

# CHAPTER 1

## INTRODUCTION TO ETHICS

*"It is not who is right, but what is right that counts. " - Thomas Huxley*

**Learning Objectives:**

At the end of this chapter, the student will be able to:

1. Debate the major arguments concerning the importance of ethics in law enforcement.
2. Distinguish the issues relating to morals, ethics, values, ethical codes, ethical standards, and ethical dilemmas.
3. Contrast individual and organizational values and responsibilities.
4. Analyze an ethical dilemma and the different ethical theories.
5. Contrast issues that include decision making, discretion, and the structure of accountability.
6. Differentiate between organizational and individual misconduct and issues related to consequences and liability.
7. Using critical thinking, evaluate the moral issues related to a course of action including the resolution of an ethical dilemma.

❖ **ETHICS**

How should you live? Shall you aim at happiness or knowledge, virtue, or the creation of beautiful objects? If you choose happiness, will it be your own or the happiness of all? And what of the more Particular questions that face you: is it right to be dishonest in a good cause? Are you justified to kill a criminal in the guise of protecting the innocent? Is it correct to steal from the rich and give it to the poor? Can you justify living in opulence while elsewhere in the world People are starving? Is going to war justified in cases where it is likely that innocent people will be killed? Is it right to give a passing grade to a student because he is graduating and the parents approached the teacher? Is it wrong to clone a human being or to destroy human embryos in medical research? What are your obligations, if any, to the generations of humans who will come after you and to the nonhuman animals with whom you share the planet?

Ethics deals with such questions at all levels. Its subject consists of the fundamental issues of practical decision making, and its major concerns include the nature of ultimate value and the standards by which human actions can be judged right or wrong. In the law enforcement profession, ethics serve as a guide on how to decide on a particular situation and condition if the law is silent on the matter.

❖ **WHAT IS ETHICS?**

**Ethics** also called **morality, or moral philosophy** is the discipline that is concerned with what is morally good and bad, right and wrong. The term is also applied to any system or theory of moral values or principles. It is based on well-founded standards of right and wrong that prescribe what humans ought to do, usually in terms of rights, obligations, benefits to society, fairness, or specific virtues.

Additionally, ethics also refers to the study and development of one's ethical standards. As feelings, laws, and social norms can deviate from what is ethical, it is necessary to regularly examine one's standards to ensure that they are reasonable and well-founded. Ethics also means, then, the

continuous effort of studying moral beliefs and moral conduct and striving to ensure that the institutions live up to standards that are reasonable. and solidly-based.

Although ethics has always been viewed as a branch of philosophy, its all-embracing practical nature links it with many other areas of study, including anthropology, biology, economics, history, politics, sociology, and theology. Ethics remains distinct from such disciplines because it is not a matter of factual knowledge in the way that the sciences and other branches of inquiry are, Instead, it has to do with determining the nature of normative theories and applying these sets of principles to practical moral problems.

In reality, the meaning of "ethics" is hard to pin down, and the views many people have about ethics are shaky. Many people tend to equate ethics with their feelings. But being ethical is not a matter of following one's feelings. A person following his or her feelings may recoil from doing what is right. Feelings frequently deviate from what is ethical.

Nor should one identify ethics with religion. Most religions, of course, advocate high ethical standards. If ethics were confined to religion, then ethics would apply only to religious people. But ethics applies as much to the behavior of the atheist as to that of the, devout religious person. Being ethical is also not the same as following the law. The law often incorporates ethical standards to which most citizens subscribe. But laws, like feelings, can deviate from what is ethical.

Moreover, if being ethical were doing "whatever society accepts," then to find out what is ethical, one would have to find out what society accepts. The lack of social consensus on many issues. makes it impossible to equate ethics with whatever society accepts. Some people accept the extra-judicial killings of people involved in drugs, but others do not. If being ethical were doing whatever society accepts, one would have to find an agreement on issues which does not exist.

Finally, being ethical is not the same as doing "whatever society accepts." In any society, most people accept standards that are, in fact, ethical. But standards of behavior in society can deviate from what is ethical. An entire society can become ethically corrupt.

### ❖ ETHICS AND VALUES

There are several definitions about ethics and values, each more verbose and vaguer than the other. For one, ethics is defined as "the science of the morality of human acts and rational human behavior.

"**Values**, on the other hand, have been ostentatiously described as a "*qualitatively determined behavior which has a normative obligatory character and presupposes the liberty of possible decision.*"

To simplify further, **ethics** is the capacity to determine right conduct and the knowledge of what is right from wrong. Values, on the other hand, are the application of ethics. It must be stressed that these two concepts should always be together, for an expert in ethics might not be necessarily a values-oriented person, and vice-versa. It's One thing to know what's good or bad, and another thing to apply what you know.

### ❖ THE ORIGINS OF ETHICS

When did ethics begin and how did it originate? If one has in mind ethics proper—i.e., the systematic study of what is morally right and wrong—it is clear that ethics could have come into existence only when human beings started to reflect on the best way to live. This reflective stage emerged long after human societies had developed some morality usually in the form of customary standards of right and wrong conduct. The process of reflection tended to arise from such customs, even if in the end it may have found them wanting. Accordingly, ethics began with the introduction of the first moral

Virtually every human society has some form of myth to explain the origin of morality. In the Louvre in Paris, there is a black Babylonian column with a relief showing the sun god Shamash presenting the code of laws to Hammurabi, known as the Code of Hammurabi. The Hebrew Bible (Old Testament) account of God's giving the Ten Commandments to Moses on Mount Sinai might be considered another example. In the dialogue *Protagoras* by Plato, there is an avowedly mythical account of how Zeus took pity on the hapless humans, who were physically no match for the other beasts. To make up for these deficiencies, Zeus gave humans a moral sense and the capacity for law and justice, so that they could live in larger communities and cooperate.

There is some difficulty, already known to Plato, with the view that morality was created by divine power. In his dialogue *Euthyphro*, Plato considered the suggestion that it is divine approval that makes an action right. Plato pointed out that, if this were the case, one could not say that the gods approve of such actions because they are right. Why then do they approve of them? Is their approval entirely arbitrary? Plato considered this impossible and so held that there must be some standards of right or wrong that are independent of the likes and dislikes of the gods. Modern philosophers have generally accepted Plato's argument because the alternative implies that if, for example, the gods had happened to approve of torturing children and to disapprove of helping one's neighbors, then the torture would have been good and neighborliness bad.

That morality should be invested with all the mystery and power of divine origin is not surprising. Nothing else could provide such strong reasons for accepting the moral law. By attributing a divine origin to morality, the priesthood became its interpreter and guardian and thereby secured for itself a power that it would not readily relinquish. This link between morality and religion has been so firmly forged that it is still sometimes asserted that there could be no morality without religion. According to this view, ethics is not an independent field of study but rather a branch of theology.

The terms ethics and morality are closely related. It is now common to refer to ethical judgments or to ethical principles where it once would have been more accurate to speak of moral judgments or moral principles. These applications are an extension of the meaning of ethics. In earlier usage, the term referred not to morality itself but the field of study, or branch of inquiry that has morality as its subject matter. In this sense, ethics is equivalent to moral philosophy.

## ❖ THE IMPORTANCE OF ETHICAL BEHAVIOR

For citizens, even for those with no aspirations in a career in law enforcement, morality and integrity are important characteristics to demonstrate. Human instinctively knows that it is good to be moral and act with integrity, but by coming to an understanding of the reasons for morality and integrity, a person will be motivated to champion such behavior. Among the reasons to be moral and integral, regardless of occupation are to:

- **Make society better.** When you help make society better, you are rewarded with also making better own lives and the lives of your families and friends. Without moral conduct, society would be a miserable place.

- **Treat everyone equally.** Equality is a cornerstone of most Western democracies, where all individuals are afforded the same rights. This is not possible without the majority of citizens behaving morally.
- **Secure meaningful employment.** Often employers will look at a person's past behavior as a predictor of future behavior. Someone who has a history of immoral behavior will have difficulty securing employment in a meaningful job, as that person may not be trusted.
- **Succeed at business.** If you are employed in an occupation in which there you must rely on others, your moral conduct will determine the degree of goodwill that you receive from others. Businesses that have a checkered moral history are typically viewed with caution and are unlikely to attract new customers through word of mouth, and therefore are unlikely to prosper. This is especially the case where social media makes customer reviews readily accessible.
- **Lessen stress.** When you make immoral decisions, you tend to feel uncomfortable and concerned about our decision making. Making the right moral decision, or taking a principled perspective on an issue, reduces stress.

Ethics is also important for those citizens who do not aspire to work in law enforcement. Successful business leaders often say that treating people morally is a very important aspect in obtaining success. A person's reputation is of key importance for a business leader, and if a person's reputation is damaged by poor ethical conduct, the business will also suffer. The same is true in all walks of life. Where ethics are taken seriously, and people strive to make ethical decisions and actions, personal and professional success follow.

#### ❖ **ETHICS IN LAW ENFORCEMENT**

The police are essential to democracy. By ensuring that no person is above the law, the police protect citizens from victimization. Through the enforcement of the law, police ensure that no individual or group violently assert its will over public order.

#### ❖ **ETHICAL ROLE of LAW ENFORCEMENT OFFICERS**

The ethical role is performed by being objective and ethical in personal behavior and in functioning as a representative of the criminal justice system. The police officers are representatives of the criminal justice system even when not in the performance of their duties. Therefore, they must observe the following;

- To act in a manner that reflects the belief in the fundamental value of ethical behavior and application of this value to their job.
- To conduct daily activities in an objective manner striving to be uninfluenced by emotion, 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.

## ❖ **ETHICS AND THE PURSUIT OF A LAW ENFORCEMENT CAREER**

Without a doubt, the most important attributes of an individual applying for a job in law enforcement are the applicant's integrity and moral behavior. To be a law enforcement officer, individuals must demonstrate a life lived morally.

Of course, in some instances, an applicant may have on occasion been involved in isolated immoral activities. This is often understandable; however, law enforcement employers will not hire an applicant if they detect a demonstrated pattern of immoral behavior. Recruiters and the agencies they work for may differ in the specific number of illegal or immoral acts they will allow an applicant to have committed before hiring that person, they all agree that it is very few. Some law enforcement agencies, in hiring clients where they have numerous applicants to consider, can be very selective and may choose only those applicants who have not demonstrated any moral lapses.

The moral history of an applicant is closely scrutinized by law enforcement agencies through background checks, polygraphs, detailed interviews, and integrity questionnaires. Each of these methods is used to root out applicants who may have exhibited poor moral choices in their past. Right or wrong, law enforcement agencies view past performance as a predictor of future moral performance.

Predicting an applicant's future moral conduct is largely based on the common acceptance of the Slippery Slope Theory (Punch, 2009). According to this theory, applicants who exhibit minor moral infractions are viewed as likely to progress to more serious immoral behavior. The theory describes a small deviant act that will become increasingly easy and lead to participation in larger, more serious acts. These small acts are "ladder" in which corruption is the result, after a series of immoral steps.

In this theory, it also describes the journey of some police officers as they travel from being moral civilians to immoral police officers. This often occurs because indoctrination into the police culture can negatively affect police recruits' ethical behavior and have disastrous consequences. In describing this journey into the police subculture, it states that the result is the slippery slope during which immoral decisions start as minor breaches of, organizational or occupational rules and evolve into major corruption. Accordingly, even those applicants who have taken part in minor immoral activities would likely progress to serious immoral behaviors.

The slippery slope theory also proposes that corrupt individuals who have entered law enforcement are more likely to engage in the future criminal activity whether they have that first free cup of coffee or not. It is therefore suggested that if only a few officers slide into immoral behavior as a result of receiving a gratuity, then all officers should be denied such opportunities. Police corruption is so severe that it should be prevented at all levels, even if this means banning all gratuities.

## ❖ **AS EMPLOYEES IN LAW ENFORCEMENT AGENCIES**

Inevitably this question arises: "why is it so important to be a moral law enforcement officer?" There are several reasons why people employed in law enforcement are required to be moral and to have sound moral values. Ironically, morals can at times be a hard sell to law enforcement officers, who, when dealing with exigent situations in which they are concerned not only for their safety but for the safety of all citizens, consider that the manner or means of how safety is achieved is not as important as the result of achieving that safety. In other words, officers who are dealing with their safety as well as the safety of others may consider the notion of philosophizing about the right thing to do as not being overly important.

However, law enforcement careers come with several duties and responsibilities for which moral behavior is mandatory. The primary ones include discretion, power, and public service.

- **DISCRETION.** Discretion in law enforcement is necessary to efficiently manage call loads and to mediate minor incidents. Law enforcement personnel have enormous discretionary power throughout every rank, regardless of seniority, and are given great freedom to make operational decisions from the moment they start on the job. Discretion in law enforcement includes whom to arrest, whom to investigate, who talk to, and whom to interview. More importantly, in these decisions officers have the power to deprive people of their freedom. It is critical that law enforcement officials possess moral character so that the enormous decisions they must make are balanced and fair.
- **POWER.** Because law enforcement officers exercise much discretion, they also wield great power. They have the power to arrest, detain, search, seize, and question. The government grants officers these powers so they can enforce laws and maintain peace. People live in a country in which due process protects civilians from the abuse of government agents and in which certain freedoms are expected. Thus, law enforcement officers are expected to use their discretion with due process in mind.
- **PUBLIC SERVICE.** The state employs law enforcement officers to carry out the state's mandate: enforcing the law and keeping the peace. The trust the state places in law enforcement and other public officials to carry out this duty in a responsible fashion is called public trust. Public trust ensures that those tasked with these duties will not abuse their power. Public trust also ensures that all public officials will be held to a higher standard than those they serve. The ultimate test of public trust is that law enforcement officials "walk the talk" or "practice what they preach," and that they never engage in behavior that, if performed by others, would be considered to break the law.

### ❖ MAJOR ETHICAL SYSTEMS

When learning how to resolve **ethical dilemmas**, it is important to be able to articulate a justifiable rationale for why you believe one decision seems right and another seems wrong. Having a basic understanding of the major ethical theories will help you toward an ethical resolution learning how to articulate and justify the decision.

At times, some of the ethical theories may seem overly philosophical for your purposes; you may even wonder why you should study theories that were

sometimes developed centuries ago when you are primarily dealing with present-day issues. In other instances, some of the ethical theories may seem overbearing. The theories you look at here, however, are important to help us understand why the decisions we make, or someone else makes, are ethical or unethical.

For example, a decision may be made that appears on the surface to be unethical, but when you are aware of the philosophical system used in the decision making, you can then understand the root of the decision and, at the very least, see its intended morality. This allows you to view ethical issues from different perspectives and assists you in making informed decisions.

### ❖ CATEGORIES OF ETHICAL THEORIES

#### 1. Normative Theory

Describe not only what ought to be done, but also why things should be done that in some instances may appear counterintuitive to what is considered as an ethical decision would be. Such a theory is often called an ethical system because it provides a system that allows people to determine ethical actions that individuals should take.

## **2. Meta-ethics Theory**

This theory does not address how a person should behave; rather, meta-ethics is related more to the study of the ethical theory itself. Here the interest is in evaluating moral and ethical theories and systems. For example, moral relativism is a meta-ethical theory because it interprets discussions around ethics; a question asked within moral relativism is "is ethics culturally relative?" It is further defined as "a discipline that investigates the meaning of ethical systems and whether they are relative or are universal, and are self-constructed or are independent of human creation."

## **3. Applied Ethics Theory**

It describes the application of normative theories to specific issues, usually related to work or belonging to an organization; for example, policies and procedures of organizations or ethical codes o

mafia versus ethical codes of police officers, applied ethics is defined as "theories of ethics concerned with the application of normative ethic to particular ethical issues." An example is knowing and practicing the Philippine National Police Ethical Standards as a police officer.

### **❖ TYPES OF NORMATIVE ETHICAL THEORY**

With the overview of the three categories of ethical theories, the Normative Ethical Theory will be further analyzed.

#### **1. UTILITARIAN ETHICS**

Utilitarian ethics is a normative ethical system that is primarily concerned with the consequences of ethical decisions; therefore it can be described as a **teleological theory** or **consequentialist theory**, which are essentially the same thing, both having a notion that the

consequence of the act is the most important determinant of the act being moral or not. Teleological reasoning takes into consideration that the ethical decision is dependent upon the consequences ("ends") of the actions. In teleological reasoning, a person will do the right thing if the consequences of his or her actions are good. Additionally, if an action by a person was an act that was "not good," but the consequences turned out to be "good," under some theories of teleological reasoning, the act may be deemed a good ethical act.

As a result, of the consequentialist nature of utilitarianism, the means to get to the ethical decision ("end") are secondary; the result is that which must be considered before determining the morality of the decision.

#### **Importance Of Utilitarian Theory In Law Enforcement Moral Dilemmas**

Law enforcement officers possess a great deal of discretion that must be exercised by all officers of every rank, regardless of their experience. When exercising this discretion, officers will be confronted daily with issues that are complex, and may not be covered in the agency's policy and most certainly would not have been covered in their formal education or police academy or other training. Law enforcement officers also are required to make exigent decisions, without the ability to consult

with senior officers or policy and procedures. In some instances, when confronted with decisions, officers may want to rely on utilitarianism to make an ethical decision that is defensible when scrutinized in the future.

## **2. DEONTOLOGY**

Probably the most complex of all the ethical systems is the deontological theory. The word deontology comes from the Greek word “*deon*”, meaning “obligation” or “duty.” It is an ethical system primarily concerned with one's duty.

The notion of duty is important to law enforcement officers who are bound by law to perform their duty. A duty is something that is required to be executed, regardless of whether the police officer wants or not. The duty may have a personal or professional negative consequence attached to it, but as it is a requirement or obligation, it is absolute and imperative.

### **Importance of Deontological Theory in Law Enforcement Moral Dilemmas**

Law enforcement officers are required at times to fulfill their duty no matter what the personal costs. When confronted with a duty that they may not want to perform, the officers should consider that they agreed to perform duties when they swore their oath. These duties must be performed by someone, and when this duty falls to them, they must do their duty. For example, a Highway Patrol Group officer who does not want to issue a citation ticket to a person who introduced

himself as another police officer must consider his duty and the oath that he took when he joined the Philippine National Police. The caveat to duty is that the duty must be done in good faith; that is, the task should not be performed if the officer is aware that there is a lack of morality in the duty. It is often said among experienced police officers, “you are paid not for what you do, but for what you might have to do. This maxim refers to the dangerous duty that you may not want to do, but are paid to do, and ought to do.

## **3. VIRTUE ETHICS**

Virtue ethics has its historical background in ancient Greece and was primarily developed by Aristotle. For law enforcement, the major foundation in virtue ethics is the idea that if you are a good person, you will do good things, and to be good, you must do well. In essence you do not do good things because of an analysis of the result or an equation to decide how many people to help versus harm. Instead, you do the right thing, or good thing, because of your good character as demonstrated throughout your life. Therefore, the good act is automatic response requiring little thought. However, when faced with complex ethical dilemmas, the person who has demonstrated a life of good character will show good character, using temperance and intellect.

### **Importance of Virtue Ethics Assist in Law Enforcement Moral Dilemmas**

Law enforcement agencies place a great emphasis on the good behavior of their officers.

One

way to ensure a strong likelihood of good behavior is to hire those who have a moral character that reflects the values of the organization. In clearly identifying these characteristics agencies are likely to attract those who also identify with these characteristics.

1. Virtue ethics, at its core, is also simplistic, having two tenets that are important for law enforcement. There is no need to measure consequences or the morality of the action. Simply, the task is to be good and do good acts. If officers are good, they will act in a virtuous manner.
2. There is a need to practice virtue. By practicing being virtuous, you will become virtuous in difficult situations automatically. Given this view, it is critical for law enforcement agencies to ensure that applicants wanting to join the agency have practiced being virtuous to the point where it has become a habit. Applicants who have practiced the virtues listed above will be officers who demonstrate those virtues by habit.

## **4. ETHICS OF CARE**

Also known as feminist ethics, ethics of care is primarily concerned with caring for others. This has evolved from the need to care for those who cannot care for themselves, such as infants. It is a system that assists your relations with other people and thereby strengthens how you positively interact with people. The concept of ethics of care is consistent with many peace-keeping and peace-making roles within law enforcement. Officers routinely find themselves refereeing non-assault domestic and civil arguments while attempting to bring a peaceful resolution to the conflict. Ethics of care is, at times, an important perspective for law enforcement officers when they see a person in need and decide to perform an act of care or kindness. Officers who perform a caring act are, according to ethics of care, acting out of

compassion rather from a sense of duty; it is within this context that ethics of care can be a reminder

to law enforcement officers that often an ethical solution may be to make peace through consensus and understanding, rather than resolve issues formally through charges.

Ethics of care also supports the notion that issues should be resolved with compassion while building human relationships. In this way, a person should strive to build relationships with the community or individuals. With individuals, the building of rapport is critical to providing compassion to those in crisis and need.

#### **Importance of Ethics of Care Theory in Law Enforcement Moral Dilemmas**

Building rapport with members of the community is an important aspect of community policing. This enables officers to identify issues and to deal with them with compassion. For example, an officer who builds rapport with tricycle drivers may become aware of people who are involved in illegal drugs. It is with compassion that the officer will be pushed to action to resolve this issue. Or an officer who is called to a convenience store to arrest a mentally ill street person who is stealing food may, instead of arresting the suspect, find an alternative route, such as connecting the person with a social service agency, or arranging for a social worker to help the person find a home.

Law enforcement officers should attempt, where possible, to address such issues with compassion and respect for all the parties involved.

## **5. EGOISM**

Unlike other theories that prescribe how you ought to behave, egoism is a descriptive principle that does not tell you necessarily how you ought to behave, but rather why you behave the way you

do. It infers that the person who acts in an egotistical manner does so because it is natural to act in this way, and therefore it is a moral action unto itself.

According to the tenets of egoism, the core reason that someone does any action is self-serving by bringing happiness or some other benefit to him- or herself. If someone performs an action that appears to be altruistic, the action was likely performed to give the actor gratification in some way. This may come in many forms; for example, in the form of positive media attention, or just feeling good about oneself.

#### **Importance of Egoism in Law Enforcement in Moral Dilemmas**

Egoism does not suggest that police officers should act in their self-interest; certainly, this would not be appropriate for law enforcement personnel. Where egoism may help is to better understand why people do things that may appear selfish. This may help them develop empathy for the suspects that appear to be selfish and allow them to better understand that their actions are driven by egoism. Egoism may also assist them in understanding the motives of others, allowing them to look at these motives with more skepticism than we would otherwise.

Egoism can also provide explanations of misconduct among law enforcement officers. Officers who abuse the trust placed on them by society and abuse their authority could be said to be acting in an egoistic state.

## **6. RELIGION OR DIVINE COMMAND THEORY**

Religion is often considered the most widely used system to make ethical decisions and to conduct moral reasoning. Throughout the world, people rely on a variety of religions to help them determine the most ethical action to take. While divine command theory is widely used throughout the world, there are differences: the application of the theory may differ from religion to religion, and it may differ within each religion.

One of the basic tenets for divine command theory is to use God as the source for all principles. In this way, to rely upon divine command theory, a person must believe that there is a willful and rational god that has provided the direction toward an ethical outcome. It is from God's commands that actions are determined to be right or wrong and, because of this, divine command theory provides an objective assessment of what is ethical or moral. However, there is ambiguity in the way in which some scripture is interpreted.

### **Importance of Divine Command Theory in Law Enforcement Moral Dilemmas**

Generally, for officers who believe in God, a source of comfort may be present when facing death or other traumatic events that nonbelievers may not experience. Officers dealing with death may find comfort in the belief that those who die may be in a better place than their soul is eternal and that death may mean that the soul goes to heaven. Believing that death is not the end, but a new beginning may help officers who practice religion deal with pain and suffering.

Officers are routinely involved in circumstances in which situations appear to be unfair and where innocent bystanders are victimized with tragic outcomes. Officers who believe in God are also able to look at these situations and find comfort in the belief that God has a plan for everyone, even those who have been unfairly victimized. These officers can draw strength from their belief that the random Victimization wasn't so random, and that God was acting in a way that, while hard to explain, is planned for some reason only known to God.

Specifically, divine command theory can offer officers a written or prescribed direction to morality. Officers who are faced with situations in which their values clash with society may fall back on divine command theory for direction in grey areas. An officer who is surrounded with unethical activity by officers, other criminal justice workers, and people on the street may be able to withstand pressure to join in the immoral practice with the belief that God commands moral behavior toward everyone and prohibits such things as theft through corruption.

Officers could also use divine command theory to reaffirm in their minds what is right, even when the Criminal Code or other legislation is unclear on a particular issue. By officers asking themselves what would God command or prohibit, they may be able to make a decision that they can justify.

Finally, officers who believe that God is always good would, therefore, believe that all of God's commands and prohibitions are good. By interpreting scripture, following the directions of religious authority, or making individual interpretations of God's command and prohibitions, officers are therefore able to do good, understanding that ultimately it is God's commands that they follow, and therefore their actions are good.

## 7. NATURAL LAW

Natural law was espoused by Saint Thomas Aquinas, who viewed the world as being created by God and understood that humans are rational beings capable of using their intellect to comprehend the world. By extension, God enabled humans to reason naturally to make ethical choices. Aquinas viewed the first principle of natural law as "good is to be done and promoted, and evil is to be avoided." Simply put, natural law asserts that what is good is natural, and what is natural is good.

### **Importance of Natural Law in Law Enforcement in Moral Dilemma**

Natural law can reaffirm in officers the importance of their job that being to preserve their own life and the human species. Officer could be reminded that property is not as important as life and that their sole function should be public safety, rather than the protection of property, which is one of the common law duties of police officers.

Officers could also use natural law as a reminder of the importance to preserve their own lives when confronted with dangerous situations, and that is natural to want to protect oneself.

## 8. SOCIAL CONTRACT THEORY

Social contract theory is another descriptive theory about society and the relationship between rules and laws, and why society needs them. Accordingly, a society without rules and laws to govern actions would be a dreadful place to live. In such a state, people would act on their own accord, without any responsibility to their community.

### **Importance of Social Contract Theory in Law Enforcement in Moral Dilemmas**

While social contract theory does not tell people how they ought to behave, it does provide a basis to understand why society has implemented rules, regulations, and laws. If not for the social contract theory, our understanding of the need for these rules would be limited.

Specifically for law enforcement, social contract theory is important to justify the power that law enforcement can exert over the population as a whole. The power imbalance, held by law enforcement, is part of the contract that society has agreed upon in exchange for security. Where the contract can be problematic is when the power used by law enforcement exceeds what is expected by the society under the contract.

## 9. RAWLS' THEORY OF JUSTICE

John Rawls (1921-2002) was a contemporary philosopher who studied theories surrounding justice. His theories are not focused on helping individuals cope with ethical dilemmas; rather they address general concepts that consider how the criminal justice system ought to behave and function in a liberal democracy. It is for this reason that it is important that all law enforcement personnel be aware of Rawls' theories of justice or at least have a general understanding of the major concepts that he puts forth.

1. Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.

2. Social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage (b) attached to positions and offices open to all.

These principles should be adhered to, according to Rawls to ensure that disadvantages are neutralized and everyone receive the same benefits of justice. Rawls further addresses ethics in the individual, though this is not the central tenet of his theory, and is somewhat of a general statement of how moral people should behave.

## ❖ MODERN ETHICAL ISSUES IN LAW ENFORCEMENT

Five modern ethical issues in law enforcement involve the officer's off-duty life, upholding the law and your rights, using necessary force and acting impartially.

### Off-Duty Life

Police officers are held to an extremely high standard that require their personal lives to reflect the integrity of their position. They must maintain a professional image at all times because they are under constant public scrutiny and rely on the public's trust to maintain their power position. While most jobs end when the individual clock out, policemen are faced with the ethical issues of maintaining their level of social respect and adherence to the law every moment. They often put them in direct conflict with society, especially those that have little respect for the law or the badge.

### Upholding the Law and the Citizen's Rights

Each officer swears an oath to uphold the law and to defend individual's constitutional rights. One of the ethical issues that a officer faces daily is the ability to uphold these oaths when they are seemingly contradictory. One of the biggest contradictions can be found in the present government drug wars, which force police officer to act in the best interest of the state rather than the individual.

When someone is caught using or peddling illegal drugs, they could be arrested or shot to death because they are "*nan laban*" to the arresting police officers. A cop, sometimes, cannot consider the right to life and liberty issues because they are under instruction to put an end to drug menace at all costs.

### Necessary Force

All police officers have the authority to use necessary force to uphold the law, but in some cases their use of force is unjustified. This ethical issue cops face each day can, and does, put their lives in danger when dealing with those individuals that are non-compliant. In the majority of cases, an officer must make a split-second decision on what level of force is necessary, and a misjudgment could result in injury or death for the officer. Research about obedience to authority proved that a person's perception of losing his freedoms would provoke him to react and officers can easily be coerced in high-stress environments to use unnecessary force.

### Acting Impartially

One of the ethical issues officers are faced with is the requirement to act impartially. This idealistic type of oath causes a host of problems in real-world situations. It's not always possible to act impartially, especially for local officers that handle the same crowds of people throughout their career. A real-world example of this would be an officer that knows where the drug lords houses are but has

no court acceptable evidence to pursue the case. The officer is expected to follow law enforcement ethics, but he is also limited in his authority to uphold the law by following certain procedures. He therefore sometimes resorts to unethical ways to arrest the drug lords.

## **ETHICAL DILEMMAS IN LAW ENFORCEMENT**

When are confronted with a problem or an issue for which a police officer is required to make a difficult decision, he faces a dilemma? The decision may be difficult because there are at least two competing values to choose between. For example, you are confronted by a situation where the traffic

violator introduced himself as a ranking government official. You have to decide between issuing a traffic citation ticket and letting go of the violation. Knowing the big egos of most government officials in the Philippines, your decision will involve considering the consequences of your action. Issue him a ticket, and you may be placed in hot water or just do nothing and accept that it is a norm among people in the government. The decision is often difficult, and sometimes you make the wrong decision with the best of intentions of making the right decision.

To solve ethical dilemmas, you must be aware of what values you consider important. **Values** are defined as unverifiable "elements of desirability, worth, and importance." They are unverifiable because they are not capable of being scientifically proven and may vary from person to person.

### **Solving Ethical Dilemmas**

With values as the focal point, the following framework include six steps to help address ethical dilemmas in general;

1. Determine whether there is an ethical issue or/ and dilemma. Is there a conflict of values, or rights, or professional responsibilities?
2. Identify the key values and principles involved. What meanings and limitations are typically attached to these competing values?
3. Rank the values or ethical principles which — in your professional judgment — are most relevant to the issue or dilemma. What reasons can you provide for prioritizing one competing value/ principle over another?
4. Develop an action plan that is consistent with the ethical priorities that have been determined as central to the dilemma. Have you conferred with clients and colleagues, as appropriate, about the potential risks and consequences of alternative courses of action? Can you support or justify your action plan with the values/ principles on which the plan is based?
5. Implement your plan, utilizing the most appropriate practice skills and competencies. How will you make use of core social work skills such as sensitive communication, skillful negotiation, and cultural competence?
5. Reflect on the outcome of this ethical decision-making process. How would you evaluate the consequences of this process for those involved: client(s), professional(s), and organization(s)?

## **10 STEPS TO MAKE ETHICAL DECISION-MAKING EFFICIENT AND PRACTICAL**

This framework is specific to law enforcement officers and addresses the consideration of laws, regulations, policy, and procedures that other frameworks assume will be followed, but in law enforcement are very important to avoid charges and allow cases against suspects to proceed.

### **1. Establish the facts surrounding the ethical dilemma.** Facts are important in law enforcement.

To investigate all cases, officers must rely on facts to guard against misinformation and cognitive biases. If the facts are not known, everything that surrounds the dilemma must be

investigated to act on the right information. Avoid acting on rumors and gossip by verifying information through factual information and evidence.

2. **Determine your legal obligations and duties.** Be sure of your professional and legal obligations. Professional and legal obligations will likely allow you to easily decide on a course of action to take in an ethical dilemma. However, while professional and legal obligations may not always require a course of action that coincides with these obligations, your awareness of any professional and legal obligations must be known to allow you to be fully cognizant of the consequences of your actions should you choose to ignore professional or legal obligations.
3. **Establish the interested participants involved.** It is important to know who will be impacted by the course of action that you decide upon. Often the primary participants are easy to identify, and it is the secondary participants that are often not considered. These may include friends, families, or employees that are related somehow to the primary participants in the ethical dilemma. Knowing the impact of the decision made to secondary participants may be particularly important for a decision made with utilitarian underpinnings; where the rights of those who are not part of the majority may not be considered.
4. **Determine the ethical values of each participant.** Determining ethical values is important to allow you an understanding of what is truly at stake. A participant in an ethical dilemma may value loyalty as the most important value. However, another participant may value equality as the more important value. When considered, the value of loyalty may not compare with equality, depending upon the ethical dilemma.
5. **Consider normative ethical theories as an aide to determine a course of action.** When considering options normative ethical theories may assist you in determining the consequences of actions, or the duties you may be obligated to follow that fall outside of the laws, rules, and procedures. You may also assess whether the decision you are considering is rational from another perspective you have not considered.
6. **Consider options that would be ethically sound.** There may be several options to consider, and each option ought to be considered critically by determining what harm it would cause and what values the person being harmed holds. The participant should consider the positives and negatives of the decision and determine the risks and benefits associated with each option, as well as the benefits of each action, with these values in mind.
7. **Consideration of the possible negative and positive outcomes of each possible option.** Try to predict what may otherwise be unintended consequences of your decision. These consequences may not be readily apparent, but they require a critical analysis of the consequences of your decision. To help with this, try asking the following questions:
  - ✓ Would the action taken be well received if it was on the front page of a newspaper or headline of a television? While this should be a consideration, keep in mind that often the right decision may be the least popular in public opinion.
  - ✓ If the decision is job-related, would the organization you work for commend you if it knew you would make this decision? If the answer is yes, then this should give weight to the decision you are about to make.
  - ✓ If the decision is not job-related, would the organization you would like to work for still commend you if it knew all the facts surrounding the dilemma and the

decision you would make? If the answer is yes, then this should give weight to the decision you are about to make.

## ❖ **ETHICS OF GRATUITIES**

For discussion surrounding ethics in law enforcement, a **gratuity** is the gift of an item to another person based solely on their occupation. A gratuity is most often given to officers by businessmen, politicians, government employees, public utility vehicle drivers, waiters, and any other persons. Additionally and problematically, gratuities are given for services expected and services already rendered; free meals for law enforcement officers often come with strings attached, or at the very least, as an insurance policy to gain favors in the future should the need arise. A cynic would argue that offering free meals is not an altruistic gesture, 'but rather an insurance policy for security in the future. A law enforcement officer who receives free meals from a restaurateur will likely be expected to provide extra service to the restaurant should it be required.

Conversely, a law enforcement officer who removes a drunk person from a restaurant can often expect a free meal after the drunk has been removed. Four main reasons that gratuities are given to law enforcement officers are:

1. Because of the **Theory of Reciprocity**, where people feel they owe something to the giver. In a law enforcement context, this will be collected after the gift is given.
2. To ensure future cooperation, where the gift-giver may want the services of the officer in the future. This can include gaining biased support of officers in spite of the facts surrounding an issue.
3. To use the presence of police officers, attracted by free meals, as an advertisement to potential patrons that the environment is safe.
4. To use the presence of police officers, attracted by free meals, as a way to dissuade potentially problematic patrons from patronizing the restaurant.

Gratuities are often seen as the first step on the slippery slope toward major corruption and it is for this reason that accepting gratuities is always frowned upon by some law enforcement agencies. It is argued that while each step is, on the slippery slope, individually insignificant, it is the cumulative effect of the steps that draw and pushes officers to more serious forms of unethical behaviors. Once an officer starts on the slippery slope, one step leads to another: the meal leads to another meal, which eventually leads to a free meal to the friends or families of the officer. The cumulative effect of these gratuities leads to a situation that is difficult for the officer to stop doing or turn around.

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

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

Further discussions on gratuities as applied in the Philippine National Police organization is presented in Chapter 4 of this book.

### ❖ **ATTRIBUTES OF LAW ENFORCEMENT PERSONNEL**

In a law enforcement context, society has expectations of officers. The virtues listed below are attractive to law enforcement agencies, and people who demonstrate these virtues are those who law enforcement agencies want.

- **Courageous.** Officers who are willing to put themselves in harm's way, to enforce the law, to protect people and property and to prevent crime.
- **Perseverance.** Officers who are not easily deterred from doing the right thing or investigating crimes.
- **Compassion.** Officers who can empathize and sympathize with lawbreakers and victims and who understand that situations are complex and that everyone deserves respect.
- **Generosity.** Officers who offer themselves off 'duty by volunteering and who try to better the lives of others through community service.
- **Truthfulness.** Officers who are trustworthy and who can be counted on to speak the truth, even when the truth is embarrassing, or results in a not-guilty decision in a case that is important to the officer,
- **Good Temper.** Officers who, when confronted with difficult situations, stay calm and who can withstand pressure to react physically or verbally.

### ❖ **CORE VIRTUES OF LAW ENFORCEMENT PERSONNEL**

- **Prudence.** Officers with the ability to decide the correct action to take when rules and policy are not present.
- **Trust.** Officers with the ability to be relied upon for truth. This must exist between officers and civilians, officers themselves, and officers and the courts.
- **Effacement of self-interests.** Officers who do not abuse their position of authority or gain favoritism due to their position.
- **Courage.** Officers who place themselves in danger intellectually and physically. Officers who are not afraid of testifying in court and making arrests in tense and intimidating settings.
- **Intellectual honesty.** Officers who act while weighing what they learned in training and whose actions reflect their training and their academic abilities.
- **Justice.** Officers who treat everyone fairly, regardless of personal biases, and who act toward individuals as if looking through a veil of neutrality.
- **Responsibility.** Officers who understand what is right and that there are other courses of actions, but have the intent to do right. Officers who can be counted upon to keep oaths, and to be accountable.

## ❖ **SIX PILLARS OF CHARACTER OF LAW ENFORCEMENT PERSONNEL**

The six pillars identified as being the most important characteristics of an ethical police officer are:

1. **Trustworthiness.** Includes integrity, promise-keeping, and loyalty.
2. **Respect.** Treating everyone with respect, regardless of any biases or provocations.
3. **Responsibility.** Includes accountability, the pursuit of excellence, and self-restraint.
4. **Justice and fairness.** Includes equity and demonstrating due process.
5. **Caring.** Showing concern for others. Showing consideration for decisions that affect others.
6. **Civic virtue and citizenship.** Being socially conscious and demonstrating concern for one's community.

## ❖ **LAW ENFORCEMENT CODE OF ETHICS**

The International Association of Chiefs of Police (IACP) adopted the universally accepted Code of Ethics for Law Enforcement as a guideline to ethical behavior of its police professionals.

**As a Law Enforcement Officer**, my fundamental duty is to serve mankind; 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 men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; 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 in both my personal and official life, I will be exemplary in obeying the laws of the land 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 for the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, 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 the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession ... law enforcement.