Ethics- Part 4

TIME: 2 hours

INSTRUCTIONAL GOALS:

This course is designed to:

1. Develop a new police officer's understanding of human behavior and risk factors that can lead to unethical behavior
2. Enhance a new police officer's ability to recognize and report unethical behavior

LEARNING OUTCOMES:

Upon completion of instruction, students will be able to:

OUTCOME	MEASURE
Summarize the ethical standards and expectations of a police officer	In-Class Activity
Describe how conscious and non-conscious processes in the human brain impact behavior	In-Class Activity Exam
Identify risk factors that can lead to unethical behavior	In-Class Activity Exam Scenarios
Articulate strategies for reporting unethical behavior	In-Class Activity Scenarios

COURSE OUTLINE:

Ethics 1

- Ethical Standards/Expectations of the Profession
- Understanding the Brain and Human Behavior
- Brain Processing and Ethical Behavior

Ethics 2

- Risk Factors for Unethical Behavior
- Risks and Benefits Related to Moral Character

Ethics 3 & 4

- Recognizing Ethical Situations
- Reporting Unethical Behavior

MATERIALS REQUIRED-FACILITATOR:

Easels / writing board
Markers
PowerPoint presentation

MATERIALS REQUIRED-STUDENT:

Student resource manual
Writing paper / pen

NOTES FOR FACILITATOR:

This course references a significant amount of psychology/behavioral science research; facilitator should read and understand the background material included in the Sources/Resources sections at the end of this guide.

The premise of Part 4 is that maintaining the ethics of the police profession requires a “speak-up culture” in which officers feel confident, and supported, in reporting unethical behavior.

This class will reinforce concepts explored in Emotional Intelligence and Legitimacy/Procedural Justice.

PRESENTATION OUTLINE:

	Pre-Class Assignment Prior to class students were divided into groups and asked to complete the following: • Create a 3-5 minute role play scenario in which a person should recognize and address an ethical issue in policing • Assign roles and script your scenario with enough detail that you can run a student from another group through the role play • Develop 2-3 specific questions that you can ask afterward to help the student (and observers) better understand how to recognize and address ethical dilemmas
Slides 1-3	**Introduction** Facilitator Introductions / Student Introductions Course Goals & Learning Outcomes *Note to Facilitator (NTF): Students are provided the goals and outcomes in their student resource material, so referencing those materials will suffice in covering these items; no extensive time spent on this is needed.*
20 minutes	**Reporting Unethical Behavior** The unethical actions of an individual police officer, impact *every* police officer. Yet too often, others will go about their duties quietly (sometimes for years) while another commits career suicide, and only after it is over will the others comment: “We saw it coming!”

Slide 4

Play the video "Dash Cam: Canton PD 'Notification' Arrest & Officer Goes Berserk" (linked in the slide; https://www.youtube.com/watch?v=kassP7zI0qc&list=PL_ADnNAnDA4sSLE).

Ask students to focus on the behaviors of the back-up officer.

NTF- Start the video at 6:50 and only run until 10:05.

Provide this brief background information: Officers pulled up on a vehicle with three occupants, suspecting prostitution. After being on scene for nearly 7 minutes, and having already searched the vehicle once and taken one passenger into custody, they discover the driver is armed.

Questions-

- What did you notice about the back-up officer's behavior?
- Why do you think he behaves this way?
- What risk factors for unethical behavior are present?
- How might *his* actions (or inaction) impact police legitimacy?

NTF- It may be beneficial to tell students that later in the video the officer excessively berates the subject a second time, and again the back-up officer does nothing.

In order to maintain the ethics of the police profession we need to ensure a culture that encourages people to DO something when they see unethical or even questionable behavior (see something, do something).

This is known as a "speak-up" culture; rather than watch people self-destruct, cause harm to others, or tarnish the profession, you must confront people about their behavior.

NTF- In other professions, a "speak-up" culture is a well-established expectation to maintaining a license to work. For example, clinical psychologists are required to confront others with observations and thoughts when they suspect they are not maintaining acceptable boundaries.

Questions-

- If you were the back-up officer in the video, what would you do?
- If you were to confront the officer, what would you say *exactly*, and why would you word it that way? (solicit 2-3 different approaches)
- What are the potential costs if you don't confront the officer?
- What does it say about you and your ethics if you do nothing?
- What are some of the dynamics that discourage speaking up?
    - *Expectations to never question other officers*
    - *Pressures to fit in and remain loyal*
    - *Culture of silence*
    - *Us vs. them (criminals, attorneys, media)*
    - *Stigma of being a "whistleblower" (snitch, rat)*

The concepts of fairness and loyalty are critical to the decision to report unethical conduct. People who prioritize fairness over loyalty are more likely to do so.

Source: Waytz et al (2013); Valdera et al (2009)

Questions-

- How would you define "fairness" as it relates to policing? (develop a class definition and capture it on the whiteboard)
- How would you define "loyalty" as it relates to policing? (develop a class definition and capture it on the whiteboard)
- Think about your job and role within your agency; which concept is more important, and why?

When you become aware of unethical conduct, you really only have four potential courses of action (known as the "witness' dilemma"):

- Do nothing
- Confront and report it internally
- Report it externally
- Quit

Ignoring or running away from the problem does not support a "speak-up" culture. Instead, you must develop the courage to DO something. Strategies for reporting unethical behavior include:

- Consult a trusted mentor to help evaluate your observations and develop a plan for reporting the behavior
- Confront the behavior informally as a peer
- Contact your FTO, sergeant or command staff about the behavior
- Report the behavior to an outside agency (city/county HR, another agency)

Reporting the unethical behavior of other officers is not easy, but it is necessary. Police officers are not in a club or gang; they are an honorable group of colleagues that hold each another accountable.

Reporting is not only necessary, it is required by law.

Slide 5

Duty to Intervene Law

As a result of the special legislative session in 2020, HB 4205 came into effect upon signature on June 30, 2020. This law specifies a requirement to intervene (when applicable) and report misconduct.

- Requires an officer to intervene to prevent or stop another officer engaged in any act the intervening officers knows or reasonably should know is misconduct
    - unless the intervening officer cannot intervene safely
    - Requires an officer who witnesses another officer engaging in misconduct to report it
    - Report as soon as practicable
    - No later than 72 hours after witnessing the misconduct

Slide 6

Misconduct is defined as:

- Unjustified or excessive use of force
- Sexual harassment or sexual misconduct
- Discrimination against a person based on race, color, religion, sex, sexual orientation, national origin, disability or age
- A crime
- A violation of the minimum standards for physical, emotional, intellectual and/or moral fitness for public safety personnel established under ORS 181A.410

Slide 7	Ask the class for some potential examples of moral fitness violations (last bullet above). *Their student manual has a list.* **NOTE: The law also prohibits an employer from retaliating against an officer for intervening or reporting.** Consequences to Not – Failure to intervene or report as outlined by HB 4205 is: • Grounds for disciplinary action by the employer • Action by DPSST to suspend or revoke the officer's certification Ethically, if you see something, DO or SAY something. Legally, if you see something, DO or SAY something.
20 minutes	**Organizational Factors for "Speak-Up" Cultures** "Speak-up" cultures are the foundation to maintaining the high ethical standards of the profession, and yet in some organizations these standards seem to erode. Refer students to the table at the bottom of Page 22 of their Ethics student resource. Researchers have identified factors that support and inhibit "whistle-blowing" within organizations. [see chart on next page]

Factors that support or encourage reporting	Factors that inhibit or reduce reporting
• Organizational support or encouragement • Culture that values constructive dissent • Clear safety measures to protect reporting parties • Cultivated non-conformity (i.e. individuals who feel responsible for their own actions)	• Focus on interdependence within groups • Emphasize loyalty and group cohesiveness • Blind acceptance of group norms • Unethical behavior slowly over time • Favor obedience to authority & maintaining group loyalty
Value-Oriented	**Rule-Oriented**

Source: Dungan et al (2015)

Questions-

- What similarities do you see between these organizational factors and the known risk factors that influence unethical behavior in individuals?
- What similarities do you see between these organizational factors and the concept of Moral Character (specifically principled self-identity)?

Slide 8

Small Group Activity- "Speak-Up" Cultures

Divide the class into groups of 5-7 students, and provide them 5 minutes to answer the following questions, then debrief as a class:

- What specific efforts do your agencies and their leaders make to encourage reporting misconduct of other officers?
- What do your peers/co-workers do to support or encourage reporting others that are falling into behaviors that might lead to ethics violations?
- What dynamics within your agency discourage reporting misconduct?

	It is important to recognize the influence of the organizational culture you are exposed to; value-oriented and rule-oriented environments can foster very different behaviors. In either there is a place for compliance – acquiescence to an authority or request in order to build and/or maintain social relationships. What is problematic is conformity (which is subtly different). • Compliance is a give and take in which a person retains control of their actions but chooses to go along with another person or group. • Conformity is when a person relinquishes control to the other person or group due to real or perceived pressures, and the give and take becomes a default response. Conformity causes a person to act differently in a group than they would act if they were alone. Rule-oriented environments often induce conformity, which not only puts people at risk for unethical behavior themselves, but also increases the likelihood that the inappropriate or questionable actions of others will go unreported.
15 minutes	**Dishonesty** According to the most recent data available, nearly 50% of the police officers decertified between 2012 and 2016 were decertified for dishonesty (74 out of 160). Further, 46% of those officers were decertified for being dishonest *during an investigation into their conduct*. And unfortunately, these trends have been consistent since at least 2005 (when tracking began). Therefore, it is important to be aware of some of the studied dynamics of honesty/dishonesty, so that you can better manage your own behavior, as well as recognize and address dishonesty in others.

Slide 9

Consider the following research findings about honesty/dishonesty:

- People are always balancing self-image and the desire to maximize benefits; given the opportunity to be dishonest, most people will be at least a little dishonest
- Generally, increasing the chances to be caught reduces dishonesty, rather than increasing the penalty
- Bringing people's attention to their own standards will increase honesty
- Feeling connected to another person who is dishonest leads people to behave less honestly
- People tend to act in congruence with their own sense of moral being, but are also good at moral hypocrisy – judging similar acts by others as more serious than doing the same themselves
- Time to think reduces dishonesty

Questions-

- What similarities do you see between these findings and what you've learned about brain processes, risk factors, and Moral Character?

Research has found that people with a strong self-image (incl. honesty, integrity, etc.) do not consciously think about being dishonest; honesty is a default behavior generated by the non-conscious part of their brain (System 1).

People who do not have a strong self-image (incl. honesty, integrity, etc.) can still be honest, but it does not come "naturally" for them; they have to think about it (engage System 2).

Source: Greene & Paxton (2009)

The question of how to minimize dishonesty is not unique to policing. All industries face this challenge, and the private and public sectors have equally bad examples. However, researchers have found there are steps that can be taken to increase the chance that people will be honest.

One notable model is known as the REVISE approach:

- *Reminding*: Use subtle cues that increase the importance of morality and decrease people's ability to justify dishonesty
- *Visibility*: Increase people's feelings that they cannot be anonymous and elicit responsible norms
- *Self-Engagement*: Increase motivation to maintain a positive self-perception as a moral person

Source: Ayal, Gino, Barkan & Ariely (2015)

NTF- The pre-interview admonishment below (and on the slide) is a local example of the REVISE approach in action. See notes below [in brackets]:

Slide 10

The Washington County Consolidated Communications Agency (WCCCA) uses an extensive screening process to ensure that we hire the right people. One of the things that we look for in an employee is someone who is honest, is trustworthy and has integrity. You were hired because you had those characteristics – honest, trustworthy, and have integrity.

[Reminder of the standard that the employee met to be hired.]

You are about to be interviewed about conduct that may not meet these standards. We recognize that our people are human, and as such they will make mistakes. It is critical that you be honest and forthcoming during this interview.

[Recognize human frailty.]

More than 4 in 10 of the Telecommunicators who were decertified by DPSST over the past ten years were decertified because they were dishonest. If you have made a mistake it is critical that you do not make the mistake worse by being dishonest

	about it. *[Notice about being honest and owning up to your conduct.]* *Being less than fully forthcoming or withholding information that you know is being dishonest; don't be dishonest.* *[Clear expectation.]* *We ask that you take a few minutes before the interview. Think about what is important to you; maintain your integrity and continue to be the person you want to be.* *[Emphasize the importance of the self-image.]* Questions- • How could you use this approach to help you deter someone from being dishonest, or confront someone who has been? • We all know the story of George Washington and the cherry tree; what examples from your own experiences have impacted your willingness and ability to stay honest? (solicit 2-3 examples)
55 minutes	**Role Play Scenarios** Use this time in class to have student groups facilitate the ethical scenarios they created in Part 3 of Ethics. • Each group will need at least one volunteer to be their participant • Each group should be given no more than 10 minutes to set-up, run and debrief the scenario

	Run through as many scenarios as time allows. If there are two facilitators split the group into two separate locations (breakout room, hallway, outside) so that every group has a chance to participate. *NTF- The purpose of this exercise is to have students synthesize what they've learned from the series of Ethics classes. Allow the student groups to debrief the scenarios on their own, but be sure to monitor the messaging provided. As needed, draw attention to risky statements (ex: "It's not that big of a deal" or "It's different when you're on probation") and reinforce principled statements (ex: "That's not who I am" or "I cannot let that happen").*
	Conclusion This class concludes the Ethics series, which explored the ethical standards and expectations of a police officer, how conscious and non-conscious brain processes impact human behavior, risk factors that can lead to unethical behavior, and the importance of recognizing and reporting unethical behavior. Throughout your career you will encounter countless situations that will challenge you to behave ethically. Focus on creating the desired behaviors NOW; paying repeated, purposeful, and focused attention on your mental experiences can actually change and stabilize the circuits in your brain. With your increased understanding of human behavior and ethics, the challenge for you is what you are going to do with it, to maintain the ethical standards of our profession? Remember, see something, DO something.

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