Issues and Commentary for

The Criminal Justice Executive

Against Brutality and Corruption:

Integrity, Wisdom, and Professionalism

by Edwin J. Delattre

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Introduction by

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Florida Criminal Justice Executive Institute
Florida Department of Law Enforcement
Tallahassee, Florida
1991

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Introduction

This monograph by Dr. Edwin J. Delattre discusses an issue as old as mankind: How we should live our lives and how we should live with each other.

This paper is more than an exercise in theory. It brings to the forefront the essential foundation of our future: the future of our profession, the future of our society, and the future of our personal lives. And for us who have spent our entire professional years in criminal justice, this publication by the Florida Criminal Justice Executive Institute could not be published at a more critical time.

As this monograph goes to print, law enforcement has found itself the center of controversy and debate because of brutality charges against the Los Angeles Police Department. A single incident, videotaped by a witness, has caused a hue and cry against law enforcement officers everywhere. It is because of this developing national attention that many of us in criminal justice view the future with mixed feelings: pride in the tremendous progress we have made in criminal justice during my generation, but a deep concern that we are entering a period of attack, sensationalism and unrest that will challenge that progress.

The events unfolding in Los Angeles and the repercussions elsewhere—such as the Justice Department's review of past brutality complaints and the inevitable outcry of groups who would willingly smear all police, may alter the agenda for tomorrow. Should we allow others to determine our agenda? I say no. History shows us that criminal justice leaders traditionally have taken a defensive posture when problems arose on the horizon. So often we have reacted to past issues by circling the wagons, by seeking support from our peers, and by not honestly facing the fact that maybe our associates were wrong.

That denial is not unique to us in criminal justice. It seems that we have lived through a period of casual ethics. It has been a time when people twisted moral responsibility to fit their personal desires. It has been a time when there was more gray in situations than straight black or white. It has been a time when the wrongness of any action could be rationalized away.

As we move into the next decade and into the next millennium, issues of integrity will become some of the most significant ever faced by mankind. From biogenics to euthanasia, from political responsibility to the changing culture of organizations, we find questions of ethics. And this

concern is long overdue. We must insure that the moral decency of any action is established clearly before we move forward.

I am proud of my profession. I am proud of the many men and women who sacrifice so much every day to serve their communities. I am proud of the many professional, ethical people who have honored me with their friendship. But I am saddened at seeing so many of our strong values under attack. I am saddened to have seen people in highly responsible leadership positions sacrifice their families, their careers and their lives because they traveled a path littered with trivial, egotistic, and materialistic desires.

We occupy a position of trust. We have been given awesome authority and power by the citizens of our communities. Essentially they have said, 'We trust you so much that we place the safety of our families and our businesses under your protection.' It is failure to respect the purposes of that authority and power that has been the downfall of many criminal justice officers and leaders. When we begin to view our trust as a means to personal gratification, we have lost sight of what the position of leader signifies for a community.

Over a year ago, we witnessed the U.S. Supreme Court rule that desecrating the United States flag was protected by the Constitution. We saw the immediate, vocal outcry of the common, everyday American. The American flag is a symbol. It represents deep, strong values of what is right and just about America. The criminal justice leader is a symbol also. He or she represents the highest level of ethical conduct in a community.

We knew when we accepted the position of leader that it would require dedication, commitment and sacrifice. It is not an easy job. Not everyone can handle the complexities, the stress and the constant probing. For those of us who have chosen this way of life, we must understand that enormous responsibilities come with it.

The first responsibility is that we *be* men and women of impeccable integrity who present ourselves as what we are. We should occupy our positions to serve our communities legally, truthfully, and ethically.

We are trustees of our police agencies. Police and corrections departments are not ours to manipulate. We are stewards who have been entrusted with major responsibilities: to lead our employees honorably, to ensure an environment of moral standards, and to pass on to our successors better agencies.

Recently, Florida saw the passing of a truly honorable man, former Governor LeRoy Collins, who gave each of us a legacy of integrity in public office. When once asked what qualifications a person should possess to be the chief executive of our state, he wrote that there were certain standards in addition to the constitutional qualifications for a governor. The first standard he listed was: "His integrity—and this embraces more than

his honesty; it means the wholeness of his dedication to serve well the public interest." Governor Collins' words apply to every leadership position, certainly to all with the responsibility of a criminal justice executive. He has touched on the essence of integrity: it is more than just honesty. Integrity slices to the deepest recesses of our soul. It is the *"wholeness"* of our dedication to service.

As leaders, we must do more than talk integrity: We must live it. For it is only through our lives and our commitment that others will see and know that integrity is not a subject of debate with us. Integrity—our commitment to a standard of excellence—is the way it shall be.

—Chief Lee McGehee
Ocala Police Department

Against Brutality and Corruption:
Integrity, Wisdom, and Professionalism

In March 1991, on the evening after President Bush declared Kuwait liberated and suspended allied battle against the Iraqi Army, journalists on a television talk show in Boston offered commentary on the war and its aftermath. The host asked, "Will the allied success in the war improve or harm George Bush's political standing at home?" One journalist, unable really to conceal her antipathy to the President, hurried to reply that if the President thought that success in Iraq meant he could invade any country he wished, and that the American people would go along with him, allied success in the Gulf would do him enormous political harm.

Instead of taking the question seriously, she invented an utterly incredible mind-set of aggression, attributed it to the President, and then offered a disparaging description of his political prospects. In effect, she rendered herself useless, or worse, for serious commentary about our real situation. In her graphic failure to answer the question she had been asked, the journalist showed her own professional incompetence.

Ethics and Professional Competence

We tend nowadays to neglect the immorality of professional incompetence. Many of the people who discuss ethics in different walks of life, whether in business or public service or the traditional professions, seem to believe that behaving honestly on the job and having the "right" attitudes about race, sexual orientation, and the environment are all that ethics requires. This view ignores our plain duty to be professionally competent and good at our jobs.

This fact of moral life should be emphasized in all ethics courses in police academies. In my own Teacher's Guide for police instructors that accompanies *Character and Cops: Ethics in Policing*, under the heading "Professional Competence and the Obligations of Police Departments to their Sworn and Civilian Members," I have put the point this way:

> Academy instructors should not conclude their course without emphasizing that all training of police by the department is directly relevant to ethics. It takes a good person to be a good police officer, but being a good person is not enough. To be

ethical, police officers must be thoroughly competent to perform and accomplish their rightful work.

In the context of police mission and departmental priorities, instructors should explain how each component of training—physical training, weapons training, legal training, procedural and policy training, informant management, interrogations, management training, paramedical training, suicide prevention, social services and domestic violence training, crowd and riot control training, traffic enforcement, report preparation, and so on, is connected to becoming, and remaining, professionally competent police.

By showing that all of these are indispensable to fulfilling the responsibilities of police, academy instructors can help their students to understand that ethics is part of everything they do. Analogies can be particularly instructive here.

If the brakes on a police cruiser fail because of bad workmanship by an incompetent mechanic, this is an ethically grave failing even if the mechanic is well-intentioned and honest. A taxicab driver who kills a pedestrian by driving incompetently is not redeemed by having been sober at the time. A teacher who conveys false lessons to students, and who could and should have known the subject matter better, has not behaved ethically, even if the teacher is always courteous in class. So, too, with police.

Academy instructors may also want to explain that when an employee performs incompetently, this reflects badly on the character and judgment of the people who hired him and supervise his work. Leaders themselves are supposed to be accountable, at least to the extent that they have authority for decisions about hiring, job assignment, supervision, promotion, discipline, and termination.

Also important is the fact that a realistic assessment of one's own professional competence is essential to wisdom. Weaknesses attributable to overestimation of our own competence can be as dangerous to the public that police are obligated to serve as other failures of judgment and faults of character.

At the same time, making this point provides opportunity to explain the obligations of the department to its members. The department *owes* its members the finest possible training and candid, unequivocal policies for the performance of their work. Without departmental conscientiousness in these re-

spects, the highest levels of competence simply cannot be reached.

Here, attention to specific departmental policies and commitments is crucial. In what ways does the department fulfill its duties of responsible supervision? How does it maintain internal accountability not only in discipline, but also in advancement and rewards? If the department has an affirmative action policy, what are the reasons for it and how does it fit with departmental respect for merit? How does the leadership learn about and try to solve the worst problems facing police and civilian personnel? What provisions does the department make for the well-being of employees' families?

By emphasizing in the ethics course a reciprocity of obligation and purpose between the department and its members, ultimately for the sake of the public, instructors can bring their students to a sense of the ethical fabric of police work. This may help police to understand the extent to which effective policing is thwarted when individual police and their departments think of each other as adversaries, and when police and public view each other as "us and them."

Obviously, the domain of professional competence in policing embraces much more than professionalism in crime fighting and law enforcement. The breadth of police mission in serving needs of the community, providing services, and otherwise promoting both liberty and justice, cannot prudently be neglected in police training or supervision.

And professional competence in individuals and departmental seriousness of purpose are not the whole story of integrity, wisdom and professionalism.

Ethics and Corruption

Since the publication of my book, *Character and Cops,* I have been asked repeatedly, "What should we teach our people about ethics, and what are we to do about growing problems of corruption, especially narcotics-related corruption?" The two questions are intimately connected.

Ethics in policing has to do with much more than honesty and avoidance of corruption. Nonetheless, we may face no more serious problems of ethical failure in policing in the foreseeable future than those related to corruption. For this reason, the subject merits continued emphasis in police academies both in the training of new police and in the in-service education of experienced personnel.

Neither the contemptible actions of corruption as a betrayal of the public nor the breadth of the causes of corruption can be fully understood without a clear grasp of integrity in public service and private life and an informed sense of the varieties of police and other public- and private-sector corruption.

How dangerously shallow and uninformed analyses of corruption can be was revealed by the behavior of CBS News in 1989. In August 1989, the producers of CBS News approached me to do an interview with Dan Rather for the September 5th Evening News broadcast. In our initial conversation, one producer explained that the broadcast would be devoted to narcotics issues, including the newly released Strategy of the Office of National Drug Control Policy. He asked if I would be interviewed about narcotics-related police corruption.

I said no, explaining that it would mislead the public to focus exclusively on police corruption, and added that I would be happy to do an interview about drug and narcotics-related *public* corruption focusing not only on police, but also on corruption of mayors, legislators, judges, attorneys, and other public servants, by narcotics and narcotics money. He greeted this with enthusiasm.

In the days following, I spent about three hours on the telephone with two different producers describing the domain of public corruption and introducing them to private-sector, narcotics-related corruption such as insider trading for cocaine on Wall Street. By this time, the producers had said they wanted to tape three interviews.

Because the producers seemed to take it for granted that everybody has a price, I suppose because they do not know enough people who don't, I impressed upon them in our conversations that many public servants are above corruption. These include law enforcement officers I know personally who have been offered, and refused, enormous bribes or have resisted extortionate threats of reprisal from drug and narcotics traffickers. Some of them work undercover.

Shortly before the interviews were to be taped, one of the producers called to say CBS needed to interview some of those officers in the broadcast. She told me, "Ed, we have to have some of these people, or else we can't do the program." She assured me that CBS would black out their faces, disguise their voices, and refuse to disclose their identities even under legal compulsion.

Naturally, I declined to provide access to the officers. I asked, "You promise to keep their names and appearances confidential, right?" "Yes," she replied. I asked, "How many people in your offices use drugs? Would any provide information to their dealers in return for free drugs? Who will protect the officers from that?" To this, the only rejoinder was that if I

would not provide the names, CBS would not interview me on the program. We left it at that.

CBS did the show in October. They interviewed extremely able people who could have been wonderfully instructive to the American people. But CBS cut the show to less than 90 seconds. The edited show mentioned only corruption of male law enforcement officers. CBS News conveyed the false impression that narcotics-related corruption is limited to police—and only men, at that. The program ended with this commentary by the interviewer:

> And police officials worry that with stacks of cash and dope, even normally good cops will be unable to just say no.

Thus did CBS leave the public with the unwarranted and mistaken conclusion that public corruption normally starts with financial temptation and greed. In fact, it frequently begins when police, sometimes from a misguided sense of justice, use excessive force and "punish" suspected or known wrongdoers. Any considered analysis of corruption throughout human history leads to the fundamental problem of disrespect for limits, lack of restraint, and broad failures of self-control. *Failures of integrity!*

In fact, there was not a single word about the indivisibility of integrity and self-control, integrity and respect for limits, integrity and self-knowledge. There was not a word about the fact that long and grueling service combined with high levels of frustration and disappointment can be corrosive of all but the most deep-seated habits of decency—ample reason for particular vigilance about our own state of mind in circumstances of prolonged stress. And there was not a word about the necessity for habits of self-control in circumstances such as high-speed chases where anger and high adrenaline levels are likely.

There was no hint of the failures of character that lead to financial corruption and to other betrayals of the law and civil rights through brutality, as in the case of the unconscionable beating of Rodney King by Los Angeles Police Department officers on March 3, 1991.[1] The CBS piece shed no light on integrity or on the interconnectedness of failures of integrity.

Integrity

Integrity is excellence of character. Character is our second nature—second nature because nobody is born with character. Our character is the dispositions and habits of feeling, thought, and action that we acquire and bring to the recurring circumstances of our daily lives.

As I do my work around the country with police, business personnel, teachers and other professionals, students, and parents, I often ask, "In terms of ethics, when you think about choosing a friend, a spouse, a professional to represent your interests, a public servant to be elected or appointed, a boss, an employee—that is, when you think about people to whom you might entrust your happiness or your interests, what do you want them to be? What ethical qualities do you want them to have?"

Almost all the answers have the word "integrity" in them. But when I ask, "What do you mean by integrity?" I usually get a very narrow answer. Most people say, "Honesty." Some say, "Sincerity." A few say, "Trustworthiness," but most of the time, they mean by "trustworthiness" no more than honesty, failing to see that a person who is honest, but staggeringly foolish—or honest, but incompetent to do his job—is not trustworthy. When we ask people for counsel and advice because we believe they are trustworthy, we are interested in the quality of their judgment. We want them to be thoroughly competent and wise as well as honest.

Relatively few people seem to know that, literally, "integrity" means "wholeness." Certainly, habits of honesty merit attention, not only because they are essential to integrity, but also because failures of honesty, whether in falsified reports, perjury, or financial corruption, can decimate both individual police careers and entire police departments. But integrity embraces much more than honesty. Integrity means wholeness of character, living in fidelity to the same principles of decency in both public and private, no matter whether we fear that anyone might catch us doing wrong.

But what kind of wholeness? It is the wholeness that comes of being disposed to listen to morally relevant reasons about the right thing to do rather than acting from impulse or thoughtless desire. This sort of wholeness includes the achievement of habits of justice—habits of recognizing the equality of others, of seeing things from their point of view and not only from our own, and of not playing favorites when our own interests are involved—and habits of temperance and courage.

Temperance consists of principled self-control in the face of promises of illicit pleasure (i.e., bribes, mind-altering drugs, sexual exploitation, etc.). Courage consists of principled self-control in the face of threats of pain or loss (i.e., adverse peer pressure from corrupt fellow police or danger in the streets). Courage also embraces fortitude, giving one's best day after day even in daunting conditions. These habits are as essential to the achievement of integrity as are habits of honesty.

Integrity: being the same person in public and private, behaving well even when we have no fear of being caught. What does this mean in practice? A person of integrity respects the dignity—the right of self-determination—of others, and therefore recognizes the injustice of using

more force than is necessary in any situation. Such a person will apply this principle not only in a confrontation with perpetrators on the streets, but also when disciplining a subordinate or when punishing a child in the privacy of the home.

These habits of integrity are the most fundamental of all bulwarks against temptations to betray the badge and the public that are thrown before police by circumstance and by opportunistic or criminal interests. Forewarned *is* forearmed in much of our lives, and police, just as people in other walks of life, can benefit from knowing in detail about specific occupational threats to their own integrity, from narcotics and alcohol dependency to abuses of authority and "going along to get along."

Fully understanding good character depends on knowing what it is like to achieve a settled disposition to act with regard for moral reasons. People who achieve good character view themselves and others from what is sometimes called "the moral point of view." This is the view that moral reasons for and against specific ways of behaving are the most important reasons of all, and therefore override reasons of self-interest and self-gratification.

The person of truly good character will not treat others unfairly because doing so denies their equality and imposes on them consequences they do not deserve, and is therefore morally wrong. Such a person will not forsake fairness in order to gratify personal desire or impulse and will not give himself special exemptions from the requirements of duty.

Wisdom

Wisdom is a kind of wholeness in a person, just as integrity is. It consists partly of a balanced sense of proportion about how to respond to circumstances, and also of a well-established and reliable sense of our own individual strengths and weaknesses.

This latter dimension of wisdom deserves special attention because ignorance of our weaknesses and overestimation of our strengths can lead to profound moral failings. Police officers who have trouble controlling their tempers under pressure need to learn to acknowledge their weakness and work to overcome it by deliberate exercises of self-control. All of us have weaknesses, and the ethical challenge is to come to know ourselves *and* to refuse to permit our weaknesses to persist by ignoring or indulging them.

Such self-knowledge should be conjoined with good judgment in thinking about moral questions. Of these, perhaps none is more frequently asked than the question, "Do ends justify means?" Ordinarily, this means,

"Is it all right to go beyond the limits of departmental policy or law to fulfill our mission as police, or (implicitly), to 'get' the bad guys?"

The answer is, "No." Even if (however unlikely this is) betraying the law in order to enforce it had good short-term results in isolated cases, the answer would still be no. If all we considered morally relevant in deciding how we should behave were the consequences of individual acts, then we might find ourselves approving of profound violations of the rights of individuals or minority groups for the advantage of the great majority. Adopting the criterion of "the greatest good for the greatest number" flies in the face of the ideas of justice and equality and therefore cannot be an adequate standard of right and wrong. Consequences of our acts are not all that matter though they are surely relevant, as are our intentions.

Other tests of rightness matter, too, including the implications of universalizing the ways we consider behaving. Since we understand that in ethics, what is obligatory or right or wrong for one person to do is likewise obligatory, right or wrong for everyone in comparable circumstances, we can gain moral insight by asking what would happen if the applied principle of our action were made into a law that everyone had to obey. We teach this principle of ethical deliberation even to small children when we ask them, "What if everyone did that?"

Thus, asking the question, "What would happen if everyone were required to behave in this way?" sometimes discloses that actions are self-defeating in principle and therefore unjust. Suppose that we consider adopting the principle that we should perjure ourselves in order to secure convictions. We can test the principle by asking what would happen if everyone were required to commit perjury for this purpose. We can see that no one's testimony would be credible, and that perjury would therefore defeat its own purpose. Thus, we can perjure ourselves successfully only by counting on other witnesses to be honest, and this reveals our behavior as unethical and unjust as well as (obviously) dishonest.

Unfortunately, some people do not know these things about integrity and wisdom, and some do not care. Affronts to integrity and the public trust continue in America, often exposed by the diligence of police and federal law enforcement agencies in investigating suspected problems.

Police Corruption

On February 12, 1991, the *Philadelphia Inquirer* carried two headlines about police—one telling of grave personal sacrifice, the other of suspected corruption. The first: **L.A. Policewoman Slain by Gunman.** A couple of inches above and to the right on the same page: **Detroit's Police Chief is Indicted.** Tina Kerbrat, a 34-year-old mother of two with ten

months on the job, was shot to death while sitting in her cruiser. Meanwhile, William Hart was indicted after an 18-month investigation involving the alleged disappearance of $2.6 million dollars from a police fund.[2] It is an outrage for any betrayal of the badge to detract from public awareness of the sacrifices of police.

But such betrayals continue to haunt us.

On March 6, 1991, 22-year-old female Philadelphia police officer Terri Joell Harper and her 17-year-old street-hustler boyfriend were ordered held without bail for murder and other charges in the attempted robbery of another couple. Harper had been a police officer since June 1989. Each of the suspects blames the other for leading him (her) astray.[3]

On February 17, 1988, Detective Sherman Griffiths of the Boston Police Department's Drug Control Unit was murdered during entry of an apartment in a cocaine raid. In October 1990, a jury acquitted illegal Jamaican alien Albert Lewin of the murder. Lewin has since been deported. Problems of police performance before, during, and after the raid—and testimony by Griffiths' partner, Detective Carlos Luna, shattered the case against Lewin.

In March 1989, Luna signed an affidavit admitting lying to secure the search warrant for the raid where Griffiths died. He has since admitted to perjury and misconduct to cover up those lies. During Lewin's trial, Luna testified that he had been urged to lie by a superior and by an assistant district attorney in order to prevent the defense from discovering the identity of a police informant who was in a position to contradict testimony crucial to the prosecution. Police credibility was completely undermined, not least by Luna's statement that the Assistant DA "told him 'he understood that a police officer at times has to stretch the facts to get the job done,' " and added, "I've tried thirty cases and I haven't lost one yet. And I don't intend to start now."[4]

It has also surfaced that during the raid, police did not cover the apartment's back door, which allowed the shooter to flee. Neither did police subsequently secure the building, thus enabling a suspect to walk without being tested for gunpowder. No warrant was secured for an extended search of the apartment after the shooting. Some evidence from the scene was left unsecured in a file cabinet for a year and a half, while other materials were not correctly labeled, and a fingerprint went unprocessed for months. Accordingly, Massachusetts' highest court "excluded virtually all physical evidence from Lewin's trial."[5]

As a result of incompetence, indifference to procedure, and outright wrongdoing by some police and possibly others, Sherman Griffiths' murderer goes unpunished. This state of affairs is an affront to everyone who makes sacrifices for the public good.

The only indictments outstanding now are against Luna and his sergeant. Investigations and reviews in progress involve police and prosecutorial misconduct, rather than the murder. All this arises in the aftermath of the grim case of Charles Stuart, who murdered his wife and child and blamed it on a fictitious black abductor, and charges of racism against police for their subsequent conduct of the Stuart investigation. The Boston Police Department does not deserve all the criticism it has suffered over the Stuart case, but the Lewin case adds fuel to the charges of bigotry and thereby worsens conditions of life for police and citizenry alike.

The ex-chief of police in Brockton, Massachusetts, pleaded guilty in June of 1990 to stealing cocaine from his own police station's evidence room for five years and to embezzlement of city funds (estimates run to about $70,000). He told the court that he had stolen about a gram a day for the entire period and he also pleaded guilty to trying to persuade a detective to cover up for him by committing perjury and to two counts of intimidation of a witness.

The chief, Richard J. Sproules, personally directed Brockton's DARE program, and he consumed the cocaine he used as a prop in his lectures for schoolchildren.

Originally, the District Attorney estimated that about 24 drug cases would have to be dismissed because the chief tampered with evidence. By the end of June, 90 cases were thought to be in jeopardy. By early October, the DA was planning to dismiss 375 drug cases.[6] The chief has been sentenced to seven to 10 years.

On October 11, 1990, "Two New York City police officers were arrested on Federal charges of trying to sell illegal 9-millimeter handguns to street criminals, according to court documents.... One of the officers was also accused of selling cocaine and marijuana. The officers ... and two other Bronx men are believed to be part of a small ring that imported guns, cocaine, and marijuana from other states and sold them in the Bronx."[7]

In December, the United States Supreme Court rejected an appeal by seven former Boston police officers who were convicted in 1988 of "extorting thousands of dollars from bar owners" and using the badge to help "the tavern owners avoid prosecution or get favorable treatment from liquor license regulators."[8]

A rotten situation in South Carolina could have brought credit to police, but ended differently. There, while very fruitful investigations of legislative corruption, lawmakers taking bribes to vote in favor of pari-mutuel betting in the state, and of a problem with state highway officials accepting money from a road contractor were underway, the Special Agent in Charge of FBI operations in South Carolina was stopped en route home by a State Trooper who thought his driving erratic.

The trooper allowed the FBI agent, who had apparently drunk too much, to call the commander of the State Highway Patrol on his car telephone. The commander came to the scene, and, although he did not *tell* the trooper *not* to cite the agent for drunken driving, his presence had obvious implications. As other federal officials have put the question to me, "Who needs the words?"

These events came out, and further digging disclosed that the commander had previously used his influence to have "housebreaking and other charges against one of his sons" dismissed and "caused arrest and court records of other charges to be expunged," including cocaine charges against another son.[9] Initially, after the revelations, the commander merely suspended himself for five days, with the approval of his superior, and even the superior's superior, who said "The problem wasn't the commander's conduct, but the public's tolerance ... only the criticism mattered."[10]

A near mutiny by high-ranking officers in the highway patrol led, finally, to the commander's resignation; the FBI agent is back at headquarters in Washington. Suspicions of cronyism in South Carolina policing will linger for a long time—and with justification.

Boston has had its alcohol-related problems, too. In May 1989, while driving home from work, an officer with "a history of alcohol abuse during his 10 years on the force," killed another driver. The officer tested over twice the legal limit of blood-alcohol level at the time of the accident.[11]

Two more Boston police officers were convicted in June "of shaking down alleged drug dealers," holding them at gunpoint for hours and demanding payoffs. A classic case of the influence of senior partners on junior partners, one of these officers had 16 years with the Boston Police Department; his partner had three months.[12]

And narcotics-related corruption has made a celebrity author out of a former Tyler, Texas policewoman, Kim Wozencraft. *The Washington Post* reported the story in June 1990. It is a dreadful example of how a person who has no particular expertise or competence becomes a media celebrity and then uses that celebrity to make public policy pronouncements that a portion of the public, unfortunately, may believe. The article is called "Addicted in the Line of Duty."

> Kim Wozencraft began her career in law enforcement working undercover as a police narcotics officer in a small Texas city, and one of the very first things she learned was how to break the law. Her lieutenant taught her what turned out to be an important trick of her new trade: how to take drugs. How to prepare the heroin under a flame, how to shoot it into her arm. He didn't need to teach her how to enjoy it.

"It's part of the midnight training course that narcotics agents receive," Wozencraft says now, with no reproach in her voice. "It was a necessity.... During one case in Tyler we were buying some speed from a guy who'd gotten out of prison the day before. He was sitting there with a Colt pistol, saying, 'It's time to get down, I don't trust you guys.' "

Getting down, sharing a little bit of the contraband, is a custom, a bond of felony between the dealer and the dealt. But for Wozencraft, getting down became a habit, a "necessity" of a different kind. Before long, she was regularly smoking marijuana, popping pills, snorting and injecting cocaine, scoring whatever drugs she needed on official business with police department funds. Wozencraft was bad off, but her partner Creig—who became her lover, and later her husband—was wholly wasted, strung out on heroin, barely able to function. "He was going down very quickly," she says.

Yet these two were the law, or a corner of it, in Tyler, Tex.—living under aliases, putting the word out that they were in the market for drugs, then setting up the lowlifes for the "bustout," as she calls it, delivering whatever numbers the police chief needed to look good.

When they went to the chief to confess they had serious drug problems, he told them to take a few days off and get back to their cases. When the chief pushed them to make a drug case against a local pornographer he wanted to put away, they couldn't manage it the old-fashioned way, so they simply cooked up the evidence.

Who's to say what might have happened to Wozencraft had they gotten away with the frame-up? The fact is they didn't. The FBI nailed them, and they were convicted on separate charges of perjury. She served 14 months in a federal penitentiary in Kentucky; Creig was sentenced to three years. "I deserved to go to prison," she says, dead on. "Because I manufactured a case. However confused and strung out and helpless I was at that time, what I did was wrong. And I don't regret coming forward and straightening it out."[13]

Wozencraft has written a book titled *Rush*. The producers of *Driving Miss Daisy* have bought the movie rights and are trying to cast Jodie Foster and Tom Cruise in the lead roles.

On public policy? "Her account," one Washington Post writer says, "should make the public wonder whether drug use, or even drug abuse [there's a lovely distinction about illegal drugs for you], isn't an unavoidable hazard for any officer whose effectiveness ... depends on keeping the trust of dealers." Her description of narcotics officers who use drugs? "They're victims." Her remedy for America's problems with drugs? "Legalize it."[14] This is an incredible amount of rubbish for one incompetent officer—with a willing media—to visit on a credulous public.

Headlines from respected newspapers throughout the country suggest the range of our problems:

Corrections Officer Smoked Crack in Job Without Detection[15]

Jail Officer Traded Inside Information for a Discount on Drugs[16]

Documents in Detroit Police Probe Vanish[17]

Second D.C. Police Cadet Arrested[18]

Ex-Police Training Director Admits Scheme[19,20]

And in Los Angeles, seven members of the Major Offenders Squad have already been convicted of corruption, with others yet to be tried. This is a particularly important case, since it involves elite narcotics enforcement units in the highly professional Los Angeles Sheriff's Department. Investigation is now underway in San Diego of some very nasty possibilities of police involvement in the murders and disappearances of prostitutes

who were police informants.[21] And a lawsuit alleging brutality has been filed against L.A. County deputies in Lynwood as well.[22]

These stories, all of them now part of the public record, make it quite clear that problems of public and private sector corruption, including narcotics-related police corruption, and the importance of leadership in preventing it, discouraging it, finding it, exposing it, and disciplining those who are involved in it, deserve attention.

Certainly, the varieties of corruption in policing resemble in imaginativeness the varieties of corruption in private sector money laundering and other public and private scandals. Command personnel from a number of departments tell me they estimate that as many as 20 percent of their own sworn personnel use illegal drugs. Some say that cocaine is the drug of choice, and they naturally suspect corrupt involvement of a high percentage of those police who use it. This problem has clearly hit the U.S. Coast Guard hard as well, where one Coast Guard member in the front line of the interdiction effort is disciplined for drug offenses for every 2.6 civilians the agency arrests. Occasionally, gang women make sexual advances to officers who foolishly accept their favors, and are thereafter compromised in gang and narcotics enforcement. Some police accept gifts of drugs from gangs and thereafter compromise investigations and service of warrants, thus betraying other police.

In the Caribbean area, and in Central America, the drug cartels offer police officers extortionate bribes of "gold or lead—take the money or make your wife a widow." I do not know whether such terrorist tactics are used to bribe police inside the United States, but younger officers and newly appointed command personnel in some departments are cautioned by their supervisors and mentors that if they press too hard and too successfully against nontraditional organized crime gangs, such as Jamaican posses, there is a serious risk of reprisal. Some are advised, "Don't go too far with these people."

Certainly, many police are undaunted by threats of criminal reprisal, even though some street gangs are shockingly sophisticated at gathering intelligence about them. Recently in a southwestern city, when the police raided a house used to retail powdered cocaine, they found a log that recorded the patterns of every police patrol in the neighborhood—the number of times each cruiser passed, the time of day or night, the serial number of each car, and the names of every officer involved, including those in plainclothes and unmarked vehicles.

One of the plainclothes gang-unit members is especially known for his diligence, persistence, and effectiveness. Once the gang members located his residence, they began to surveil it and to threaten his children. He moved his family and persevered in his work.

It was quite clear to police that the gang logs were being kept primarily to track that specific officer with the intention of killing him, possibly of finding his family again. Still, this anti-gang unit has not yielded an inch to intimidation and performs with extraordinary diligence and professionalism.

Some departments that lack the money to do decent background investigations hire personnel who are vulnerable to the temptations of easy money from the moment they become police. Not surprisingly, some reported corruption is traceable to plain, ordinary greed. Some of this surfaces where there is also judicial corruption and executive branch corruption in city or county government.

Some police take because they have become convinced that the war on drugs is a failure, that everybody is making out except them. They decide that they might as well get rich, too. This is the "despair-rationalization" form of corruption, commonplace throughout history, evidence of disgraceful self-pity.

Likewise, the pattern of what I call "noble-cause" corruption seems to be continuing. When Bob Leuci and the other police involved in the "Prince of the City" case first stepped over the line to illegal behavior, it was ostensibly not for personal profit. They started with illegal wiretaps to gather information about narcotics traffickers who were slipping through the enforcement net.

Once these officers stepped over the line, they began to treat themselves as above the law, and within two years they were taking money for their own private gain. The same sort of thing happened with the "Buddy Boys" in the 77th Precinct in Brooklyn, and some of the corruption now surfacing in the United States has this "noble-cause" element in it, too.

In some cases, ranking personnel begin the slide into base corruption by skimming narcotics money to buy equipment needed by the department—weapons, hardware, and so on—and sooner or later, somebody takes a little for himself. Then everybody involved in the initial idea that "my ends are so noble that they justify illegal means" starts taking for private gain, and the initial excesses in the name of a noble cause become selfish excesses—plain and simple stealing, even drug trafficking. Such behavior routinely involves falsifying reports and giving perjured testimony; and even if it starts out well-intentioned, though foolish, it is morally and spiritually corrosive.

Federal law enforcement agencies have not been exempt, either, from these various kinds of corruption, especially related to narcotics. In one foreign field office, agents paid informants in local dollars and cooked the books to make it appear that they were paying in the much more valuable U.S. dollars they were drawing down to make the payments. Some agents have worked as drug mules both domestically and internationally,

and others have taken bribes to provide information to traffickers about investigations and about the identities of people trying to buy or sell drugs.

Brutality

Police leaders are now learning that "noble-cause" corruption problems often begin with *other* and *different* police abuses of authority. Some police start the slide by making stops for which they have neither reasonable suspicion nor probable cause and exceed their authority in conducting searches and raids, manhandling suspects, and submitting false reports to cover up.

Too often, pressure from above to rid the streets of perpetrators leads to superiors looking the other way from such violations, tolerating misconduct such as deliberate nonprobable-cause stops late in a shift to get overtime compensation, and so on. Some of this feeds on the rationalization that "the system doesn't work," and, naturally, once the supervisor is implicated in tolerance of wrongdoing, his moral authority is corroded, making it difficult or impossible for him to dig in to prevent other kinds of wrongdoing later.

Even though a few federal, state, and local law enforcement officials express skepticism about financial corruption beginning with brutality and comparable abuses of authority and power, many more confirm the problems. The few who say no, suggest that the brutality problems may become known earlier but do not necessarily start first. Perhaps there are cases where that is true.

But it is not universally true. In fact, there are cases of suspects being beaten while either formally in custody or covertly held captive by police, with implements ranging from telephone books to baseball bats and batons—in some cases, prior to any police involvement in financial corruption. There are other cases where a record of spouse and child abuse by a police officer emerged in a corruption investigation—abuse that became habitual before the financial misconduct.

But brutality is absolutely intolerable in itself, irrespective of any demonstrable connections to financial corruption. Despite hundreds of thousands of honorable, trustworthy police in America, brutality still surfaces. Recently publicized cases include:

New York to Pay $1 Million to 3 in Police Stun-Gun Torture Suits[23]

Jury Awards Two Men $76 Million in Police Brutality Case[24]

Philadelphia has settled two class-action suits in the past five years; the first for exceeding police authority in sweeps after the murder of a police officer in 1985; and the second in April of 1990 for stops without reasonable suspicion, and detentions without probable cause in the "Center City Stalker" investigation of a suspected serial robber who sometimes sexually assaulted his victims. Police stopped 267 black men, and detained 108 who "bore a 'minimal resemblance' to the composite drawings" of the suspect.[25] Boston may be faced with similar suits in the aftermath of the Stuart case.

Two police officers from Huntington Park in Los Angeles County were convicted recently of stun-gun abuses of suspects in custody and of perjury in an attempted cover-up. I think that investigations in Los Angeles County and elsewhere will publicly confirm remarkable brutality, even savagery, among some corrupt police, including death threats against other police, and, in general, a profound disdain and contempt for the limits of the law and the restraints that are essential to personal decency in private and public life.

Best known of all instances of police brutality is the videotaped March 3, 1991 beating of Rodney Glen King by Los Angeles Police Department officers. While he was helpless, four officers ruthlessly struck him 56 times with clubs that resemble baseball bats, shot him with a stun gun, fractured his skull in nine places, and broke his leg.

Sixteen or more police, including the supervising sergeant, stood by and either incited or tolerated this cruel and sadistic betrayal of the public trust. Only one officer made any visible effort to stop it.

In radio communications afterward, some of these police referred to domestic disputants as "gorillas in the mist." In the aftermath of the King beating, some laughed over it, and one officer said, "I haven't beaten anyone this bad for a long time." Another replied, "Oh, not again. Why for you do that? Thought you agreed to chill out for a while."

Why did these men go so terribly wrong? Is their despicable misconduct only one more instance of racism?

No one can look into the heart of another person through a videotape shot in the dark at a distance, and I do not know any of these officers personally. Still, if we take the officers who spoke on the radio at their word, racism and a deeply deficient sense of justice were surely factors.

But the savagery of the beating, the blithe toleration of it, and the aftermath tell us much more. Contempt for human beings figured prominently here, and not for the first time with some of these officers. Zealous and intemperate lack of self-control was involved. Shocking disrespect for the limits to police authority and the requirements of the law glare at us.

Staggering cowardice leaps from the pictures of armed men shattering an already defenseless person. Cowardice is vivid in the behavior of the officers who either bowed to peer pressure in permitting the beating to go unchecked, or, as their union representatives later insisted, were just following orders. This is no more an acceptable excuse in America than it was at Nuremberg.

Rodney King was left to lie by the roadside, without comfort or assistance, until an ambulance arrived. This indifference to human suffering compounds the professional incompetence of such behavior by police.

Professional incompetence stands out in other respects, too. These officers showed utter disregard for the deep tradition in policing that all police have special and unconditional responsibility for the safety of suspects who are in handcuffs or otherwise unable to look out for themselves.

The behavior of the sergeant at the scene reveals the collapse of responsible supervision in the field. This is the most dangerous failing of all in policing. Why the sergeant lacked the judgment and courage to control his officers is unclear. But falsification of reports of what happened with Rodney King extends this supervisory breakdown into deceit, with at least the suggestion of self-righteous remorselessness.

Such profound failures of supervision and of character, integrity, judgment, and professional competence in individual police, cannot all be accounted for simply by racism. Neither can they be attributed entirely to deficiencies in police training, nor to a shortage of "sensitivity" training of police in the customs and values of minority groups.

These officers and their sergeant did not run afoul of standards and expectations of a minority group of which they were ignorant. They betrayed the ideals of justice and liberty that anchor our country and the standards of decency and restraint that all serious people respect. They betrayed the public, they betrayed their families, they betrayed the standards of policing itself, and they betrayed all the police who bring honor and trustworthiness to the badge.

By contrast, the equanimity, professionalism, and fortitude of many police is inspiring. With a realistic, but not cynical, sense of human nature, they have high tolerance for abuse from the public. I have heard officers of virtually all races subjected to racist vilification by people they were trying to protect or to arrest, and seen them remain constant in their refusal to take it personally or to sink to retaliation in kind.

A fair number of police, and most police leaders, clearly understand that public servants have a duty to live up to higher standards of decency than we require of the general public. They do not chafe under these standards of probity and fortitude, and they are not overcome by resentment that they must live up to the rule of law even when the worst of the public prey on the rest, sometimes with impunity.

There *are* sly, unprofessional, greedy, cowardly, mean, unreliable, lazy, incompetent, and brutish police. Just as I have seen a police officer sprayed with vomit as he kept a homeless drunk from falling to the pavement, I have seen an officer strike a drunken man who lunged at him in order to keep the man at a distance. I have seen interrogations conducted with absolute respect for the law, and I have heard police admissions of brutality in interrogations.

Some police adjust badly to the stresses of policing. They are ground down by danger, resentment of criminals who prosper, perceived failure of social service and criminal justice agencies, and the daunting repetitiveness of their work. Some drift toward despair over the violence, suffering, helplessness, ignorance, and self-destructive behavior they encounter day after day. Some become ineffective, even dangerous, because they become cynical, convinced of public ingratitude, and resolve that policing is a daily battle of "us against them."

And some police departments are undermined by consumption of illegal drugs by their members, unchecked alcoholism, and financial corruption.

Such problems of policing have many causes: recruitment of unsuitable people; insufficient budgets for thorough background investigation of applicants; abbreviated training; lax supervision and inappropriate assignments of personnel; leaving officers in the same precinct or unit for too long; legal constraints against disciplining personnel and the threat of lawsuits; adversarial relations between management and unions; failure of moral leadership at various ranks; insufficient cooperation with the public and their civic and religious institutions; political interference; and poor lines of communication with federal agencies that can help root out unlawful behavior.

The Social Context of Policing

Despite our marvelous allied successes in the Persian Gulf, contemporary police corruption inside the United States generally arises within the context of a grim domestic and international scene. The country is beset by many persistent problems of the human condition and of civil society even at their best. Incompetence and ignorance are rife in government and in the public body. Self-seeking, self-aggrandizement, self-righteousness, and plain selfishness stalk the halls of Congress and the corridors of Wall Street.

A recent study by Donald Kanter and Philip Mirvis called *The Cynical Americans* discloses that 43 percent of the workforce in the United States believe that "lying, being two-faced, and doing whatever it takes to

make a buck are all part of basic human nature." "Seventy-eight percent of employed Americans do not trust their managers and superiors" to tell the truth to anybody, including them. Quite naturally, they also believe that any changes advocated by management are designed to get something for nothing from the employees, and that the interests of their institutions and their own interests are in direct conflict in what amounts to a zero-sum game.[26]

Furthermore, contemporary television programming frequently promotes cynicism by portraying public servants as routinely corrupt. Mayoral candidates in the recently cancelled *Cop Rock* and *Gabriel's Fire* have been so portrayed, along with at least one sadistic cop. Police corruption has been featured in the Showtime movie *Rainbow Drive* and in feature films such as *Black Rain.*

Under such conditions, the Iron Rule, "Do unto others before they do unto you," threatens to gain a lot more adherents than the Golden Rule, "Do unto others as you would have them do unto you."

Carl Taylor of Jackson Community College in Michigan recently did a study of scavenger, territorial, and corporate street gang members in Detroit. All but three of the youths said that "the most important part of a life" is money. The other three listed a car as the most important.[27] The HUD scandals, the Savings and Loan debacle, and the behavior of elected officials at the state and federal level who avidly lined their campaign chests and thereby their pockets with contributions from the thrift operators who have remorselessly betrayed every taxpayer, show that many people in high places believe exactly the same selfish and morally impoverished things.

Developing circumstances in Eastern Europe and the Soviet Union threaten to breed enormous cynicism worldwide as the ostensible decline of Soviet tyranny leads to disappointments. Crime rates in Eastern Europe are already rising dramatically, and some new public officials who know nothing of democracy or traditions of public trust will commit acts of corruption as shabby as those of their communist predecessors. Nationalist and ethnic hatreds that rise out of centuries of petty and major European wars, and that have simmered just under the surface for the last fifty years, are rising once again. Anti-semitism is staggering in these places. Bigotry in the United States and elsewhere will fuel and be fueled by these developments.

The "Politician's Defense"

Inside the United States, the emergence of the modern "politician's defense" against charges of wrongdoing, as in the cases of former Mayor

Barry in Washington, former Congressman Lukens of Ohio, and others, will further erode respect for standards of decency in public life.

The "politician's defense" runs like this: *First,* "I didn't do it." *Then,* when it's proved that the politician did do it, "I did it, but it isn't wrong." *Then,* when it's shown that the behavior is illegal or morally wrong or both, "OK, I did it, and it's wrong, but you violated the procedures in investigating me." When it's shown that this rejoinder is false, *then* the politician says, "Well, you may have followed the procedures, but others do this and get away with it, so you must have had an ulterior motive for investigating me," either partisan politics, or racism, or gender prejudice, or homophobia, and so on. So when the investigating agency proves this is not true either, the final defense becomes, "But I was sick when I did that, a victim of an illness, so it wasn't really me, and I don't deserve criticism but compassion. I'll get some treatment for a few weeks, and then I'll be my old trustworthy (or *new* trustworthy) self.

A number of adolescents in Washington—wisdom from the mouths of babes—say that Barry's drug use and related misconduct will make it easier for traffickers to recruit children and teenagers into drug trafficking, because they believed in Barry when he urged them *not* to sell or use drugs, and now their faith is shattered. Weak public servants, including police, will also use such conduct by public officials to excuse their own misconduct. "Everybody," they will say, "does it." Outpourings of compassion for public figures will be little more than mindless sentimentality that obscures attention to compassion for those of their constituents they have most grievously wronged.

Personal Responsibility

This idea that wrongdoers are really victims of illness and not responsible for their conduct has reached new heights in Washington in the case of Richard Berendzen, former president of American University.

Berendzen, a highly visible public figure, reasonably helpful to American University's financial and academic development record in the 1980s, resigned suddenly. It soon surfaced that Berendzen had made a number of obscene phone calls to a woman who had advertised child care services. The woman was the wife of a police officer, and police traced the calls to Berendzen, who immediately checked into the Johns Hopkins Clinic for Sexual Disorders. He pleaded guilty to two misdemeanor counts and was sentenced to 30 days on each count, suspended if he stays out of trouble for a year.

Students and faculty at American University were provided with counseling to cope with their grief over the illness and misfortune that had

befallen Berendzen. And The Washington Post printed a long column in which a member of the medical faculty argued that because Berendzen was the victim of a compulsive illness, he should be restored to the presidency as soon as treatment was completed. This action, he argued, would place American University in the vanguard of the kind of enlightened compassion about illness that would be the mark of the future of civilization.

The argument never suggested that Berendzen, after all a Harvard-educated Ph.D., could be expected to know that obscene telephone calls are wrong, and that when he found himself unable to control a desire to make them, he had an obligation to seek treatment or other help. There was no suggestion of personal responsibility whatsoever.

If this is the enlightenment of the future, we can be confident that it will classify police corruption as a compulsive disorder susceptible to treatment. This is a future I do not welcome. Once you treat people as less than responsible for *any* of their behavior, you strip them of dignity and self-determination and offer them up as cannon fodder for tyrants who will gladly run their lives for them. This is a betrayal of all of the traditions of civic virtue and accountability for the public trust that lie at the foundation of the United States.

Could Berendzen reasonably be expected to know that making obscene telephone calls is wrong? If so, what were his duties? If he could not control himself at the time he made the calls, was he incapable at all times of voluntarily seeking professional help? If a person is in fact ill in *some* respect, how does it follow that he has no obligations in *any* respect?

Not everyone understands the logical import of such questions. Dr. Paul McHugh, chief psychiatrist at Johns Hopkins University, claims that, "psychiatrists are in constant collision with a society that believes people who can't deal with such problems as addiction or sexual compulsion suffer 'a lack of moral fiber.' "[28] No such collision is necessary here. Properly understood, the concepts of medicine and ethics do not collide with each other.

Granting the vulnerability of individuals to addictions and compulsions in no way implies that human life itself is only one addiction on top of another, all of them together reducing life to genetic and environmental bondage. That a person is adversely affected by genetic make-up, family history, or other environmental burdens, is no evidence that the person can make no decisions about anything for which he or she is responsible.

Suppose, for example, continuing scientific research confirms that some people are genetically disposed to alcoholism. And suppose a young person who knows this learns of family members with a history of alcoholism, suggesting the possibility or likelihood of his or her own inheritance of this genetic characteristic. What are *this* person's obligations with

respect to the consumption of alcohol *before* he or she has formed *any* habits of consumption? How do the relevant facts in terms of both scientific discovery and family ancestry affect the specific obligations of this person?

There is no inconsistency between granting the relevance of scientific discoveries and raising basic moral questions. They are entirely compatible and neither can be discarded with impunity. And that is why no one is logically required to agree when someone says that drug addiction is a disease and *therefore* not a moral issue. It is perfectly reasonable to insist that addiction is a disease and that avoidance of avoidable diseases is a moral issue. In fact, it is unreasonable to hold otherwise.

Thus, a person can fail to avoid an avoidable addiction either by lack of humility about risks or by carelessness toward the formation of habits and realize, or be made by others to see, that the addiction and the behavior related to it are both self-destructive and harmful to others. Under such circumstances, what obligations rise for *that* person? If the person has the will-power to regain control of his or her life, what obligations follow? And if the person does not, then what obligations follow?

The relevance of facts about ourselves to the successful conduct of moral life, not incidentally, is exactly what Aristotle saw in principle over two thousand years ago when he explained in the *Nicomachean Ethics* that to achieve moral excellence and avoid moral vices, we must assiduously "watch the errors which have the greatest attraction for us personally."[29] Aristotle added, with the respect for facts typical of the observant scientist, that "the natural inclination of one man differs from that of another."[30]

All of which is to say that in the conduct of life by finite and contingent beings like us who *can,* in fact, inflict diseases upon ourselves, and commit actions that propel our lives out of our own control, there is no substitute for personal restraint grounded in self-knowledge.

Police leaders will need to think through such issues very carefully, because many police departments are rightly establishing Employee Assistance Programs. But such programs have been misused by some police with unanticipated negative effects.

Sometimes when two police officers commit some wrong doing, such as getting into a fight while off-duty, one officer may simply report that he was drinking or drunk and suffer a departmental disciplinary sanction. The other may escape sanction by falsely describing himself as an alcoholic and entering an EAP. Often civil service regulations or union pressures, or institutional incentives to draw people with problems into treatment, lead to injustice in the handling of the two officers and to subsequent morale problems.

Leadership and the Future of Policing

In the political and social trends of our time, we are losing sight of a great deal of simple wisdom of both ancient and modern times. It has long been understood that when a people become cynical about human possibility, about integrity in their own institutions, and disdainful of the idea of human responsibility and accountability, it falls to institutional leaders to provide compelling, durable proof by their own behavior that life in their institutions is not a zero-sum game. They must show that performance and rewards are directly connected, that institutional purposes and personal self-interest are *not* by nature in conflict, and that mistrust and selfishness are *not* necessary for self-defense and advancement.

What that calls for in leaders, really, is two convictions: first, conviction that just because the law allows something does not mean that behaving that way is right or is worthy of us. And, second, rejection of the idea that since others do something, it is good enough for us. These two convictions are indispensable bulwarks against the tendency of human institutions and whole societies, in the tradition of Rome, to decline, and finally to fall.

Some of the ancient Romans, like the lawyer, politician, and orator Cicero, grasped this fact. That is why Cicero said to his fellows that "the chief thing in all public administration and public service is to avoid even the slightest suspicion of self-seeking."[31]

He counseled public officials, "It is our duty ... to be more ready to endanger our own than the public welfare.[32] ... We must take infinite pains not to do anything from mere impulse ... or without due consideration",[33] and concluded that the public servant must "bear in mind that he represents the state and that it is his duty to uphold its honour and its dignity, to enforce the laws, to dispense to all their constitutional rights, and to remember that all this has been committed to him as a sacred trust."[34]

Clearly, a lot of Roman leaders paid him no mind, with predictable results. Many in governmental and private sector leadership today are equally oblivious to or contemptuous of his insights. Congressmen take honoraria that visibly compromise their judgment, and then, like children who have grabbed toys to which they had no right in the first place, offer to trade them back for higher salaries. Dishonor begets dishonor. Corporate executives float on golden parachutes toward lush fairways and manicured greens, and toward sunset cocktail parties in tax-sheltered yachts, while their companies go belly up because of their excesses and petty ambitions. Incompetence sometimes pays high dividends.

Government officials at the local, state, and federal level lie under oath and grow fat on speaking fees and book royalties. Evangelists bilk the

public with self-righteous hypocrisy, and when their frauds are exposed, shamelessly beg for more. Nontraditional organized crime reaps profits that dwarf some of the Fortune 500 Companies, and urban street gangs tyrannize the public and destroy the blessings of liberty without remorse, often without fear of sanction. The old, old truth articulated by Aristotle that "the avarice of mankind is insatiable ... men always want more and more without end; for it is the nature of desire not to be satisfied, and most men live only for the gratification of it"[35] is as much of a problem for us as it was for the Greeks 2300 years ago.

In effect, Aristotle was warning against a society in which people become genuinely shameless. By one device or another, they exempt themselves from shame, which is the greatest force against wrongdoing among human beings. And in our time, we are obliterating the distinction between being shameless and being guiltless which is a form of emotional, spiritual, and moral suicide that has no equal.

The future of policing is squarely in the hands, minds, and hearts of today's police leaders. Much depends on the fortitude they bring to bear against the downside trends of our age.

The new police and staff to whom leaders must transmit a conception of policing and the public trust, the ideals and aspirations of public service, will have been raised in the climate of public opinion and behavior I have described. They will need the best possible mentors, because they will already have been exposed to much in our society that has no respect for and no drive toward becoming the best at anything.

Police departments will, of necessity, be drawing candidates from a student population, 30 percent of whose members now unabashedly announce that they cheat, and that they consider cheating a perfectly respectable means of getting where they want to go. For this great mass of young people, dishonest methods of getting ahead do not even raise a question. In one poll of a prestige midwestern university, 91 percent of the students said they had cheated in college.

A recent study at Rutgers University revealed that 87 percent of economics majors described themselves as cheaters, 60 percent of communications and psychology students did so, but only five percent of natural science majors said they cheated. Students attempted to justify their behavior by such pronouncements as, "Cheating is a very common practice in our culture. Everyone wants to make a lot of money, and cheating is an easy way to beat out other people." One student, commenting on student attitudes about being forced into classes of 600 or more students, taught by teaching assistants not entirely fluent in English, said, "Everyone I know uses cheating as a way to get back at Rutgers for screwing us around."[36]

Such students lack entirely the imagination and critical intelligence to ask how they would feel to be under the knife of a surgeon who cheated

to get where he or she is; or to ride in an aircraft whose pilot passed by cheating. There is no hope at all of their imagining how they will feel when their children come to them for guidance, and because they cheated instead of building by honest effort the kind of judgment that can be trusted, they will be incompetent to give that guidance. The dramatic and irresistible power of the question, "How will I cheat then?" will pose no terror for them until it is entirely too late. How many students actually cheat, beyond those who proudly declare as much, nobody knows.

And if this were not enough, 61 percent of all the black children, and 24 percent of all the children, in America are born out of wedlock and raised fatherless. Rates of juvenile delinquency, misconduct in preschool and school, violence, poor educational achievement, criminality, drug and alcohol use by adolescents, and teenage suicide track more closely with fatherlessness than they do with poverty. Fatherless children are more vulnerable to adverse peer pressure than any others, and "hyper-masculine" behavior among fatherless boys shows the debilitating effects of deprivation of adult male exemplars.

Today's police leaders must teach the young what policing is and what it stands for. It is not just personal integrity the newcomers will need to witness, but the integrity of police departments as such—that reciprocity of respect for decency without which individuals cannot depend on their institutions and institutions cannot depend on them. They will need to witness integrity in the *de facto* policies and practices of police departments and in the vitality of those policies as they are embodied in individual police.

These simple facts are only reflections of the broader truth that no institution of any kind can rise above the quality of the individuals who make it up and that the quality of individuals depends on the quality of their character and of their judgment.

There is a kind of reciprocity in the rise of institutions to their best performance. Just as institutions depend on individuals, individuals should be able to depend on their institutions. In practice, this means institutions that really prize high standards of conduct will stand by those who behave honorably, even when their actions are neither popular nor customary, or when they make honorable mistakes. Where this does not happen, the best people may prefer to lie low, leaving the self-defeating impression that within the institution, people really do have to "go along to get along." In such ground, corruption grows like a weed.

Against Brutality and Corruption

Many people in education and the media who are concerned about police brutality and corruption seem to think that ethics courses in police academies and inservice training are the best remedy. Their solution covers only a tiny part of the achievement of integrity in an institution, public or private, including a police department. Institutional educational programs matter, but it also matters profoundly how the department *as a whole* is run.

What are the recruiting standards? How thorough are background investigations? Are polygraphs and drug tests used? How rigorous is academy training overall? Are recruits subjected to stressful training designed to weed out the weak and the lax? How are academy and field training coordinated so that new personnel do not get one message about proper conduct in the academy and another in the streets?

How are personnel in the field supervised? Do procedures limit or prevent officers from being in the presence of large sums of money all alone? Is accountability designed to root out wrongdoing, reward initiative, and respond favorably to excellence in conduct and professionalism?

Is IAD proactive under the specific instructions of the chief or commissioner? Are command personnel expected to be alert to changes in the behavior or lifestyle of their personnel? To complaints? Are audits conducted every two years or so on the income, assets, and tax filings of sworn and civilian personnel?

Who runs the department—the chief or the mayor or someone else? Does the chief have sufficient management authority to oversee the department? To control assignments and promotions? Are personnel rotated in assignments and precincts? How long are officers assigned to undercover work and with what procedures for informant management and audits? What are police taught in practice about the management and control of informants?

What lessons are taught about integrity in daily life by the public and private lives of the highest command personnel, including the chief? What does the department do about the accretion of undesirable habits, like the routine acceptance of gratuities which may become progressively more substantial as people rise in rank?

What are the relations between police and other agencies, such as the state attorney and the FBI, that might be called upon for assistance in corruption investigations? Do police leaders place too much reliance on any single program, such as community-oriented policing or in-service training, to reduce and combat brutality and corruption?

What kinds of procedures does the department have for the *real* upward and downward flow of information among personnel? Is candor honored, even in criticism? When executives learn of problems that affect their people, do they try in good faith to do something about them?

What kinds of counseling does the department provide for personnel with financial problems, marital problems, substance abuse problems, performance problems, including excessive force, and other stress-related problems? What does the department insist upon in terms of the physical fitness closely associated with emotional well-being?

Do the command personnel of the department understand clearly what integrity is and do they know that finally the only thing that cannot be corrupted is incorruptible personal character, habitual integrity and good judgment that have become second nature in an individual human being? Do they know how rare an achievement such integrity is?

The duty of leadership to prevent and root out brutality and corruption entails a duty to steer a department through any related crisis in hope of advancing effectiveness, stability, and integrity. How are leaders to sustain the resolve of decent people within their own institutions and promote public trust in the aftermath of a brutality or corruption scandal?

First, the chief should remain as visible as possible in support of all the rank and file who deserve public confidence. The late heavyweight boxing champion, Joe Louis, was wrong years ago when he fought Billie Cohn, then the light heavyweight champion, and was asked why he was confident of victory. Of Cohn, Louis said, "He can run, but he can't hide." In fact, Cohn did run, outpointed Louis, and would have claimed the title except for the foolish decision, in the heat of the moment, to try to knock Louis out. He should have kept running, striking, and moving, hiding from Louis's biggest guns. But late in the fight, he did not, and the rest is history.

Like Billie Cohn, a chief *can* run, and sometimes he can even hide. But unlike Cohn, this is exactly what he or she should *not* do. The personnel of a department, the honest and trustworthy rank, file, and command, deserve the chief's public support and vocal defense when clouds of disrepute are cast over them by the brutality or corruption of other members of the department. A chief must try to give his very best exactly when things are worst and thereby show the public and the media that he has not lost his nerve, his faith in his colleagues and subordinates, or his will to serve the good of the public. The chief is obliged to prevent, to the extent that he can, the adverse effects of public contempt for police and the effects of cynical humor from neighbors who cruelly joke, "I know now how you paid for your new car, your kid's new braces, your vacation, etc."; the effects of panicky public insistence on excessive civilian controls over polic-

ing; the effects of children at school teasing the children of police about their mother's or father's corruption, and so on.

But the chief's public persona matters long before that stage. In practice, the behavior of leaders is inherently public as leaders inspire curiosity and interest. Subordinates scrutinize their behavior and speculate about impending decisions and actions. Where leaders are unnecessarily secretive, they run the risk of suspicion, and where they disdain to give explanations for their decisions, they run unnecessary risks of misunderstanding and resentment among their subordinates.

Because leadership is inherently public, all leaders are teachers. All of us have had mentors, supervisors, and elders from whom we have learned much. Thus, it may be useful to cast the ethical dimensions of leadership in terms of teaching. What do leaders teach colleagues and subordinates by their behavior, decisions, and words?

Each police executive can benefit from asking, "What am I resolved to teach as a leader? What will I teach my colleagues and successors?"

(1) What will I teach them their oath of fidelity to the Constitution means? In this context, what will I teach them about truthtelling, confidentiality, leaks, and deception? Will I teach them when the truth must be told without qualification and when deception and falsehood are conscionable or even obligatory? Will I teach them that the conduct of effective investigations is impossible when leaks lead to media interference or to compromised witnesses and informants—not to say betrayal of the rights of suspects? What will I teach them about the honorable management of informants and about the conditions under which prosecution of informants is justifiable and mandatory? How will I help them to learn that those with the power to defend the Constitution are also in a distinctive position to harm it?

(2) Will I help them to see that brutality and corruption are never harmless? Will I show them why this is true? How will I show that I really do hold brutality and corruption in contempt?

(3) What will I teach them about the United States as a rule of law and about institutional and individual respect for the limits of the law <u>especially</u> when the bad guys, from the triads to the posses, play by no rules of restraint whatsoever? What will I identify to them, in terms of procedures and outcome, as the marks of a successful investigation? What will I teach them about evidence and fact-finding, and about the objective treatment of evidence that may favor suspects or defendants? Will I help them to learn why brutality and corruption cannot exist compatibly with genuine rule of law?

(4) What will I teach them about the nature of rightful loyalties for police? What will I show them about the loyalty of leadership to subordinates, teach them about the forms of loyalty they owe to each other, and explain to them about how both of these kinds of loyalty are related to loyalty to the department itself? And how will I demonstrate the connections between loyalty to the department, loyalty to the Constitution, and loyalty to the public?

(5) What will I teach them about insistence on integrity in recruitment and training? What will I teach them about drawing people into the department who are worthy of it, and about the implications this has for applicant background investigations and selection of candidates?

(6) What will I teach them about the absolute need for patience, stability, and fortitude in a line of work such as policing that is bound to have failures and disappointments in it?

All such questions can be placed under one general overarching heading: the moral authority of leadership.

Moral Authority

Senior police, regardless of rank, carry moral authority by virtue of office. The issue, finally, is whether they inspire in subordinates the desire to become the kind of men and women who do in fact have, in James Madison's words, the qualities essential to deserving governmental office: "most wisdom to discern, and most virtue to pursue the common good."[37] What today's police teach bears irrevocably on how the next generation will behave in accepting the mantle of authority in their turn.

Senior officers and police executives will have to stand on the moral high ground without a trace of holier-than-thou self-righteousness; and they will have to be serious without being humorless. They will need to show that they view their own advancement to high office as an opportunity to bear higher levels of responsibility, incredibly serious duties, and that they have both self-confidence and humility, both a sense of gravity and a sense of humor.

Their best efforts do not guarantee, and will not achieve, a 100 percent success rate in the transmission and elevation of the best culture of policing. Best efforts never do. But the consequences of anything less are too obvious to describe.

Much of what they will teach, for better or worse, is uncomplicated and straightforward. Other elements are more subtle and some are even

problematic in the sense that reasonable people of good will can legitimately disagree about the best course to follow.

There is no real question about whether law enforcement personnel should prepare honest reports and give truthful testimony, even though some police do not. By contrast, even though outright cooperation with the media is surely merited in efforts to locate fugitives or to safeguard potential victims, such as from racist bombings, there can be difficulties in deciding in a particular case how much weight can be given to keeping the public duly informed while still protecting the integrity of an investigation. But even in such cases, there should be no ambiguity in institutional policy about where and by whom that decision is to be made.

It is even more problematic to decide how to handle customs that have grown by accretion over years or even generations of institutional performance. What should be done when a custom leaves something to be desired, and yet expectations among personnel of benefiting from that custom as they rise in rank have been tacitly encouraged for years?

The only real answer is to proceed with patience and care, and largely by example. Accretions of custom must be worn away, since they can seldom be legislated away. As Aristotle put the point: "the law has no power to command obedience except that of habit, which can only be given by time, so that a readiness to change from old to new laws enfeebles the power of the law."[38] This is why police departments that try to reverse customs of accepting gratuities through the example of significant numbers of senior personnel at all ranks who decline to accept any, make better progress over time than departments that simply establish a new rule, a rule which senior and junior personnel alike may flaunt with contempt, or a rule that is tongue-in-cheek from the beginning.

In conclusion, we should remember that *nothing is incorruptible except personal character that will not be corrupted, a second nature of moral excellence that is beyond temptation.* Few human beings ever reach this level of moral excellence in every respect, and it is not cynical to be realistic about human frailties and weaknesses in the face of temptation. Still, the aspiration to integrity—to justice, temperance, courage, honesty—and to wisdom ennobles all who achieve it and all who acquire the settled disposition to heed moral reason in the conduct of their lives.

Footnotes

[1]Seth Mydans, "Tape of Beating by Police Revives Charges of Racism," *The New York Times*, March 7, 1991, p. A18.

[2]"L.A. policewoman slain by gunman;" and David Goodman, "Detroit's police chief is indicted," *Philadelphia Inquirer*, February 12, 1991, p. 4A.

[3]Bill Miller, "The romance sours after robbery gone awry," *The Philadelphia Inquirer*, March 6, 1991, pp. 1B, 5B.

[4]Michelle Caruso, "Lewin trial cop: I was urged to lie," *The Boston Herald*, October 20, 1990, pp. 1, 12.

[5]Sean P. Murphy, "Rush to misjudgment: fumbling the Lewin case," *The Boston Globe*, November 4, 1990, p. 29, 34.

[6]See Brian McGrong, "Brockton's ex-chief gets 7–10 years," *The Boston Globe*, June 29, 1990, pp. 1, 9. Also "Ex-Police Chief Tied To Dismissal of Cases," *The New York Times*, September 29, 1990, p.10.

[7]James C. McKinley, "2 Officers Held on Charges of Selling Illegal Handguns," *The New York Times*, October 13, 1990, p. 29.

[8]"Court rejects appeal by ex-Boston cops," The Boston Herald, October 2, 1990, p. 3.

[9]See Tom Imman, "Patrol commander protected by cronyism," *The Greenville News*, July 29, 1990, p. 2E; also, "Patrol commander leaves, cronies stay," *The Greenville News*, August 7, 1990, p. 2A.

[10]*Ibid.*

[11]Ralph Ranalli, "Former Hub cop gets 6–10 years for drunk-driving fatal accident," *The Boston Herald*, August 30, 1990, p. 22.

[12]Doris Sue Wong, "2 Hub officers get prison sentences," *The Boston Globe*, June 28, 1990, p. 51.

[13]Charles Trueheart, "Addicted in the Line of Duty: Kim Wozencraft's Odyssey," *The Washington Post*, June 7, 1990, pp. C1, C3.

[14]*Ibid.*

[15]Leon Dash, "Officer Smoked Crack in Job Without Detection," *The Washington Post*, June 11, 1990, p. A1.

[16]Leon Dash, "Jail Officer Traded Inside Information for a Discount on Drugs," *The Washington Post*, June 11, 1990, p. A1.

[17]"Documents in Detroit Police Probe Vanish," *The Washington Post*, April 5, 1990, p. B8.

[This is the matter of former civilian Deputy Policy Chief Kenneth Weiner who resigned in 1986 over the disappearance of $1.4 million in a special fund for narcotics investigations, and later disappeared, along with documents in the investigation of himself. He was arrested in Los Angeles, finally, in December 1989.]

[18]Sari Horwitz, "Second D.C. Police Cadet Arrested," *The Washington Post*, April 5, 1990, p. B8.

[Washington, DC, has a police cadet program where young people, mostly high school seniors, are hired to work at the department and become eligible to become ... (sworn) officers when they turn 20." One cadet had been arrested for a hit-and-run while running an errand with a police cruiser—using lights and siren; the second was

arrested when he was stopped for a traffic offense, a stolen police handgun was found in his car. The police department has not, in the past, done background investigations or intensive training of cadets.]

[19]David Armstrong, "Ex-police training director admits scheme," *The Boston Herald,* June 6, 1990, p. 1.

[20]*Ibid,* p. 26.

[Here, the former director of Massachusetts' Criminal Justice Training Council pleaded guilty to charges that he "laundered state funds to purchase a condominium and charged thousands of dollars of personal expenses to credit cards paid for by a state vendor. He was a former State Police Trooper, and he had resigned as training director over the death of a cadet in an "antiquated" program that led to the corruption investigation.]

[21]"Paper Reports 6 Officers May Be Tied To Slaying," *The New York Times,* September 30, 1990, p. 28.

[22]"Los Angeles County Deputies Accused of Brutality," *The New York Times,* September 30, 1990, p. 23.

[23]Joseph P. Fried, "New York to Pay $1 Million to 3 in Police Stun-Gun Torture Suits," *The New York Times,* July 11, 1990, p. B5.

[This is the Queens case, 106th Precinct in Ozone Park, where police were convicted of torturing prisoners in custody with an electronic stun gun.]

[24]Craig Wolff, "Jury Awards Two Men $76 Million in Police Brutality Case," *The New York Times,* March 8, 1990, p. B1.

[This is the case where five police officers were accused of beating, shooting at, and falsely arresting a civic leader and his companion in Coney Island. The jurors were clearly afraid of the officers and said they feared police retribution for the verdict if the officers learned who they were.]

[25]See *Jamie Arrington, et al., v. The City of Philadelphia, et al.,* Civil Action No. 88-2264, filed February 17, 1989; Court ordered approval of Joint Motion for Approval of Class Settlement April 16, 1990.

[26]See Donald Kanter and Philip Mirris, *The Cynical Americans: Living and Working in an Age of Discontent and Disillusion* (San Francisco: Fossey-Buss, Inc., 1989).

[27]Carl S. Taylor, *Dangerous Society* (East Lansing, Michigan: Michigan State University Press, 1990).

[28]David Gelman, "Was It Illness or Immorality?" *Newsweek,* June 11, 1990, p. 55.

[29]Aristotle, *Nicomachean Ethics,* trans. Martin Ostwald (New York: The Library of Liberal Arts, 1962), Bk. II, Ch. 9, p. 50.

[30]*Ibid.*

[31]Cicero, *De Officiis,* trans. Walter Miller (Cambridge, Massachusetts: Harvard University Press, 1975), Bk. II, Ch. XXII, 75, p. 251.

[32]*Ibid.,* Bk. I, XXIV, 83, p. 85.

[33]*Ibid.,* Bk. I, XXIX, 102, p. 105.

[34]*Ibid.,* Bk. I, XXXIV, 124, p. 127.

[35]Aristotle, *Politics,* trans. Benjamin Jowett, in *The Basic Works of Aristotle,* ed. Richard McKeon (New York: Random House, 1941), Bk. II, Ch. 7, p. 1160.

[36]Michele N-K Collison, "Survey at Rutgers Suggests That Cheating May Be on the Rise at Large Universities," *The Chronicle of Higher Education,* October 24, 1990, pp. A31, A32.

[37]Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers,* ed. Clinton Rossiter (New York: Mentor Books, 1961), #57, p. 350.

[38]Aristotle, *Politics,* Bk. II, Ch. 8, p. 1164.

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