenarios used
	Discussion of implicit bias added to the curriculum recently
	Curriculum is on a three year revision cycle
Texas	Provides a good instructor resource guide to instructors
	Provides eight hours of training
	Uses Canons of Police Ethics document as part of training
	Numerous role play and scenarios used
	Discusses Rodney King incident and watches that video to incorporate use of force issues
Missouri	Detailed learning objectives are provided to instructors
	Incorporates several ethical decision making models
Wyoming	Operates a single academy for the entire state
	Provides 8.5 hours of training
	Numerous role play and scenarios used
California	Provides eight hours of training
	Detailed learning objectives provided to instructor
	Blends leadership principles into topic
Washington	Operates single academy for entire state
	Provides a detailed lesson plan to instructor
	Numerous role plays and scenarios used
	Uses justice-based policing model and guardians of democracy approach throughout curriculum

The states other than Maine and Georgia are harder to place on the continuum between these two extremes because they each do well on some variables and appear to fall short on others. For example, Wyoming provided no lesson plan with only instructional objectives to guide instructors, however it did have the most ethical dilemma scenarios, it operated a single academy in the state, and 8.5 hours was devoted to the topic of ethics. Ohio only devoted five hours to ethics, they have over sixty different academies in operation, their student performance objectives are rather weak, and they only utilize one ethical decision-making tool. However, they provide instructors with a detailed and lengthy lesson plan which includes numerous case scenarios, an in-depth discussion on implicit bias, and discussion of social contract theory and constitutional principles. Additionally, Ohio requires instructors to take an 80-hour instructor course and they have every lesson plan on a three year revision cycle. Washington operates one academy, has the commander or assistant commander teach ethics, and has a detailed lesson plan for the topic that contains many case scenarios. Additionally, they augment the lesson on ethics in every topic by teaching from a justice-based policing lens that incorporates the guardian of democracy approach. There does not seem to be any set process or timetable for revision or review of the lesson plans, though. Texas also only revises their curriculum on an as needed basis and they operate multiple academies. However, Texas devotes eight hours to ethics, provides a detailed instructor resource guide for the topic, utilizes the canons of police ethics document, plays the video of the Rodney King incident and discusses it, and incorporates many role play scenarios. California also devotes eight hours to ethics in the police academy and they blend the topic with that of leadership. They provide detailed learning objectives to the instructor and suggestions for instructing. However, in

California there is no set revision schedule and there are many academies in operation in the state. Missouri has no lesson plan for instructors, but the state does provide numerous fairly detailed learning objectives which make good use of ethical decision-making tools. New Jersey operates multiple academies, they have no lesson plan to provide instructors, and they have no minimum number of hours for the topic of ethics. However, they do provide instructors with numerous detailed learning objectives and they use the canons of police ethics document as a resource. West Virginia only has one academy, but has no learning objectives to guide the instructor who develops the lesson plan. The current ethics presentation consists of only 26 power-point slides and is revised on an as-needed basis rather than on a regular schedule.

RECOMMENDATIONS FOR ETHICS TRAINING

The most troubling aspect of the findings is the degree to which there is room for inconsistency in the content and quality of the ethics instruction police cadets receive in each state. The states' attempt to establish minimum training requirements are falling short due to lack of oversight. It is quite possible for a cadet in one jurisdiction to get superb training and another in the same state to receive poor training. The preparation of new officers varies widely as a result, as does their level of service to the community. Additionally, it is difficult to change or reform something if there is no firm process or guidance in place to begin with. As noted above, there are adjustments to the way ethics training is delivered that could greatly increase the quality of instruction and the outcomes. States with many academies should attempt to devote resources to maintaining consistency and ensuring quality by providing more information and instructional materials to guide instructors. Quality lesson plans should be

developed by professional curriculum developers and once approved by the POST organization in the state, it should be made mandatory that the lesson plan is followed. It would not hurt to do the same even in states that only operate one academy. Curriculum developers should borrow from other states that already have well-developed lesson plans and from organizations that focus on practical, professional ethics such as the Josephson Institute of Ethics, Neal Trautman, Inc., and Gilmartin, Harris and Associates. Constitutional principles should be the underpinning of any ethics lesson for police officers in the U.S. as it is the one source that is universal to all officers in the country. They all take an oath to adhere to it no matter what region they work in. Since most academies are run by universities and community colleges, it may also be beneficial for curriculum developers to consult with professors who have an interest in professional ethics and some expertise on the topic. Additionally, requiring a systematic review of the formal lesson plan and associated learning activities annually would ensure case scenarios are kept current to make the course more meaningful to cadets. Purposely and deliberately tying other topic areas into the ethics lesson plan would also be beneficial. Racism and excessive force are ethical issues. Constitutional principles, racial profiling and implicit bias, the justice system, procedural justice, and use of force are all fundamentally related to ethics. Each should not be taught in a vacuum.

That said, it would not be good to eliminate a focused block of ethics instruction in an attempt to teach ethics across the curriculum. While it is true the ethical implications of every topic should be discussed throughout the academy experience, it would seem necessary near the beginning of the curriculum to introduce the cadet to the principles and values they should be basing ethical decisions on, and introducing them to the character traits they should be

striving to further develop throughout their training. If done this way, the four or more months a cadet spends under the watchful eye of instructors and seasoned police veterans can be spent encouraging them to live the values they've learned, practice the character traits until they become habits of excellence, and use the principles they were introduced to by applying them to every subsequent topic they are instructed in. You can't teach ethics across the curriculum if you haven't first taught them the basics of ethics so they can hone their moral reasoning by applying it across the remaining subjects. Ethics, democratic principles and police legitimacy all inform the mission of police, which one would want a cadet to thoroughly understand before learning how to shoot a firearm, practice pursuit driving, or train on a taser.

LIMITATIONS OF STUDY

This study was based solely on the data provided by the respondent in each state. It is possible they did not send everything that was available to instructors in their state and did not accurately respond to questions on the survey. However, I tried to minimize the impact of this by independently confirming what I could through online searches and by using follow-up phone calls to clarify points that did not seem to add up. It is also possible that due to current events, significant changes have been made to the content and structure of academy training in some states since the summer of 2014. Additionally, given the limited information many states provided instructors, it's safe to assume the ethics instructors in some states develop their own outline to teach from and therefore the quality and content of instruction could vary widely, and in some cases could be quite good and thorough, despite the lack of guidance from the state. If this were proven to be true, that in itself would be a troubling finding in that state

officials are unaware of what is being taught on this topic to potential police officers in their state. Additionally, many topics that have potential overlap with ethics are taught in the academy, and I did not review the lesson plans or instructional materials for those topics. Most respondents said their state encourages instructors to tie in ethics during every topic, during breaks and down time, etc. It is possible there is a significant amount of additional, informal or supplemental instruction on ethics going on outside the ethics portion of the curriculum.

DIRECTIONS FOR FUTURE RESEARCH

Next steps for research on pre-service police ethics training could include expanding the sample to see how the other states compare to the ten states included in this study to determine whether any other state is doing something really innovative or exceptional. The informational survey instrument designed for this project (see Appendix B) was successful in getting a rapid response by administrators in most states due to the fact that it was relatively short and straightforward and focused on points that were a matter of public record. However, if a researcher attempted to use a similar approach to obtain data about other states, some changes to the survey instrument are in order. Questions eight and nine regarding other closely related topics was not effectively worded. The questions asked the respondent how many hours of academy training were devoted to the role of police in a democratic society and to constitutional principles of justice. This question was too vague and did not always garner useful responses. Unless a topic in that particular state was labeled or titled something very similar to “constitutional principles” or “role of police in democracy,” no response or “unknown” was common. Perhaps asking for an outline of the entire academy curriculum

would be a more effective first step. The researcher could then review the list of topics and inquire further about topics that appear to cover these issues.

Another logical progression for research building off this study would be to determine which approaches to teaching ethics are most effective. Studies could be designed to determine which of the themes found in the states in the sample actually contribute to better outcomes in terms of ethical decision-making. For example, pre-tests and post-tests could be designed that would allow a researcher to determine whether the decision-making models used in Missouri and Maine, the Five Moral Standards for Police or the IACP code of ethics are actually helpful in allowing students to make better choices when reasoning through scenarios with ethical implications. Similarly, approaches based entirely on character ethics could be tested against approaches based on democratic and Constitutional principles to see which is more effective in assisting police cadets with decision-making.

An additional avenue for research building off this study would be participant observation of ethics training in a select number of academies in the states in the sample that run a decentralized academy system with multiple academies. This would allow the researcher to see what instructors are in fact teaching when left with so little guidance in many cases as to the content of their lesson. It would be useful to better understand the actual degree to which ethics training differs from academy to academy within each state to add insight into the discussion of how the consistency and quality of ethics instruction can be enhanced. Additionally, interviews with academy ethics instructors would be a helpful next step to identify their perceptions of the latitude they are given by the state to develop their lesson plans, and

whether they think a more standard (or less standard) approach to what is presented in the classroom would be beneficial for cadets across the state.

IMPORTANCE OF FINDINGS

Not since Das (1986) attempted to compare states on academy ethics training thirty years ago has a researcher attempted to discover what is being taught to police cadets across the country on the topic of ethics. Studies have attempted to answer this question for an individual state or individual academy class, but not in a comprehensive way where results were representative of academy ethics training in all regions of the U.S. The literature pertaining to police ethics training is short on information about the ethics instruction that police officers receive, and it is also lacking in terms of providing concrete suggestions as to what the content of instruction should be. This baseline study was necessary to establish critical information on a broader scale about *what* is being taught on the topic of ethics and *how* it is being taught.

This project focuses on ethics training in the police academy setting rather than other points in an officer's career for a specific reason: police academies begin the socialization of police recruits into the prevailing police culture. What is taught to police cadets about fulfilling their important constitutional role in an ethical manner at the very beginning of their career will set the stage for decades of work in the field. Additionally, the police academy is the only place many police officers ever receive training on ethics. The choices these street-level bureaucrats make will have ethical implications that could ultimately affect the legitimacy of the police service in the U.S. and of the government that employs them. Current events and recent

incidents pertaining to police use of force, police-community relations, and the federal investigations and social movements that have arisen out these incidents demonstrate how critical police legitimacy is to social order and effective governing.

Rather than a more in-depth study of police academy ethics training in one state, this project was designed to tell us something about training in ten states that were spread throughout the country. This was done to ensure any regional differences in the ways ethics training is delivered to cadets were accounted for. The fragmented nature of policing in the U.S. makes it quite possible for states and localities to take very different approaches to police training.

In addition to providing a baseline of information for future research to build on, the findings from this study are important and useful in their own right to police practitioners and trainers now. Through the pattern and practice program, the U.S. Department of Justice has recommended increased ethics training as an outcome of several investigations of local police departments. Other agencies would do well to enhance academy ethics training for cadets and implement in-service ethics training for more seasoned officers before a federal mandate requires them to. This study identified the strengths of academy ethics training in ten states and lists several decision-making models that can be used to train police officers. The best of what applies to the cadets in police academies can also be used for in-service training at later points in an officer's career. Additionally, states can consider the variables presented in this study to examine their own process for police academy training to see how it can be changed to ensure better oversight and regulation, thus allowing them to provide a more thorough, consistent approach to ethics and other critical topics in police academy training. Ideas can be

borrowed from the states in the sample that do ethics training particularly well. Given the fact that this study discovered there appears to be a concerning lack of focus on constitutional principles, procedural justice, police legitimacy, and use of force, states can work to modify existing instructional materials to blend these topics into the instruction on ethics.

This project illustrated the fact that police ethics training has changed little in the past thirty years. It provided a unique window of understanding which illustrated there is still far too much emphasis on sanction-avoidance and not enough material centered on the constitutional role of police officers in this constitutional republic. The prominence of the character approach and the use of job-related scenarios and case studies is promising, but is left lacking without being accompanied by universal constitutional principles and decision-making models that augment those aspects of the curriculum. Also, biased policing, excessive force, proper tactics, dealing with the mentally ill, community relations, procedural justice and the protection of constitutional rights are all topics closely related to ethics that should be tied in to the content for ethics instruction. Distinctions should be made throughout the lesson between what is legal and what is ethical/moral, as there is often a difference. As we have seen all too often over the course of the past few years, grand juries may decide a particular act by a police officer did not amount to criminal conduct, but this does not mean it was the most ethical act among the range of available options. Better training will help prepare officers to discern this in the field, which was primary the motivation for this study – and the recommendations couldn't have come at a more critical time for the police service and the country.

Given the current climate, the topic of police ethics and police training is likely to remain a fruitful avenue for research that will continue to garner interest in academia and with the general public. More and more agencies are working under federal consent decrees. States are trying to prevent and pre-empt this by convening their own committees and task forces to get community input and change police training based on best practices. Taking advantage of the policy window that is opening by implementing the recommendations from this study and conducting further research in this area could result in meaningful policy change. If the changes pertain in part to the actual processes for oversight and revision of police academy ethics training, it could have lasting effects on the police service for decades to come.

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APPENDICES

APPENDIX A

MAP OF U.S. STANDARD FEDERAL REGIONS



APPENDIX B

INFORMATIONAL SURVEY INSTRUMENT

Below are the survey questions. Please just type your answers below each question, resave the document, and then return it as an attachment to an email to me at mmoll@bgsu.edu. (If you prefer, you may send it to me via regular mail instead addressed to Monica Moll, 100 College Park Office Building, Bowling Green, OH 43403.)

1. Is there a state-mandated curriculum for basic training in police academies in your state?
2. If the answer to question 1 is yes, is there a lesson plan, outline or other material provided to the instructor as a guide for each mandatory topic?
3. If the answer to question 1 is yes, is ethics a mandatory topic in the police academies in your state?
4. If ethics is a mandatory topic, how long has it been included in the curriculum as such?
5. What is the minimum number of total training hours required to complete the police academy?
6. If ethics training is included in the curriculum, what is the minimum number of hours devoted to this particular topic?
7. If ethics is a part of the curriculum, where is it placed in the order of topics?
8. How many (if any) training hours are devoted to instruction on the role of police in a democratic society?
9. How many (if any) training hours are devoted to constitutional principles of justice?
10. What are the minimum qualifications for instructors in the academy for the topic of ethics?
11. Are instructors free to add to the content in the lesson plan during the course of instruction on ethics?
12. Please describe the process (if there is one) for creating, revising and updating the ethics lesson plan or instructional materials by answering the questions below:
 - a. Where did the content for the ethics lesson plan or instructional materials come from? (If known)
 - b. Was the material borrowed from another state?
 - c. Is there a person, group, or committee responsible for creating the lesson plan or instructional materials?
 - d. Is there a person, group or committee responsible for revising the lesson plan or instructional materials?
 - e. How frequently is the lesson plan or instructional material revised?

13. Please type below anything else you would like to add about ethics instruction during basic training in police academies in your state.

APPENDIX C

INFORMED CONSENT WAIVER

Informed Consent to Participate in a Research Study

Study Title: An Analysis of Police Ethics Training in Police Academies in the U.S.

Principal Investigator: Monica Moll (graduate student)

You are being invited to participate in a research study. This consent form will provide you with information on the research project, what you will need to do, and the associated risks and benefits of the research. Your participation is voluntary. Please read this form carefully. It is important that you ask questions and fully understand the research in order to make an informed decision. You will receive a copy of this document to take with you.

Purpose:

I am a police chief in Ohio and I am working on a project that examines police ethics training. I would like to obtain information from state directors of law enforcement training or members of their staff for my dissertation research. My project examines police ethics training at the police academy level by comparing pre-service police ethics training from state to state. I am collecting data from one state in each of the ten standard U.S. federal regions, and _____ is the state I have selected from region _____. I wish to obtain the police academy ethics lesson plan from each state selected. In addition, I am asking the state director of law enforcement training (or a member of their staff with the director's permission) to complete a short informational survey to fill in the gaps on data points that I will not be able to obtain from the lesson plan itself. The survey can be found in the attachment.

Procedures

You will notice that the survey asks 12 straight-forward questions to obtain information about the organization and methods of ethics training for cadets in the police academies in your state. It does not ask you to evaluate the ethics training provided in your state. Your name or the name of the individual on your staff that completes the informational survey will not be used in my dissertation, although the name of the state that the information came from may be used.

Please contact me if you have any questions or concerns about this survey or the project. If the questions do not seem applicable to the way police academy training is organized in your state or the questions are not clear, I would like to hear from you to sort this out.

Survey responses can be returned to me as an email attachment or by regular mail. My contact information is below. Please also attach or enclose a copy of the lesson plan, outline or whatever material is used to guide the instructors that teach ethics in the police academy in your state (these are the items referred to in question #2 in the survey). I truly appreciate the time you are taking to assist me with this research.

Benefits

When the project is complete, I will share the results with you so you can see how the structure and content of police academy ethics training in your state compares to the other states being studied. That is the primary benefit to you that will result from this research.

Risks and Discomforts

There are no risks anticipated beyond those encountered in everyday life.

Privacy and Confidentiality

No names of persons will be used in my dissertation, other publication or presentations. The state the data came from may be revealed when comparing states, but the names of the people submitting the lesson plans and responding to the informational survey will be kept confidential and will not be used. Any identifying information will be kept in a secure location and only the researchers will have access to the data.

Voluntary Participation

Taking part in this research study is entirely up to you. You may choose not to participate or you may discontinue your participation at any time without penalty or loss of benefits to which you are otherwise entitled. You will be informed of any new, relevant information that may affect your health, welfare, or willingness to continue your study participation.

Contact Information

If you have any questions or concerns about this research, you may contact me, Monica Moll by phone at 419-372-7992, by email at mmoll@bgsu.edu or via regular mail at 100 College Park Office Building, Bowling Green, OH 43403. You may also contact my dissertation advisor, Dr. Pat Coy at 330-672-2875. This project has been approved by the Kent State University Institutional Review Board (IRB). If you have any questions about your rights as a research participant or complaints about the research, you may call the IRB at 330-672-2704.

Consent Statement and Signature

I have read this consent form and have had the opportunity to have my questions answered to my satisfaction. I voluntarily agree to participate in this study. I understand that a copy of this consent will be provided to me for future reference.

Participant Signature

Date

APPENDIX D

LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice. I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others.

Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty. I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities. I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service.

I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession....law enforcement.

APPENDIX E

CANONS OF POLICE ETHICS

1. Primary Responsibility of Job

The primary responsibility of the police service, and of the individual officer, is the protection of the people of the United States through the upholding of their laws; chief among these is the Constitution of the United States and its amendments. The law enforcement employee always represents the whole of the community and its legally expressed will and is never the arm of any political party or clique.

2. Limitations of Authority

The first duty of a law enforcement officer, as upholder of the law, is to know its bounds upon him/her in enforcing it. Because he/she represents the legal will of the community, be it local, state or federal, he/she must be aware of the limitations and prescriptions which the people, through law, have placed upon him/her. He/she must recognize the genius of the American system of government which gives to no man, groups of people, or institution, absolute power, and he/she must insure that he/she, as a prime defender of the system, does not pervert its character.

3. Duty to be familiar with the Law and with Responsibilities of Self and other Public Officials

The law enforcement officer will assiduously apply himself/herself to the study of the principles of the laws which he/she is sworn to uphold. He/she will make certain of his/her responsibilities in the particulars of their enforcement, seeking aid from his/her superiors in matters of technicality or principle when these are not clear to him/her; he/she will make special effort to fully understand his/her relationship to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.

4. Utilization of Proper Means to Gain Proper Ends

The law enforcement officer will be mindful of their responsibility to pay strict heed to the selection of means in discharging the duties of their office. Violations of law or disregard for public safety and property on the part of an employee are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law. If the law is to be honored, it must first be honored by those who enforce it.

5. Cooperation with Public Officials in the Discharge of Their Authorized Duties

The law enforcement officer will cooperate fully with other public officials in the discharge of authorized duties, regardless of party affiliation or personal prejudice. They will be meticulous, however, in assuring themselves of the propriety, under the law, of such actions and will guard against the use of their office or person whether knowingly or unknowingly, in any improper or illegal action. In any situation open to questions, they will seek authority from their superior, giving them a fuller report of the proposed service or action.

6. Private Conduct

The law enforcement officer will be mindful of their special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable person. Following the career of a police officer gives no person special prerequisites. It does give the satisfaction of pride of following and furthering an unbroken tradition of safeguarding the American republic. The employee who reflects upon this tradition will not degrade it.

7. Conduct toward the Public

The law enforcement officer, mindful of their responsibility to the whole community, will deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. The law enforcement officer will conduct his/her official life in a manner such as will inspire confidence and trust. Thus, they will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of them nor a right to command them. The officer will give service where he/she can, and require compliance with the law. He/she will do neither from personal preference or prejudice but rather as a duly appointed police officer discharging their obligation.

8. Conduct in Arresting and Dealing with Law Violators

The law enforcement officer will use their powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen concerned. Their office gives them no right to persecute the violator nor to mete out punishment for an offense. They will, at all times, have a clear appreciation of their responsibilities and limitations regarding detention of the violator; they will conduct themselves in such a manner as will minimize the possibility of having to use force. To this end he/she will cultivate a dedication to the service of the people and the equitable upholding of their laws, whether in the handling of law violators or in dealing with the law-abiding.

9. Gifts and Favors

The law enforcement officer, representing government, bears the heavy responsibility of maintaining, in their own conduct, the honor and integrity of all government institutions. He/she will, therefore, guard against placing themselves in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, they should be firm in refusing gifts, favors, or gratuities, large or small, which can in the public mind, be interpreted as capable of influencing their judgment in the discharge of their duties.

10. Presentation of Evidence

The law enforcement officer will be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. They will ascertain what constitutes evidence and will present such evidence impartially and without malice. In so doing, they will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of their word. The law enforcement officer will take special pains to increase their perception and skill of observation, mindful that in many situations they are the sole impartial testimony to the facts of the case.

11. Attitude Toward Profession

The law enforcement officer will regard the discharge of their duties as a public trust and recognize his/her responsibility as a public servant. By diligent study and sincere attention to self-improvement, they will strive to make the best possible application of science to the solution of crime, and in the field of human relationships, they will strive for effective leadership and public influence in matters affecting public safety. They will appreciate the importance and responsibility of their office and hold police work to be an honorable profession rendering valuable service to their community and their country.

APPENDIX F

MANIFESTATIONS OF CHARACTER APPROACH TO ETHICS

- Six Pillars of Character (Maine, Missouri, California)

The Josephson Institute's Six Pillars of Character are listed in these three states as trustworthiness, respect, responsibility, justice and fairness, caring, and civic virtue/citizenship.

- Moral Courage (Maine, West Virginia, Texas)

A few states referred to moral progress and over time and developing the ability to be courageous in making the right ethical decisions, even when the decisions are unpopular. Moral courage was compared to physical courage as a positive character trait of good police officers.

- Seven Virtues for Integrity (Ohio)

Dr. Stephen J. Vicchio's (1997) Seven Virtues for Integrity are prudence, trust, removal of self-interest, courage, intellectual honesty, justice and responsibility.

- Four Cardinal Virtues (West Virginia)

The cardinal virtues found in the writings of classical antiquity are courage or fortitude, justice, temperance and prudence.

- Core Values (New Jersey)

The core values of law enforcement are listed as integrity, fairness, respect, honesty, courage and compassion.

- Five P's of Ethical Power (Missouri)

Ken Blanchard and Norman Vincent Peale (1988) list the five P's as purpose, pride, patience, persistence, and perspective.

- Continuum of Compromise (Maine, Washington)

The Continuum of Compromise referenced in two states is based on a work by Gilmartin and Harris (1998). It is a version of the slippery slope concept that examines the ways in

which the character of police officers can erode over time.

- Four Factors that Contribute to Misconduct (Maine, Ohio)

Neal Trautman (2004) lists the character defects of greed, anger, lust and succumbing to peer pressure as the four main factors that contribute to the misconduct of police officers. These represent the polar opposite of many of the positive character attributes referenced the instructional materials of several states.