

**POLICE OFFICERS OATH OF OFFICE
AND CODE OF ETHICS
A QUESTION OF KNOWLEDGE**

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ABSTRACT

Two of the most neglected areas of police work are code of ethics and oath of office. These two documents are the most important issues of truth and integrity a police department has with the community it serves. Most police agencies have neglected these issues and do not fully understand the impact they have on the community they serve.

Studies have shown the distrust the public has with several different professions, the police being one of these professions. In my research I surveyed a small group of police officers that produced data supporting the public's fear of distrust.

This problem can be corrected by the police departments doing a better job of training and educating our officers on the Code of Ethics and the Police Oath of office.

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INTRODUCTION

There are many issues facing today's police officer and police supervisor. Some include the police use of excessive force, deadly force, police corruption, police pursuits and other popular police related topics. While all of these have problem areas, there are two police topics that touch on all the above issues, police oath of office and the code of ethics.

Today's police officer is working in an era where the public's opinion of the police is influenced by the negative stories they read in the media, as in the Rodney King and Malice Green cases. On top of all the media influence of police misconduct, is the public's view of all the misconduct by our political leaders.

The public is concerned over its own ethics and morality because it has no trust in its leaders. I will cover this issue in the chapter on "Public trust in the Police."

There has never been another time when police officers and political leaders were viewed by the public with as much distrust. There has also never been a greater need for the police to understand their oath of office and to be trained in ethical decision making as well as ethical behavior.

In this paper I will show how the police officer doesn't understand his responsibility and commitment to his police oath of office and in turn his code of ethics. To accomplish this I have given a survey to several Law Enforcement Officers of all levels and agencies. Clearly the survey shows police officers do not understand that the oath of office they take is one of the most important statements made in their career. I will also discuss the current state of police ethics, both from the police oath and from my own police experience.

Before beginning a discussion on the police oath of office and code of ethics, both must be defined. There is very little written on the police officer oath of office. I was forced to look to the political area on oaths and identified the origin from the United States Constitutional and Michigan Constitution.

The oath of office and police ethics discussed in this paper is looked at as one in the same. Police ethics is an issue of how to behave. The oath is a sworn commitment to act in an ethical manner. You can't have one without the other being affected.

ETHICS DEFINED

Ethics has many definitions and philosophers of ethics have defined it several ways. My understanding of ethics is in the belief in God and the drive that people have to please God by doing good for others. As a parent I have told my children that they are not put on this earth to please themselves, but to make other peoples lives better. When my children finally understood this they become mature, caring adults. A Dutch philosopher, Benedict De Spinoza said,

"Because God is infinite and the creator of all, understanding God is the most important goal in life. Those who understand God will desire good for others and behave ethically toward them."

(Spinoza, 1995).

This one statement sums up the duties of a police officer, to serve others and protect from evil. With this in mind, ethics means to do good or to do right.

Definitions of ethical behavior vary from generation to generation and from culture to culture. Generally ethical behavior includes the following qualities; honesty, integrity, fairness, loyalty, kindness, courage generosity, compassion, doing good, doing right, and unselfishness. When people display these qualities, they are behaving ethically.

In my readings on ethics I have found there are three areas that have traditionally influenced people to do right or behave ethically, the family, religion, and government. The family is the first social organization that children belong to and the one from which they receive their first and most important lessons on ethically behavior. Teaching our sons and daughters to do good for others by how the family

lives, is without a doubt the most influencing of the three. Religion also motivates people toward ethical behavior. All religions focus on moral ethical beliefs and codes of conduct in their traditions. The third influence on ethical behavior is government and its laws. Many people need the constraint of laws to behave legally and ethically. Others obey laws out of a moral duty to conform to societies' rules.

Family, religion and government have traditionally been powerful motivating forces for ethical behavior for all of us, but lets look at the area of ethical behavior in police officers. The following definitions are those most commonly used during ethics training for police officers:

Ethics is a code of values that guides our choices and actions and determines the purpose and course of our lives. Ethics is not a written code or credo, it is about what we do. (Southwestern Law Enforcement Institute, 1995).

Michael Josephson

Ethical behavior is a standard of conduct when dealing with others that reflects a public trust attached to a police officer.

Michigan Commission on Law
Enforcement Standards (1998)

Ethical concerns the study of right and wrong, duty, responsibility and personal character. Ethics is concerned with moral duty, what is morally right and wrong, etc..

Close and Meier (1995)

Police officers must be held to a higher standard of moral and ethical values then is expected of the average person. Police officers need the trust and respect of the public to perform their duties and responsibilities effectively. This trust does not come without the officer knowing and understanding his sworn oath and code of

ethics.

DO WE REALLY KNOW THAT OUR OATH MEANS?

All police officers throughout this country must take a sworn oath before they are authorized to perform the duties of a law enforcement officer. Is this oath a superficial statement made by our police officers without any understanding of what they are swearing to? Do they really know what the oath requires of them? I think most police officers as well as politicians are just reading the words without any understanding. The oath holds certain major responsibilities and obligations that the average citizen or businessperson does not have. Before I discuss the oath I will point to its origin and attempt to define it.

In America the police officer's oath originates within the United States Constitution (Appendix A). The title of executive officers mentioned in the constitution refers to police officers working under the executive branch of the government. In the United States Constitution under Article IV it states:

"The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and the several States, shall be bound by Oath or Affirmation, to support this Constitution..."

(U. S. Constitution 1787)

The State of Michigan also covers language requiring an oath of office before entering upon the duties of a police officer. Article XI, sec.1 in the Constitution of the State of Michigan (Appendix B), states;

"All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution

of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability..."

(Constitution of the State of Michigan 1835)

I am very aware of my oath of office, mainly because I must take it every four years after the new sheriff has been elected to his office. My oath follows the same wording as that of both the Constitution of the State of Michigan and the United States Constitution. (Appendix C). I have also attached a copy of a local District Court Judges oath for comparison (Appendix E).

It is quit clear that both the U. S. Constitution and the Michigan Constitution hold police officers and politicians accountable for their actions. If the oath is such an important word and referred to in both Constitutions, it is our job to know and understand what this word means.

The American Dictionary of the English Language, define an oath as:

"A solemn affirmation or declaration, made with an appeal to God for truth of what is affirmed. The appeal to God in an oath, implies that the person imprecates his vengeance and renounces his favor if the declaration is false, or if the declaration is a promise, the person invokes the vengeance of God if he should fail to fulfill it. A false oath is called perjury."

(Webster Dictionary 1828)

We should also define the Oath further, concerning how we administer it. In my twenty-two years as a deputy sheriff and appointed by the Sheriff five separate times, I have always raised my right hand and "solemnly swore" to up hold the constitution. When defining solemnly we look to corporal. Black's Law Dictionary defines solemnly as:

"Corporal oath is one taken by the form of laying the hand on or kissing a

copy of the gospels. The terms corporal oath and solemn oath are synonymous, and an oath taken with the uplifted hand is properly described by either term in an indictment for perjury."

(Black's Law Dictionary 1891).

Delattre states that frequently departments trivialize the swearing-in ceremony. By trivializing the ceremony, the department is implying that it does not take the actual swearing-in seriously. Instead, he advises departments should stress the importance of the Oath of Office and Code of Ethics given to their officers. The officers must understand when "swearing" to something, they are offering themselves, all that they are, as collateral. This stresses the idea that the department values integrity and honesty (Delattre, 1996).

PUBLIC TRUST IN THE POLICE

The community trust of a police officer has steadily decreased over the last two decades. This is very evident in a survey taken by Dr. Stephen Vicchio, Police Integrity;

"...Americans' ratings of their confidence in 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 is the most trusted, and position 12 is the least trusted of those professions listed. Trust in police officers recorded the largest drop from 1980 to 1995 (5 spaces), followed by the clergy (3), doctors (1), and lawyers (1), though lawyers simply moved from 10th position to 11th.

Another disturbing element to these findings is that although there was no significant difference between men and women respondents, there was a very big difference between African American and White respondents. Among blacks, "police officer" held the 9th position in 1980 and the 11th position in 1995, just ahead of "politician."

One major conclusion we can make from this and similar studies from around the country is that the public thinks police departments have an integrity problem, even if the police themselves do not." (Vicchio, 1997)

Police Integrity Survey

<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. Stockbroker
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

It is not just an integrity problem, but also an ethical problem we must address in training and education. The police officer should understand, when he is taking his

oath of office, he is making a sworn statement to act ethical and judge fairly while performing his duties.

ADOPTING THE CODE OF ETHICS

One of the requirements of a professional is to adhere to a code of ethics. Several professions have these codes; doctors and lawyers are the most noted. The police profession has a code of ethics that was written and adopted by The International Association of Chiefs of Police in 1957 (Appendix E). Many of the law enforcement agencies throughout the country have recognized and adopted the code as a guide for proper behavior by their officers. Most states use the code during law enforcement academy graduations and in doing so, emphasize the concepts of ethics and values taught to recruits during their academy training. This is all well and good, but we fail to emphasize the relationship and importance of the code of ethics and the oath of office as a continued commitment of how the officer is to conduct his or her self throughout their careers.

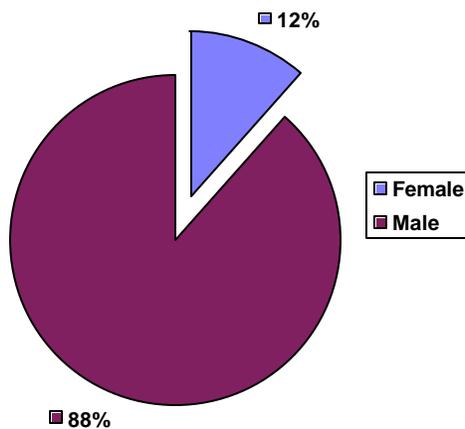
Most police officers are given their police certification after reading the code of ethics and not required or even asked about the document the remainder of their careers. This practice must change and the officer should understand that the code of ethics and the oath of office are living breathing documents that he or she should embrace their entire careers.

SURVEY ON OATH AND ETHICS

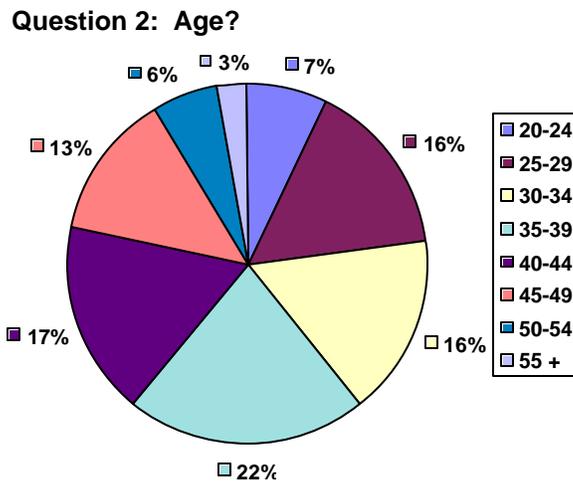
In this survey I asked fifteen questions to a total of sixty-nine police officers (Appendix F). The results of the survey will be shown with graphs and percentages. I will attempt to show how much knowledge and understanding a police officer has about his oath of office. There are also a few ethical questions that I pose to the officer.

The first question was on gender, 88 percent of the officers were male. This is a typical average of male to female ratio of officers in the field of police work.

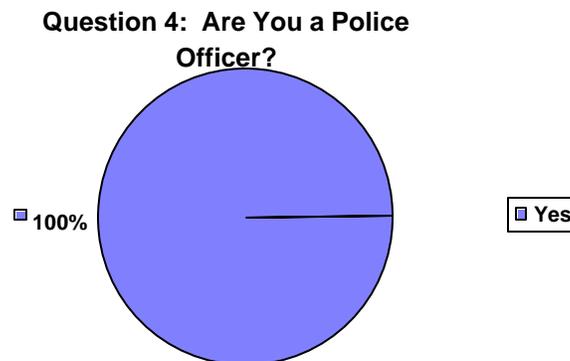
Question 1: Gender?



Age was asked in the second question and it covered a wide range, the largest in the area of 35 to 39. When you total the 4 largest age groups you come up with 71 percent of ages 25 to 44. This is a average age group of police officers working in law enforcement.



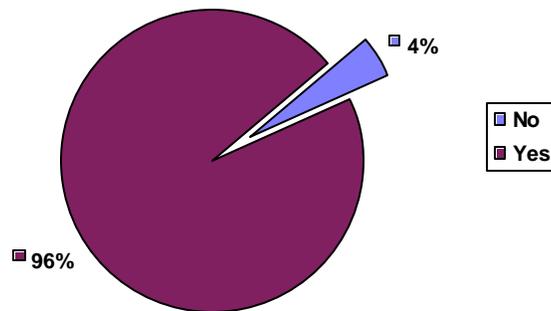
Question four states that all the people in this study were certified police officers. The graft shows only police officers responded to the survey.



Question five starts to show how some police officers do not know what an

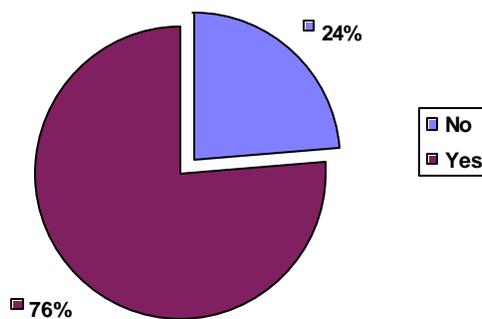
oath is and the requirement of every police officer in the state to take the oath of office before performing his duties. Although the 4 percent is a low number of officers that answered the question negatively, it still shows a lack of knowledge in the part of the police officer in the field.

Question 5: Does your department require you to take a Sworn Oath?



Question five (a) give as a better understanding of the police officers knowledge about his oath. In question five, only 4 percent stated they didn't take an oath, but in this question, 24 percent didn't remember what they swore an oath to.

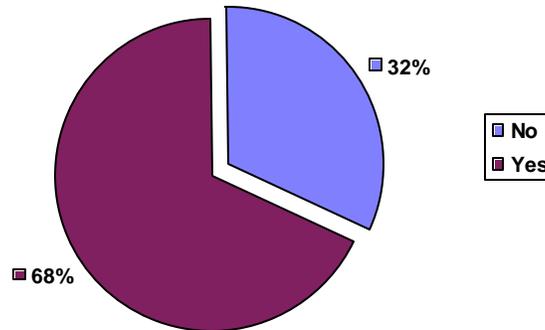
Question 5a: Do you remember what was said in the Oath?



Question six was asked to find out if the officers department is committed to

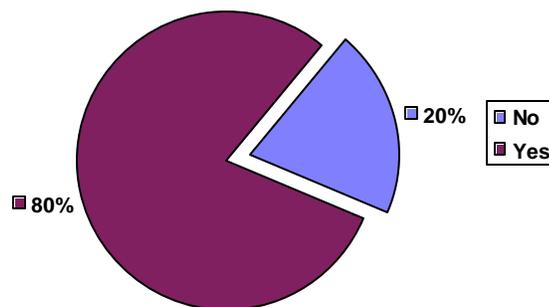
the oath of office. If the department required a signature from the officer, it would appear they are holding the officer accountable to his oath. 32 percent of the officers were not required to sign their oath of office. Almost one third of the departments are not committed to the oath of office.

Question 6: Were you required to sign your Oath?



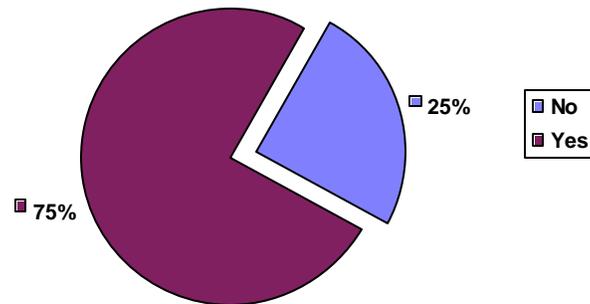
Question seven asked if the officer had read the Constitution. 20 percent of the officers have not read the Constitution. How can anyone swear to uphold a document without reading it? It appears that 1/5 of the officers surveyed treat the oath of office no different then any other document of disinterest.

Question7: Have you read the American Constitution?



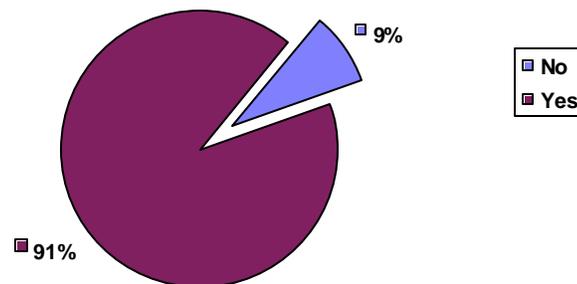
Question eight is similar to question seven in content and only had a 5 percent difference in yes/on responses. This helps to verify information, in that, similar question should receive a similar responses.

Question 8: Do you know what the Constitution contains?



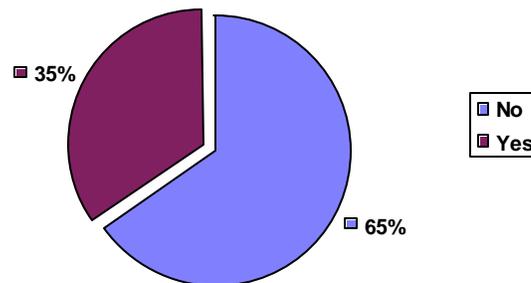
Question nine asked the officer if he knew what the first 10 amendments to the Constitution are called. Most police officers knew that the first 10 Amendments to the Constitution are called The Bill of Rights.

Question 9: Do you know what the first 10 Amendments to the Constitution are known as?



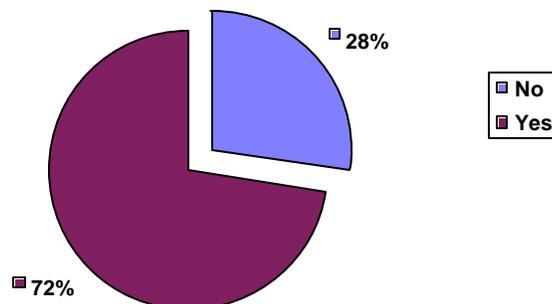
Question eleven, twelve and thirteen are similar by asking about the police officers obligation to the Constitution . Question eleven is straightforward by asking if the officer has knowledge of an unconstitutional law. 65 percent have knowledge about an existing law that is unconstitutional.

Question 11: Do you know any law that is unconstitutional?



With the knowledge of question eleven we move to question twelve. Almost three quarters of the officers stated they would enforce an unconstitutional law, clearly in violation of their oath of office.

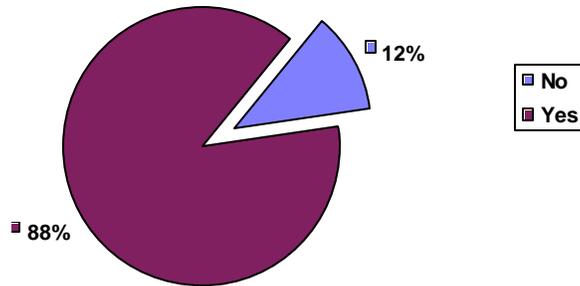
Question 12: If you thought that a legal law or ordinance was obviously in conflict with the American Constitution, would you still enforce the law?



Question thirteen asked if he were ordered to enforce an unconstitutional law would he? This is not surprising to think that most officers would obey their

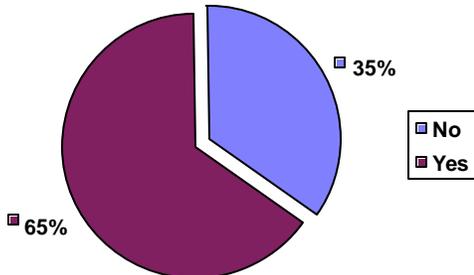
supervisor before their obligation to the oath.

Question 13: If ordered by supervisor, to enforce unconstitutional law, would you?

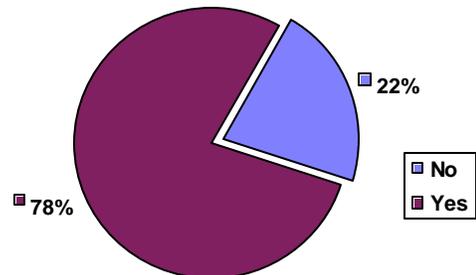


Question fourteen and fifteen refer to the legislatures that make the laws. Both questions asked about the integrity and trust in our legislatures. I was a little confused with the results. Question fourteen had 65 percent of the officers state they trusted their legislators to pass constitutional laws. But question fifteen showed 78 percent thought the legislatures would pass laws in conflict with the Constitution.

Question 14: Do you trust Legislature to pass constitutional laws?



Question 15: Do you think a Legislature would pass a law to serve his own special interest in conflict with American Constitution?



Question three on ethnic origin, was not graphed, but it did identify a good cross section of the American population with: 56 Whites, 10 African Americans, 2 Hispanic, and 1 Asian.

Question ten covered the 10 Amendments to the United States Constitution (Appendix G) and was also not graphed. I was able to see a trend in the way the officers answered the question. You would think that police officers should know the Amendments pertaining to their work and that is what the data showed. Most officers knew Amendments number 1, 2, 4, 5, and 6. A few officers did not answer the question and no one could name all 10 Amendments.

CONCLUSION

We have all been trained to read, write and calculate numbers. Police officers have been especially trained in accident investigation, laws of arrest, and community policing to mention just a few. But, how many of us have taken a course on ethical conduct or the meaning of our sworn oath? Can integrity be taught? Can a police agency foster ethical values in its employees? I believe the answer to this question is yes. Even the habitual problem employee can be taught if the person has a clear goal and incentive for change. We have seen in the past that fear of punishment alone has rarely been enough to change behavior. Laws and regulations are also, not the answer to keeping behavior above the bottom line of ethics. Training is.

We can start by leading by example. A supervisor's attitude of "do as I say not as I do" cannot be tolerated. Every supervisor has a responsibility to act in moral and ethical manner. To assure everyone, especially new recruits, know and understand how they are to behave. A supervisor must inspire and teach employees to behave ethically, by living an ethical life, both on and off duty.

Ongoing educational programs focusing on ethical reasoning are vital in trying to improve the ethical behavior of police officers. The code of ethics and oath of office are two issues that most police agencies do not address. The administration should define and implement the oath and code as living documents, showing a commitment to what they stand for. All police agencies throughout the country should be required to adopt the code of ethics and oath as part of their policies and procedures. Each department should make it mandatory for officers to

know as a matter of training what those two documents represent. The departments should hold annual ceremonies where officers renew their code of ethics and oath of office.

Officers should be educated and trained in early detection of ethical issues. Self-interest tends to impede one's ethical awareness. As I mentioned in my paper, when people realize that we are placed on this earth to help and assist others and not serve our own special interest, only then are we behaving ethically (doing good).

REFERENCES

- Black, H.C. (1891). Black's law dictionary. Minn: West Publishing.
- Constitution of the United States. (1787). Article VI. Thomas Federalist Papers.
Available: <http://lcweb2.loc.gov/const/const.html>
- Constitution of the State of Michigan. (1835). Article XI, Sec. 1. Public Officers and Employment. Available: http://www.migov.state.mi.us/Constituion/ConstitutionofMichigan_XI.shtm
- Close, D., & Meier, N. (Eds.). (1995). Morality in criminal justice, an introduction to ethics. New York: Wadsworth Publishing.
- Spinoza, B. (1995). Belief in God motivates people to behave ethically. In D. Bender (Eds.). Ethics (pp.19-22). CA: Greenhaven Press.
- Delattre, E.J. (1996). Character and cops. (3rd ed.). Washington: American Enterprise Institute Press.
- Johnston, M. (1995). Police corruption. In D. Close & N. Meier (Eds.) Morality in criminal justice (pp. 285-313). New York: Wadsworth Publishing.
- Michigan Commission on Law Enforcement Standards. (1998). Ethics in Policing. Lansing, MI: Author.
- Southwestern Law Enforcement Institute. (1995). Law enforcement ethics train-the-trainer. Richardson, TX: University of Texas.
- Webster, N. (1828). American dictionary of the english language. California: Foundation For American Christian Education.

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

APPENDIX G