LESSON PLAN

INTRODUCTION

A. Course Title: Ethics and Moral Issues

Instructional Goals: Basic knowledge of Ethics and Morals

Instructional Objectives:

Define terms concerning ethics, sexual harassment and cultural diversity
Talk about Sexual Harassment
Talk about cultural diversity
Talk about professionalism

Upon completion of this course, participants will be able to:

Discuss why ethical conduct is important
Understand why the highest ethical and moral standards are necessary for law enforcement officers
Talk about the Law Enforcement Code of Ethics
Discover how immoral conduct by an officer adversely affects the officer in the performance of his duties
Know how to identify ethical dilemmas
Understand some tools that can be used to make ethical decisions

DOING THE RIGHT THING, EVEN WHEN NO ONE IS WATCHING

“Our first job is to distinguish, in every context, between the demands of law and the demands of ethics - between the danger and fear of being sued, prosecuted, defrocked, and the much subtler, but more pervasive danger of being systematically and cruelly wrong.”

• William Bratton while Chief of Los Angeles

Instructor/Student Introductions
COURSE PHILOSOPHIES
Respectful but Relaxed Atmosphere
Misery is Optional
Ask Questions
Fill up the tool box
Laugh and Learn

“I didn’t even have time to be bored!”

- James Herrera Artesia PD
DEFINING ETHICS
Ethics … defined
The principles of honor and morality; Accepted rules of conduct; The principle of conduct governing an individual or group.

But in the Final Analysis, ethics is really all about...

What we do!
Case study: Tom Coleman
Ethics in Public Service
Higher Standards
…granting authority without expecting public servants to live up to the standards they are expected to serve.

--Edwin J. Delattre

I CAN'T PAY YOU TO BE ETHICAL…OR CAN I?

Raise the salaries if jobs merit higher pay, but not in expectation of buying in
Nobody sells that. People who have it give it for free.

-William Bratton while Chief of Los Angeles PD

Tom Coleman case study: part 2
Why did you get into this line of work?
WHAT HAVE I GOTTEN MYSELF INTO?
What do people want from you as a public employee?
"To keep me safe and secure in my own home and don't infringe on my rights while doing it."
Keep me safe and secure…and don't infringe on my rights while you do it.

PROFESSIONALISM
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 - life long learning

As Police Officers, we are symbols of our society. Our goal should be to achieve being recognized not only as an authority figure, but also one of a public service professional.

Law enforcement officers have been bestowed with the “Public Trust”. We must take extreme care to maintain the trust that has been given us

Professional?

Law Enforcement Code of Ethics
The Law Enforcement Code of Ethics was adopted by the International Association of Chiefs of Police in 1957.
In 1989, the IACP revised the code to enhance its relevance to modern policing and re-named it the Police Code of Conduct

Code of Ethics
A basic set of rules or standards to which people should conform in the regulation of their lives or the performance of their duties
Performance Objectives
And Instructional Cues

OUTLINE AND PRESENTATION

Class Brainstorming Project…

What types of things are unethical?

Petard

A 19th Century implement initially developed by the French to breech doors using an explosive device

To hoist by or with one’s own petard means a person was hurt, ruined, destroyed by the very device or plot they had intended for another.

The "Hoisted by Their Own Petard Award" goes to the officers who dis their scheme to fabricate a charge against a motorist whose car was struck from behind by a patrol unit … while neglecting the fact that their entire conversation was recorded on the dash-cam in their vehicle!

Funny?

Framed by the Dash Cam

-NBC March 2009

So…What happens if I lie?

Are you going to risk ________ years, $___________ and your retirement for this?

What happens if I lie?

Brady v Maryland

1963 case involves the right of the accused to discover exculpatory evidence in the possession of the government

Surrounds the cover up of evidence

Petitioner and companion convicted & sentenced

Companion admitted doing the killing

Petitioner was denied access to the companions statements

Later, court of appeals ruled that suppression of the evidence denied petition process

Definitions

Exculpatory Evidence/Brady Material – Evidence in the government’s posses is favorable to the accused and that is material to either guilt or punishment, including evidence that may impact the credibility of a witness.

More Definitions …

- Duty to Disclose – The landmark decision of Brady v. Maryland (1963) places an affirmative constitutional duty on a prosecutor to disclose exculpatory information to a defendant. This duty has been extended to police agencies through case law, requiring law enforcement agencies to notify the pro or any potential exculpatory information
What happens if I lie?

Giglio v U.S.
1972 case that surrounds the issue of due process and the government’s knowledge of impeachment information (especially about police officers) prior to trial.

Definitions

Impeachment Evidence – Generally speaking, evidence which a court or jury consider in determining the credibility of a witness, particularly any matter that any tendency in reason to prove or disprove the truthfulness of his/her testimony.

Discussion

OK, so what does this have to do with me as a police officer? Take a look …

Brady/Giglio Disclosures

The following must be disclosed by the Department to Prosecutors:

- Substantiated allegations of misconduct, bias, lack of candor or untruthfulness
- Pending allegations of misconduct, bias, lack of candor or untruthfulness
- Any past or pending criminal charges against the employee

Brady/Giglio Disclosures

The following must be disclosed by the Department to Prosecutors:

- Allegations of lack of candor or untruthfulness to supervisors, IA, in police reports or on the witness stand even when they are adjudicated as being unfounded, non-substantiated or exonerated.

Prosecutors then present all info to judge who makes an in camera decision on what is to be disclosed.

Caveat Regarding Admissibility

- In its decision to admit evidence, the court will weigh the evidence to determine if it is more probative than prejudicial. Not all evidence of deceptive conduct by an officer will be admissible.
- (An example of deceptive conduct that may fall into this category could possibly include an officer who engages in a secretive extramarital affair…)
- Brady puts no mandate on the agency to take any disciplinary and/or corrective action. Discretion lies with management however, Brady does stand for the proposition that evidence that may be exculpatory must be given to the defense and…
- Certainly, an officer’s credibility is a material issue and his/her lack of credibility is clearly exculpatory evidence and therefore sustained findings of untruthfulness must be revealed.

REPORTS TO LE ACADEMY BOARD

The Chief/Sherrif is required to report to the academy w/in 30 days of completion of an investigation, sustained complaints of misconduct centering around:

- Guilty or no contest to A felony charge;
- Guilty or no contest to aggravated assault, theft, driving while intoxicated, controlled substances, or other crime involving moral turpitude;
- Making false statements or giving any false information to the academy in connection with an application for admission/certification;
Committing acts which indicate a lack of good moral character, or which constitute dishonesty or fraud, and which adversely affects an officer's ability to exercise his or her duties as a certified law enforcement officer; Committing acts of violence or brutality which indicate that the officer has abused the authority granted to him or her as a commissioned law enforcement officer in the state of New Mexico; Is found to have committed acts which would be grounds for denial of application for admission under 10.29.1.10 NMAC.

REPORTS TO ACADEMY BOARD
The Chief is required to report to the academy w/in 90 days of receiving complaints of misconduct where there is an ongoing investigation. The termination of an employee has no bearing on whether the report should or shouldn't be made to the board. They shall be made.

REPORTS TO ACADEMY BOARD
The reports are evaluated by the director and if appropriate, after following his own process, are presented to the academy board for action. This could be suspension or revocation of LE certification.

Tom Coleman part 3 So...what does happen when you lie? What types of things can I use to make ethical decisions?

DISCRETION AND PROFESSIONAL COURTESY
DISCRETION
An official action by a criminal justice official based on that individual's judgment about the best course of action Sometimes limited by law and policy Pervasive throughout the CJ system

Advantages Of Police Discretion
Effective use of resources
Individualized justice (does everybody need jail?)
Promotes job satisfaction
Promotes autonomy (self sufficiency)
Necessary for efficiency in CJ system
Promotes humanitarian principles
Disadvantages of Police Discretion
Potential for abuse
Potential for corruption
Potential for needless death or injury
Potential for possible citizen complaints for unequal treatment
Potential for possible litigation

DISCRETION
Officers may decide not to seek formal charges or may request the filing of a less serious charge. In making these decisions officers effectively determine who subject to the criminal justice process. Should we be able to do this?

Discretion is either CJ's shining moment or its worst enemy. Which do you think it is?
Police officers often give other officers who may be caught in minor infractions something called professional courtesy. "I haven’t ever been in a situation where I felt the need to write an officer. Usually it’s a pretty professional exchange. I did get peeved at one officer who flipped his id holder and hung it out the window. If you’ll just give me about 10 seconds walk up to your car we can have that exchange in private and not in front of the world."

A. Officer Where Ever NM

"Officers need to think about ‘professional courtesy’ vs. ‘perceived corruption’ an off-duty police officer is being given a break solely because of his law enforcement status, it would most likely be seen by anyone outside of LE as being a corrupt practice."

Any Chief Anywhere USA

"Whenever someone asks me if I would ticket a Police Officer I tell them NO I would not cite another Police Officer (but for few exceptions like DUI, Hit and Run etc.). However, I also add the following, I DO NOT cite every citizen I stop, if every citizen I stop then it would be wrong to give a fellow Officer a break."

T. Guy Anywhere USA

What are the results of unethical conduct?
Loss of Career
Family embarrassment
Citizens feeling that the whole profession is no good

Others?

Having the courage to always do the right thing could be an ethical officer’s epitaph.
What’s going on your epitaph?
WHY DO OFFICERS DO UNETHICAL THINGS?

THE TOP FOUR
Reasons for bad decisions:
Greed
Sex
Peer Pressure
Revenge

EEOC Defines Sexual Harassment As:
Unwelcome sexual advances, requests for sexual favors, and other verbal or conduct of a sexual nature when:
A. Submission is made explicitly or implicitly a term or condition of employment
B. Submission to or rejection of such conduct by an individual is used as the an employment decision
C. Conduct has the purpose or effect to interfere with a person’s work performance creates a hostile work environment
Key Word, “Unwelcome”
The key word to defining sexual harassment is unwelcome.
When any unwanted, unwelcome, or unsolicited sexual conduct is imposed on a person who regards it as offensive or undesirable, it is sexual harassment.

Types of Sexual Harassment
1. Quid Pro Quo:
This term refers to employment decisions that are based upon an employee’s willingness to grant or deny sexual favors (e.g. hiring decisions, promotions, salary increases, shift or work assignments, performance expectations). Examples include:
   a. Demanding sexual favors in exchange for a promotion or a raise
   b. Disciplining or firing a subordinate who ended a romantic relationship
   c. Changing job or performance expectations after a subordinate refuses repeated requests for dates, etc.

2. Hostile Work Environment
Verbal or non-verbal behavior which focuses on the sexuality of another person or behavior based on the person’s gender, which affects the comfort level of an individual’s work environment.
Examples of behaviors which can create a hostile work environment include:
- Off-color jokes or teasing
- Comments made about body parts or sex life
- Suggestive pictures, posters, calendars or cartoons
- Leering, staring or gestures
- Repeated requests for dates
- Excessive attention in the form of love letters, telephone calls or gifts
- Touching-brushes, pats hugs, shoulder rubs, or pinches

Sexual Harassment Can Occur in a Variety of Circumstances
The victim and harasser do not have to be of the opposite sex. The victim does not have to be the person being harassed. The victim can be anyone affected by the offensive conduct.
Effeminate men are often exposed to harassment and teasing much more vicious than that of women. This harassment includes assaults, sabotage, and isolation.
E-mail and internet harassment is becoming more prevalent.
Sexual harassment may not always be an expression of sexual desire or sexuality but an inappropriate use of power. The majority of complaints involve subtle harassment such as:
- Sexual Remarks
- Off-hand comments
- Mental groping

Sexual harassment can also have an affect on others in the work place:
Persons witnessing the harassment may feel the same loss or damage as the victim.
Harassment problems left ignored or denied can erode overall morale and productivity.
It can expose the department to possible litigation and embarrassing press  
Persons involved may be held personally responsible and liable  
The Employer & the Non-Employee  
Sexual harassment can also come from outside the department  
Federal guidelines establish the right of employees to be protected from hara  
by non-employees  
Employers are responsible for any acts of sexual harassment perpetrated by  
employees while conducting business in the employer’s work place  
Steps to take if you are Sexually Harassed  
1. Remain cool and professional.  
2. Be direct and candid with the person. Let the person know their behav  
unwelcome. **You are not required to notify the person their behavi  
unwelcome for it to be sexual harassment.**  
3. Follow your department’s policies & procedures  

Who are we?  
Patterson and Kim, “The Day America Told the Truth”  
Believe in all 10 Commandments 13%  
Call in sick when they are not 50%  
Lie regularly (work and home) 91%  
Married people having/had an affair 31%  
Aren’t sure would marry same person again 47%  
Don’t know next door neighbors 72%  
Say there are no American heroes 70%  
Moral Regions - New England is:  
#1 in giving to charity … and …  
#1 in cheating on spouses  

SONTAG CONNECTOR  
**Values Are Primarily Caught, Not Taught!!**  
Blanchard and Peale  
“The Power of Ethical Management”, 1988  

THE GOLDEN RULE  
The Six Pillars of Character  
Auth: Michael Josephson  
1. Trustworthiness  
Honesty  
Integrity  
Promise-keeping  
Loyalty  
2. Respect  
3. Responsibility  
Accountability  
Pursuit of Excellence  
Self-Restraint or win at any cost  
4. Justice/Fairness  
5. Caring
Performance Objectives And Instructional Cues

OUTLINE AND PRESENTATION

6. Civic Virtue and Citizenship
   Boyscouts?
   DO THE ENDS EVER OUTFLOWEIGH THE MEANS OR…WIN AT ANY COST?
   Think … Then A.C.T.
   “A” …. Alternatives
   ID
   “C” …. Consequences
   Project the good and bad
   “T” …. Tell Your Story
   Consider your defense
   Use your new ACT tool…
   DECISION MAKING TOOL:
   YOUR MORAL FILTER
   Take your coffee filter
   Write the essential core values, attitudes and beliefs that are important to you
   Write as many as you want
   YOU DON'T HAVE TO SHARE WITH OTHERS UNLESS YOU WANT
   THE MORAL FILTER
   My Moral Filter?
   1. Family
   2. Church
   3. Job
   4. School
   5. Financial Survival
   6. Country’s Stability
   ETHICS CHECK QUESTIONS
   Is it legal?
   Just because I can? The A's
   Is it Balanced?
   Are there any words that are used to guide your decisions?
   How will I feel about myself?
   Will others agree with my choice?
   ANOTHER MORAL DECISION MAKING TOOL:
   UTILITARIANISM
   A big word for:
   The greatest amount of pleasure for the greatest number of people
   UTILITARIANISM BY MR SPOCK
   UTILITARIANISM AS EXPLAINED IN THE BIBLE
   through the Gospel according to
   St. John
   (11th Chapter)
   "...Caiaphas, being the high priest...said unto them...’it is expedient for us, that man should die for the people, and that the whole nation perish not.'"
Performance Objectives
And Instructional Cues

OUTLINE AND PRESENTATION

Trolley car and the fat guy
Paging: Dr ___(You)____
Malpractice
  • Should every decision we make be based on what the best thing is for most people?

  People own themselves, so how are decisions made for them by (us) when they have no say?

The Thin Blue Line
THE THIN BLUE LINE
  You are the thin blue line between law abiding citizens and criminals
or
Between order and chaos, so…
  Does this give you the right, obligation, duty or requirement to make moral decisions for others rather than them making decisions for themselves?

Order or Chaos?
Ticking Nuclear Bomb Scenario
Known Terrorist
Nuclear bomb
You know how to defuse it
Where is it?
Do you use torture to possibly find out where it is in time to defuse it? When turn into punishment?
What might be along the same lines?
Child Kidnapping Scenario
Young girl kidnapped by known felon
Already plead guilty 30 years ago to kidnapping rape and battery
All leads in case have been exhausted
Suspect tells you she is still alive

Torture or no?
Balance the need for successful prosecution with the concern for the girl’s life
underlying concern of civil and criminal liability
Order or Chaos?
Supreme Court of United States Justice Antonin Scalia
Formalism
A decision that is based in pure motive
Some decisions have little to no ethical support:
THE DECIDING VOTE
To learn about formalism, lets play a game called:
You alone get to pick the next extreme exalted ruler of the world. So will it be
THE DECIDING VOTE
Candidate A
Associates with crooked politicians
Consults with astrologers
Had 2 mistresses
Chain smokes
<table>
<thead>
<tr>
<th>Drinks up to 10 martinis a day</th>
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<tr>
<td>THE DECIDING VOTE</td>
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<tr>
<td>Candidate B</td>
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<tr>
<td>Ejected from public office twice</td>
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<td>Sleeps until noon</td>
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<td>Used drugs in college</td>
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<td>Drinks a large amount of whiskey every evening</td>
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<td>THE DECIDING VOTE</td>
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<td>Candidate C</td>
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<tr>
<td>Decorated war hero</td>
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<td>Vegetarian</td>
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<tr>
<td>Doesn't smoke</td>
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<td>Has only an occasional beer</td>
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<td>Never had an extra marital affair</td>
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<td>THE DECIDING VOTE</td>
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<td>Candidate A?</td>
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<tr>
<td>U.S. President during the great depression and WWII</td>
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<td>THE DECIDING VOTE</td>
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<td>Candidate B?</td>
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<tr>
<td>Prime Minister of the UK during WW II</td>
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<tr>
<td>THE DECIDING VOTE</td>
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<td>Candidate C?</td>
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<td>Reign resulted in the death of 11M people</td>
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<td>principles of diversity make us</td>
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<td>Not mean spirited or cruel but…</td>
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<td>HUMAN</td>
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<td>Since we’re human we need to enhance the skills enabling us to effectively interact with everybody.</td>
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<td>UNESCO</td>
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<td>Define the term “diversity”</td>
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<tr>
<td>“Diversity is the term used to describe the relative uniqueness of each individual in the population…the state of being diverse.”</td>
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<td>Diversity is a set of conscious practices that involve:</td>
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<tr>
<td>Understanding and appreciating interdependence of humanity, cultures, and the natural environment</td>
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<td>Practicing mutual respect for qualities and experiences that are different from our own</td>
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<td>Understanding that diversity includes not only ways of being but also ways of knowing</td>
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<td>Continued…</td>
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<td>Recognizing that personal, cultural, and institutionalized discrimination create sustaining privileges for some while creating and sustaining disadvantages for others</td>
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<td>Building alliances across differences so that we can work together to eradicate forms of discrimination</td>
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<tr>
<td>How do people differ from one another?</td>
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<td>Why do people respond in different ways to the same situation?</td>
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Are these differences inherited, learned or both?
Discuss the term “human diversity”
Skin Color
Gender
Age
Appearance
Facial Expression
Eye Contact
Movement
Personal Space
Touch
Do you make decisions about how to interact with people based on these?
Take a few minutes to make your own list of the differences you notice in people when you first meet them.
List “dimensions of diversity”
Age
Ethnicity
Gender
Physical Abilities/Qualities
Race
Sexual orientation
Job Classification
Military Experience
Parental Status
Religious Beliefs
Work Experience
Geographic Locations
Socioeconomic Status
And the list goes on…
When we examine these we realize the many attributes we have in common with each other while at the same time appreciating those that make us unique.
Discuss the United States changing demographics
Changing demographics:
By the year 2050:
Less than 53% of population White
16% African American
23% Hispanic Origin
10% Asian and Pacific Islander
1% American Indian, Eskimo, and Aleut
By the year 2056:
People of color are expected to become the new majority
In addition:
The fastest growing age group: 75 and older
In 2008: 48% increase in workers 55 and older
By 2025, the number of elderly will double
Misc. Statistics:
One in every 7 Americans speaks a language other than English in their home
An estimated 6% of the population is gay/lesbian
Persons with disabilities make up the largest minority group: 15% of US population
ARE YOU PREPARED TO DEAL WITH ANY OR ALL OF THESE?
Compare a “melting pot” vs. a “mosaic” society
Changing concepts
Traditional American approach to diversity: integration
Cultural differences are normalized
Problem: classifies differences as inferior
New Perspective of mosaic: encouraged to be proud and maintain cultural heritage and uniqueness
Multicultural: no distinct culture as American
What kinds of things encourage or discourage the melting pot concept?
Discuss the concept of three dimensions of Global Inclusion
The Human Perspective
The Cultural Perspective
The Workplace Perspective
These inclusions capture the basic attributes that make us who we are as individuals
The Human Perspective
Inclusions that might be detected visibly
Physical or psychological in nature
Examples: Age, ethnicity, gender, physical abilities, race, and sexual orientation
The Cultural Perspective
Define us as individuals
Influence how we function in all areas of our lives
Less visible
Aspects of an individual's diversity
Examples: Economic class, education, geographic location, language, life experience, military experience, marital status/domestic partner, parental status, religion, and values
The Workplace Perspective
Inclusion of diversity from current and past experiences in the work environment
Examples: Your level of autonomy, empowerment, decision making authority, functional level or classification
Describe the concept of the four layers of diversity
Personality: All aspects of personality
Internal: Aspects not easily changed
External: Aspects that can be altered
Organizational: Past and current experiences
Explain “Fairness vs. Equal Treatment”
Many people think that fairness means treating everyone the same. How does treating everyone the same work for a diverse staff?
Define the term culture
Values, beliefs, and behaviors common to a large group of people to include:
Shared language
Folklore
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<tr>
<th>Performance Objectives And Instructional Cues</th>
<th>OUTLINE AND PRESENTATION</th>
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<tbody>
<tr>
<td>Ideas and thinking patterns</td>
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<td>Communication styles</td>
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<td>Similar “truths” and life expectations</td>
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<tr>
<td>The definition of culture includes:</td>
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<td>Body of learned beliefs, traditions, principles, and guides for behavior that are among members of a particular group</td>
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<td>Serving as a road map for perceiving and interacting with the world</td>
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<td>Not inherited but instead shaped by the social context in which we learn</td>
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<td>Discuss the Cultural Perspective</td>
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<td>Comprised of core elements that help define us as individuals</td>
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<td>Examples:</td>
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<td>Economic class</td>
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<td>Education</td>
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<td>Geographic location</td>
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<td>Language</td>
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<td>Life experience</td>
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<td>Military experience</td>
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<td>Marital Status/Domestic Partnership</td>
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<td>Parental Status</td>
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<td>Religion</td>
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<td>Values</td>
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<td>Explain where our “cultural programming” comes from</td>
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<td>Culturally programmed by age 3</td>
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<td>Born into culture and programmed in our belief system</td>
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<td>Acceptance without question</td>
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<td>Additionally:</td>
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<td>Culture determines our behavior and attitudes</td>
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<td>No one is culture free</td>
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<td>Most cultural rules are never written</td>
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<td>We interpret other people’s behavior through our own cultural software</td>
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<td>Cultural Programming Examples</td>
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<td>Can’t teach an old dog new tricks</td>
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<td>Big boys don’t cry</td>
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<td>Explain stereotypes and their role in cultural diversity</td>
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<td>Misinformation</td>
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<td>“Mental Tapes”</td>
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<td>“Mental File Process”</td>
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<td>Discuss the development of Diversity Competence</td>
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<td>These competencies consist of 4 areas:</td>
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<td>Awareness</td>
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<td>Knowledge</td>
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<td>Skills</td>
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<td>Action/Behavior</td>
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<td>Awareness…</td>
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<td>Recognizing differences as diversity</td>
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### Performance Objectives and Instructional Cues

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<th>OUTLINE AND PRESENTATION</th>
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- Respect benefits of differences
- Acceptance of differences
- Understand historic effect
- Clear sense of personal culture
- Understand personal impact of organizational culture
- Recognize similarities
- Knowledge...
- Factual information
- Identify differences
- Exposure
- Learn
- Explore
- Skills...
- Take personal responsibility
- Point of view
- Cross-cultural communication
- Problem-solving
- Conflict management
- Work effectively
- Action/Behavior...
- Teach
- Show patience
- Develop personal plan

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**Final Tools Test**

Trainee _____ you _____ and Sgt Martin

Did you ever have an idea that you went forward with and after words you told yourself that was probably not the right thing to do?

Do you ever get bored while waiting to serve a search warrant, while serving warrant or right after serving a search warrant?

**BOWLING FOR SUSPENSION**

WRITE YOUR OWN CODE OF ETHICS TO PASS DOWN TO THE PEOPLE EVENTUALLY REPLACE YOU AT THIS JOB

Every day is an ethics training day

Since ethics and integrity are the backbone of all law enforcement, reporting misconduct is an officers duty.

What types of words come to mind for the above?

RAT, FINK, SNITCH OR SERPICO