
Ethics in Policing

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Abstract

A number of ethical issues and dilemmas are to be found in policing. Police officers do engage in unethical behaviour which often originates from the norms of the organisational culture. However, the working in the world of policing provides officers with the ability to rationalise excuse and justify unethical behaviour, while maintaining a moral self image.

Culture, values and norms as unconscious and conscious feelings are terms which have different, though not unrelated meanings and manifest themselves in human behaviour. In this article the significance of tensions between the organisational culture and the dynamics of ethical dilemmas inherent to public policing are discussed.

However, and despite evidence provided by structural and procedural theories, it is important to understand that accountability, especially individual level accountability, has profound implications for the development and sustenance of police culture and ethics. Firstly, it misdirects problems away from organisational sources towards the individual. The intense focus on individual responsibility prohibits organisational assessments of problems that might create conditions for their resolution. Secondly, it is argued that to protect themselves officers will develop strategies that obstruct external enquiry into their personal affairs. Then efforts aimed at the external imposition of accountability will always engender the paradox of personal accountability. The more officers are held responsible for the outcome of police-public interactions, the more difficult it will be to hold them administratively accountable.

Ethics provide the theoretical basis for the principles of moral behaviour and sustain both the boundaries for morality and the pathways for proper thinking about real life choices. Both ethics and morality are concerned with the distinction between right and wrong. The difference between the terms is similar to the difference between thought and action. Ethics are concerned with analysis and reflection on the problems of human conduct. Morality is more about the nature of the conduct itself. There should be a clear relationship between an appropriate ethical system, individual and organisational moral values, judgement and decision-making. Ethics are, therefore, concerned with making the right judgements and do things right (rather than ritualistically doing the right things) for the right reasons.

The outlined principles provide a comprehensive ethical framework in which a balanced way of thinking about policing, the need to consider problems applying all the approaches and the consideration of a wider set of arguments can be realised.

Introduction

The history of ethics is a long and invaluable one extending as far back as the history of philosophy itself. Socrates was primarily interested in ethical questions and ethics comprise an important part of the work of both Plato and Aristotle. An understanding of the history of ethics is important to understanding and appreciating many debates and theories including contemporary ones. For instance, ancient philosophers such as Plato and Aristotle focus on the question of what makes for a good life and this, in turn, has led them to develop theories of virtue and character. Modern philosophers, on the other hand, have tended to focus more on the ethical requirements others place on the individual and so have been led to develop theories of duty, obligation, and right conduct. Questions regarding the “moral fibre” of those in positions of authority have been contemplated for centuries. Plato, for example, was disillusioned with the democratic society that sentenced to death his friend and mentor, Socrates. In an attempt to formulate the “ideal” society in which all members could live securely and happily, Plato expresses the need for “guardians of the state” to be well-trained, objective and not self-serving: “I will try to explain. It would be the most dreadful disgrace for a shepherd to keep sheep-dogs so badly bred and trained, that disobedience or hunger or some bad trait or other led them to worry the sheep and behave more like wolves than dogs. We must, therefore take every possible precaution to prevent our Auxiliaries treating our citizens like that because of their superior strength, and behaving more like savage tyrants than partners and friends” (Plato, 1974:124). Plato expresses a legitimate concern in the above passage; his guardians might conduct themselves in questionable and unreasonable ways. Perhaps Plato’s sentiments and concerns echoed in the heart of Sir Robert Peel, for similar sentiments are highlighted in the principles for policing which were set out after his “Bobbies” began walking their “London beats” in 1829 (Hodgkin, 2000:1)

Plato and Sir Robert Peel were well aware of the potential for their officers to “fall from grace”. And they also knew that “one bad apple” can, in effect, infect the “whole barrel”. Therefore, in order to ensure that their “ideal types” remained deviance and crime free, it was necessary for Peel to express guidelines and for Plato to develop strict and rigid training that began at an early age. It can be asserted, however, that both were considering, whether they knew it or not, the philosophical concerns known as ethics. The purpose of ethics, as a branch of philosophy, or at least its “central purpose is to secure valid principles that can be instrumental in guiding human actions and producing good character. As such, it is the most important activity known to humans, because it concerns how we are

to live" (Pojman, 1991:494). It is generally accepted that, in order to function in society, it is essential for humans to abide by a few "ground rules" that guide behaviour as this is a "social given." Plato and Peel were both convinced that police officers should not be excused from this "social given" and most persons would as far as possible agree with them. Yet many further explanations of police deviance focus primarily on ethical considerations involved in the nature of the work itself.

The public police institution has a strong view of the uniqueness of their occupation, which is predominantly characterised by certain outstanding elements in the police milieu, namely danger, authority and efficiency. Consequently, the police generally believe that non-police could not possibly grasp the rigours and problems that exist in police work and that public expectations of policing are unrealistic and often misplaced (Harrison 2003: 1-13). A number of ethical issues and dilemmas are, therefore, to be found in policing. Police officers do engage in unethical behaviour which often originates from the norms of the organisational culture (see Kingshott & Prinsloo 2004: xx), which means that their morality may be "diametrically opposed to the normative social morality" (Ladikos 2002: 144).

Braswell, McCarthy and McCarthy (2002: 89) observed that, due to the existence of moral proximity (Neyroud & Beckley 2001: 38, 45), "living and working in the world of policing provides officers with the ability to rationalise excuse and justify unethical behaviour, while maintaining a moral self image." This paradox, popularly known as the "Dirty Harry Dilemma", whereby policing constantly takes place in situations from which "noble cause corruption" emanates in "a good and compelling moral outcome" that is achieved by "dirty means" (Harrison 2003: 8; Reiner 2002: 283; Neyroud & Beckley 2001: 8, 42).

Historically, and despite structural changes to curb it, police misconduct has existed as long as there have been police and it remained a continuing problem throughout (Shelden 2003: 70-110). Before the advent of organised policing characterised by the inception of the Metropolitan Police in England in 1829 (Carter 2002: 122), officials responsible for providing law enforcement services were involved in corrupt acts. With this introduction of the first formalised police bureaucracy, measures were taken amongst other objectives to minimise corruption among police officers. In an attempt to curb corruption the police became highly centralised and emphasis was placed on procedural regularity, impersonal authority and limited discretion. However, with the inception of the police as a public service, the police institution remained a closed organisation with a strong organisational culture (Shelden 2001: 73-77, 90-91). The focus is on skills, knowledge and procedure, rather than on the reasons lying behind them; "Much as British Law is obsessively precedent driven, so equally British

policing relies on procedures developed in response to problems" (Neyroud & Beckley 2001: 39).

Similarly, public concern over the way in which society is policed is not new either (see Sheldon 2001: 76, 77). For instance, since the early 1980s there was growing public and political concern precipitated by urban rioting basically all over the world. The ensuing international debate focussed particularly on the role of the police, police powers and accountability. A loss of confidence in the police institution was said to include such factors as economic recession, police totalitarianism, reactive "fire brigade" policing, and lack of confidence in the police complaint's system, misuse of police discretion, racial and sexual discrimination, and the distancing of the police and public through the use of technology (see Jones 1993). Sir John Woodcock (UK) acknowledged the existence of such police cultures almost a decade ago with his appeal for a three dimensional change to occur. "First, the rights of the customer of police services will be raised to the pinnacle of all police activity. Secondly, human rights issues rather than the control of crime will come to the forefront of police thinking, albeit that the human rights of the majority can be deeply threatened by growth in crime. Thirdly, there will be recognition that fair and equal treatment of all police and civil staff is not an end in itself but additionally a mirror image by which the public discerns the nature of police treatment ..." (Woodcock 1991: 172).

In search of minimum standards of competence, conventional expectations of policing reiterate efficiency, effectiveness and value for money within the police service and coincide with calls for changes in organisational structure and police management. Academic tuition, professionalism and a formal ethical code are amongst factors identified as means to attain these expectations.

Education, visions of professionalism and notions of ethics

The "functionalist" explanation of professions will probably allow for the ethical welfare of the police service as a profession because of its functional importance to the society being policed, and as a result justifies both high material (financial) and symbolic (status) rewards. Traditionally the policing function has not been associated with the identifying label of professional.

Whilst it may be argued from an historical perspective that the police officer initially emerged as an artisan occupation that drew its members from the working class, it can also be seen that with the evolution of the police service, that this class distinction changed into a middle or lower middle class background. Therefore, one of the most important developments relating to the policing function is the changing society that has seen the role of the police officer move from that of artisan towards that of the professional (Dale in

Kingshott 2003). This recognition has been described as the professionalisation of the police (Brogden, Fefferson & Walklate 1982: 80-85).

The concept of "professionalism" tends to suggest that a professional organisation need specific requirements in relation to recruitment and membership. For this to be applied to the policing function there should be specific entry requirements, a governing body of peers, an enforcement function which could exclude a member if that member failed to comply with written instructions contained within an ethical statement or a code of conduct (Kingshott 2003: 307). In the 1960's the Western world saw a definite change resulted in the recruitment of better-educated officers with graduate qualifications. In the UK, for instance, a general change in recruiting policies and the Graduate Entry Scheme and Accelerated Promotion Scheme were introduced to change the public's perception of the police service and elevate police officers from the status of artisan to that of the professional (Dale in Kingshott 2003).

One of the main functions of a profession is probably to enhance status, prestige and financial rewards for the members of that profession, which provides an explanation why professional status is claimed by so many trades. However, the conventional, modern conception of a profession is that of a normative enterprise in which standards of good practice are not just technically or contractually, but morally grounded. Carr (2000: 248) argues that, "the normative core of the concept of profession consists in a system of ethical principles expressible as duties or obligations." The relevance of this change to the ethical position of the police service lies in the fact that an explicit ethical position is generally associated with the status of profession and the professional. This perspective also points out the unique role and special status of members of such professions, the danger exists that clients or consumers may be vulnerable to malpractice on the part of the professional. It is because of these inherent dangers that a profession should have institutional procedures and standards in order to protect these consumers. There is also the need for those same procedures and standards to protect its members from malpractice by fellow professionals. Furthermore, references to "clients" imply voluntarism, choice and excellence which differs drastically in terms of perception and experiences related to forced consumerism.

It may be argued that the adoption of a code of ethics has brought the police service closer to recognition as a profession in line with the established professions such as medicine and law, both of whom have possessed the characteristics of a profession for centuries which were rooted in academia in the universities.

There is a need to examine the benefits, and for whom, the introduction of an ethical code could produce. Such benefits could include (Kingshott 2003: 305-310):

- An improvement in public perception of the police role.
- Improve confidence and trust in the organisation.
- Achieve a significant reduction in unethical behaviour in the organisation.
- An awareness of the ethical implications of the officer's decision-making.
- Education to achieve sound ethical decision making skills and thereby improve the quality of service delivery to the society being policed.
- Development of an officer's personal morality.

If such a programme is achievable it may be seen to be a continuing personal development of interpersonal skills. It is unlikely that formal ethical rules will achieve these objectives. The code of ethics for the police service is a set of principles which will inter-react with the various statute and procedural regulations that are currently used to regulate police behaviour. Criticism levelled at existing public service codes of ethics have centred upon the fact that the contents of such documents are so broad, being generalisations and lacking in specifics that they are difficult to apply to finite circumstances. The result being that such documents are capable of multiple interpretations and therefore considered to be worthless. Although it is acknowledged that a code of ethics will have no effect upon criminality or malpractice and corruption, because in such circumstances lip service can be made towards rules, regulations and principles (Kingshott 2003: 305).

It may also be argued that the introduction of a code into the police service could be seen to be a negative aspect of the police management system and attempts to codify behavioural rules and standards have their own associated problems. These include the fact that efforts to anticipate and block every avenue of potential wrongdoing will create a bureaucratic infrastructure of detection and enforcement but do little to build the kind of attitudes and morale that develops ethical performance (see Stahl 1983).

The general education standard of society has improved and as the police service reflects the society it policies the rise in police officers' educational standards should not be seen in isolation. Idealistically, contemporary police services strive towards transformation into a legitimate occupation in social terms for a much broader cross section of both social and ethnic backgrounds than was traditionally the case. World wide in contemporary police services, new entrants will probably hold a degree in some discipline as well as other professional qualification relating to previous employment. In many police services, officers are encouraged to acquire higher education qualifications which are often judged as an indicator of self motivation and are deemed as a precondition for promotion. Massey (1993: 46), however, queries whether deliberate educational attempts to influence an awareness of moral and ethical problems are effective. This proposition was used to justify formal ethical training in the curriculum of the Queensland Police Academy (Australia) in their degree course at the Queensland

University of Technology and Griffith University (Sherman 1978: 32-38). While the question arises as to the value of education and whether that education has any effect upon police culture and organisational attitudes (Shernock 1992: 18-26), Tyre and Braunstein (1992: 6-10) argue that education and ethical policing remain inextricably linked.

However, the perceived "quality" of the individual officer may have improved due to other factors as well. The selection procedures are seen to be fair, equal opportunities are now becoming a reality, and on occasions positive discrimination becomes an issue. In addition, the diversity and complexity of the role of a police officer have identified the need for skills acquisition and this has led to greater opportunities for career development. This positive development is a far cry from the days when a police officer could see themselves walking the same beat and policing the same area for thirty years (Reiner 1985: 74). Policing has changed and continues to change with increased technology; society changes with a technological awareness that identifies their civil rights and with that change there is an expectation of policing requirements that are exacting.

Police officers are well aware of rules and regulations. However, some officers do not pay respect to all the rules and regulations, with some being ignored whilst some are strictly adhered too. Some rules are treated as advisory, whilst others are treated as binding. Other rules followed by officers do not arise from police management at all but owe their origin to the practical rules passed informally from police officer to police officer (Wilson 1968: 15-57). If the argument, that the working culture of the police reflects the personal, moral and philosophical working practices of the organisation is correct, then any attempt to improve that culture and eradicate the improper practices of the organisation must attempt the task of improving ethical awareness and improving standards of the individual within the organisation. If there is no change, and merely a management statement on ethics, then the rank and file officers will dismiss it out of hand as yet another management initiative which has nothing to do with policing per se but merely window dressing to satisfy those appraising the organisations achievements and intentions. There has to be total commitment to the concept of ethics and ethical behaviour both within and without the organisation. The benefit is for the individual; empowering that individual, showing a commitment to develop the individual and by extension improve the culture within the organisation.

The rationale for the focus on police ethics: Fusion of culture, norms, values and ethics

Police practitioners often question any philosophical reflection and the

metaphysical on the basis of the “operationally obvious”. A pragmatic exploration of police ethics is necessary to effectively inculcate the values in the decision making processes of police officers. This does not mean that philosophical issues should be ignored but that they are placed in a utilitarian perspective (Carter 2002: 94).

Police ethics is the special responsibility for adhering to moral duty and obligation that is inherent in police work (Schmallegger 2000: 228). The reason why police ethics in particular have received attention centred mainly around the many issues relevant to police power, authority and discretion:

- the authority of the police
- the application of police powers
- the discretionary nature of policing, and
- peer pressure from both the individual and the organisational culture.

The ethical dilemmas, and subsequent decisions, confronting the police in a democracy are so extraordinary, due to the extra power that they have, that there is no other occupation in which its members are and should be held to such a high standard of professional and personal conduct (see Jetmore 1997: 1, 2).

Neyroud and Beckley (2001: 38) emphasise the significance of ethics for the police in particular, because:

- They have discretion to make decisions which affect the life, liberty and property of other citizens,
- They have the power to use intrusive, covert and deceptive methods,
- They have a duty to enforce the law,
- They have a duty to protect the rights of citizens,
- They have a crucial role in protecting hard-to-reach minority groups,
- They are public servants and, therefore, as the appointed guardians of the public’s interests, they must show high standards of integrity (a commitment to moral life),
- They are the gatekeepers of citizenship and respectability,
- The integrity of the police worldwide has suffered a series of shocks, whether it be as a result of corruption, incompetence or racism.

Police culture, values and norms are terms used in the broader society and often take on different, though not unrelated meanings. It may be argued that values as unconscious and conscious feelings manifest themselves in human behaviour which may differ in intensity and direction. Trompenaars (1993: 23) argues that norms give us a feeling of “this is how I normally should behave”, whereas values is a feeling of “this is how I aspire or desire to behave.” Police culture can therefore be viewed as a set of informal and formal values that characterise the police institution as a distinct community with a common identity.

Values and meanings are part and parcel of what it means to act human, and are intrinsic elements of all cultures (Crank & Langworthy 1992: 515-516). It is the emergence of values that allows the organisational culture to grow although not all values that emerge are, or should, be adopted into the culture. This community of values is made up of other organisations such as the courts, councils and all agencies and individuals that can affect what the police do. In addition, police officers participate in an organisational culture where officers often have to make decisions with inadequate information and where there is practical common-sense decision-making that is often influenced by peer pressure or anecdotal evidence acquired from fellow officers (McNulty 1994: 281-294).

Police culture is influenced by ideas, information and ways of achieving and thinking about objectives that are experienced as meaningful, collect value and are then shared by group members. This constructed world is an everyday one in which the cultural vocabularies that describe it are pragmatic in that the shared experience of the group becomes common knowledge which portrays the common-sense values of that group. In this context, anecdotal experiences are carriers of cultural history and its oral tradition which poses an important facet of organisational culture. Police officers work in an environment that many ordinary citizens would find oppressive, violent, depressing and exacting (Kingshott & Prinsloo 2004: xx). Subsequent responses of police officers are not different from the responses of other individuals in as much as they may be conditioned by their work environment as well as other social factors. Harrison (Kingshott & Prinsloo 2004:XX) reiterates the following factors:

- The police impose social isolation upon themselves as a means of protection against real and perceived dangers, loss of personal and professional autonomy, and social rejection as a result of their outlook on the world and certain outstanding elements in the police milieu, namely danger, authority and efficiency.
- The omnipresent element of danger and police officers' general suspiciousness of everyone in an attempt to be attentive to any possible violence, furthermore precipitates alienation.
- Police officers are required to enforce laws representing "puritanical morality", underlying political ideology and policy. The element of personal, social and political hypocrisy strengthens attitudes pertaining to the inability of the "non-police" to possibly grasp the problems that exist in policing.
- Alienation gives rise to police attitudes that legal institutions are uncooperative and non-supportive. Courts are perceived to tolerate crime and to be out of touch with "the reality of the street" which may induce a willingness by some police officers to resent legal restrictions and to violate them.

Reiner (1985: 87) argues that this culture "has developed as a patterned set of understandings which help cope with and adjust to the pressures and tensions which confront police ... The culture survives because of its elective

affinity", its psychological fit with the demands of the rank-and-file cop condition. There are claims that groups seem to develop "a mental life of their own" and that groups "have a psychology over and above that of the individual" (Wetherell 1996: 2).

It can also be argued that one of the most powerful aesthetics of police culture is the sense of solidarity shared by its members and explanations have often focussed on corruption (Manning 1978: 83; Warren 1991; Kappeler, Sluder & Alpert 1998: 22, 23, 216-252, 277, 278). However, earlier research by Coser (1956: 131-139) argued that the high degree of social solidarity manifested by the police culture is the product of conflicts and antagonisms with diverse groups, of which the criminal fraternity are only one type. In any organisation there is social composition that includes a mixture of both formal and informal elements, namely the "working personality" of police officers, or the unique customs, laws and morality of police culture, as well as a more recent claim that the secrecy surrounding police work shields knowledge of the nature of the police personality from outsiders (Kingshott 2003: 292). Ash (Wetherell 1996: 4) demonstrated "that when presented with a set of unanimous, but obviously wrong, judgements, many experimental subjects conformed to others' views and denied the evidence of their own senses." In this context "loyalty" is an organisational norm but is misguided when a "blue wall of silence" protects miscreant police officers. "When an organisation wants you to do right, it asks for your integrity; and when it wants you to do wrong, it demands your loyalty ... loyalty in the police department means you're willing to lie for someone else" (Kingshott 2003: 292). Moscovici (Wetherell 1996: 27) refers to a coherent set of shared cultural beliefs as "social representations" of the world and provide a shared reality and order for people which enable them to communicate with each other and make sense of their lives.

From a contra position it remains a reality that police work in any democracy across the world has identifiable norms which provide the foundation for an analysis of cultural ethics and view that the police be held accountable to a higher ethical standard than other occupations.

Straw (Neyroud & Beckley 2001: xiv) writes that the privilege of providing a service to the public carries with its special duty of care; a duty to deliver that service in a way which respects the fairness and dignity of the individual. Because certain tensions are bound to rise as a result of an adversarial system of justice, policing could be perceived as a balancing mechanism between competing rights. It is public expectation that sets the police culture apart from other organisational cultures, and a core component of that public expectation is that the police will always behave ethically despite their occupational experiences. This may perhaps not always seem fair but it certainly is understandable for society to demand from the

organs of government to restate its moral standpoint. The “stewardship” of the “public interest” that lies at the heart of policing demands ethical standards and practitioners of high moral character. Even if a general set of moral principles provided acceptable standards in wider society, the “role morality” of policing requires a higher standard in that the nature of policing demands a role morality that is distinctly different from “ordinary morality” (Neyroud & Beckley 2001: 39, 41). For example the South African Police, or components thereof, will for a long time to come be distrusted as a result of their role during the previous ideological dispensation. However, the organisational culture is under the control of those within the organisation and they alone have the ability to change the culture by rejecting the bad, leading by example and living accountably. Policing remains symbolic of a collective social nostalgia for the generation and management of issues that would constitute an effective guarantee of the human rights of freedom, democracy and social progress and, therefore, relevant to security and quality of life. Neyroud and Beckley (2001: 4) argue that securing and reconciling human rights and balancing the rights of individuals and communities create the way for ethical policing and a way out of the cycle of “boom” (crime-fighting, zero tolerance and proactive policing) and “bust” (corruption, miscarriages of justice and scandal).

Past policing experiences are characterised by a series of vicious cycles which comprise of four broad phases (Neyroud & Beckley 2001: 9, 10, 11):

- (1) Crime-fighting, where the police are focussed on a war on crime and criminals
- (2) “Testilying”, corruption and scandal
- (3) Societal and institutional reaction, often through rule tightening and reorganisation
- (4) Commitment to new norms, followed by a drift back to crime fighting.

However, despite arguments advanced by structural and procedural causative theories which reiterate social and individual pathology, it remains important to understand that accountability, and especially individual level accountability, has profound implications for the development and sustenance of police culture. Firstly, it misdirects problems away from organisational sources towards the individual. For instance, various reviews of the Knapp Commission’s inquiry into police corruption in New York (Kingshott 2003: 393) indicate that about every twenty years New York citizens are confronted with a headline exposé of police corruption. Crank (1998: 235, 236) argues that the intense focus on individual responsibility prohibits organisational assessments of problems that might create conditions for their resolution. Secondly, it is argued that to protect themselves officers will develop strategies that obstruct external enquiry into their personal affairs. Then efforts aimed at the external imposition of accountability will always engender the paradox of personal accountability.

The more officers are held responsible for the outcome of police-public interactions, the more difficult it will be to hold them administratively accountable (Crank 1998: 236).

Social change and an orientation to universal ethical principles

Ironically and despite numerous attempts of progressive reform over the centuries, a need to define policing to identify what it is about policing that creates a need for those involved in policing to seek solace and comfort in a specific culture, is still eminent. There are many facets to policing and some of the diverse social expectations are more complex and demanding to achieve. On the one hand, policing may be summarised that it is the only encompassing 24-hour social service where everything is considered to come within the all-embracing term of 'policing'. If the police do not deal with the actual emergency they will be able to identify and facilitate attention by a relevant agency. However, the conventional contra-position that policing is a process of regulating social order by symbolising authority and using legal sanctions and ultimately the use of "legitimate" force to control threats to the "dominant order" manifest in role conflict. Opposition to the conventional vision of policing is based on historical experiences that the police, who are powerful, substitute and enforce their ingrained institutional values for the community, (see Carter 2002: 122, 123). Waddington (Bowling & Foster 2002: 992) emphasises that the contradictory role of (hard) order maintenance, or public order policing as he refers to it, is not the maintenance of order, but the maintenance of a particular order. Neyroud and Beckley (2001: 11), therefore, emphasise that the mission of policing should be broad enough to describe the "whole" of policing, from emergency service through to social assistance, within legal and political frameworks which supports the broad mission of policing and does not contradict it by measuring and focussing only on the traditional notions of crime and detection.

Feldberg (Neyroud & Beckley 2001: 20) describes police work as part of the moral and fundamental duty of a democratic government. Neyroud and Beckley (2001: 20-22) emphasise four fundamental dimensions that form an essential part of any consideration of the formal mission of policing. Each dimension provides a different view of the relationship of policing with government and citizen, ranging from caution and distrust to engagement and participation.

A social contract

In terms of the Lockean view, three inter-related key concepts, namely, contract, consent and balance, with special emphasis on the balance

between state power and freedom, form the basis of the social contract philosophy. A legislature, a judiciary and executive supplement “natural law” in a civil society. The individual member of society consents to these three institutions as long as they protect life, liberty and property. The executive is only allowed to restrict an individual’s liberty as far as is absolutely necessary to secure those rights for all.

An open society

As the basis of an “open” society, which is characteristically pluralistic, freedom and tolerance are maximised, although not absolutely. Incompatible views are expressed and conflicting aims are pursued. Everyone is free to propose solutions to problems and governments are open to criticism and to change in the light of criticism. The state is granted an interventionist and problem-solving role which involves the principles of minimising avoidable suffering and maximising the freedom of individuals to live according to their wishes.

Social control

Policing is not perceived to be the exclusive domain of the public police. It is rather a much broader concept inclusive of individual, collective, private and state policing. The public police as a specialised institution of social control is seen as the product of the division of labour in contemporary society and is distinguishable from other types of policing by their ability to use legitimate or state sanctioned force. However, policing is not perceived as uniquely responsible for social control, but is rather approached as an aspect of social control processes involving surveillance and sanctions intended to ensure the security of the social order. The emphasis is placed on minimal policing, minimal intrusion and proper control of the use of force. This approach has been conceptualised in terms of “optimal policing” with clear moral overtones within the context of balanced and diverse policing; “neither quantitatively excessive (to the detriment of alternative social values and objectives) nor qualitatively invasive (to the detriment of public freedoms) and which satisfies conditions of public accountability, effectiveness and justice for all” (Neyroud & Beckley 2001: 20).

Policing, democracy and the citizen

This dimension focuses specifically on the relationship between the police and the citizenry as the cornerstone of democracy. Neyroud and

Beckley (2001: 21) argue that in a modern democracy the police are “both the symbolic ‘shop front’ of the state’s authority and responsible for protecting individual and collective freedoms.” This delicate balance necessitates that a set of democratic principles are observed in policing practices in terms of equity, appropriate service delivery (minimum standards of competence), responsiveness, distributed power, openness of information, redress and participation. “Good policing maximises these principles and is a public good which should be shared according to need” (Neyroud & Beckley 2001: 21).

Ethics and Policing Scenario’s

Ethics provide the theoretical basis for the principles of moral behaviour and sustain both the boundaries for morality and the pathways for proper thinking about real life choices. Both ethics and morality are concerned with the distinction between right and wrong. The difference between the terms is similar to the difference between thought and action. Ethics are concerned with analysis and reflection on the problems of human conduct. Morality is more about the nature of the conduct itself (Neyroud & Beckley 2001: 38). There should be a clear relationship between an appropriate ethical system, individual and organisational moral values, judgement and decision-making. Ethics are, therefore, concerned with making the right judgements and do things right (rather than ritualistically doing the right things) for the rights reasons. In other words, decision makers remain accountable, not only for the decision they make, but also the way they are taken. The study of ethics assists in the development of practitioners’ grasp of those standards, their ability to think critically, weigh up the consequences of their decisions and understand their personal responsibility (Neyroud & Beckley 2001: 37-39).

A network of ethical norms and principles a person values, constitutes his or her “ethical philosophy”. Van Zyl (1996: 66) identifies a triparted of basic ethical philosophies, namely:

- (1) *utilitarianism* or the belief that ethics are best applied by considering the greatest good of the greatest number,
- (2) *individual rights* which focus on protecting individual rights such as the right to perform, the right of free consent and the right to due process, and
- (3) *justice*, a philosophy stressing social justice and the opportunity for all to pursue meaning and happiness in life.

According to Stead and others (in van Zyl 1996: 66) most persons allow one of these philosophies to dominate their ethical decisions, with the utilitarian philosophy being a more inclusive philosophy, and for which the individual rights and justice philosophies may serve as logical prerequisites.

Utilitarianism is a concept linked to the theory of ethics which is often used to provide answers to basic questions such as how to live or what to do. Ethics is defined (Blackburn 1994: 126) as the study of the concepts involved in practical reasoning such as good, right, duty, obligation, virtue, freedom, rationality and choice. Although the morality of people and their ethics may amount for some people to the same thing, its usage non the less restricts morality to systems based on notions such as duty, obligation and principles of conduct, reserving ethics for practical reasoning, based on the notion of a virtue and generally avoiding the separation of moral considerations from other practical considerations (moral proximity) (Blackburn 1994: 251). Virtue is defined (Blackburn 1994: 394) as a trait of character that is to be admired – a view either of the “good” for the sake of which we act, or of duty, law or reason thought of as providing rules of action.

As well as an ethical theory and with due consideration of the concepts of ethics, morality, and virtue, utilitarianism is, in effect, the view of life presupposed in most modern political and economic planning, when it is supposed that happiness is measured in economic terms. Utility is the basic unit of desirability on which economic decisions are based in which each option or choice made is associated with risk, in other words, an expectation of gain or loss, where the expectation is a function of the probability of some outcome and the total gain or loss involved. If utilitarianism is directly applied to actions so that individual action is “right” if it increases happiness more than any alternative, it is known as direct or act utilitarianism. Indirect utilitarianism, however, applies to such things as institutions, systems of rules of conduct or human characters that are best if they maximise happiness. Actions are, therefore, judged only in so far as they are “ordained by the institutions or systems of rules” or “are those that would be performed by the person of optimal character”(see Blackburn 1994: 95, 130, 388).

However, we must also bear in mind that the meanings of concepts such as “right”, “good”, “duty”, “obligation”, “virtue”, “truth” or “maximising happiness” are relative to the standpoint of the person who judges the (morality of the) situation (moral proximity) (see Blackburn 1994: 326). Stead *et al* (in van Zyl 1996: 66) confirm the principle of relativity in mentioning that individuals differ in terms of the moral judgement they make, and that the actions they take as a result of these moral judgements also differ. In view of such relativistic notions, concepts such as ethics, morality, virtue, etc, and the practical inclinations thereof become meaningless if they are not based on experiences known to us as guilt and shame. Guilt is the uncomfortable feeling of having done wrong and therefore deserving the anger of others while shame is the sense of deserving the contempt or disdain of others (Blackburn 1994: 164). Without sensing guilt or shame, almost any situation can be rationalised in terms of

the ever prevalent excuses such as historical, cultural, social, psychological, etc, factors. With shame society endeavours to internalise the values that lead to admiration or rejection and, therefore, characterised in moral terms.

The ethics of duty, virtue and care provide standards that are appropriate to policing (Neyroud & Beckley 2001: 41- 45).

Duty

“Duty” embraces the ethics of “exceptionless rules and universal rights”, which was derived from the presumption that there is a universal law of right and wrong and that morality is a product of man’s rationality. Ross (Neyroud & Beckley 2001: 42) proposes seven prima facie duties, namely fidelity, reparation, gratitude, justice, beneficence, self-improvement and non-maleficence.

Utility

The central tenant of utilitarian theory is that the rightness or goodness of any action depends solely on the goodness of its results (positive outcome). A deed becomes obligatory and right only if its consequences would be producing a “better” balance of pleasure over pain than any available alternative. However, instead of weighing solely the utility of each action, it is necessary to weigh the precedent it sets and longer term outcome of that precedent as a general rule. Instead of thinking about the benefits on an individual basis, it should be directed along the lines of broad principles through “intuitive thinking”. Intuitive thinking incorporates a professional’s experience and everyday “common sense” to judge whether a particular decision matches a wider framework of knowledge, which connects ethics with the determination of risk (Neyroud & Beckley 2001: 44).

Virtue

As “the mean between extremes of character”, virtue focuses on the intrinsic qualities of the “good person” such as courage, honesty, justice; rather than the goodness of their actions. Aristotle (Neyroud & Beckley 2001: 44) described virtue as a combination of intellectual and moral traits – all men have, by nature, the capacity for virtue, although not all internalise the habit.

Care

The ethics of care is an approach that emphasises relationships and needs (restorative justice) rather than rights and universal laws. The

significance of relationships is of significance to an enabling policing strategy.

Although these ethics provide guidance on ethical standards, they are inadequate to deal with the complexity and uncertainty of contemporary demands. Neyroud and Beckley (2001: 47-49) suggest that in order to construct an approach to ethics in policing, a balanced integration between the mission of policing, the virtues of good police officers and an ethical framework outlining good policing practice is essential. Neyroud and Beckley (2001: 44) identified eight principles which would reconcile the key features of the theories of utility. Duty, virtue and care. All these theories provide a strong prohibition against killing, a presumption against lying (testifying) and the encouragement of integrity (the commitment to a moral life). The ethical framework provided by these eight principles are (Neyroud & Beckley 2001: 46):

- respect for personal autonomy (respect, rights, dignity)
- beneficence (doing good to others)
- non-maleficence (a balancing of interests – help people without harming others)
- justice (distributive justice, respect for morally respectable laws, a high value on human rights and legality)
- responsibility (justifying of actions and accepting personal ownership of them)
- care (interdependence and natural human responses of care toward each other)
- honesty (central to policing and to the authority and legitimacy of police officers; honesty in self-reflection)
- stewardship (a trusteeship over the powerless and over police powers; discretion and accountability).

The abovementioned principles provide a comprehensive ethical framework in which a balanced way of thinking about policing, the need to consider problems applying all the approaches and the consideration of a wider set of arguments can be realised.

Gensler (Neyroud & Beckley 2001: 40, 41) emphasises the requirements of consistency (between ends and means), congruity (the moral imperative to treat others as you would be treated yourself) and moral rationality (a requirement for the individual to think critically and make a genuine exercise of personal discretion). These principles provide a moral platform for policing as a community-oriented function and the advancement of public interest. Balancing in decision-making can be considerably assisted when directed at the principles on which human rights are founded, namely, legality, proportionality, necessity and accountability (Neyroud & Beckley 2001: 49).

A preferential policing scenario is therefore of crucial significance

pertaining to the moral judgements of police officials. Neyroud and Beckley (2001: 30-36) extrapolated three scenarios from previous and current practices. Although it is unlikely that any particular scenario may dominate generically, local preferences will be decisive. Two core challenges will be influential in this regard. Firstly, contemporary police institutions are challenged to sustain and develop the quality and values of their services within a context of fiscal restraint and rising demand. The second challenge is to deal with subsequent constitutional, social and political changes (Neyroud and Beckley 2001: 31).

The crime fighters

Crime fighting has remained central to the police role. The metaphor "war" has had a mobilising potential by providing a way to view police as protectors of society and to view the criminal element of that society as amoral enemies; it provides a vocabulary that unites officers in militaristic identities, creating yet another bonding environment for the police culture. The outward military discipline tended to displace misconduct by officers into areas difficult to regulate. It also intensified many aspects of the police culture, namely secrecy, criminal activity by the police, as well as deception and line management friction. Symbolically, militarism promotes an image of hierarchical police accountability and rule bound behaviour (Kingshott & Prinsloo 2004: xx).

Crime fighters value a high value, leading edge crime management approach and perceive themselves as professionals who are engaging a war against crime through a zero-tolerance approach and efficient law enforcement. Objectives are directed towards the detection and disruption of crime for which purpose military type crackdown operations are frequently carried out in high crime areas. "Associated" social aspects which do not form part of the core business of crime fighting are privatised. Community policing is valued only as a function of intelligence gathering. A preoccupation with technologically advanced equipment and the use of surveillance and informers make crime fighting exceptionally vulnerable for unethical behaviour and (noble cause) corruption.

The social engineers

Social engineers are pursuing long-term measures of positive social outcomes and crime reduction through community crime prevention initiatives, the creation of stable communities, education and youth work. A problem-oriented, restorative justice approach is applied to policing where the police take the initiative to identify and define

attainable solutions. A “professional” police officer is idealised as a social mediator whose skills are those of problem solving and negotiation. Intelligence systems and technology are important and applied to identify problems, gather information and attain solutions through multi-agency approaches.

An “enabling” police service

An enabling police service sets out to cope with fiscal restraint and competition from the private sector by providing high value professional service at the core, whilst low cost, private, community or volunteering are encouraged to fulfill a number of general functions such as patrol and public reassurance. Therefore, the enabling police service dimension emphasises the view that “public policing” has no exclusive monopoly on policing and that public policing can have a new role in collaborating with, regulating and managing other forms of policing. This approach seeks to combine the “ethics and equity” of public policing with the dynamics of a “social market” and community-based provision of services. The police heeds to the demands of an “internal market” and seizes the opportunities presented by “best value” practices. The police provides a core of basic services and manages and collaborates with a series of locally provided private and community service through “intelligent regulation”. Its performance management is focussed on outcome measures which are themselves coordinated with other agencies involved in crime reduction and criminal justice, its legitimacy on regional and local democratic mechanisms.

Optimal policing

Neyroud and Beckley (2001: 34-36) points to the contrasts presented by the three abovementioned scenarios and emphasise that none of them seem to be independently sustainable as an exclusive policing solution. However, despite stark differences between them, certain common activities are clearly identifiable:

- “demand management”
- coping with segmented and diverse communities
- analysis and skills in problem solving – skills, technology and management are information and knowledge led
- the development of a learning organisation – an active, flexible organisation that uses information in a focussed way to achieve clearly articulated outcomes
- declaring clear priorities and managing them.

The enabling police service is advanced by (Neyroud & Beckley 2001: 35) as more flexible, more responsive to change, better equipped to develop the type of open and transparent organisation required to inhibit corruption and discourage professional isolation. Yet, Neyroud and Beckley (2001: 35) reiterate that an effective enabling police service will need to incorporate the interdependent features of problem-solving policing and social engineering; responsive targeted policing (demand management), inclusive of disorder, crime, quality of life issues within a firm democratic and legal framework; and the forming of partnerships as the foundation of an enabling approach. Furthermore, overarching aims and objectives would be a fair reflection of the spread of services that the public expect from the police which are realisable through partnerships.

Conclusion

The police symbolise the visible presence of the State in civil society. Nothing can therefore be further from the truth than notions that the police merely are supposed to apply the law. If this happened to be true, the police would succumb to be more “puppets of the legal system, blindly enforcing the law regardless of context or consequence” (Coleman & Norris 2002: 289). The police use, however, the law among a number of other resources to facilitate the restoration of order and to impose symbolic justice. The various elements of acceptable and unacceptable behaviour found within the police culture affect the efficiency of an individual officer. By their rejection of unethical behaviour and instilling their morality into the culture, ethical police officers are changing the organisational culture for the better. Ethical policing relies on a comprehensive integrated and dynamic ethical framework of decision-making at strategic, operational and tactical levels which is flexible and balanced enough to assist in converting declaratory symbolism into real life ethical judgements.

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