



THE ETHICS ROLL CALL

LISTENING TO THE INNER VOICE

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“The Challenge is to be a Light, , not a Judge: to be a Model, not a Critic” —Steven Covey

Ethics Conference Inaugurates Headquarters of the Center for American and International Law

As history and tradition dictate, significant law enforcement events always start with a flourish. Such was the case with the 11th Annual International Ethics Conference, which on October 17, 2002, officially opened with the posting of the colors by the Plano, TX, Police Department Honor Guard, and the playing of the National Anthem. But that date and opening had special meaning for another very important reason ... it represented the first major event to be hosted in the beautiful and spacious new headquarters of the Center for American and Inter-national Law.

Representing twenty-two of the United States, five Canadian provinces, Great Britain and El Salvador, participants and speakers at the 11th Ethics Conference were uniformly enthusiastic about the new facility. None, though, described the headquarters of the Center with greater eloquence than Caroline Nicholl who, in her plenary session address, said: “I am delighted to see this contemporary architecture together with the

preservation of important traditions of law enforcement. It is truly inspiring to speak in an environment that breathes significant forward thinking rooted in history ...”

Like previous years, attendees at this year’s conference had the opportunity to hear from a variety of plenary session speakers, and to attend breakout classes on topics like Undercover Operations, Recruit Selection, Workforce Diversity, Community Policing, and Ethics Training. They also heard from Rochester, NY, Police Officer David Gebhardt, the recipient of the Ethical Courage Award, and honored him with a standing ovation. Was the 11th Annual International Ethics Conference a success? In the words of one participant: “This is consistently one of the highest quality conferences held in the U.S. I always take important information away from the conference that is new to me.”

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Officer David Gebhardt of the Rochester, NY, Police Department, accepts the Ethical Courage Award at the 11th Annual Ethics Conference in Plano, Texas.

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Who bears the greatest degree of responsibility for teaching values to children? Is it religious leaders? The schools? Parents?

While it could be argued that children learn about right and wrong from a variety of sources, a recent survey indicates that parents give themselves failing grades when it comes to instilling values in their kids. According to Public Agenda, a non-profit research group, 83% of parents say it is essential to teach youngsters about self-control, for example, but only 34% say they have succeeded in doing so (*USA Today, October 30, 2002*). And despite their best efforts, 53% of parents say they are doing a worse job than their own parents.

Yielding similar results regardless of income, location and a variety of demographic measures, the survey was drawn from interviews with 1,607 parents of children ages 5-17, supplemented by opinions from 12 focus groups around the United States. Some other results:

Honesty: 91% describe it as an essential value; 55% say they have succeeded at teaching it.

Courtesy: 84% view it as essential; 62% have successfully taught it

Independence: 74% say it is essential; only 38% have conveyed it.

Among the greatest fears parents have: negative messages in the media (73%); the negative influence of other kids on their child (76%); and protecting their youngster from drugs and alcohol (79%) ▲

A half truth is a whole lie.
— Yiddish Proverb

Identifying Characteristics of Exemplary Baltimore Police Department First Line Supervisors (NCJ 189732)

By Thomas E. Engells



It has been said we are in the golden age of applied research in policing. The National Institute of Justice, for example, recently released the Final Technical Report – Identifying Characteristics of Exemplary Baltimore Police Department First Line Supervisors. This Johns Hopkins University project examines a number of interesting questions, including: “What are the characteristics of exemplary sergeants which distinguish them from their less effective peers?” According to the Principal Investigator, Dr. Sheldon F. Greenberg, the research revealed significant differences between average and high performing sergeants in the area of “... cognitive and/or moral reasoning abilities.”

Across this project, focus groups consistently identified strong moral and ethical principles as “... a hallmark of the exemplary sergeant.” Consequently, researchers created a three part questionnaire designed to measure moral reasoning, and to elicit responses to moral dilemmas, identify moral exemplars, and outline the participant’s moral and ethical education.

That portion of the research dealing with moral reasoning was particularly interesting, for participants were asked to examine several well-known academic and law enforcement-related dilemmas. In one classic scenario requiring participants to weigh the right to property against the right to life, there was little difference between the responses of the control group and the nominees for exemplary sergeant. However, responses to the three moral dilemmas based upon actual police events (an abandoned and homeless man, a sergeant who finds an officer sleeping and a firearms discharge) showed significant differences. As a matter of fact, when a philosopher/ethicist measured the responses against three variables - rule based/care based, moral flexibility and moral complexity – the exemplary sergeant nominees scored significantly higher on each variable.

Although interesting and provocative, researchers remain cautious about the findings. As a matter of fact, they freely acknowledge that the final sample size fell below their expectations and compromised the initial research purpose. Yet even these exploratory research findings that, “...exemplary sergeants appear to have a more sophisticated skill in defining and solving moral dilemmas” lend significant support to ongoing efforts in ethics awareness and ethics training in law enforcement. If the testing protocol can be validated and these results can be replicated on a large scale, there may be a basis for significant change in the way organizations develop, train and select police sergeants.

A complete paper copy of this technical report is available from the NCJRS Fulfillment Center, National Criminal Justice Reference Service (1.800.851.3420) for the cost of reproduction (\$15).

Thomas E. Engells is the Field Operations Commander at The University of Texas at Houston Police Department, and a graduate of the Ethics Train-the-Trainer course. ▲

Give Me Strength

By Dan Carlson

Whoever first uttered the words “that which doesn’t kill me makes me stronger,” had probably just finished teaching a police training class in either ethics or cultural diversity. Few topics seem to generate levels of hostility and resistance anywhere close to those two, and veteran instructors in those disciplines are easy to spot ... they all have nervous “tics” and startle easily.

Okay, okay ... that description of things may be a bit of an exaggeration. But if you have ever taught - or even attended - an ethics or cultural diversity class in a police setting, you have likely been witness to the struggle some folks face as they come to grips with a variety of deeply-held feelings and attitudes. Let’s face it, unpacking (or not unpacking) personal baggage over the course of a training day can be very unsettling.

At a recent day-long ethics training class, one participant - let’s call him “Mike” - made it clear right from the

start that he was a “hostage” in the class. That assessment was not based on anything he said, for he didn’t utter a word all day. Rather, Mike’s body language and facial expressions left little doubt that he saw no value in the discussion, and was in the room against his will. Near the end of the day, though, Mike - a seventeen-year veteran patrol sergeant - broke his silence with a challenge to the instructor. “You need to come out and do a ride-along with me some night,” he said. “It would do you good to see what police work is really like.”

Sigh.

The classroom instructor that day happened to be a retired police officer with more than twenty- five years of law enforcement experience. And for Mike, that was the root of the problem ... the instructor was *retired*. In Mike’s world, instructor evaluations run along these basic lines: if you’ve never been a police officer you have no credibility because you’ve never been a police officer; if you were a police officer for only two years you can’t tell Mike anything because you only served for two years; and if you are retired (regardless of how long you were a cop) you don’t have anything to offer because, well, you are retired and consequently out-of-touch.

To be a credible instructor in Mike’s eyes, you must: (1) be a current full-time police officer; (2) if possible, work in Mike’s agency; (3) preferably, be assigned to Mike’s shift; (4) absolutely, share Mike’s view of the world.

It is important to emphasize that Mike and his coven do not represent the multitude of thoughtful, open-minded professionals who populate law enforcement. Most police officers, after all, understand and appreciate the importance of introspection and the “stretch” for learning. For them, the classroom experience is an integral part of the quest for personal and professional growth, and they are inspired rather than intimidated by the prospect of change.

For people like Mike, though, change is deeply threatening, and if it happens at all, it occurs at glacial speed. Speaking of change, most of us have heard one variation or another on the old joke: “How many _____ (fill in the blank) does it take to change a light bulb?” Well, here’s one more: “How many police officers like Mike does it take to change a light bulb?” Give up? The answer is simple: “Change? Police officers like Mike don’t change. They’re *real* cops.” ▲



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A PROFILE IN COURAGE: Officer David Gebhardt

At the Ethical Courage Award ceremony honoring Officer David Gebhardt on October 18, 2002, introductory remarks were made by Commander John Girvin of the Rochester, NY, Police Department:

As we all know, outstanding displays of courage are frequently born of tragic circumstances, and the situation that led to Officer David Gebhardt's nomination for the Ethical Courage Award is no different. On January 4th, 2001, Dave encountered perhaps the worst nightmare that any officer can experience.

On that evening, he was assigned to one of our Narcotics Enforcement Teams, and was in the process of executing a search warrant at a house in the northeast section of Rochester. The location was a typical drug house like the kind we've all probably seen during our careers. The house was poorly lit, and had floors littered with debris, including some extension cords that were connected to lights and appliances.

Officer Gebhardt was assigned as the "point" person for the search warrant team. Armed with our standard issue Remington 870 shotgun, he was the first officer through the door. As he proceeded from the kitchen area into a darkened rear room, he illuminated the subjects in the room with his gun-mounted flashlight then tripped on some of the electrical cords strewn across the floor. His shotgun discharged, striking and fatally wounding a 21-year old unarmed man sitting in a chair.

As one can imagine, this incident was

extremely traumatic for the family of the deceased man, as well as for Officer Gebhardt and his family. Dave was overcome with shock and grief, and was briefly hospitalized after the incident. The shooting death of the young, unarmed African-American also had the potential to ignite unrest in our community – something that other cities have experienced in the wake of controversial police shootings.

Officer Gebhardt was nominated for the Ethical Courage Award because of his actions following this tragedy, which served to highlight his deep sense of character and integrity.

The Rochester Police Department investigated this case like any police shooting, with parallel criminal and internal investigations. In the criminal investigation, Dave, obviously, had the same constitutional rights as any citizen, including the right against self-incrimination. However, because of his extreme feelings of remorse and sadness, as well as his understanding of the community's need for an explanation of what occurred, Dave decided to issue a public



Jeff Harbin, Carnegie, PA, Police Department, congratulates Ethical Courage Award recipient David Gebhardt, Rochester, NY, Police Department. Jeff Harbin received the 1st Ethical Courage Award in October, 1998

statement. He did so against the advice of his attorney, and prior to this case being presented to a Grand Jury. In short, he released the statement at his own legal peril.

In his statement, Officer Gebhardt clearly and unambiguously described his actions on that fateful night, and he accepted full responsibility and accountability for what was deemed to be a tragic accident. Several weeks later he was cleared by a Grand Jury of any criminal wrongdoing.

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At the 11th Annual International Ethics Conference, Commander John Girvin (Rochester, NY, Police Department) makes introductory remarks, as Officer David Gebhardt prepares to receive the Ethical Courage Award.



At the 11th Annual International Ethics Conference (clockwise from top left): J. David Ellwanger, President of the Center for American and International Law makes welcoming remarks; Rodrigo Avila Avilez, Parliament of El Salvador; Terrence Carter, Hays County, TX, Sheriff's Office; Caroline Nicholl, Blue Apricot Solutions; Paul Tinsley, Abbotsford, BC, Police Department; A. Jay Six, Arlington, TX, Police Department; Cheri Maples, Madison, WI, Police Department; Steve Cross, Rhode Island Ethics Commission.

Destroying A Tarnished Badge

When one of his three-year veteran police officers was arrested and charged with distribution of heroin, Seattle (WA) Police Chief Gil Kerlikowske left no doubt about his feelings. Holding the disgraced officer's badge aloft at a news conference, Kerlikowske said: "He has forever tarnished this badge. It will never be issued again and, in fact, it will be destroyed. It's a sad conclusion, but one we took with pride, because essentially, we cleaned our own house." (*The Seattle Times*, October 29, 2002) Thus far no other officers have been implicated, and none

appear to have known the criminal cop was shaking down street dealers for their heroin, then giving it to other dealers in exchange for marijuana for his personal use. Making reference to the arrested officer who now faces up to twenty years in federal prison, one veteran Seattle cop said: "Nobody has any sympathy for him, and we all sort of hope he gets hammered because he makes us all look bad. It's really sad he's smeared all of us. It wouldn't hurt my feelings a bit to see him go to prison for a long, long time." ▲

Do Little Things Mean A Lot?

Gary W. Sykes, Ph.D.

Someone once said, “don’t sweat the small stuff.” This implies that when we pay too much attention to the little details of life, we may be letting them obscure the more important things. Good advice in some ways, but perhaps not so good in others.

In May of this year, the Ethics Center held its Advanced Management College at the Aspen Institute in Aspen, Colorado. As part of the program, the Center received a grant for a “scholar in residence” from the Research Fellows of our parent organization, The Center for American and International Law.

Selected as scholar was Dr. Carl B. Klockars, professor, University of Delaware, who recently directed a major study of integrity in thirty police departments under a grant from the National Institute of Justice. From that study he wrote a paper entitled “What Every Police Chief Should Know About Integrity in Their Agency and What They Should Do When They Find Out,” and presented it at the College.

Without going into an extensive discussion of the methodology, a brief description of the study is necessary. Klockars and his research team developed eleven scenarios describing various aspects of officer misconduct, ranging from “free meals” to criminal behavior. They then asked officers in the thirty agencies how serious they considered this misconduct to be, whether they saw it as a violation of policy, and if they would report the incident. Using these responses, the researchers were able to

construct a measure of integrity and compare the agencies.

In his paper, Klockars compares three police agencies of “high integrity” to see what accounted for the differences in how the officers viewed the seriousness of different kinds of misconduct. Those three agencies are Charlotte, North Carolina; Charleston, South Carolina; and St. Petersburg, Florida.

Many of the findings are interesting and provocative. For instance, among his observations Klockars found that the things agencies disciplined for - and the severity of the discipline - was a major determinant of officers’ perception of seriousness. He said, “...one method of enhancing police integrity would be to aggressively solicit complaints of officer misconduct and punish even the most minor infractions severely.” This he characterized as the “fear” theory, suggesting it would be most effective in an agency where major corruption and misconduct existed. In other agencies, he concluded, such a response could create a backlash if the officers believed the punishment to be excessive and unfair.

According to Klockars, the application of discipline constitutes a learning system, and there is strong evidence throughout the study that officers reach conclusions about the seriousness of misconduct from the way the agency metes out discipline. Further, by allowing some infractions to go unpunished while everyone just “looked the other way” (such as free meals), a department appeared to undermine the

legitimacy of other policies and the importance of following the rules themselves. In short, not paying attention to the small stuff.

In Charlotte, for example, the study showed that police officers were more “relaxed,” about taking advantage of “southern hospitality” when it came to taking free meals, than in Charleston where accepting free food was severely and frequently punished. And while the acceptance of gratuities is often regarded as relatively benign behavior, the study also indicated that officers in Charlotte did not view other forms of misconduct as seriously as did their peers in Charleston. For example, when it came to the scenario describing the coverup of a DUI incident involving a fellow officer, 32% of Charlotte officers said doing so was not a violation of policy (or were not sure whether it was). By comparison, only 15% of Charleston officers said such behavior did not violate policy (or were unsure). As Klockars’ study seems to make clear ... where an agency took minor infractions seriously officers tended to regard other violations as more serious.

The message seems to be that punishing for the small stuff is as important as punishing for the more serious offenses. Yet, do we want agencies to spend their time punishing officers for relatively minor infractions? Does this create morale problems? What is the proper balance? Klockars answers these and other questions in this important contribution to the police ethics dialogue.

If you are interested in receiving an electronic copy of, “What All Police Chiefs Should Know About Integrity and What They Should Do When They Find Out,” contact the Ethics Center at ILEA@cailaw.org. ▲

Every time I've done something that doesn't feel right, it's ended up not being right.

—Mario Cuomo

When you stretch the truth, watch out for the snapback.

—Bill Copeland



Scenes from the 11th Annual International Ethics Conference:

(Top row, left to right) Len Mackesy, Port Authority of NY and NJ Police, Jay Six, Arlington, TX, Police Department, and Cheryl Austin, City of Rockwall, TX.

(Bottom row, left to right) John R. F. Spice, Royal Canadian Mounted Police; Dr. Brian Kingshott, Grand Valley, MI, State University, Dr. Dan Primozic,

CONTINUED ARTICLES

Ethics Conference Inaugurates Headquarters of the Center for American and International Law

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Mark your calendars for the 12th Annual International Ethics Conference sched-

uled for October 16-17, 2003, at the Center for American and International Law, 5201 Democracy Drive, Plano, Texas. For the first time, an additional Saturday morning Ethics Workshop will be available on October 18, for those interested in further discussion and dialogue. Watch for details! ▲

A PROFILE IN COURAGE: Officer David Gebhardt

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His public statement helped defuse the tensions that followed this shooting incident, and it was applauded by our City's Mayor and a number of other community leaders. I can still recall the front page of our local newspaper the day after the young citizen's funeral, which carried a picture of Rochester Police Chief Robert Duffy and the victim's father embracing each other. Had Officer Gebhardt not taken the actions he did in the wake of this tragic incident, the image could have been much different.

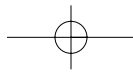
The courageous way Dave handled this unfortunate episode can serve as an example for all of us. Chief Duffy frequently points to Dave's honesty and integrity when addressing other

members of our Department, particularly on truthfulness issues. After all, if Officer Gebhardt can be so honest and forthright in such traumatic circumstances, shouldn't others be able to do the same in situations with far less serious consequences?

Since this incident, Dave has worked in our Research and Evaluation Section, where he is coordinating our transition to mobile data computers. He has carried himself with class and distinction, and he's a positive contributor every day he comes to work. He has earned the respect of his co-workers and the community for his courage, character and integrity, and he is truly deserving of the recognition he is receiving here today. On behalf of all the men and women of the Rochester Police Department, thank you very much for honoring Officer Dave Gebhardt in this manner. ▲



Class photograph of the Ethics Train-the-Trainer course conducted September 23-27, 2002, at Algonquin College, Ottawa, Ontario, Canada.



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Ethics Center Invited to the Virgin Islands

In July, 2002, the Honorable Charles W. Turnbull, Governor of the U. S. Virgin Islands extended an invitation to the Center for Law Enforcement Ethics to conduct a session on Public Service Ethics for members of the governor's cabinet. Over the course of the two-day program held in Charlotte Amalie, St. Thomas, Dr. Gary Sykes, Director of the Institute for Law Enforcement Administration, and Dan Carlson, Associate Director, facilitated a discussion of government ethics with approximately thirty cabinet members and senior administrators. ▲



Dan Carlson and Gary Sykes, Institute for Law Enforcement Administration (left to right), during a break at the Public Service ethics session in the U.S. Virgin Islands.

You can easily judge the character of a man by how he treats those who can do nothing for him.
—James D. Miles

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