

**WHAT WILL BE THE IMPACT OF UTILIZING THE  
RESULTS OF AN ETHICAL STANDARDS TEST IN  
THE HIRING OF POLICE OFFICER CANDIDATES  
FOR MID SIZE POLICE AGENCIES BY THE YEAR  
2003?**

**JOURNAL PROJECT**

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## **FOREWARD**

Significant changes are occurring in the ethical behavior of our society, as evidenced by the erosion of the ethical standards in our culture. These changes are reflected in the recruitment pool for law enforcement. We need to explore why this erosion is occurring and what the effect will be on the suitability and selection of police officer candidates.

The purpose of this writing is to examine the impact of developing an instrument to test the ethical standards of law enforcement candidates between now and the year 2003.

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## Introduction

This project is presented on the emerging issue of the impact of developing an instrument to test the ethical standards of police officer candidates for mid size law enforcement agencies by the year 2003. The historical evolution driving the need for such an instrument is tracked from events occurring during the late 1980's through the present. Literature and interviews with experts support the premises developed through environmental scanning.

Like so many areas of human behavior, ethical behavior is eroding in our society. Fundamental changes are occurring in the ethical standards of our culture and society. These same trends impact law enforcement's recruitment pool. We need to analyze why this is occurring and what could be done to mitigate this situation. This pool of recruits is already exposed to trends that represent an institutional threat to American ethics. When one law enforcement officer commits ethical misconduct, all law enforcement officers are affected. The ethical misconduct of a few law enforcement officers and some of our political leaders present a national trend towards institutionalized unethical behaviors.

Because of the nature of the law enforcement function, trust is paramount. Persons of dubious ethical standards cannot be permitted to join the ranks. To improve the quality of candidates, it is necessary to enhance the selection process by testing applicants on their ethical standards and provide continual training throughout their career.

The following article from the State of Florida outlines the ethical expectations, training, and education that Florida recruits receive. It highlights the need to improve ethical standards with a new approach. Florida's basic standards correlate with California peace officer ethical training, education, and expectations. "Police officer's decisions are guided by the law; department policies, rules and regulations; the Law Enforcement Code of Ethics; and group practices, also known as the unwritten rules. However, no set of rules and regulations can prescribe what to do in every possible circumstance, and then discretionary decision making is required. Discretionary decision making that involves ethical considerations invariably requires value judgments. Developing officers' capacity to make those judgments would seem to be the key to law enforcement education and training in ethics. Research suggests that augmenting the basic law enforcement training program with a new approach to ethical awareness such as a valuemetrics course will enhance police officers' ability to recognize ethical issues, develop ethical analysis skills and strengthen their determination and ability to maintain

high ethical standards. These improvements will result in better leadership and professionalism in law enforcement, enhanced accomplishment of the police mission and a more favorable public image.”<sup>1</sup>

Other transformational trends are the continued fragmentation of the nuclear family. Lack of values, poor or no moral training, and a continued lack of education perpetuates deterioration of the nuclear family. Consequently, a decline in ethical standards accompanies the decline of the nuclear family.

The Iran-Contra affair of 1987 permanently scarred the Reagan Presidency and damaged the Bush Administration. Its effects continued into the Clinton administration. The scandals of the Clinton Administration are impacting the nation on an institutional level, and may even be changing the ethics of some adults. Many of the recruits who enter law enforcement in the next century are keenly aware of the alleged ethical shortcomings of the Clinton Administration. What messages are our future law enforcement officers getting from these incidents?

The prevailing consensus of expert observers and laypersons alike is that these unsuitable ethical trends and events are shaping the ethical behavior of the law enforcement candidate pool prior to entrance.

As we near the end of the twentieth century, there is a marked concern by law enforcement professionals and other stakeholders regarding the ethical suitability of today's law enforcement candidate. It is during the last decade of this century that law enforcement is experiencing its most transformational changes.

### Background

POST guidelines govern a variety of criteria for the selection of police officer candidates.<sup>2</sup> Presently, there are no POST standards for the ethical testing of police officer candidates.<sup>3</sup> Additionally, there are no validated tests for police officer candidates on the market.<sup>4</sup>

For purposes of this project, an ethical testing instrument will not be discussed. Rather, the focus will be the potential outcome of utilizing the results of an ethical standards test in the hiring of police officer candidates.

This issue will be explored regarding its potential impact on mid size police agencies, both from an internal and external perspective. Since this is a joint study of personnel from a sheriff's department and municipal police department, the trends and events will be compared and contrasted in order to guide the development of a pessimistic scenario. This possible outcome could be avoided through proper planning. The proposal of a strategic and transitional management plan could make the ethical testing of police officer candidates a reality by the year 2003. Leadership implications, recommendations, fiscal impacts, evaluations, and conclusions will complete this project.

### Historical Development

Recent incidents of law enforcement misconduct, corruption, and abuse of power have attracted national attention. Some of the incidents have been egregious, while others run the gamut from serious violations to minor violations of department policy. In any case, the attention focused on law enforcement misconduct by either the press or internal affairs is significant and, oftentimes, beyond the proportion of the precipitating event.

Law enforcement officers occupy a position of utmost public trust. They have been given enormous authority and power to effectively

discharge their responsibilities. Exceeding that authority, abusing that power, taking personal advantage of that position, or failing to discharge those duties makes the public skeptical. This also makes the press anxious to sensationalize another story. Police misconduct can bring great upheaval within the police organization, a loss of morale among the troops, and a significant reduction in the respect the public has for the department and law enforcement in general. When trust is violated, the consequences are severe.<sup>5</sup>

The need for California police officers to act ethically is rooted in the very understanding of what it means to live in a democratic society. Trust is the foundation of the contract between the people and the state in democratic societies. It is the glue that binds society together. The state is responsible for maintaining public trust and, as such, trustworthiness is an essential ingredient of every public employees job description.

The more power a person exercises for the government, the more harm that person can do to that trust. The more power a person exercises, the more that person is obligated to ensure that the people's trust is not misplaced. The police have a special responsibility to ensure the public's confidence remains intact. Vivid evidence of the value the public places on ethical police behavior surfaces whenever the press

reports on perceived police wrongdoing. The public's response is predictable, and usually loud and emotional. An identical act committed by a private citizen would not produce the same reaction. The public and the press may not appreciate the philosophical dynamics that motivate the need for ethical behavior, but their emotional response clearly underscores their understanding. They view police misconduct as a betrayal of trust. Both the public's sentiment and the value of ethical behavior are aptly captured in the question "If you can't trust a cop, who can you trust?"<sup>6</sup>

In what might be viewed as an indictment of our chosen profession and a failure to meet society's expectations, a study ranking the public's trust in the police suggested a decline from the #5 position of 12 professions reviewed in 1980 to the #10 position in 1995. Clearly, media hype creates an audience but the common denominator is the public's perception of law enforcement. It is the conduct of those within law enforcement that is responsible, and not the media.<sup>7</sup>

Recently, 43 Cleveland area Police Officers and jail guards were indicted in a phony FBI drug sting operation. They were selling their badges for nominal amounts, \$1500 to escort, protect, or move purported cocaine shipments. Unfortunately, this is not unique. The FBI has been tracking a nationwide increase in police corruption since

1994. In the past 4 years, more than 500 officers in 47 cities have been convicted of various federal crimes. State and local authorities in 32 other jurisdictions are either engaged in active investigations or prosecutions of corrupt officers.

These cases are different from those of a preceding era, when officers were simply paid to look the other way while prostitution or gambling rings flourished. Now, officers have become active participants. Experts attribute the drug trade to this phenomenon. Money continues to be the primary motivator. Offering money, dealers have been able to lure some officers into their employ. Evidence of systemic greed and misconduct have launched this from a local issue to a national concern.<sup>8</sup>

The ethical standards of today's teenager may portend future ethical benchmarks for our society. According to the results of a poll published in *React* magazine (January 5-11, 1998), young people are about evenly divided on the question "Is cheating ever OK?" On the positive side, 53% of the 6,000 respondents said "No." A 13-year-old female pointed out "Cheating is just an excuse for laziness." An 18-year-old female added, "Cheating is a dishonest way of getting good grades. Even if you do pull off the A, what you're actually looking at is a lie." In contrast 47% of the respondents argued that cheating is sometimes acceptable. A 14-year-old male said, "Since I know I'm not going into the

history or English fields, I don't study for them, and I rely on cheating. There's no point wasting time studying for these if I'm majoring in chemistry or math because it just takes time away from what really interest me." A 15-year-old female, who pointed out, "Cheating is a natural animal instinct that all humans possess supported that perspective. Survival of the fittest! We must do whatever it takes to stay on top." In response to the question "Why do people cheat in school," teenagers replied as follows:

- 39% for the thrill or because they can.
- 30% because good grades are needed to get into a good college.
- 21% to live up to parental expectations.
- 10% because they haven't done the work.<sup>9</sup>

Ethical issues are no longer limited to what's right and what's wrong. Increasingly, we must choose between two things that may be right, such as doing everything we can to save lives or allowing people to die with dignity. Successful moral leadership for the twenty-first century will be steeped in centuries old concepts, values and ethics. However, they will also be flexible, adaptable, and inventive. The moral landscape of the next century will be shaped by three factors that our ancestors could not have forecast. First, due to new inventions, we will face entirely new ethical issues. Second, we will live in an era of increasing

immorality. And third, we will experience a greater separation among people in society. This separation will increase their disassociation with the ethical issues facing the world.

The trends toward new inventions, increased immorality, and greater separatism, are already sketching a new ethical landscape. Ethics is not simply a set of politically correct perspectives on certain issues. It's a way of viewing the world. It's a process that assists us in resolving our most difficult dilemmas. It's not a compromise; it's a lens. What can we expect in the future? That will be dependent upon our responses to the world around us. The result may be the rising morality of relativism, in which core values fall into cynical disrepute and self-will forces out any trace of honesty, fairness, and respect. A contrasting model may be a new morality of mindfulness, in which the benefit of ethical reasoning and intuition overshadows doubt, builds firm conclusions, and leads to wholesomeness, worth, and dignity.<sup>10</sup>

In Book II of the *Republic*, Socrates discusses what it means to act morally responsible with his friend Glaucon. Essentially, Glaucon says we do well because we risk punishment if we do wrong. Therefore, we accept certain limitations on our freedom because we are afraid of being caught. So justice, in Glaucon's perspective is like a traffic light that is not intrinsically good but intended to avoid harm. Glaucon and Socrates

allude to an old Greek fable, "The Ring of Gyges." The wearer of the ring was rendered invisible, though the bearer could still affect the material world. During the course of the tale, the shepherd Gyges was given the ring, and he used it without fear of reprisal. He used it to kill the King of Lydia and subsequently to rape the queen.

Glaucon asserted that anyone in the shepherd's position would be foolish not to take full advantage of the power of the ring. The wearer has the ability to do wrong with impunity. Glaucon suggests that justice is nothing more than a series of checks and balances, a system of preventive devices. Socrates attempts to counter Glaucon's view by suggesting that the citizens of a good society would act justly because they knew and appreciated the moral good and not merely because they were afraid of getting caught.

No supervision of police officers working with the public, despite how thorough or conscientious, can keep unethical police officers from doing improper things. There are too many officers and too few supervisors. The police in this country are the possessors of the ring of Gyges.<sup>11</sup>

Police departments in this country often operate in Glaucon's model of justice. That is, we do what is right out of fear; a level which

psychologists say is the lowest factor in the moral equation. If we combine two points, that there will never be enough supervision to catch everyone doing wrong, and that good behavior is motivated by fear, we can see that they are contradictory. If there is insufficient supervision, then the unethical police officers will not be afraid. If we add a third ingredient, that the unethical police officers will always make the headline, then we have written the formula for disaster.

One of the major repercussions of the consequences of these elements, (1) Glaucon's view, (2) insufficient supervision to catch misconduct, and (3) that unethical police officers routinely make the news, is that we have witnessed an erosion of public confidence in public officials in America over the past couple of decades. The following table depicts Americans' ratings of their confidence of various professionals. In this study, 100 Americans were asked to rank the moral confidence/trust they have in the following professionals to do the right thing. (Position 1 being the most trusted, position 12 being the least trusted).

<u>1980</u>	<u>1995</u>
1. pharmacist	1. firefighter
2. clergy	2. pharmacist
3. firefighter	3. teacher
4. teacher	4. dentist
5. police officer	5. clergy
6. doctor	6. stock broker
7. dentist	7. doctor
8. accountant	8. accountant
9. stock broker	9. funeral director
10. lawyer	10. police officer
11. funeral director	11. lawyer
12. politician	12. politician

In this study, police officers recorded the most significant drop in trust between 1980 and 1995. Another disturbing component of this study is although there was no significant difference between male and female respondents; there was marked difference between African American and white respondents. Among blacks, "police officer" held 9<sup>th</sup> position in 1980 and 11<sup>th</sup> in 1995, just ahead of politician. One clear conclusion can be drawn from this study. Police departments have an integrity problem. What complicates this issue even further is that in

departments where corruption appears to be minimal, and where citizen complaints are minimal, we assume officers on the force are people of integrity. This could be a flawed assumption, especially if the motivation to do the right thing comes from fear of punishment.

Martin Benjamin, in his book called *Splitting the Difference: Compromise and Integrity in Ethics and Politics*, identifies five psychological types lacking in integrity. The first type he calls the moral chameleon. The moral chameleon is anxious to accommodate others and temperamentally indisposed to moral controversy and disagreement, is quick to modify or abandon previously avowed principles. The second type, the moral opportunist is similar to the chameleon where values are ever changing, but where the chameleon avoids conflict, the moral opportunist places primary value on his own short term self interest. The moral chameleon's motto is "above all, let's get along." The moral opportunist's motto is "above all, get ahead." The third type is the moral hypocrite. The moral hypocrite pretends to live by certain standards, but in fact he does not. Benjamin's fourth type, the morally weak-kneed, has a reasonable set of core virtues, but he lacks the intestinal fortitude to act on them. The final type is the moral deceiver, who has at his core a basic contradiction. They view themselves as acting on a set of core principles, while in fact they do not. To resolve this conflict, while at the

same time preserving their idealized perspective of themselves, they deceive themselves about what they are doing.

By examining these five types, we can see what apparent integrity is. But if we look closer, we may get a sense for the proper understanding of the concept. First, a person of integrity has a reasonably coherent and relatively stable set of core moral values. Second, the person's deed and word tend to reflect those principles. Individual integrity requires that one's word and action should be in harmony, and reflect a set of core values to which one is freely and genuinely committed.<sup>12</sup>

An unprioritized list of the core virtues of a police officer would include: prudence, trust, effacement of self-interests, courage, intellectual honesty, justice, and responsibility. A police officer who exhibits integrity has successfully integrated these seven virtues. These traits make clear the goals of protection and service.

Can integrity be taught? Based upon the evidence currently available from social scientific literature, the answer appears to be "yes" and "no." Most researchers concur that the practice of virtue, the ingredients of integrity, is a habitual activity, and must be learned and reinforced. Other data suggests that the best time to teach virtue is early

on, so the "yes" part of the answer is that children who come from stable, loving homes with proper modeling are the most successful in developing a track record for integrity. In contrast, the "no" part of the answer comes with the understanding that most evidence about problems with integrity suggests that they, too, are habitual problems. Generally, people who habitually have trouble in school with behavioral problems become adults with the same problems.

Can integrity be measured? We do not know. If police integrity were measured the same way state medical organizations measure physician integrity or the way state judicial review boards measure the integrity of lawyers, we will not be successful. Traditionally, these organizations measure what their members have successfully avoided. In this context, integrity is viewed as not leaving a surgical instrument in a patient's abdominal cavity or not having a conflict of interest. These governing entities seek to ensure their doctors and lawyers follow the rules and regulations and avoid improper conduct. To be successful in measuring police integrity, we must identify measuring tools that not only enable us to determine that police officers effectively avoid certain behavior, but that they also regularly practice the seven core virtues of a police officer (prudence, courage, justice, honesty, trust, self-effacement and responsibility).<sup>13</sup>

In the "Prediction of Dysfunctional Job Behaviors Among Law Enforcement Officers," it was hypothesized that the construct of conscientiousness as represented by three scales of the California Psychological Inventory (CPI) and three life history dimensions would discriminate between law enforcement officers who have exhibited dysfunctional job behaviors and officers who have not exhibited such behavior.<sup>14</sup> Conscientiousness as a construct relates to the degree of internal organization, control, and motivation in goal directed behavior. Individuals exhibiting high conscientiousness tend to be organized, reliable, hard-working, self-directed, scrupulous, and persevering. Individuals low in conscientiousness tend to be lazy, careless, lax, impulsive and irresponsible.

It was hypothesized the three scales of the CPI assessed the construct of conscientiousness. Furthermore, these three scales were hypothesized to predict work behavior in the law enforcement profession. The scales were selected based upon previous research on the construct of conscientiousness across a broad spectrum of occupations. The first scale is Responsibility, selected because of its demonstrated theoretical relevance and predictive capability from previous investigations of job performance. The second scale is Socialization, which measures the degree to which individuals adhere to social norms. Individuals who score high on this scale are predicted to be dependable and rule-abiding.

The third scale, Self-control, measures freedom from impulsivity. Higher scoring individuals attempt to control their emotions and temper, while lower scoring individuals tend to be unpredictable and spontaneous.

The central hypothesis of this study is that the personality construct of conscientiousness predicts dysfunctional behavior subsequent to selection as a law enforcement officer. Additionally, it was hypothesized that dysfunctional behaviors prior to selection would be associated with dysfunctional behaviors following selection into a law enforcement agency. Specifically, three classes of dysfunctional behavior were noted for law enforcement officers:

- negative work history events
- criminal activity
- drug use activity

Previous research has supported that each of these classes of negative life events is associated with the underlying construct of conscientiousness. Other studies examined the validity of integrity tests in predicting the dysfunctional behaviors of theft, disciplinary problems, and absenteeism. These studies indicate theoretical and practical relationships between measures of conscientiousness or integrity and dysfunctional job behaviors.<sup>15</sup>

The private sector is struggling with the same ethical issues. The typical organization's code of ethics includes requirements to comply with all applicable laws, to honor requests for confidentiality, to accurately disclose relevant information, and to identify one's self when appropriate. For the most part, competitive intelligence means gathering and analyzing information that is in the public arena, such as newspaper articles and other public information. Intelligence gathering may include interviews with current or former employees of the competition, market analysts and key customers. One can be very ethical and still be clever in gathering information to assist in making business decisions. Lying, stealing, and bribing to gather information or gain a competitive edge falls outside the boundaries of acceptable behavior. Between right and wrong lies a troublesome gray area that has led many well meaning companies into trouble. To assist companies seeking ethical guidance, consultants offer three tests:

- The newspaper test: Would you want to see it printed the next morning in the newspaper? Would it embarrass you?
- The child test: What would you tell your child to do if he or she came to you and asked you for advice?

- The skunk test: Does it smell? If it doesn't feel right, smell right, taste right, then you probably should find out what makes it seem like a skunk.<sup>16</sup>

Given the dynamics, some interesting parallels can be drawn between private and public sector ethics. Conversely, "Those who offer the analogy that compares police to doctors or contend that police must emulate the business model of ethics mislead the public, because they obscure a central theme in professionalism, which establishes the relationship between an occupation's practitioners and its public. This perspective holds that the values of a profession are related but not identical to those of the average citizen. If this theme is not addressed in the training of recruits, then the expectations of the public and police will remain at odds. Consequently, the ethos of trust that characterizes professional relationships will elude law enforcement no matter how much it displays academic degrees, symbolic rewards, and other symbols of professional status. Such training in ethics is a way to help police become professionals and minimize many of the errors that law enforcement agencies are criticized for committing or condoning."<sup>17</sup>

POST's role in the selection process includes responsibility for instituting the minimum selection standards governing the employment of peace officers in California, and responsibility for conducting the

research that results in the development of tests and procedures used by local law enforcement agencies to adhere to these minimum selection standards. These standards range from reading and writing ability to psychological suitability. The psychological evaluation does not include an ethics testing component.<sup>18</sup>

As reflected in POST's Initial Strategic Plan for 1997, POST has recognized the need to assess an ethics evaluation process as part of the entry level selection standards. Objective A.8 of that Strategic Plan states, "Establish additional entry level selection standards. Purpose: Tests of cognitive abilities (e.g., memory and reasoning), traits (e.g., integrity, conscientiousness), and educational requirements not currently included in POST selection standards hold great promise for improving the scope and validity of the overall selection process."<sup>19</sup> At this juncture, POST will not be creating a new test. POST will be better defining cognitive and psychological dimensions as they relate to job duties, descriptions, and attributes. The focus will be psychological screening verses selection. The difficulty with developing an ethics test is content validity, framework verses supposition.<sup>20</sup>

Once selected as a police officer candidate, and successfully completing the background process, the recruit must attend a POST certified Academy to receive the Basic Training Course. Minimum

training at the Academy requires 664 hours of instruction.<sup>21</sup> Learning Domain 1 at the Academy includes History, Professionalism, and Ethics. The block of instruction for Ethics is about 4 hours. Instruction includes the benefits of professional and ethical behavior, the Law Enforcement Code of Ethics, "Code of Professional Conduct and Responsibilities for Peace Officers," and examples of potential ramifications of unethical or unprofessional conduct.<sup>22</sup>

In summary, the aforementioned issues graphically support the need to develop an ethics standard test for police officer candidates.

#### Forecasting of Trends and Events

The issue of determining the impact of utilizing the results of an ethical standards test in the hiring of police officer candidates was developed through 2 Nominal Group Techniques (NGT's), one from a municipal police department (Simi Valley Police Department) and the second from a sheriff's department (Monterey County Sheriff's Department). The process was facilitated utilizing experts from diverse fields.

In the municipal police department NGT, the process included 8 professionals including a Council Member, College Philosophy Professor, Assistant City Attorney, Senior Pastor, Personnel Administrator, Chairman of the Ethics Committee for the California Peace Officer's Association (CPOA), Psychologist, and a Police Captain. This group identified future trends and events that could impact this issue. The following top 8 trends were identified:

- 1) Changes in family values
- 2) Modification of educational standards
- 3) Fluctuation in public opinion of law enforcement ethics
- 4) Level of crime
- 5) Changes in officer stress
- 6) Court mandated changes in personnel practices
- 7) Changes in public opinion of the President as a role model
- 8) Changing demographics

The following top 8 events were identified by the panel as impacting the utilization of the results of an ethical standards test in the hiring of police officer candidates by the year 2003:

- 1) Justice agency criticism of a high profile police incident
- 2) POST recommendation of an Ethical Standards Test

- 3) National Police Scandal
- 4) California Supreme Court decision invalidating an Ethics Test
- 5) Political pressure from special interest groups regarding police conduct during a particular incident
- 6) Local Police Scandal
- 7) Christopher Commission Report
- 8) California Peace Officer Association recommendation of an Ethics Standards Test

In the sheriff's department NGT, the process also included 8 professionals including a social worker, pastor, personnel analyst, priest, police department Sergeant, court bailiff, fingerprint technician, and a Sheriff's Lieutenant. This second group also identified future trends and events that could impact this issue. The following top 7 trends were identified:

- 1) Changes in family values
- 2) Variations in the discipline of police personnel
- 3) Fluctuations in teen involvement in violent crimes
- 4) Modification of the medical use of marijuana
- 5) Changes in the frequency of domestic violence cases
- 6) Fluctuations in the perception of law enforcement personnel

- 7) Changes in the segregation of cultural and racial groups throughout America

The following top 7 events were identified by the second panel as impacting the utilization of the results of an ethical standards test in the hiring of police officer candidates by the year 2003:

- 1) O.J. Simpson investigation/trial
- 2) Rodney King incident
- 3) Local Police Scandal
- 4) Watergate
- 5) Improper shooting of mental patient in Seaside
- 6) Local Board of Supervisor accused of sexually harassing constituent
- 7) Unlawful local political fund raising event

In assessing the top trends from the Sheriff's Department and Municipal Police Department, it is interesting to note that both agencies identified changes in family values as the #1 trend that would have an impact on utilizing the results of an ethical standards test in the hiring of police officer candidates. Fluctuations in crime trends including teen and domestic violence and changes in segregation and demographics

were also common factors that ranked fairly high between the two agencies.

Upon evaluating the top events from the municipal police department and the sheriff's department, parallel conclusions were evident. The top 2 events for both organizations included criminal justice agency criticism and improper police conduct which specifically included incidents such as the O.J. Simpson investigation/trial and the Rodney King incident. Corruption and police scandals were also common factors that ranked fairly high between the two agencies.

Following the identification of the trends and events, the 2 NGT panels independently forecasted the probability of each of the trends and events occurring within the next 5 and 10 year period. A cross impact analysis was completed to determine the impact that each event would have on each trend. The information developed by the NGT panels served as a foundation for the following pessimistic scenario that describes a possible future outcome of utilizing the results of an ethical standards test in the hiring of police officer candidates for mid size police agencies by the year 2003.

### Pessimistic Scenario

The convergence of a series of significant trends and events has prompted POST and police agencies across the state to re-evaluate the ethical testing and training of police officer candidates. Identified causative factors included a marked breakdown of family values, increased crime trends including teen and domestic violence, extremely low public perception of law enforcement, segregation and demographics of cultural and racial groups, Attorney General criticism of recent improper police conduct, proliferation of police corruption and scandal cases, and very negative press coverage of these matters.

On January 1, 2003, a scathing investigation by the Los Angeles Times reported that a disproportionate number of law enforcement officers were being discharged or severely disciplined for ethical misjudgment/misconduct compared to other disciplinary actions and separations from service. The Times focused on the absence of any state mandated or recommended pre-employment ethical testing. By contrast, state standards are established for physical fitness, writing ability, background, medical, and psychological. The Times also capitalized on the meager Ethics Training provided in the Basic Training Course, 4 out of 664 hours, an unimpressive representation of relative importance.

The Commission on Police Officer Standards and Training was criticized for not having the forethought to establish appropriate ethical testing and training.

Under fire and in a crisis mode, POST formed a committee of diverse experts to research this dilemma and to make appropriate recommendations. Their findings validated the need to establish pre-employment ethical testing of police officer candidates as part of the recommended selection process to help improve the quality of candidates entering the law enforcement profession. The Pre-Employment Ethics Test was designed as a two phase process: a written, followed by a series of scenarios engineered to evaluate the candidate's ethical consistency. POST also concluded that the current block of Ethics Training in the Academy was inadequate and recommended significant enhancement of this Training Module.

The American Civil Liberties Union (ACLU) filed an injunction to block the Ethical Testing of Police Officer candidates on the grounds that it was discriminatory against minorities. The ACLU argued that the testing instrument was subjective, culture based and prejudicial against minorities with a different value system.

Caught in a legal quagmire, POST and agencies across the state scrambled to mitigate this untenable situation, attempting to balance the need for Ethics Testing and public pressure to improve the selection and training process of police officer candidates.

This is probably one of the worst case futuristic models of the potential outcome of this issue. The intrinsic value of a pessimistic scenario is to identify potential roadblocks. Once identified, these potential roadblocks can be averted through proper development of a strategic and transitional management plan. With proper planning, the implementation of an ethical standards test for police officer candidates could become a reality by the year 2003.

### Strategic Planning

The preceding pessimistic scenario graphically illustrates the potential future outcome of ethics testing for police officer candidates. To implement this proposal, it will be necessary to work through identified pitfalls. Probably the most effective means of accomplishing that goal would be through the development of a viable strategic plan.

The first step for law enforcement in the strategic planning process is to conduct a situational analysis. The organizational analysis model

“WOTS UP,” which focuses on an organization’s Weaknesses, Opportunities, Threats and Strengths, is extremely beneficial in formulating strategic plans.

The trends and events that occurred in America between 1987 and 1998 define the time continuum for the organization’s environment. The United States is the physical environment for the study with a focus on California. Organization as defined for this analysis is POST and the law enforcement agencies that utilize POST’s services.

#### Weaknesses

The organization has not focused on improving the ethical selection of recruits. This does not mean that the organization is not attempting to recruit more ethically suitable candidates, it means that the organization continues to depend too heavily on past practices to recruit ethically suitable recruits. Historically, the organization depended on background checks and psychological testing to determine some measure of the ethical standard that a recruit may or may not possess.

In the future, valuemetrics testing, in conjunction with traditional efforts, may provide more ethically suitable candidates for the

organization. This is one manner in which the organization may improve the measurement of ethical suitability. Attendant with valuemetrics, the organization can provide more ethics education to maintain, reinforce, and improve upon the candidate's current level of ethical suitability.

### Opportunities

The organization has an excellent opportunity to embark upon a new strategy for recruiting more ethically suitable candidates. The economy is good. In fact, the economy is so good that the Governor of California is attempting to cut taxes and return income to the public and the private business sectors. Resources are available if the organization is willing to approach funding sources before this financial opportunity passes. Additionally, POST and law enforcement agencies throughout the state are working more cohesively than in the past. Opportunity for a successful collaborative effort to develop a method to improve the ethical selection of police officer candidates currently exists.

### Threats

Probably the most serious threat to improving the ethical quality of police recruits is the influence that this country's leaders are having on the law enforcement recruitment pool. The softening of family values in society

is also a major threat to the organization. Law enforcement's traditional role is perceived to be crime fighters. This perception is also a threat to the organization. As the organization moves toward community policing, its traditional role changes and the organization acquires roles that appear untraditional.

There are individuals within the organization as well as the community that view these untraditional roles as not performing police work. Finally, the organization has not committed to developing a means to resolve the problem.

### Strengths

Organizational leaders are collaborating with one another on a level that did not previously exist. This strength provides a firm foundation for developing enhanced ethical testing procedures. Additionally, strong collaboration is viewed as a developmental tool for conducting the necessary research to develop an ethical testing instrument. This includes tests of cognitive abilities (e.g., memory and reasoning), traits (e.g., integrity, conscientiousness) and educational requirements not currently included in POST's selection standards. The organization already recognizes the need to address the issue of ethics. It is one of

POST's identified goals selected through the collaborative efforts of the organization.

The final area of analysis is an examination of stakeholders and snaildarters, those who are affected by the actions of this issue, and their impact on the issue. Stakeholders are interested, influential individuals or groups who are affected, or perceive they are affected by the issue and care about the impact and outcome. Snaildarters are unidentified saboteurs to the plan who are typically not considered during initial stakeholder analysis. It is incumbent upon those involved in the strategic planning process to conduct competent stakeholder identification and analysis. This will facilitate appropriate responses to anticipated issues before they become problematic. This will also increase the likelihood that they will achieve the desired outcome. Some of the stakeholders and snaildarters identified for this issue are:

- The public – who would benefit by a higher quality of police officer candidate who would be less prone to ethical misjudgment
- POST – who is charged with the responsibility of instituting minimum selection standards
- Law enforcement agencies – who want to recruit the most suitable candidate

- Law enforcement executive leaders – who want to hire and retain the most qualified candidate and avoid scandals
- Police labor unions – who want the most qualified officers hired to fill their ranks
- County Counsel/City Attorney – who want the testing process to be validated and defensible
- Personnel – who want to ensure that the testing process conforms to accepted personnel practices
- Psychologists – who would be responsible for administering, evaluating, and making hiring recommendations based upon an ethics test
- Media – who wants to report on any interesting facet of this issue, positive or negative
- ACLU – who may attempt to block the process on the grounds that it is discriminatory
- Minority/culture groups – who may argue that this process is biased and prejudicial against those with a different value system

Snaildarters to the process may include police labor unions, ACLU, or minority/culture groups.

With an appreciation and understanding of the situational analysis, the following strategies have been identified to develop and implement an ethical standards test:

**Strategy 1 – Active development of an ethics standards test by POST**

This strategy is clearly the most difficult and involves the effort and commitment of law enforcement leaders across the state working collaboratively with POST to jointly develop an acceptable ethics standards test.

**Strategy 2 – Adherence to guidelines established by POST**

In this strategy, police agencies adopt the guidelines established by POST and conform to the standards developed by POST. This middle of the road strategy is safest and less time consuming for individual agencies and places the burden on POST to develop a validated ethics test.

**Strategy 3 – Maintenance of the status quo**

This is the easiest of the three strategies for police leaders to embrace. It requires nothing more than the current effort and

compliance with established hiring standards. This may or may not be acceptable based upon the public's perception of law enforcement ethics and the need to improve the image of the profession.

### Transition Management

The first strategy seeks the support and collaborative effort of POST and law enforcement agencies across the state to develop an acceptable ethics standards test. In the second strategy, police agencies will adhere to the guidelines established by POST. The third strategy maintains the status quo. In order for either of the first 2 strategic plans to be successfully implemented, POST and law enforcement agencies will need to focus on the transition. "Buy-in" from the stakeholders will be paramount to the successful transition. If not overcome, resistance and apathy can doom the process. Compromise and negotiation may be the key to the acceptance of this proposal. Once a decision to implement Strategy 1 or 2 is made, it is critical to build a core of influential people who will support the strategy. This can be achieved through structured meetings of key power players.

It is vital that the leaders who are intent on implementing this proposal understand the commitment of the individuals and groups constituting the change environment's "critical mass." Critical mass

refers to the smallest number of groups whose support is necessary for successful change to occur and whose lack of support will probably lead to failure. The following individuals and groups are representative of those who should be considered in planning a transition to provide an ethics standards test as part of the selection process for police officer candidates:

- POST
- Police Chief's/Sheriff's Association
- CPOA
- PORAC
- California State Cooperative Personnel Services
- Psychologists Association
- Attorney General's Office
- ACLU
- Minority/Culture group leaders

It is recommended that the Executive Director of POST assume the leadership role in this transition and that he be designated the "Transition Manager." He is in the best position to provide the necessary vision, motivation, direction, and inspiration to implement either of the first two strategies. A "Transition Team" comprised of POST's Selection Consultants, Chief's/Sheriff's Association, CPOA, State Cooperative

Personnel Services and the Psychologists Association would prove extremely valuable in assisting the Transition Manager with the required tasks necessary to effect this change.

One of the most effective means of recruiting members of the critical mass to move in the desired direction is to educate them on the trends and events signaling an emerging issue necessitating action and effectively communicating the vision and their role in the change environment. The educational process can be accomplished by publicizing the contemporary issues. Setting clearly defined goals with realistic timelines, assigning specific responsibilities, recognizing and celebrating mile marker goal achievements, soliciting constant evaluation and feedback, and refining the process are additional methods by which the transition manager can help ensure the change he envisions becomes reality.

#### Implications on Leadership

The implications for law enforcement leadership are profound and dynamic. As society moves into the next millenium, one of the most important challenges facing law enforcement leaders is the need to enhance the ethical image of the law enforcement profession. More than

any other profession, law enforcement is painted with the same broad brush. Typically, law enforcement is judged by the actions of a few,

Society expects law enforcement to perform a potentially dangerous function that few people desire and even fewer are qualified to fulfill. High expectations warrant law enforcement officers to be highly principled, and that their behavior be based upon an ethical standard that exceeds other professions. Due to the public's demand for a high ethical standard in law enforcement, behavior that tarnishes law enforcement's credibility and professional reputation cannot be afforded.

Perhaps one of the key components to improving the ethical standard of police officers is to start at the beginning of a police officer candidate's career and enhance the selection process. POST guidelines govern a variety of criteria for the selection of police officer candidates. Currently, there are no POST standards for the ethical testing of police officers. The development of an ethics standard test for police officer candidates would be a difficult task. Stakeholder support would be crucial to the process.

The challenge to law enforcement leadership is to take this opportunity to forge ahead with the development of an ethics standards test. Given the current trends, events, and political climate, there is no

better time to initiate the ethics testing process to improve the quality of law enforcement officers and the public's image of the profession.

### Recommendations

The following recommendations can make the ethical testing of police officer candidates a reality by the year 2003:

- 1) Given POST's responsibility for instituting minimum selection standards, POST should take the lead in this proposal.
- 2) POST should familiarize and educate themselves on the history and dynamics of this proposal.
- 3) POST should conduct a Critical Mass Analysis relative to this issue and keep those Critical Mass Members on board.
- 4) POST should conduct regular meetings with stakeholders to discuss current issues, trends, and events. This process should develop fresh ideas and establish resources to lead this change.
- 5) POST should work with law enforcement agencies and psychologists across the state to develop, validate, and administer an ethics testing instrument.
- 6) POST should identify a funding source for this project.

- 7) POST should develop an education plan to sell this proposal to law enforcement and the public.

### Budgetary and Funding

Budgetary and funding costs associated with this proposal are difficult to assess. The general psychological evaluation of police officer candidates typically includes an oral interview, MMPI, 16PF, autobiography, and sentence completion. A psychological evaluation of this type costs approximately \$325.00. The addition of an ethics standards test would represent a modest increase to the existing cost and would be applied to all police officer applicants across the state.

More significant costs would be associated with the development and implementation of the ethics standards test. Real cost savings would be realized in the selection of more qualified candidates whose retention would increase and propensity for involvement in unethical behavior would diminish. There would be a reduction in the need for agencies to replace personnel who were disciplined or discharged for unethical behavior. This reduction would ultimately represent cost savings to agencies in terms of recruitment and training. One cannot assess a dollar loss to public trust that unethical behavior or a scandal can bring to an agency and the profession. Should the ethics standards

test be challenged, there would be litigation costs associated with the process. Overall, the benefits of instituting ethic standards tests to law enforcement officers outweighs associated costs and in the final analysis would represent cost savings. We would also realize an improvement in the public's image of our profession.

#### Follow-up and Evaluation

Significant fundamental changes are occurring in the ethical behavior of our culture and society. The implementation of an ethics standards test to screen law enforcement officers is one means of improving the quality of law enforcement personnel. It also improves the public's image of the profession. Public and department surveys can be used to determine if there are any perceived changes in the quality of law enforcement officers and the public's image of law enforcement. Data captured from these survey's may provide information supporting the implementation of an ethics standards test.

## Conclusion

As we move into the next century, the critical decision for law enforcement is how we will respond to the ethics dilemma and the image of our profession. Will law enforcement be forced to react, or will we have the foresight to take the initiative and effect change? The appropriate course of action will be founded in law enforcement's ability to anticipate issues, manage change, and prioritize efforts. The public and the law enforcement profession will be the benefactors of our forethought and innovation.

## Endnotes

<sup>1</sup>F. G. Forrest, "Enhancing Law Enforcement's Level of Ethical Awareness" in NCJ Document 166504 (vol. 63, no. 10), October 1996 38-40. INTERNET.

<sup>2</sup>POST Administrative Manual, California Code of Regulations 12/97 B 4-5.

<sup>3</sup>Shelley Weiss Spilberg, Ph.D., State of California POST Personnel Selection Consultant, interview by author, 6 July 1998.

<sup>4</sup>Susan Saxe-Clifford, Police Psychologist, interview by author, 10 July 1998.

<sup>5</sup>Edward J. Tully, "Misconduct, Corruption, Abuse of Power, Part II: What can the Officer Do?" *Beretta USA Leadership Bulletin* (May 1998) vol. 3, iss. 7, 1.

<sup>6</sup>David Sunahara, "Why Must Police Act Ethically?" *Center for Law Enforcement Ethics, The Ethics Roll Call*, (Fall 1977) vol. 4, no. 4, 5.

<sup>7</sup>Ed McErlain, "A perspective offered on ethics" *California Peace Officer's Association Newsletter, NETWORK* (December 1997) 8.

<sup>8</sup>Kevin Johnson, "New breed of bad cop sells badge, public trust," *USA TODAY*, 16 April 1998, 8A.

<sup>9</sup>Publication, The Ethics Corner, *Center for Law Enforcement Ethics, The Ethics Roll Call* (Winter 1998) vol. 5, no. 1, 2.

<sup>10</sup>Rushworth M. Kidder, "Tough Choices, Why It's Getting Harder to be Ethical," in *Exploring Your Future - Living, Learning, and Working in the Information Age*, 1996, 137-140.

<sup>11</sup>Stephen J. Vicchio, "Integrity, Ethics, & Policing," *The Journal* (Winter 1998): 33-38, 96-97

<sup>12</sup>*Ibid.*, 37.

<sup>13</sup>*Ibid.*, 96.

<sup>14</sup>Charles D. Sarchione et al., "The Prediction of Dysfunctional Job Behaviors Among Law Enforcement Officers," 1998. 1-33.

<sup>15</sup>*Ibid.*, 3-8.

<sup>16</sup>Nancy Rivera Brooks, "Career/Ethics at Work," *Los Angeles Times*, 3 November 1997, D 2-9.

<sup>17</sup>A. E. Hook, "Training Police in Professional Ethics," in NCJ Document 164086 (vol. 12, no. 3), August 1996 264-276. INTERNET.

<sup>18</sup>POST Administrative Manual, Law Related to Standards for Selection and Training 12/97 A 17-18, California Code of Regulations 12/97 B 4-5, Medical and Psychological Suitability Examinations 12/97 C 3-4.

<sup>19</sup>California Commission on Peace Officer Standards and Training, Initial Strategic Plan, 1997, 3.

<sup>20</sup>Shelley Weiss Spilberg, Ph.D., State of California POST Personnel Selection Consultant, interviewed by author, 6 July 1998.

<sup>21</sup>Training Specifications for the Regular Basic Course, The Commission on Peace Officer Standards and Training, State of California, Appendix A, April 1998, 1.

<sup>22</sup>Basic Course Instructor Unit Guide 1, History, Professionalism and Ethics, The Commission on Peace Officer Standards and Training, State of California, January 1998, 1-33.

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