POLICE FORCES AND SOCIETY: DESIGNING AND DEVELOPING AN ETHICALLY TRANSFORMED POLICE ORGANIZATION

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ABSTRACT

Police Officials are 'boundary spanners' in the sense that they are commissioned to deal with several stakeholders of the society, in which they operate, to protect, promote, and project their principal interests. Some of the interactions between police organizations and society are bumpy and controversial. Police and Society do not always get along well with each other. Many social issues that involve police interventions and punitive action or remedial measures are almost always charged with emotion. A few of them seem to pit Police personnel and stakeholders of the society against one another in bitter struggles. While proceeding with the narrative, the reasons for these challenges and difficulties need to be addressed and answered especially from an ethical perspective. Even though the Police-and-Society interface is sometimes scarred by the brickbats hurled by the stakeholders on both sides, we need to build the needed capacities to ethically deal with them and to cooperate smoothly. More often than not—and certainly more often than the stakeholders of the general public realize—Police and Society collaborate in solving problems and ethical dilemmas that neither one acting alone could solve. The 'social relationships' are the key to a more effective social role for Police organizations and are one way to increase ethically responsible regulatory, punitive, and corrective police interventions. Administrative challenges that are typical of today's turbulent societies need to be analyzed broadly using ethical reasoning as a necessary preliminary. Later, a high degree of social sophistication and administration skill is needed by the people working in police organizations before they manage to find ethically acceptable ways to deal with the challenges and concerns at hand. An attempt is made in this **'concept paper'** *to combine the 'plot—"Ethics" with the 'central characters' of the Ecosystem of a Police Organization to produce the "narrative" for the theme of the Article, which deals mainly with a complex range of Police-and-society relationships and ethical issues arising out of them.*

Keywords: Police Organization; Police Culture; Ethically transformed organization; Whistleblower Protection; and Ethical Dilemmas.

I. INTRODUCTION

Police Organizations that wish to direct their officials and functionaries in the successful pursuit of the goals of Police force must take into consideration the overall ecosystem of the broad social environment. Police Officers' decisions, policies, and actions—their plans for the present and the future—their strategies formulated and tactics adopted in the achievement of the overall objectives—all of these must be undertaken in ways that include and integrate major elements of the social and political world surrounding their operations. We need to conceptualize and design a framework for socially responsive and responsible organizational behavior that suggests as to what is required to produce it so that a greater understanding can be achieved. Such a chart can be used as an orienting guide and a road map for all the administrative and managerial personnel working in the organization wishing to get totally transformed using an ethical reasoning approach. Moreover, deliberately chosen case studies centering on a particular theme or issue involving police organizations and their officials can be effectively used by anchoring them to one particular episode.

II. HOW TO BUILD AN ETHICALLY STRONG POLICE CULTURE?

Understanding police culture and its sub-culture becomes an imperative before trying to build an ethically strong police culture. The police culture is an occupational phenomenon where the officers collectively confront situations that arise in the environments of policing, and as a result, the attitudes, values, and norms that develop in response to those environments get built up as the police culture. Elaborating on this further, **Manning (1995) and Kepler et al., (1998), and Westley (1970)** and other theorists have suggested that it has been pointed out that in most of the occupations the members are confronted with numerous issues and problems through which shared attitudes, values, and norms for the mitigation of those issues and problems are developed and then transmitted across members and this finally gets diffused across the occupations and the organization in general.

➢ **Police Subculture:**

- The term 'police subculture' is a focused part of the organizational culture in the police which may refer to strong feeling of group solidarity or defending 'us' from 'them', where the 'us' is the police and 'them' could be any group or individuals may it be criminals or all others who are not the police.
- It is a set of informal values that characterize the police forces as a distinct community with common identity.
- It includes symbols, beliefs, values, attitudes, etc.
- "Subculture" is a culture within a broader culture that may deviate in some aspects from the broader culture and influence the daily decisions (Herbert, 1998).

- Police culture is the sum total of various subcultures.

➢ **Artifacts**

The artifacts are the most visible parts of the organizational culture and include:

- Sounds, architecture, behavior, attire, language, products, and ceremonies.
- Police culture is in part transmitted and defined by certain artifacts. For example, police recruits quickly learn police jargon, how to address superiors, how to communicate on the radio, a writing style for police reports, and a host of other behaviors unique to policing.

  Another form of police artifact is the patrol officer's uniform, which is a symbol of law and order and allows members of the society to readily identify a police officer. In the Indian context, some beat officers wrap a towel round their necks in a particular way (in some of the Indian states) advertising their role or importance. All new entrants also adapt this style.

➢ **'US' and 'THEM' Syndrome**

The dangers associated with policing often prompt officers to distance themselves from the chief source of danger—the citizens. Thus, the police officers, who are socially isolated from the public, and rely on each other for protection from a hostile and dangerous work setting, tend to develop an "us versus them" attitude towards the public and a strong sense of loyalty towards fellow officers (Terril, Paolin, & Manning, 2003). Apart, from being blamed for all things wrong, there is another factor for "US and Them" Syndrome. "Some believe that the professionalization of the police (i.e., removing politics from policing, scientific advances and anti-police misconduct strategies) has been the catalyst for this isolation and the strengthening of the' us-versus-them' attitude associated with the

police culture". Therefore, whenever any issue happens, the police close ranks and present an united front—"US".

> ➢ **The Thin Blue Line**

Yet another distinct subculture that perpetuates in the organization is the feeling and belief that police are the real crime fighters. The thin line between order and chaos is held by them. Once police withdraw from the scene, disorder will descend and chaos will prevail. In the 1950's Bill Parker, the Chief of LAPD, coined the term 'Thin Blue Line' to reinforce the role of LAPD in fighting crime and maintaining order in Los Angeles. The *"thin khaki line"* is the corresponding term used in Indian police forces.

> ➢ **Code of Silence**

'Code of Silence' is a strong sub-cultural ethos in policing to denote the informal rule of secrecy that exists among police officers not to report on colleague's errors, misconduct, or brutality. Secrecy is a set of working tenets that loosely couple the police to accountability that allow them to do their work and protect each other in the face of oversight interference (Caldero & Crank, 2004). Generally, no police person speaks against his/her colleague.

III. CHARACTERISTICS OF AN ETHICALLY TRANSFORMED ORGANIZATION

An ethically transformed organization has certain primary distinguishing characteristics such as values, openness, objectivity and fairness, effective communication upward and downwards, sharing company's wealth, transparency, integrity, and trust. Some of the additional principal features of a transformed organization are as follows:

1. It sees ethics as an end in itself.
2. It exceeds legal requirements.
3. It is highly sensitive to moral dilemmas.
4. It is driven by 'mission' and 'values'.
5. It has very high levels of trust and commitment.
6. Every one of its decisions is 'ethics-driven'.
7. It equips the members of the organization to make moral choices.
8. It takes into consideration all stakeholders.
9. It invests resources significantly in activities such as training and development.

IV. HOW TO ETHICALLY TRANSFORM THE POLICE FORCE

Any police organization has to necessarily design, develop, and introduce several interventions that are both compulsory and critical through four successive stages. They are:

- Stage-1: 'Leading and Support' by Top Management
- Stage-2: Code of Ethics
- Stage-3: Ethics Training Programs
- Stage-4: Reward Structures

'Top Management Support and Leadership'

The phrase 'Top Management Support and Leadership' states an imperative: Top Police Brass must lead and actively focusing on and supporting the transformation of police organization as an ethically driven one. Ethical Transformation of an organization is hard, serious business; it includes challenges, pain, and setbacks as well as successes. The stewards at the upper echelons of a police organization must initiate the transformation 'journey' and be committed to seeing it through. Most transitions towards and are expected to result in ethical organizational transformation fail to do so because top administrators of the police force were ambivalent, lost their focus and

commitment, or became distracted with other challenges and duties.

(i) Codes of Ethics

An 'Ethics Code' describes the general value system, the ethical principles, and specific ethical rules that an organization tries to apply. These codes help employees know what is expected in ethical terms when they face an uncertain situation. Codes do vary considerably among organizations. Codes are expected to be concerned about conflict of interest (where the organization's interests are harmed) and also with actions that directly affect the public at large. A code's impact on employee behavior is weakened if its purpose is primarily to make the company look good or if it is intended to give the top executives of the organization a legal defense when illegal or unethical acts are committed by lower-ranking employees. The most effective codes are those drawn up with the cooperation and participation of employees and those having specific rewards and penalties that are spelled out and enforced. It is generally believed that a self-developed code will help improve ethical behavior in their respective organizations. Some others believe that supplementing codes with an employee advisory committee to provide confidential advice to company personnel faced with an ethical dilemma is helpful.

(ii) Ethics Training Programs

When Police Organizations frequently train their officers in various aspects of effective policing, they are required to give them training in ethics also. As officers working at different levels of the police force are likely to encounter an ethical question at work, they need to be trained in successfully addressing and dealing with such ethical dilemmas. These programs acquaint them with official organizational policy on ethical issues and show how those policies can be translated into the specifics of everyday decision-making. Sometimes, simulated case studies based on actual events in the police force are used to illustrate how to apply ethical principles to on-the-job problems.

(iii) Reward Structures

There are some optional interventions as well such as the following:

- Ethics Audit
- Whistleblower Protection
- Hotline
- Ethics Committees

(i) Ethics Audit

Another step that tends to build ethical practices into police establishments' regular routines is to institute periodic ethics audits. These audits attempt to uncover opportunities for unethical behavior that might exist or that have occurred in the organization. Officers can then judge how far these practices vary from the police organization's code and can determine the economic and public relations cost of allowing them to continue. Strategies can be adopted for closing the ethical gaps.

(ii) Whistleblower Protection

Sometimes the loyal bonds between thepolice organization and a policeman arestrained to the breaking point, especiallywhen an employee thinks that the organization is doing something wrong or harmful to the public. When that occurs, the policeman 'blows the whistle'. Blowing the whistle occurs when an insider reports alleged organizational misconduct to the public. Generally, employees are not free to speak out against their top administrators because there is a public interest in allowing organizations to operate without harassment from insiders. Organizations do face countless ethical issues and internal conflicts in their daily policing. Choices must be made where there are many opinions. Mistakes are made, and waste does occur, but usually corrective action is taken. If police people, based on their personal points of view, are freely allowed to expose these issues to the public and allege misconduct,

the organization may be thrown into turmoil and be unable to operate effectively.

On the other hand, there may be situations in which society's interests override those of the organization, so the employee may blow the whistle. Examples where blowing the whistle may occur are willful and widespread embezzlement, fraud, restraint of doing duty, or other illegal activities, especially when there is an attempt to cover up the misdeeds after discovery. In these situations, there often is public support for blowing the whistle. Also, if an employee is fired for blowing the whistle, the courts in some instances permit the employee to sue for damages. In other selected situations, Government laws may protect the employee from dismissal and discharge. Whenever whistle-blowing occurs, both police administration and the courts tend to use valid criteria to determine if the employee's interests should be protected. *Some of them are:*

- Whether the issue is of legitimate public concern
- Impact of the disclosure on harmony among employees
- Damage to the organization's reputation
- Truth or falsehood of the disclosure
- Reason for the disclosure
- Nature of the audience receiving the disclosure

The costs of whistle-blowing are high for both the organization and the whistle-blower. The organization 'gets a black eye' whether it wins or loses. It also spends much time and money defending itself and may damage general employee morale by seeming to be unsympathetic to legitimate concerns expressed by employees. Even if he ultimately wins, the costs can be high: money spent for the advocates and living expenses while the case drags on, mental anguish, ostracism by former colleagues who resent his 'betraying the team'. And, even if he wins, his career at the organization and perhaps in the marketplace may be over.

(iii) Hotline

To avoid the cost of whistle blowing for both the police organizations and the employee, many of them become more receptive to police officers' complaints. They establish hotlines that employees can use to report dangerous or questionable practices of the police personnel.

Others use "*ombudsman*" who can act as neutral judges and negotiators when supervisors and employees disagree over a policy or practice. Confidential questionnaires are another device to encourage potential whistleblowers to report their concerns before they become a big issue. In these ways, progressive police organizations attempt to lessen the tensions between company and individual and thus balance the confidence and trust between the two.

(iv) Ethics Committees

For effective ethical policing, police organizations need to set up a standing committee of the Top-level Police Officers appointed to consider the ethical dimensions of Police Organization's policies and practices. These committees are important for two reasons: first, they can inject ethics into the very highest levels of policy-making in the police force; second, they serve a symbolic function that communicates to police officials and all the external stakeholders the organization's formal commitment to giving ethics an important hearing.

V. FOUR TYPES OF DILEMMAS FACE IN POLICING

Pollock and Beckar have identified four types of dilemmas in policing. They are:

1. Discretion
2. Duty
3. Honesty
4. Loyalty

A. Discretion:

The law provides rigid guidelines as to how police officers must act and how they can't act, but it doesn't offer guidelines for how officers will act in many circumstances. As per Lord Scarman, "the exercise of discretion lies at the heart of the policing function. Successful policing depends on the exercise of discretion on how the law is enforced. Discretion is the art of suiting action to particular circumstances. Similarly, Waddington has stated that laws must be interpreted and that interpretation is always context-specific. Therefore, discretion is unavoidable. We need to make a mention of four types of discretion while making decisions here.

    (i)   **Scope Decision:** For example, if a police officer goes to a place where there is a boundary dispute between two parties, he can decide the scope by assuming or not assuming the possibility of law and order.

    (ii)   **Interpretative Decisions.**

    (iii)   **Decisions about Priority.**

    (iv)   **Tactical Decisions.**

- **Ways and Means to Deal with Discretion**

1. Rule Tightening, intrusive accountability, training-led change, command and control hierarchies.

2. "Discretion is the source of informed professionalism" [Davis, 1996]. Davis advocated more freedom for professional judgment, within clearly recognized and clearly articulated professional standards. It can be developed through a combination of training—particularly in ethics—constant debriefing and reflection, and sharing of good practices.

B.   Duty

The concept of discretion is linked with duty, or the obligation to act in a certain manner. But an officer's duty will not always be obvious and ethical considerations can often supplement "the rules" of being a law enforcement agent. Enforcing a court order, which can lead to dilemmas, can be cited as an example.

C.   Honesty

Honesty is a critical attribute for an ethical police officer. A law enforcement agent must make hundreds of decisions in a day, and most of them require him or her to be honest in order to properly do the job. But many times, the officer would be resorting to dishonesty to prove certain cases. The dilemma that could arise is that without resorting to it one can't punish the accused.

D.   Loyalty

What should a police officer do if he or she witnesses a partner using excessive force on a suspect? The choice often sets loyalty against ethics, especially if the officer doesn't condone the violence. Should members of the police force side with the colleague who has done wrong as in the case of using excessive force during law and order or with justice?

VI.   BIASES AFFECTING POLICE OFFICERS AND MEANS TO OVERCOME THEM

To illustrate the different biases that could be creeping into the policing function, let us consider the passage given below to identify the same before suggesting measures to overcome them.

- *One day, while being on law-and-order patrolling in the official Police vehicle, the Police Officer reaches an accident spot where he sees the mangled remains of a two-wheeler and a bus nearby. The officer immediately calls the control room*

and passes a direction to ensure strict action against over-speeding buses. One of his Deputy Superintendents of Police then calls him and requests to stop that order. He says that the bus operators would then go on strike. He didn't have a particularly good impression about this Dy. SP and the suspects that he is having ulterior motives. He simply ignores him. Meanwhile, his IG calls and seeks information about an upcoming festival bandobast and decides to request for additional force. The Special Branch people report about some anti-socials planning a road block during the festival. The police official's gut feeling says that something will go wrong this time too.

Now, let us try to identify the various "biases" that could be affecting the DSP, as a Police Officer.

- **Availability Heuristics:** Availability is a heuristic whereby people make judgments about the likelihood of an event based on how easily an example, instance, or case comes to mind. In this case, for instance, after witnessing the accident, the DSP immediately passes an order of an action against over-speeding buses or he must have recollected the chaos that happened in the last year bandobast and decide to request for additional force.

- **Anchoring Bias:** Anchoring bias occurs when people rely too much on pre-existing information or the first information they find when making decisions. In this case, the DSP doesn't have a particularly good impression and simply ignores him. He may now be "anchored" that this person is not trustworthy and hence is not reliable.

- **Horn Effect:** Horn effect is a form of cognitive bias that causes one's

perception of another to be unduly influenced by a single negative trait. Here, the police officer has a bad impression about the DSP and believes that what all he says might have an ulterior motive.

- **Confirmation Bias:** It is the tendency to search for, interpret, favor, and recall information that confirms or supports one's prior beliefs or values. In this context, the special branch report of some anti-socials planning a road block during the festival may be kept in mind. This news might have been used by the officer to confirm his gut feeling. It is not out of place to examine confirmation bias in greater detail here.

Police people also display this bias when they select information that supports their views, ignoring contrary information, or when they interpret ambiguous evidence as supporting their existing attitudes. The effect is the strongest for desired outcomes for emotionally charged issues and also for deeply entrenched beliefs. Confirmation bias can't be eliminated entirely, but it can be managed, for example, by education and training in critical thinking skills. Confirmation bias is a broad construct covering a number of explanations. Biased search for information, biased interpretation of this information, and biased memory recall, have been invoked to explain four specific effects. They are: (i) attitude polarization (as when a disagreement becomes more extreme even though the different parties are exposed to the same evidence), (ii) belief perseverance (as when believes persist after the evidence for them is shown to be false), (iii) the

information encountered early in a series), and (iv) illusory correlation (as when people falsely perceive an association between two events or situations.

- ➢ **Some of the different methods or steps to overcome biases are as under:**
- Forewarned is Forearmed
- Examining Evidence (*Relying not just on experience but on facts and evidence to decide the next course of action*)
- Understand (the various biases one has)
- Change the Unexpected to Expected (after understanding the brain may be prepared to expect the unexpected)
- Normalize

VII. THE DIRTY HARRY PROBLEM AND THE NEGATIVE IMPLICATIONS OF RESORTING TO UNETHICAL MEANS

The use of morally dirty means to achieve morally good ends is known as the "Dirty Harry Problem". It is quite widespread in policing. We can cite the use of torture to obtain confession from a criminal as an example. Many a time, police justifies use of unethical means by saying that they have no other alternative to do so. This name is taken from a Hollywood movie starring Clint Eastwood where the hero uses torture to find the location of a kidnapped girl. And there are many negative implications of resorting to unethical means and they include:

1. Some human rights organizations, professional and academic experts, and military and intelligence leaders reject the proposition—implicit or explicit. They believe that simplistic responses to the scenario may lead well-intentioned societies down a slippery slope to legalized and systematic torture.

2. It has to be criticized as a poor vehicle for discovering truth, as people experiencing torture, once broken, are liable to make anything up in order to stop the pain and can become unable to tell the difference between fact and fiction under intense psychological pressure.

3. Consequentialism: The consequence is likely to be a long-term increase in violence and it defeats the goodness in society.

4. An analogous argument holds that human decision-makers are fundamentally prone in certain situations to believe that their judgment is better than it is, and that, to be ethical, they must pre-commit themselves to a particular course of action in those situations. When we predetermine the results as the guilty place the assumption.

5. Questioning the professional competency, the more competent a police man is at the use of legal means the less will he be obliged to resort to dirty alternatives. Such people question the training.

6. Joe Navarro, one of the FBI's top experts in questioning techniques says "Only a psychopath can torture and be unaffected. You don't want people like that in your organization. They are untrustworthy, and tend to have other problems."

VIII. TYPES OF POLICE CORRUPTION AND THE

NOBLE CAUSE CORRUPTION

- **Opportunistic Thefts:** These are thefts by policemen of things in their custody such as stealing from prisoners, stealing of seized items, etc.
- **Speed Money** is money taken to complete lawful work on time? Verification exercises can be cited as an example in this context.
- **Protecting illegal Activities:** They refer to activities of Police Officers taking money illegally from gambling, drug peddlers, etc., to protect them against legal action.
- **Planting/Paddling Evidence:** To plant evidence on accused in order to secure conviction in a court of law.
- **Direct Criminal Activities** are those where police officers are directly involved in criminal activities such as illicit gambling, etc.
- **Fixing refers** to faulty investigation in order to help the accused.
- **Corruption Authority:** Using official position to get personal gain.

"Noble Cause" corruption refers to a situation where people will use unethical or illegal means to attain desirable goals, a result which appears to benefit the greater good. Whereas traditional corruption is defined by personal gain, 'noble cause corruption' forms when someone is convinced of their righteousness, and will do anything within their powers to achieve the desired result. Conditions for such corruption usually occur where individuals feel no administrative accountability, lack morale and leadership, and lose faith in the criminal justice system. These conditions can be compounded by arrogance and weak supervision. Noble Cause corruption is the nursery of entrenched systematic corruption. It is a slippery slope because once a person starts doing illegal acts even for a better cause they can later continue for selfish purposes also.

IX. TRANSFORMING POLICING FROM LAW ENFORCEMENT TO GUARDIANSHIP AND PROTECTION OF HUMAN RIGHTS

- Civil servants in India take on oath to follow the constitution of India and our constitution fundamentally guarantees human rights for everybody.
- Police is the primary agency that protects the human rights of the people.
- The police have to guarantee human rights for every individual.
- All police functions can be seen in the light of protection of human rights.
- Patrolling the streets for the protection of the rights of the people to property can be cited as one example.
- The role of the police is also evolving as society starts working.
- Indian has been making steady progress in the areas of custodial torture and deaths. This is a reflection of the changing role of the police.
- The installation of CCTV Cameras in police stations and other such major measures are ensuring that police violations of human rights are not going to be tolerated in modern society.
- Even the laws especially laws on sexual violence have been amended to recognize that sexual violence while in custody is a more serious offence that carries much greater

punishment than mere sexual violence.

X. CONCLUDING COMMENTS

'Ethical Performance' by Police Organizations means adhering to society's basic rules that define right and wrong, moral and immoral, legal and illegal behavior. In doing so, police personnel meet the expectations of several stakeholders of the ecosystem, prevent social harm, protect themselves from abuses by the police officials and other affiliates, and preserve the dignity of the denizens and integrity of the police force. Law and ethics are not identical. Ethical rules tend to be broader and more basic than laws, and the general public at large wants police personnel also to act ethically as well as lawfully. Any police organization can improve its ethical performance if its top brass project a strong ethical tone, if its culture is open to broad ethical standards, and if its safeguards are installed effectively to encourage ethical behavior by all the members of staff who work there.

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