

# POLICE ETHICS



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The National Police Association's free Law Enforcement education series is designed for home school, classroom, or independent learning. As part of our nonprofit educational mission, it prepares you for careers in public safety. This series is authored by [Chief Joel F. Shults, Ed.D.](#)

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## Running Into Danger is No Myth

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We've seen it in dozens, if not hundreds, of news reports and bystander videos. People rushing, faces full of fear, dragging children and loved ones along with them, running for safety as flames rise or the sound of gunshots or explosions echo. Mostly they are doing the same thing for good reasons. But then you see the ones that Mr. Rogers talks about when helping children respond to chaos: "When I was a boy and I would see scary things in the news, my mother would say to me, 'Look for the helpers.' You will always find people who are helping." The helpers could be anyone, a former soldier, a nurse, a teacher, or anyone who has the heart of a hero. But more often than not, you see men and women in uniform heading toward the flames or sounds of gunshots. Most would say "I'm not a hero, just doing my job" or "it's not what I do, it's who I am" but their rush into chaos is the reality that we expect and they deliver.

But what if you're the officer that was on vacation that day? What if your partner was killed or injured and you walked away without a scratch or a thread of your uniform out of place? One of the stressors of policing that is not often discussed is the phenomenon of survivor's guilt.

Every officer who wants to "be there" and missed it knows the feeling. I got out of the Air Force Reserves a few months before my unit was deployed to fly our C130 cargo planes in service of the first Gulf War. I felt it when I missed a major crime on my day off. People said I was lucky to miss it, whatever the "it" was, but I didn't

feel that way. When I rode with NYPD officers in the Bronx after 9/11 as a Chaplain, the officers apologetically said they had nothing to do with the response to the World Trade Center. Those can be minor cases of annoying guilt. But some know it so deeply that it becomes an impediment to healthy thinking.

Survivor guilt can be part of anyone's grieving, especially in the death of a loved one. Police officers are surrounded by death and danger constantly which necessarily affects their worldview and their response to deadly events. Not only do police officers respond to deaths, both natural and violent, they are surrounded with reminders of mortality. They carry tools of lethality with them, they wear bullet-resistant vests and bright yellow vests on top. All of this imagery and attitude is behind the curtain as their duty plays out on stage. Their daily objective is to control chaos, resist mortality, go home safe and whole. Then when a brother or sister in blue is struck down, their sense of control may go down as well.

Mental health professionals say that admitting those feelings of guilt is an important part of dealing with survivor guilt. Officers may feel guilty for feeling guilty. How could they dare complain or ask for empathy for their feelings when someone else did the suffering they avoided? So the silent feelings can grow, amplified by the next time they were lucky enough to avoid tragedy or the burden of a fearsome call. It becomes yet another emotion that must be pushed aside to keep moving forward.

The torturing thoughts of “why them and not me?” along with “Why wasn’t I there for them” or even “What could I have done differently?” are also seen in PTSD and, in fact, may be part of understanding the impact of the surviving officer’s experience. Grief arising from the midst of a life of exposure to chaotic events such as combat or rescue work is unique in its intensity, stealth, and context. Dealing with quiet suffering that comes from avoiding the active suffering of others is part of the police officer’s burden. It should be acknowledged in our efforts to ensure and maintain the mental fitness necessary for our officers. Those who run to danger also often run from their grief. Support and encourage the survivors, but don’t call them lucky.

## The Moral Imperative of Self-Care

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“In the unlikely event of a loss of cabin pressure oxygen masks will drop from the area above your seat. If you are caring for another person, please put your own mask on first then assist the other person”. This advice from the flight attendant might be some of the best life counsel a police officer can get.

### IOTEDLMLOTL

Our culture values life and therefore honors a life sacrificed. The biblical observation often quoted at police and military funerals is that there is no greater love than for a man to lay down his life for another. It is onto this altar of sacrifice each of us who are called into policing must take their place. It is not melodramatic to say that we face the specter of mortality in a way unlike other professions. It is this sacrificial dedication along with the occasional adrenaline infusion that creates the mysterious appeal of policing. Residing within this curious milieu lurks the dangerous aspect of implied privilege. By this I mean the formula that starts with “I’m out there every day laying my life on the line” (IOTEDLMLOTL) and therefore I deserve (fill in the blank).

This sense of entitlement has ethical peril swimming all around it. What explains the bravado of a police officer who takes wildly unnecessary risks? How do we explain the officer who routinely disregards using available safety and defense gear? How do we resolve the image of the warrior with the overweight, out of shape jelly

bellies we see stuffed into police uniforms? The answer may simply be sloth, the moral implication of which is clear. But perhaps the answer lies in the IOTEDLMLOTL formula.

## Where is the Moral Imperative?

Officers may believe that since IOTEDLMLOTL there are two corollaries: a) I'm bound to suffer so why not; and b) I'm too brave and important for anything bad to happen to me. Both of these mindsets do a tremendous disservice to the profession.

The first idea that suffering is inevitable is a fatalistic world view that opens the door to all kinds of dysfunction. We all know people whose relationships have fallen apart, who have become addicted to a vice, or who have ignored their own health and fitness by blaming it on the job. There are some serious mental health issues surrounding the traumas and stresses of law enforcement. Those who suffer from these maladies should not be diminished by those of us who simply make bad choices with the convenient mantra of IOTEDLMLOTL to justify our failures. Do you get the implication? "I deserve this donut because IOTEDLMLOTL." "I deserve to mope around the house and ignore my spouse because IOTEDLMLOTL" "I'm going to have these five beers because IOTEDLMLOTL".

The second idea is that because IOTEDLMLOTL the Universe owes me something. Many police officers think they've struck an automatic deal with God. Having faith in something is an important part of our over-all well being. We may have faith in our training, our own strength and character, the teachings of our youth, our



own spiritual journey and experience, angelic protection, or the prayers of our mother. These beliefs are functional and have proven value in our lives. What is not rational or morally defensible is the idea that we can operate with supernatural protection merely because IOTEDLMLOTL. This differs from faith and wanders into the realm of assuming some god-like characteristics for ourselves – an obvious moral sinkhole.

When we default our well-being to someone or something outside of ourselves we are ultimately shirking responsibility. Therein lies the moral imperative of self-care. Although many of us, myself included, could testify to miraculous circumstances in which our own heroism seemed to be elevated by something supernatural, if we casually rely on miracles we abdicate our own responsibility. The result of such an arrangement is that we put others at risk.

## No Right to Risk - An Obligation to be Safe

John Donne's classic thoughts inform us here. "No man is an island, entire of itself, every man is a piece of the continent, a part of the main. If a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of thy friend's or of thine own were: any man's death diminishes me, because I am involved in mankind." This poetry reminds us that what we do affects others. Applying this to our daily routine compels us to consider others when we consider taking on risk. If we crash on the way to a call, we have imperiled others by failing to best care for ourselves. If we cannot run and jump in the course of a rescue

because we have failed to keep in reasonable physical condition, we have imposed a risk on others by our failure. If we take a risk (no seatbelt, no ballistics vest, not waiting for available back up or failing to coordinate with our back up officers) that may keep us from being successful at our mission we have taken risk not only upon ourselves, but have imposed it upon those whom we are sworn to serve.

The independence of action that is a cultural ethic in law enforcement often values risk-taking. I am an advocate of courage. Risk is integral to our daily work. Nevertheless, routinely taking unnecessary risk by foregoing care and safety for ourselves is a disservice to our highest purpose.

## The Moral Imperative of Forgiveness

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Look in the self-help or religion section of the bookstore and you'll find a number of books dealing with forgiveness. They will all agree that forgiving is essential to mental, spiritual, and physical well being, but they aren't talking about cops are they?

Policing is a business of dealing with wrongs. We deal with victims of misdeeds, negligence, ignorance, and downright evil as the bread and butter of our existence. It would be unthinkable if at every call we said "Aw that's OK, I forgive you" and left all the parties with a hug and song. The default conclusion is that forgiveness is just not a component of law enforcement. Is there no place for forgiveness with offenders or with our fellow officers, especially those whom we may supervise?

I believe everyone can benefit from a forgiveness management plan. Here are some myths about forgiveness that might keep police officers from engaging in the important life skill of forgiveness.

1. You have to forgive and forget. Many folks mistakenly believe this is a Biblical imperative but it is found no place in the Good Book. Those of you familiar with other sacred writings might enlighten me about its presence in other guides, but the Judeo-Christian ethic makes no such requirement. Our brains are very good at remembering threats whether they are a menace to our physical well-being or our emotional well-being. Remembering is how we avoid danger and respond effectively to warnings. Sometimes we can get stuck in

those responses and generalize our anger or avoidance to situations that subconsciously remind us of the unpleasantness. It is this overgeneralization that we must take care to manage.

2. If I forgive I'm excusing bad behavior. I was knocked unconscious by a perpetrator on a car stop. When I filled out the victim impact statement from the prosecutor's office I was clear about the importance of jail time for the offender. I had already forgiven him personally (in fact he apologized a few years later), but that didn't mean I felt he should be off the hook. It's true with subordinates as well. We can be empathetic with those who have erred and failed, but it doesn't keep us from imposing discipline or even firing them. The practice of forgiveness is about how the forgiver processes the impact of the offense, not how the system processes it or how the offender processes it.

3. If I forgive I'm cheating the other people who were hurt. You can't forgive what someone did to someone else. My brother's son was murdered and when people ask if he's forgiven the killer he responds "He didn't kill me, so I can't forgive him for that". What he can struggle with is forgiveness for what the killer did to his life and heart. We have no obligation to forgive on behalf of others. When I was assaulted on duty, I believe everyone who wears the badge was assaulted as were the citizens who entrust me with my job. I couldn't forgive him on behalf of the law or my colleagues; I can only settle the affairs of my own mind.

4. Forgiveness must be immediate and complete. Forgiveness is a process during which we learn much

about ourselves and the world around us. If we wait until we can achieve the perfect package of soul-cleansing forgiveness we may never get around to it. Start where you can even if it's only the realization that it might be possible. Remember that forgiveness is separate from other consequences. You might still be preparing a law suit, preparing for trial, filing for divorce or getting a restraining order, or suffering pain from the offense. It's OK to forgive from a distance. You don't have to embrace, love, or re-engage with the offender although that might be a great thing. It could take several years of work so take whatever small steps you can.

5. I can't forgive unless they apologize. Forgiveness, in the most merciful degree, absolves a person of their obligation to repent or make up for their offense. We might not be able to achieve that level of forgiveness. We may be merciful as a matter of a greater social good. That is, if someone asks for forgiveness, we grant it knowing that this may be in society's best interest and important for the reformation and restoration of the individual. If neither of these altruistic motives evokes an attitude of forgiveness a very practical level of forgiveness is to say that you expect nothing in the way of revenge; that some natural justice will occur and that carrying a grudge will only give the offender a continued controlling presence in your life.

Forgiveness is a deliberate matter of the will and has practical consequences. You can be a forgiving person and still hold people accountable, still be an authority figure, and still keep yourself physically and emotionally safe from people who have offended or hurt you.

Forgiveness may have great significance in your religious belief, or it may simply be an essential for your emotional health and survival. At the very least forgiveness is forgiving yourself from the need to hold a vengeful place in your life where an offender still holds power over you.

My guess is there is somebody you can start forgiving right now.

## How Are Cops Accountable? Let Me Count the Ways

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Accountability of our armed government agents is an essential part of our democracy. The Founding Fathers wrote a whole thing about it. That the idea of lots of armed government agents was somewhat foreign to those Revolutionary minds was evident in their hesitancy to even have a standing army. Having been shoved about by the red-coated British enforcing the colonists' subjugation to the crown, where the population consists of subjects rather than citizens, the new nation didn't want to live under the sword.

One of the provisions aimed at avoiding oppressive federal power was the 10th amendment to the Constitution which simply says "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Presumably, this meant the bulk of law enforcement was to be up to the states. The federal agencies existing around the time of the ratification of the Constitution are the U.S. Postal Inspectors, U.S. Marshals Service, and the U.S. Customs Service. Compare that to the nearly 100 current federal agencies with law enforcement personnel.

Meanwhile, the 18,000 or so state and local law enforcement agencies comprise the bulk of the roughly 800,000 police types serving today. The oldest local law enforcement was, of course, the office of Sheriff carried over from the old country. City night watch crews

evolved into municipal police agencies. With the advent of motor vehicle traffic, state law enforcement grew. As technology increased and populations became more mobile, specialty police and investigative agencies increased in numbers.

The rule books for the feds and state agencies were different until relatively recent times. The U.S. Constitution was of little concern to state and local law enforcement, who operated under their state laws. This shifted slightly after the Civil War with the passage of the 14th Amendment which states, in part “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” The implication was that every government had to abide by the rights guaranteed in the Constitution and Bill of Rights.

But locals pretty much ignored that for another century. In the same flurry of post-Civil War legislation, a law was passed that stated that “deprivation of any rights, privileges, or immunities secured by the Constitution and laws” by anyone could be met with a federal lawsuit (42 USC 1983). Civil rights violation “under color of law” (i.e. cops) was also criminalized. Although these laws weren’t used much until the 1960s, they’ve made a big impression ever since and are often employed against police misconduct.

All of this history explains why federal investigations and federal criminal charges are in play in what would



otherwise be a local case. An example is the famous Rodney King arrest in 1991. Of the officers shown in the famous videotape, all were found not guilty in state court, but two officers were subsequently convicted in federal court. The charge in federal court was not “assault”, per se, but rather for violating King’s 4th Amendment right to be free from “unreasonable searches and seizures”. (By the way, the federal court ruled that only 1 or 2 of the baton strikes were unreasonable.)

Now that we have reviewed how the federal government can intervene to hold individual officers accountable, we need to remember that entire agencies can be held accountable as well. If, through statistical studies, the U.S. Department of Justice determines that an agency’s officers are consistently involved in a “pattern and practice” of violating the civil rights of its public, the agency is subject to penalty. To avoid litigation, most departments that are the subject of such accusations submit to what amounts to a plea bargain and promise to review and revise its policies, training, and conduct. To ensure compliance, federal overseers are appointed to review and direct the agency, a process that often takes many years and can cost millions of tax dollars.

These federal controls over police behavior are in addition to police officers’ personal liability for state civil lawsuits against their assets, state criminal charges for misconduct, and department punishment for policy violations that can vary from lost wages to lost careers. An increasing number of states are empowering state attorney’s general to impose sanctions much like the

U.S. Department of Justice, forcing changes to whole agencies.

Finally, the voters choose those who select law enforcement leadership which makes law enforcement subject to the ultimate control of the ballot box. Given that police officers are the most surveilled and monitored profession in public service the constant calls for more police accountability must be coming from the lips of those who don't realize the many microscopes already focused on the badge.

## The Moral Imperative of Coercion and Compliance

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The consent of the governed establishes authority in our constitutional republic. Our representatives enact laws with the intent that most citizens will comply, but with penalties attached if they don't. The only way for those penalties to be meaningful and ensure the safety and equality of law-abiding citizens is to have a mechanism for activating those penalties provided under the law.

That mechanism is force. It is the legitimate police power of government.

Our history as a nation has included unjust and immoral laws. These laws have often been amended or eliminated by democratic action. Some have been changed through resistance and rebellion. Some remain to be aligned with the best of our natures. But the law requires obedience except in the most extraordinary circumstances.

When police officers refer to the thin blue line, they mean that element of government that is empowered to bring those who break the laws of the land into accountability to their fellow citizens. This accountability is through a carefully crafted system that, though not flawless, faces the accused with a judgement by his or her peers in a court of law. Without these armed government agents, the system collapses, and those who would happily and peaceably obey the

laws would be forced to fend for themselves at the mercy of the violent.

As a nation whose history includes revolution and civil disobedience for a higher moral calling of greater freedom and justice, we hold a culturally sacred place for thoughtful resistance. Historians of the future, and astute contemporary observers, will find the current culture of resistance to law enforcement is based on a tragically misplaced, destructive, delusional belief.

In the study of human behavior, especially collective and “viral” behavior, it is observed that while criminal behavior often derives from the offender’s ability to disregard social norms by some internal justification. When that criminal behavior gets defined by others with social influence and leadership as acceptable or at least justifiable, and in some cases admirable, the stage is set for broader social permission, or license, for others to emulate the once unacceptable behavior.

The narrative of rampant, enculturated unlawful behavior by law enforcement has been expressly and tacitly endorsed by an increasing number of persons of influence. These influencers, from President Obama to other elected officials, sports and Hollywood personalities, and social activists, have embedded in a layer of national consciousness the pernicious idea that the police in the United States have no moral authority to enforce the law.

The results of this narrative is increased crime and violence against law enforcement officers by offenders, and injustice to officers lawfully engaged in their sworn

duties who face punishment in the courts and in their agencies. At a time when study after study endorses the reality of the overwhelmingly appropriate and courageous actions of officers in the millions of daily transactions with the citizenry, the misguided endorsement of mistrust of the institution of policing in this country has veered from legitimate accountability into a national travesty.

The solution is for the voices of sanity to become louder than the increasingly irrational voices of encouraging lawlessness. The majority of Americans overwhelmingly respect and rely on their police. Those voices must be encouraged and heard. Facts must become the substance of the narrative about racism, use of force, and police accountability. Lawmakers, clergy, journalists, and even members of our own profession must become better informed both on the facts, and on the reality of coercion as a legitimate democratic function of government, and compliance as the duty of its citizens.

There are few people in a position to lead this education effort. If police officers, trainers, and leaders don't take that responsibility, no one else will.

## The Moral Imperative of Survival

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Some voice told me not to step across the threshold. At least I had an escape route as the drunken man waved his brand new — and very large — hunting knife in a challenge to me. Killing a man in his own home on his birthday would make for bad press, but I kept pressure on the trigger and watched the imaginary line I had drawn on the floor which would mark the man's last breath.

I was at peace with my decision even before fate intervened and the man lived. I could be in church the next morning with a clear conscience either way. Most religions, certainly true of mine, are purposed to have men live peaceably and yet they have a place of honor for warriors. In the natural order of things in a fallen world protectors are divinely ordained to exist as an agent of good. They are not commissioned to heal and spread glee. They are not armed with poetry and pillows. God knows we kill and He is OK with it.

While this article deals with ethics from a Christian perspective, with rare exceptions most philosophies, moral systems, and theologies agree on this concept. Here is why, in my view, Biblical morality allows taking the life of another:

- 1.) The law of Moses (the Ten Commandments) forbids murder. This is not a prohibition against the killing of war, nor of self-defense, nor of administration of justice. Historical context and word study make this clear to most theologians.

2.) The biblical mandate for forgiveness and turning the other cheek is for personal morality. When we act on behalf of others, we have no moral authority to forgive on their behalf, to allow evil for the sake of tolerance, or to turn the cheek of anyone but ourselves. My badge represents all citizens. My sword and my body are in their service. To allow harm to me is to allow harm to them. To do them the most honor and highest service I must survive to continue the work. When I defend myself I defend thousands.

3.) Jesus was always kind to soldiers, even those who carried out his execution. The Apostle Paul, primary theologian for the young Christian religion is most likely author of the New Testament book of Romans chapter 13:1, states: "Let everyone be subject to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God." Certainly there are authorities who abuse their powers, just as there are parents - ordained by God to be caregivers of their children - who abuse their role. But the point is that when a person is acting in this God-ordained role appropriately, he or she is doing a noble duty in line with a legitimate earthly system of preserving order.

4.) Biblical accounts reveal the scars of battle on the minds of men. King David was called a man after God's own heart, yet his legacy was soldiering. He was a righteous warrior with some human failings. David mourned only for the deaths he caused by his own scheming to cover up a scandal, and for his rebellious son. We are not told if he grieved for the tens of

thousands who died at his hand in battle. The Apostle Paul personally executed believers until he, too, became one. Noah closed the door of the Ark against his prior tormentors left to drown when the floods came and they decided Noah wasn't crazy after all.

## Conclusion

My point is that even though death was a common theme in scripture there is no specific biblical prescription for handling death that comes from our own hands in terms of our emotional, mental, and spiritual state. There may be remorse, anger, guilt, glee, or a vacant place where feelings are expected to be. All of those reactions are normal and morally acceptable. They will be refined and worked out over time. Reactions to killing someone don't have to be fully formed and resolved before the smoke of the gun clears, before the administrative leave is over, or before the counselor or chaplain visits are done.

We may sense a global sadness about the loss of one's potential for good, but being thankful that the other guy is dead and you're still alive is not morally repugnant. Because the killing of one human by another is unthinkable to most citizens – and many officers – a police officer who kills has thrust upon them the collective anxieties of the whole social order. No way of feeling or thinking about the killing is going to please everyone. You feel what you feel. You did what you had to do. Take a deep breath and feel your pulse. If you survived, then you did the right thing.



## The Untold Story of Police Self-Discipline

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The statistics on police use of force cannot be repeated too often. With about 800,000 law enforcement officers of various stripes and duties making more than a million citizen contacts every week, the frequency of using force to make arrests and intervening in crime is remarkably low. The most severe outcome of lethal force occurs in 0.0015% of all face-to-face contacts initiated by police. Most citizen contacts are initiated by citizens themselves and are not reflected in the numbers related here.

Even more notable is that small percentage in light of the risk and opportunities that police officers routinely face where deadly force would be legally, tactically, and morally justifiable. Both this writer's research and a study published in the FBI Law Enforcement Bulletin showed that in any given two-year period of service, 70-80% of police officers will be faced with a deadly force decision. The vast majority of the time the situation is resolved without a resulting fatality of the offender, but sometimes with the result of an officer's death due to their reluctance to take another human life.

Various theories attempt to explain the hesitation to use deadly force. Military researchers determined that for most people the taking of human life, even that of an enemy, is repugnant. Soldiers across history, since the dawn of firearms that created distance in battle, have been known to miss their human targets intentionally or unintentionally. In the days of execution by firing squad, it was common practice to have only one rifle loaded

with a live round so that none of the execution squad would know if they were the killer. Police marksmanship training is designed to develop accurate shooting. It is not designed to remove the humanity from the decision to use deadly force.

Others recognize that even in moments of terror a police officer will consider the legal and social ramifications of the use of deadly force. The emphasis on de-escalation and negation, while admirable, can lead an officer to hesitate when they should stop the threat immediately. To some degree, the acceptance of officer injury and violence against police may be a factor in an officer's decision to continue to operate under a deadly threat rather than countering it with legal and lethal force.

Another theory is that the ubiquitous presence of body-worn cameras and bystander videoing reduces an officer's tendency to use physical coercion including deadly force. Much to the dismay of critics, several research efforts on the effects of body-worn cameras show no less pro-active police activity among wearers compared to non-wearers, and no revelation of widespread abuse of force. The majority of police officers consider the cameras their friend and continue to operate professionally and in accordance with the law just as they did before.

One problem with documenting how successful police officers are at avoiding force and using de-escalation techniques that have been long developed as tried and true is that the statistics most people look to are those that document force, not the lack thereof. As they say, it

is hard to prove a negative. When the critics shout about how many persons are killed by police, it is hard to respond with a statistic about how many could have been but were not. Success is not measured. There are efforts to establish a national database to get a more accurate whole picture, but those efforts are in their infancy.

Other important studies refute the worn concept that police officers are motivated by race or other individual characteristic (i.e. “profiling”) when using deadly force. The use of deadly force is only justified by the subject’s behavior. Racial and gender disparities exist because of other social factors which result in the over-representation of some populations in police contacts. The constant “race count” by the media is quick to point out white officers and black suspects seldom use any other descriptors if the officer is not white or the suspect is not black.

The use of the Taser to reduce other types of force options has been statistically proven as beneficial. Lacking this tool, officers must choose another level of compliance that is more likely to cause injury to the suspect as well as to the officer.

A Phoenix study developed a reality that is surprising in that their findings on officer use of force indicated that the number of officers present is not a guarantee of a different outcome. Officers are often criticized for not waiting for backup, but having additional officers is no guarantee that the suspect will comply, even if there were time for additional help to arrive.

A study published by the Office of Justice Statistics is a result of thousands of interviews with citizens contacted by police. About 1% of respondents said that the officer used or even threatened force. Fewer than one in five actual custodial arrests involved the use of force to gain compliance of an arrestee.

It is easy to make allegations that law enforcement officers are brutal, but the facts show otherwise. They are quite human.

## Accountability and Transparency

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In 2020, Edward Bronstein, whose autopsy showed “extreme methamphetamine intoxication” died while being restrained during a blood draw for a driving under the influence arrest. Seven California law officers and one nurse were charged with manslaughter.

In 2019 Mario Terruso, arrested after he wandered into a home incoherent and with a warrant for failure to pay child support, died while in custody at the Atlantic County Justice Facility in New Jersey. Two correctional officers were charged with manslaughter for failing to render appropriate aid to the man.

Five years after Willie Marable of Portsmouth, VA was shot during the investigation of a reported armed home invasion by a Portsmouth officer, the officer was charged by a grand jury of involuntary manslaughter.

These are just a very small sampling of law enforcement officers charged criminally for deaths that occur during police action while on duty. The outcomes of these cases can be lengthy prison sentences, astronomical legal costs, and loss of careers. Many officers who are charged and are given a jury trial are found not guilty, and many who are sued are found not liable. The key to all of this is that due process applies to all and the justice system with all of its potential flaws is at work.

For those who claim that officers kill without consequences, the reality is quite different. American law enforcement has the highest degree of

accountability imaginable in any profession, even before the era of body-worn cameras.

Police officers are subject to criminal prosecution if their actions exceed the limitations and allowances of governing statutes. An arrest becomes unlawful restraint and assault if unjustified. A violation of a Constitutionally or other federally guaranteed right can result in criminal prosecution on the federal level for a civil rights offense. Since the same event might be alleged to violate both federal and state law, charges can be brought at both levels since each is a sovereign jurisdiction, and therefore double jeopardy does not apply.

Police officers are subject to lawsuits for damages from a violation of law, policy, or reasonableness in state court. An alleged violation of civil rights can be the basis for a suit for damages in federal court. Again, these actions can occur in both levels of jurisdiction.

In addition to these four levels of accountability, an officer faces punitive action from their employer. An officer may be fired, demoted, barred from promotion, transferred to an undesirable assignment, be required to work unpaid, or lose leave days. Loss of the job can forfeit earned retirement and the loss of certification barring them from the profession for life.

Officers who engage in unlawful conduct need no sympathy for being subject to the legal consequences of their actions. The tragedy of unjust prosecution, as it would be with any other citizen, is that punishment happens regardless of innocence in many official ways.

The stigma of accusation and all of the initial inflammatory media attention can remain despite any declaration of innocence by a jury or investigative body. A finding of no basis for a charge or a jury's decision of not guilty is often met with cries of injustice or privilege and refused by those whose minds were made up and not to be deterred by the facts.

The psychological cost of enduring exhaustive inquiries, the moral repugnance of taking a life even in the most demanding circumstances, the financial burden of defense, and the stress on family and friends that often results in isolation are incalculable costs.

There are many courts, many prosecutors, and many defense attorneys who have far too little knowledge or give far too little attention to the science inherent in use of force cases. The biological limitations of the human brain and body, the chaotic circumstances, the physics of time and distance, and the lethality of threats are not adequately presented in many court proceedings. The public's awareness of lethal encounters comes from entertainment venues, not the dynamics of the real world. Unrealistic expectations of superhuman exploits and precision movements are not aligned with the chaos of a deadly interaction.

The public wants and, indeed, deserves a high level of accountability of police officers. The evidence is that accountability could hardly be greater than the present system.

## Pay For That Donut

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There was a day when police officers on the beat were expected to grab a free apple from the corner grocery. In more corrupt agencies, the freebies could even be cash as an incentive to keep an eye on a business. Business owners may have wanted to show their appreciation, but they also wanted to show favor to the politicians who provided the officer's employment through a patronage system and to be sure their business was properly protected.

Patterns of gratuities and outright graft began to be disrupted by investigations and headlines from the 1920s until modern times. The lure of payoffs and money earned from vice has been a temptation to government officials since the beginning of time.

In 1957, the International Association of Chiefs of Police adopted the Law Enforcement Code of Ethics which includes the lines "I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities" and "I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers".

There are still officers and agencies that pay little attention to the "small" privileges afforded them by charitable businesses. Free or half-price meals, free coffee and fountain drinks, or discounted admission to entertainment venues are offered in many places



although most agencies have a policy against taking those gifts.

Many officers and civilians alike see no harm in graciously accepting a token of appreciation from an individual or a business. The problem is that the officer can't know whether he or she is truly being appreciated or whether they are being bought. It was a lesson I learned as a young officer. The police department I worked for had, of course, a policy against graft and favoritism. There was never a message that the occasional cup of coffee was a violation of that policy.

As a matter of routine, I would patrol around the bus station, which was a potential place for trouble of various sorts. One of the reasons that the bus station was at this particular spot was the presence of a 24-hour donut shop where people could grab a snack out of the weather while waiting. I thought it was a good idea for my presence to be felt there at the same time I enjoyed a cup of coffee and a chocolate glazed.

I looked forward to those breaks and the occasional adventure that went along with the comings and goings of the bus passengers. It was not unusual for me to buy a cup of coffee or a donut to a down and outer passing through. Another appeal of these coffee breaks is that the owner expressed their appreciation for my service by providing my chocolate-covered power ring for free. I could leave the counter with a good feeling from being present to prevent crime and disorder, and from the jolt of caffeine and carbs with no damage to my wallet.

That perspective changed one night when, while patrolling that same area, I stopped a driver whom I suspected of being intoxicated based on their driving. Sadly it was the proprietor of my favorite donut shop. Showing no favoritism I completed my investigation and informed the driver that he was under arrest for drunk driving. He was not happy and was not as compliant as I would have liked. While I clicked the handcuffs into place he loudly announced “I can’t believe you are doing this after all the donuts I gave you!”

It was then I realized that the freebies were not a token of appreciation, but the purchase of expected favoritism. Never again did I leave a place with an unpaid bill. That doesn’t mean that people of good will never make a well-intended offer, but I had to make a black and white personal policy of doing nothing that would create the impression that I expect any special treatment. With an expression of genuine thanks, I had to refuse offers to pay for my coffee or meal, even from a well-meaning citizen. If a kind soul paid for my meal anonymously, the server was the beneficiary of the full cost of my meal.

Not everyone agrees with my total prohibition on small gifts, but the loud voice of my donut donor still rings in my ear.

## The Quest for Professional Status for Law Enforcement

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In the ancient world, those who were appointed as special protectors were highly regarded and feared. From ancient Babylon to ancient Greece, agents of kings and courts were given broad powers to investigate, enforce, and even execute. It was likely Augustus Caesar who made one of the first police force that was separate from the military with the Praetorian Guard in 27 B.C.

In English history, royal officials oversaw communities that were expected to police themselves or the King would enforce penalties reserved for the criminal upon the person or community who failed to deal with the wrongdoer. This evolved into volunteer night watchmen paying others to take their shifts, while private muscle protected commercial endeavors.

The watch system prevailed in the United States became inadequate with the growth of populations in cities. Despite the public's suspicion of state power, citizens came to expect police services as part of city life. In 1844 the New York state legislature established a full-time police force for New York City. By 1880 most major American cities had police forces, while the expanding west relied on citizen possies formed by Sheriffs.

A series of corruption among the police in cities diminished the reputation of law enforcement in the

1900s. Graft was almost expected as a supplement to officers' income. Corrupt mayors appointed officers on the spoils system and used the force to curry favor and punish opponents. After notorious corruption during the Prohibition era, progressive leaders like Theodore Roosevelt, adopted a civil service, para-military model of police professionalism.

The upsets of the 60s and 70s around the Vietnam war and civil rights often portrayed police officials in a negative and oppressive light as America watched riots on the evening news. The brutal response of law enforcement to civil disorder caused a loss of faith in the professionalization movement.

A major crime study under the Johnson administration eventually resulted in massive legislation in the Nixon administration with federal dollars pouring into the state and local law enforcement for training, equipment, and personnel. A major recommendation was more college education for police recruits.

The first formal training of American police officers was the New York City School of Pistol Practice in 1895 which evolved into a more generalized police academy by 1909. One notable father of training was Chief August Vollmer of Berkely, California who was criticized for wasting time training police officers since the main qualification perceived at the time was that a recruit had the strength to swing a billy club. Vollmer persuaded UC Berkely to offer a law enforcement-related degree which was the nation's first. It was a 2-year degree in economics with a criminology minor.

Los Angeles Chief of Police William H. Parker served as chief from 1950-1966 and began his LAPD career in 1927. He became chief after a major corruption scandal and instituted rigorous pre-service and in-service training. It was not until the 1980s that every state-required minimum training standards be met for police officers.

Today, nearly 90% of police officers have a college degree, varying from over half with 2-year degrees, nearly a third with a 4-year degree, and a little over five percent with a graduate degree. Hiring standards are uniformly high, and training requirements for both pre-service and in-service instruction are steadily increasing. The many calls for better educated, better trained officers are often done in ignorance of the level of achievement of most police officers currently serving.

The quest for status as a “professional” is ongoing. Is policing there yet? Not everyone agrees. When compared to medicine and law, or other licensed professions, law enforcement meets many of the criteria. These include minimum education/training standards, supervision from an accrediting body, a code of ethics, and a body of specialized knowledge and skill. Just as medicine developed from self-appointed practitioners of ancient methods, lawyers from reading up on the law, and dentists evolved from barbershops, policing has achieved a level of professionalism that belies its past and improves daily.

## About The Author

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