Ethical Agency Cultures:
A Leadership Path toward Assuring Trust and Effectiveness in Police Services

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An FBI NEIA White Paper

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I. INTRODUCTION

Policing and law enforcement have become increasingly complex, and in some cases controversial practices have attracted scrutiny. Social media coupled with a mood of distrust in public institutions have contributed to this condition. These issues, in concert with a difficult political climate and an increasingly polarizing press, have led to considerable separation between law enforcement and the public.

Some of this discontent can be laid at the feet of the police, but some of it also belongs to the public.   The premise of this paper is that a principal component of community safety and public order is developing and sustaining a relationship of trust, but equally important a relationship of co-responsibility between law enforcement agencies and the communities they serve. Unfortunately, these two key attributes are often lacking.

While many issues may contribute to such deficits, the purpose of this discussion is not to list the many social obstacles that occur. Instead, our aim is to examine the crucial role that law enforcement leadership needs to play in establishing and enhancing that trust and co-responsibility.

This is not to take the public off the hook, but to reinforce that law enforcement can control its own actions, less so those of the public. The primary goal is to explore the leading role of

ethical principle-led police agency cultures and the services they deliver.

…a principal component of community safety and public order is developing and sustaining a relationship of trust. Equally important is a relationship of co-responsibility between law enforcement agencies and the communities they serve…

II. THE CHALLENGE

The challenge is to determine and describe how such outcomes can be accomplished. A crucial first step is to re-emphasize that public safety is not just the responsibility of law enforcement. Effective public safety services are a shared obligation requiring considerable effort by law enforcement and the community. But not everyone––neither all members of the public nor all of those in the profession––is convinced of this fundamental proposition.

Ideally, insightful community and government leaders intuitively recognize this shared responsibility by reaching out to law enforcement leaders, provide them with the necessary staffing and tools to do their jobs, and support them when they adhere to high moral principles and ethical standards. Unfortunately, amid controversial events and general mistrust, the concept of co-responsibility too often gives way to distancing and blame accompanied by resentment and further unwillingness to engage.

Frequently, community members who raise issues or voice objections are viewed by law enforcement as simply anti-police. Additionally, officers who raise concerns about over-generalized criticism are viewed as unwilling or unable to acknowledge real flaws or move beyond the status quo.

All of this becomes more pronounced when law enforcement officers are accused of behaving in a manner that is improper or illegal; in actual instances or in those where police conduct was appropriate but somehow was perceived as wrong. The ensuing scrutiny and criticism which accompanies such circumstances should be expected. In a democratic society, the public––being the principal source of the authority that is exercised by police––has a right and, indeed, a responsibility to question police practices. While this does not make the work of law enforcement easier, it is a key characteristic of life in a free society and needs to be recognized as such rather than simply resented.

Policing in democratic societies is based upon legal authority bestowed by the government and exercised within defined limits. Police officers operating within democracies are afforded powers and responsibilities that differ from those of ordinary citizens. This requires periodic examination and challenge to assure that these boundaries are strictly adhered to, especially when they necessarily change over time with evolving political, social, economic, and ethical concerns.

Misinterpretations of police actions and unfair accusations are not new. Nor are well-founded complaints regarding police misconduct. Police-citizen encounters can be complex and dramatic, as well as confusing. They are always

viewed as potential instances of government power confronting individual rights. Yes, there is a price which attends scrutiny, and examination makes the work of police officers and leaders more difficult. But accepting significant levels of accountability and enquiry is a vital component of the job.

Only by establishing clear, strong, reasonable, and enforceable boundaries, and by acting when their limits are tested or exceeded, can the issues of trust and co-responsibility be met by police agencies. Only by establishing these boundaries based upon strong, ethical foundations can they be regarded as valid approaches to directing the conduct of law enforcement organizations and their personnel. And, only by regularly reconnecting and re-aligning with these strong ethical borders does the agency's long-term path become both correct and self-correcting. And what is the common denominator in making each of these actions take place? The agency's culture.

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III. CULTURE

Why is agency culture so important to ethical leadership? Because culture often stands as one of the surest guides or predictors of behavior in organizations. It is said that "culture overwhelms strategy".[i] On the one hand, culture can stifle adherence to the law, or derail plans, directives, and efforts to reform an organization. Likewise, culture can help organizations prevent personnel from choosing the easy, unethical path over the more difficult, challenging, or demanding principled way forward.

This is especially true in times of organizational uncertainty, which many police departments are currently experiencing. [ii] Accompanying such uncertainty are calls for a "customer-centered" approach to policing as well as rapid economic, technological, social, and cultural changes that are occurring both domestically and abroad.[iii]

As a result, law enforcement's mission has become increasingly complex and even sometimes less clear. Contributing to organizational uncertainty are recent increases in violent crime (including a resurgence of gang violence), as well as increases in both property, and so-called status offences, which fuel even more debate about crime fighting strategies. Additionally, some policy makers are urging greater leniency/tolerance toward the violators and questioning whether certain offenses should be handled as criminal violations at all. Combine these developments with an increase in public incivility and controversy about the role, quality, and general cost of government services, and the clarity of purpose of policing often suffers.[iv]

A particular concern in many law enforcement agencies, at both the executive and line levels, is community questioning of not just law enforcement actions but also the perceived intentions of police actors. As alluded to earlier, issues of mistrust of the police should be and are of particular concern. Recent Gallup polls, as well as other public opinion studies, reflect this anxiety.

The source of deterioration in the traditionally elevated levels of trust in police can be debated, but some point to scrutiny and criticism associated with the recent use of force incidents in numerous communities; particularly those involving use of lethal force or other actions by police that resulted in the death of minority citizens. Such highly publicized instances include, but are not limited to, the Michael Brown case in Ferguson, Missouri in 2014, the Freddy Gray case in Baltimore in 2015, Breonna Taylor in Louisville in 2020, and later in 2020 the George Floyd case in Minneapolis. These sources of disapproval of law enforcement practices and anger toward the police appear to be driving the decline in public trust that is

reported to be just 45% among the American population.[v] This is not uniform among all combinations of racial and ethnic groups either. These trust levels have been reported to be as low as 20% or less among African Americans in similar polls. Recently, there are slight improvements, but trust remains low compared to past ratings. [vi]

While polling data shows decreasing levels of trust in almost every American institution over the last few years, dismissing this issue as "the new normal for everyone" should be of little solace to law enforcement agencies. Police agencies must depend heavily on mutual trust and cooperation from the public to accomplish their mission and serve their communities, just as the public must depend on the integrity of its police to enforce the law fairly.

We know, however, that trust is very fragile, and its dissolution can be exacerbated in many ways including uncertainty by the public because of crime increases as policy makers try poorly considered approaches to police reform to include: a lack of criminal prosecutions; or unwarranted police behavior including inaction. This law enforcement inaction is sometimes referred to as de-policing. An attitude of intentional disengagement on the part of officers may also occur in these circumstances and represents something akin to the aforementioned "de-policing."

Attitudes of disengagement may derive from confusion, lack of training/preparation, or simply resentment attributable to official management directives, legislation, or court rulings that set new or revised guidelines for law enforcement and police practices or establish law enforcement policies that vary from former common practices. Both approaches may be found in many jurisdictions around the nation. De-policing of either type contributes to increased crime rates.[vii]

Policing is by no means unique as it struggles to accommodate environmental and organizational change. In business, industry, or organizations (police agencies notwithstanding), existing cultures tend to maintain long standing practices and preferences. This is true even in the face of changes in official policies and practices and in the face of de-facto deviations in the organization's social environment. In these terms, agency culture is regarded as regressive but that need not be the case.

A strong ethically based agency culture can also serve to resist pressure toward unethical or illegal conduct by segments of a department or by local government officials. The key aspect that merits underscoring here is agency culture tends to be an informal and abiding factor in the common practices of agencies. The more ethical these common practices become, the more likely a virtuous agency culture can be realized which, in turn, leads to more credibility and trust, the necessary path forward for police agencies.

IV. TRUST AND APPROACHES TO POLICE REFORM

The ability to guide culture and attitudes, develop positive, ethical norms, and to see that they become customary, accepted "ways of doing police work" creates a pathway for the delivery of credible, effective services. This will garner community respect, ownership, engagement, and trust.

Reconfiguring police agency cultures during mistrustful and contentious times is difficult. But improving the effectiveness, fairness and community ownership of public safety is crucial to democratic societies in general and to America in particular. Reasserting the best traditions of democratic policing while discarding practices, which have served to generate public estrangement and mistrust is central to this task.

How do we start? In 1971, the late Yale Professor Albert Reiss concluded in his book The Public and the Police that the civility and effectiveness of police is dependent upon a civil and civically engaged public. But he noted that the police are in a unique position to effect public civility and public engagement.[viii]

Consequently, we start by reconfiguring our internal cultures; and we start by having police executives recognize the need and the means to do so.

In recent years, because of the publicity regarding controversial police use of force incidents, there have been many calls to reform police methods. In numerous instances, upgrading and changing police practices has, from a legal and ethical standpoint, been seen as the right thing to do.

However, in some notable instances, especially in larger urban jurisdictions, reform measures have been hastily adopted out of anger and frustration over the particulars of one or more incidents. Reforms and initiatives crafted in this manner have resulted in unintended consequences which hamper police effectiveness or limit the use of legitimate tools in the execution of law enforcement duties. Some examples include, but are not limited to, legislative restrictions pre-empting existing doctrine relative to field encounters, restricting vehicle pursuits even when dangerous circumstances are present, and discouraging some defensive techniques to control offenders–– some of which contribute to more frequent assaults on officers.

In some agencies and communities these unintended consequences have met with public anger and frustration and have sparked intense debates. In these cases, reform efforts have created a "fault line" between anti-police

and pro-public safety sentiments emphasizing public safety and community protection. The result of such debates has created more anger and recrimination without providing viable solutions.

This is not to suggest that police reform is never needed. Yet, closer, and more careful consideration of adequate data reflecting overall police practices rather than a complete focus on isolated incidents, may provide better answers. The best solutions should achieve equity and result in enhanced community safety as well as ownership by the community and members of the agency. Such answers are more likely found in developing workable, effective, enforceable changes, which are less likely to generate negative second and third order effects.

Recent approaches to reform of police agencies are limited as most efforts are an outgrowth of piecemeal responses to the latest headlines or rising political issues. In the interest of haste to "do something" decision-makers have too frequently settled for rapid action rather than a well-considered, more comprehensive change that maximizes effectiveness.

What is needed is an approach to police reform that combines knowledge of the organizational terrain and ways to build on honorable aspects of existing positive cultural norms within the profession. Re-affirming the core ethical baselines of police conduct is an approach to police reform that will yield dividends of

mutual trust and more effective services.

It is high time for police executives to stop passively reacting to police reform ideas from outside of policing and start approaching issues from a more active, proactive, internally directed perspective. Macro approaches to overall analysis of community police services rather than ad hoc and anecdotal responses to police reform are more likely to produce results.

A case in point can be found in the United Kingdom. Police Scotland recognized these limitations as early as 2013 and transformed police services in recent years to be responsive to citizens needs via a data driven and a citizen centric approach.[ix]

However, to produce the promise of ethical agency cultures as agents of change, consider the obstacles to real transformation: 1) the power of existing agency cultures to resist change; 2) the apparent current atmospheric context of public skepticism and distrust; and 3) the emergence of piecemeal reactive approaches to reform that can cause unwanted second level effects. These obstacles can serve to frustrate the goals of change: effectiveness, accountability, and fairness.

The persistence of any failed attempts to reform police practices also fuel skepticism by further substantiating mistrust and eroding faith that police agencies can ever be truly trusted to provide public safety to the communities

they serve. Failure cannot be an option in this endeavor.

Police Scotland experience is an example which demonstrates that reform and change have greater chances of success when driven by solid evidence-based analysis rather than narrowly derived reaction to a few incidents without consideration of frequency of occurrence. Effective police reform must be configured to result in greater fairness in police decision making as well as clearer means by which communities can help create conditions where this occurs.

This process can best be started, and these outcomes best assured by law enforcement leaders who examine agency culture seeking ways to alter cultural assumptions and practices and their rationale where necessary. This should be combined with consideration of what should be expected from the community to complement internal agency efforts.

The urgent need for this approach is evident from efforts over the last three presidential administrations whereby the highest offices of the executive branch (White House initiated efforts) have sought to delineate the future directions of police reform. The first being the 21st Century report from President Obama's administration[xi], the second being that of the Trump administration , and the last being the recent Executive Order issued in May of 2022 by President Biden.[xii]

While each could be argued to be partisan approaches to changing police practices, the differing content, and areas of emphasis regarding police practices shows a common interest and urgency in attempting to address the need for law enforcement agencies to adopt practices that are thought to be more just and equitable. This executive level treatment by the U.S. government to foster police reform reflects the seriousness with which the country is demanding that police not only change but also calls for the institution of safeguards to prevent law enforcement from potentially overstepping their powers in the execution of service to communities.

The difficulty of such political efforts to address police reform is that it seeks to bring about change through compliance to regulations and oversight outside the culture and norms of policing rather than examining fully opportunities for law enforcement to police itself. This oversight approach is not only condescending to existing police professionals but also ignores the promise that self-initiated change can have for sustaining such behaviors as normative practices.

While there are some passing acknowledgements of examples of beneficial change originating from within police culture, much of it seems to portray such efforts as

exceptional rather than routine. By contrast, the approach advocated here is deeper, more comprehensive, and potentially longer lasting. It is a strategy which aims to incorporate key ideas such as respect for human life and dignity as well as key American ideals of fairness and equity. Not only for victims, and even for perpetrators, but also for members of the wider community who look to the police for help and assistance for themselves and those around them.

It emphasizes the need to internalize and commit to norms and values rather than accentuating externally imposed rules of conduct. It underlines the idea that being a law enforcement officer carries certain voluntarily adopted obligations and limitations. It takes advantage of the idea of positive internal group norms. It also makes key guiding principles a matter of peer expectation as opposed to external imposition. Finally, it requires on-going attention to agency and unit commitments rather than simply stating rules and then waiting to react when and if they are broken.

This approach to the mission of providing public safety also requires changes in what members of the public should expect from themselves. The public has responsibilities to fund and facilitate legitimate police and criminal justice goals. For example, community outreach and accountability can be found in

the threads of most calls for police reform, but policing is not possible without the public being a part of daily law enforcement efforts.

This idea is a key component of Sir Robert Peel's "Principles of Policing," the foundational document of the London Metropolitan Police. Peel's principles assert that "the police are the public and the public are the police." The importance of police extending dignity and respect to the public is clear. Scant attention, however, is typically given to the responsibilities of the public in this symbiotic relationship.

In 21st Century America, Sir Robert's nine principles might constructively be extended to include some public obligations of responsibility to support the quality and the effectiveness of policing as well as the safety and dignity of those involved in delivering police services. No question that the public should expect an elevated level of dignity and respect from police. But there should be a reciprocal expectation on the part of the public. Basic principles of civility should be expected of citizens even as stronger standards of civility must be expected of officers. If we simply ignore the social expectations and obligations of the public, then we neglect a key factor in the content of police-citizen encounters. Mutual civility is a basic element of co-responsibility.

V. VALUES, ETHICS, AND POLICE PRACTICE: UPGRADING AGENCIES AND CREATING TRUST

The way law enforcement is organized in America (and in many places around the world) makes law enforcement the most decentralized, community-linked institution of government. In many ways, it serves as the public's most easily accessed, frequently encountered government agency, which is available 24/7/365. Police services are expected to respond to all manner of calls for service, issues, concerns, and incidents in their jurisdictions. In comparison, public schools are the second most decentralized, community-linked government institution.

The fact that law enforcement and education share this characteristic is not a coincidence. A key measure in any community is the safety and civility of its neighborhoods and the quality of education provided to its children.[xiii] It is of interest to note that local school districts in America are also the sites of much criticism and controversy. The degree of difficulty increases in mistrustful times with the degree of decentralization of government agencies and the public's emotional connection.

Once again, it does little good to ignore or dismiss issues of public distrust in law enforcement simply because similar difficulties have arisen elsewhere. Law enforcement cannot be expected to correct distrust in social

institutions nationwide. Our efforts must be concentrated on issues relevant to our circumstances: the impact of our own conduct, culture, and obligations.

The challenge of assessing and reinvigorating agency culture is not easy, but many law enforcement executives already have at their disposal the basic materials and tools to begin the task. While there is no "perfect agency" consisting of perfect personnel, police agencies attract people with a commitment to public service. Plus, nearly all law enforcement agencies have statements of vision, mission, and guiding principles, which are meant to provide direction and standards for personnel to follow.

The first step to upgrading agencies and enabling the best qualities of law enforcement personnel is to consider the degree to which the content and outcome of police actions square with the agency's vision, mission, and guiding principles. No agency can or will register perfect conforming. All will fall short of the ideal but a clear-eyed assessment of what the agency stands for and where it stands in the way it delivers its services is both necessary and revealing. This process will pose questions like, "Are we, in our attitudes and in our conduct who we claim to be?" It will

identify areas in need of attention and change. It will also likely reveal instances of personnel honoring agency goals and commitments and "getting things right." From here, the agency can provide an assessment of what needs to change, what needs to be built upon and reinforced, and consider how both might be accomplished.

The second step in re-aligning and up-grading agency culture is to work with staff to acknowledge noted short-comings as well as to acknowledge strengths and successes. For most agencies, the strengths and weaknesses do not exist in a random vacuum. Almost all agency cultures come with existing ethical anchors. The effort of re-alignment and up-grading can be built beside and around existing strengths.

Beyond these anchors, the work of up-grading and strengthening might involve changes to vision and mission statements. Defining and elaborating on the key words may be necessary. Providing examples and actual events in which personnel did the right thing under trying circumstances or made the wrong choices can be useful providing it does not result in gratuitous shaming. This will serve to shine light on the idea that the agency not only has rules, procedures, and policies to guide conduct but also needs to have an on-going commitment from each member to uphold high ethical standards in situations of difficulty, challenges, and personal risk.

The third step is to consider how the mission, vision, and guiding principles will be absorbed into the organization; into its social and emotional identity; into the respiration and metabolism of the agency. This will require attention and follow-up over the long term. It will also require reinforcement and repetition. The ethical standards need to be adopted and absorbed and applied in all aspects of agency operations, administration, interactions with the agency's governing jurisdiction and with community members and organizations in the agency's outside environment.

The proposition offered here is that a clear, straightforward, and a simple set of expectations, can serve as a behavioral guideline, which blends with the organization's image of itself. One example of this process can be found in the following illustration from an agency with just over 800 personnel. The example involves setting clear lines regarding ethical conduct.

Years ago, this agency set a clear, bright line about truthfulness. The administration stated that the penalty for lying or cheating in any official capacity was clearly stated as "you lie, you die." In other words, untruthful statements, reports, or assertions in any criminal, civil or internal investigation was treated as sufficient grounds for termination.

Yes, there were many other rules and requirements included in definitions of official misconduct, but one of the messages and expectations that employees began hearing from their first day on the job was this simple phrase: "you lie, you die."

This was reinforced with discussions about why this standard was required and why it was part of the agency's guiding principle of integrity and what it meant in a law enforcement context. It was reinforced by its application and enforcement.

Clarity, repetition, and follow-through/consequences helped to internalize the standard. Training officers reminded trainees. When the administration spoke about agency values, it was cited. In informal counseling sessions where employees consulted one another regarding what they should do about mistakes, they often got a reminder about the likelihood of dire consequences for not being truthful. Even in instances of binding arbitration, arbitrators most often viewed the standard as reasonable and well known.

This does not mean that lying ceased to occur. However, when departures from truthfulness became known, termination of the employee was the outcome. And this was not surprising because "everyone knows, in this agency, if you lie, you die."

It went beyond the realm of a written directive. It entered the lexicon and the culture of the agency. To this day, 21 years after the bright line was announced and after this phrase was recited thousands of times, it remains imbedded in the agency's culture.

Building a consensus and elevating the importance of ethical conduct and then establishing clear expectations for infractions is not complicated. But it requires strenuous reminders and reinforcement. Fortunately, when it becomes a part of the culture, it becomes a strong self-perpetuating behavioral boundary.

While the executive of the agency must initiate and follow through on this process, it is not a one-person task. It should be viewed as a matter of common responsibility among all members of the agency.

Almost every agency has a group of ethical, natural leaders who others look to and respect. These people can serve as allies and idea champions who, if properly directed, can take on the challenge of refocusing and modeling the agency's greatest aspirations.

The responsibilities of leadership include preparing the organization for the future: building and developing leadership at all levels and guiding our best into leadership positions. The understanding and commitment of the next generation of leaders is essential to upgrading and maintaining the momentum of an ethically focused culture. This creates the ability to anticipate the need for course

corrections in the agency. It establishes a means by which future efforts at law enforcement reform can more frequently emerge from within the profession.

No question that what is proposed here is extremely difficult. But undergoing difficulty and doubling down on focus and effort will be necessary to lift the profession; enhance public trust; attract more and better recruits; gain stronger support from elected officials for changes in law, policy, and funding; and pursue the overall mission of policing more effectively.

Building and upgrading an ethical law enforcement agency derives from an idea that is at once profoundly simple as a concept but tremendously complex to realize in practice. The idea is to bring our conduct and culture in line with our expressed beliefs and ethical principles.

This approach provides a way to give agencies a stronger role in improving the profession and authoring reforms, as well as building stronger relationships with the communities being served. It gives law enforcement a voice in achieving real police reform. It provides a means to reduce the gap between what law enforcement say they stand for and where they stand. It is, in many ways, the essence of integrity in policing.

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VI. EXERCISING LEADERSHIP TO ENHANCE ETHICAL, EFFECTIVE POLICING, PUBLIC TRUST, AND COMMUNITY RESPONSIBILITY

Those who have led police agencies in difficult, dangerous, or disheartening times have had an opportunity to deliver a message to their personnel which contained at least three essential elements. The first is to acknowledge that the difficulty, the danger, or the gravity of the situation cannot be minimized or denied. The second is to have personnel recognize that there is no straightforward way out of the situation; that no one will solve the problem for them, and no one will "ride to their rescue." If the problem is to be solved, then they need to step up and do it. The third, is to remind and assure them that they already possess sufficient knowledge, strength, and talent to forge a successful conclusion: if they have the motivation and willingness to confront the problem, they will and can overcome it.

This is the situation which the whole of law enforcement faces in America today. Law enforcement leaders, the people who face a multitude of challenges and problems and hard choices, are the ones who must step forward to make changes where needed.

While leadership is a quality which exists throughout agencies and not just at the executive level, within agencies, it especially falls to those who are at the executive level to draw the others out: to challenge them; to engage them; and to be the ones to design and implement effective, beneficial change in agency culture.

No matter what is done or left undone, in today's political environment, a failure by law enforcement to confront and shape change is not an option. Failure to be proactive; failure to strengthen ethical cultures within law enforcement will multiply piecemeal, ill-considered reform actions and force agencies to address and re-address the "issue of the hour; failure to step forward and act in a resolute manner to effect positive change will tend to render law enforcement insignificant as a profession.

These circumstances will require the kind of executive leadership, which is able to advocate for thoughtful change while avoiding becoming the victim of short-term demands. It will require resisting changes that often carry popular support but also carry the potential for the kind of disruptive effects that can serve to cause political backlash and turn the public against efforts at reform altogether. This is the situation as some voters and elected officials

want to swing the political pendulum back to discredited past practices.

We have sought to improve police service through commendable approaches such as "problem-oriented policing" and "community-based policing." We are entering an era in which we need to better refine and practice "principle centered policing."

This approach, to stake out the moral high ground in police reform and to invite others to join, begins with asking a few questions within and about our own agency:

1. What should we stand for as honorable and ethical law enforcement officers?

2. Are these the things currently reflected in our agency's vision, mission, and guiding principles?

3. How do we rectify shortcomings if needed?

4. Once rectified, how does current conduct in terms of leading and conducting day-to-day business conform to honorable and ethical law enforcement practices?

5. What actions are needed to bring routine standards of conduct in conformity with what is claimed to be upheld?

Once again, we know that agency culture is the strong, binding informal set of behavioral norms that are a powerful determinant of conduct.

This is not to suggest that such internally generated reform should prevent input or ratification from outside the police agency. However, proactively initiating changes in agency culture from inside a police agency and within the vocation itself will increase ownership and increase the likelihood of generating an atmosphere of self-policing; a powerful approach to a foundation for change. xiv

Consensus built around clear expectations regarding informal, as well as formal consequences, is what is proposed here. This same approach can be used to build expectations regarding numerous troubling and unethical behaviors sometimes found in police agencies including, but not limited to, employing inappropriate or excessive force, verbalizing hate speech, posting offensive social media content, as well as inconspicuous actions that undercut police agency principles, goals, and objectives.

The bottom line? Bringing ethical agency cultures to the forefront that serve as strong, lasting alternatives to our recently experienced period of reactive, piecemeal change.

VII. PATHWAYS TO THE FUTURE AND CONCLUSION

Commentators and observers from inside and outside of law enforcement have opined that policing has been in a state of controversy for the past several years. The most extreme critics assert that policing is tarnished by a history of racism and sloppy and corrupt practices, needs to be dismantled, and needs to have most of its responsibilities distributed to social service agencies.[xv]

The most extreme defenders assert that police are the last line of defense attributed to George Orwell's image of "…rough men (and rough women) willing to do violence so that others may sleep peacefully," and that more "curbside justice" is needed to be sure that a state of anarchy will not occur.

Neither extreme is in touch with the reality of policing as it exists today. Nor does either extreme offer a practical pathway forward.

At the same time, the controversies which confront the profession need to be addressed and many calls for reform reference genuine issues that require attention to reconcile the practice and potential of policing. Self-examination and productive course corrections have merit in these circumstances. Police must consider all pathways toward more efficacy in the pursuit of their mission and be more socially perceptive relative to the methods employed to achieve such ends. These two goals are not mutually exclusive.

As discussed, neither communities nor the police are well served by reactive, piecemeal efforts at reform. Too often these efforts are made without considering the context and the complexity of what communities expect law enforcement to accomplish. A more efficient approach is self-examination within police agencies aimed at aligning agency culture and practices with a basic set of ethical, guiding principles. Such principles as integrity; the sanctity of human life; dignity in one's personal conduct and extending dignity to others are a few such principles that this approach can address. The result will be fairness and equity in, and a sense of responsibility for actively carrying out the police agency mission.

The promise of this approach to reform lies in finding avenues to consider whether these guiding principles are, in fact, a basis for how police agencies operate. How police personnel conduct themselves; how decisions are made by the executive of the agency; and how police interact with the public they serve are all applicable here.

Whether the ethical agency culture approach is novel or not, the consequence will be for the police to act as many other professions already do. Police personnel must be guided by articulated tenets of the profession, act in accordance with these principles, and do so by setting clear standards that are accepted and

respected within the profession as well as the community.

Inviting outside review and comment on this process should be welcome. Not as an invitation to abandon what has begun and to start over, but to further refine such efforts.

Police need to be assertive about what is intended and how these intentions will and do improve both the ethical basis and effectiveness of police actions. All communities, regardless of their demographic makeup, need, and deserve, not more or less policing, but the best police services.

As emphasized, this will be exceedingly difficult. At the same time, it is necessary to address recent instances of misconduct by our personnel and public misinformation about their motives and conduct. Police executives cannot simply acquiesce to public expressions of frustration including cop-shaming and cop-blaming. Nor can they excuse or explain away questionable conduct. Police executives and the agencies they lead must not only stand for a set of ethical principles and expectations but also seek to integrate them into the routine and accepted ways of delivering services to their communities.

This is not an undertaking for the faint of heart. Asserting professional prerogatives to build and defend a culture of ethical practice is required. Such an effort will meet with resistance from both known and unknown quarters. Confronting mayors, city managers or others to whom law enforcement executives report will occur. Thus, such an ethical agency culture approach may mean putting jobs on the line. It will demand substantial courage. However, it is what is needed to respond to calls for police reform that is couched in polarization, misinformation, and controversy in many communities.

Difficulty attends many of our most important endeavors. President John F. Kennedy, in an address at Rice University on September 12, 1962, spoke to this as he described the emerging American space program. He said, "We choose to go to the moon not because it is easy but because it is hard...".[xvi] President Kennedy also insisted that the United States was at a critical crossroads in the space program that would dictate the country's future if action was not taken before the close of that decade of the 1960s. Perhaps it is not too melodramatic to suggest that the country is once again at a crossroads relative to the future of policing.

Our colleagues choose to lead America's law enforcement agencies in a time of incivility, mistrust, deep controversy and increasing violence. They do so, not because it is easy or hard but because strong and ethical law enforcement is necessary to the function of America and the safety of Americans now and in the future. And yes, choosing to occupy this leadership role is hard.

References

[i] Popularly attributed to Peter Drucker from his many writings on management and effective executive functioning but a specific sourcing citation to Drucker was not found. Specific references can be found as early as the mid-1980s and one is cited here as Schein, Edward H. (1985) Organizational Culture and Leadership. Pp-33-34. Jossey-Bass Publishers, San Francisco, California.

[ii] Wolfe, S., Rojek, J., Manjarrez,Jr., V., Rojek, A. (2018) "Why does organizational justice matter? Uncertainty management among law enforcement officers" Journal of Criminal Justice. Volume 54, Jan-Feb pp.20-29. Available online at https://www.sciencedirect.com/science/article/pii/S0047235217304518.

[iii] Grimes, David (2022) "Political, Economic, Technological and Cultural Influences that Will Shape Service Delivery in the Next Decade" as found at: https://public.wmo.int/en/bulletin/political-economic-technological-and-cultural-influences-will-shape-service-delivery-next on 7/8/2022. See also Tisdell C. A. (2020). Economic, social and political issues raised by the COVID-19 pandemic. Economic analysis and policy, 68, 17–28.

[iv] Many national polls show such trends. See Goovaerts (2022) "Highlighting Incivility: How the News Media's Focus on Political Incivility Affects Political Trust and News Credibility". Journalism & Mass Communication Quarterly. March 2022 for especially relevant discussion of effects of Incivility and government trust erosion as alluded to here.

[v] Gallup: Confidence in Institutions. As found at: https://news.gallup.com/poll/1597/Confidence-Institutions.aspx on 7/8/2022.

[vi] Jones, Jeffrey (2021)" In U.S., Black Confidence in Police Recovers From 2020 Low" Gallup Social and Policy Issues. Release date July 14, 2021. As retrieved from https://news.gallup.com/poll/352304/black-confidence-police-recovers-2020-low.aspx on 7/7/2022.

[vii] Kelling, George L. and Wilson, James, Q. "Broken Windows: The police and neighborhood safety" The Atlantic March 1982. Accessed on 7/8/2022 at : https://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/. See also multiple works by Richard Rosenfeld of which two are cited here: 1) Rosenfeld, Richard. 2020. Is de-policing the cause of the spike in urban violence? Federal Sentencing Reporter 33: 142-143. and 2) Rosenfeld, Richard, and Joel Wallman. 2019. Did de-policing cause the homicide rise? Criminology & Public Policy 18: 51-75.

[viii] (Reiss, Albert J. The Police and The Public, Yale University Press, 1971 pgs. 220-221.

[ix] [1] Moss, Rob (2022) "UK forces can learn from Police Scotland's reforms" as retrieved from https://www.personneltoday.com/hr/uk-forces-can-learn-from-police-scotlands-reforms/ on 7/7/2022. See also Fyfe, N.R. (2019). The challenges of change: exploring the dynamics of police reform in Scotland. International journal of police science and management [online], 21(4): change and continuity in the police, pp. 196-205. Available from: https://doi.org/10.1177/1461355719889463. See also Sundberg, Kelly, Witt, Christina, Graham, Abela, and Mitchell Lauren "Peeling the paradigm: Exploring the professionalization of policing Canada" in the Journal of Community Safety and Well-Being Vol. 6(4), December 2021 for a similar exploration of the importance of public trust in policing in Canada.

[x] President's Task Force on 21st Century Policing. 2015. Final Report of the President's Task Force on 21st Century Policing. Washington, DC: Office of Community Oriented Policing Services.

[xi] U.S. Department of Justice (2020). President's Commission on Law Enforcement and the Administration of Justice. Final Report. Available at https://www.justice.gov/file/1347866/download as of 7/7/2022.

xii Executive Order entitled "Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety as signed by President Biden on May 22,2022 and found at: https://www.whitehouse.gov/briefing-room/presidential-actions/2022/05/25/executive-order-on-advancing-effective-accountable-policing-and-criminal-justice-practices-to-enhance-public-trust-and-public-safety/ on 7/8/2022.

xiii Gunter (2021). You-Shouldn't-Have-to-be-an-Educator-to-Critique-Education as retrieved from https://www.reimaginedonline.org/2021/12/you-shouldnt-have-to-be-an-educator-to-critique-education/ on 7/7/2022.

xiv A recent programmatic effort, known by the acronym ABLE, or Active Bystandership for Law Enforcement, based out of Georgetown University School of Law, utilizes a similar behavioral approach to encourage individual police officers, rather than police agencies, to police themselves when it comes to officer-citizen interactions. Like the duty to intervene, this effort encourages police to intervene in street activities by police prior to the occurrence of questionable behaviors by police. This effort pre-dated the Chauvin case but proliferated, at least in part, when the facts of that case become widely known. EPIC, or Ethical Policing Is Contagious, is a similar but distinct program that encourages police to police themselves rather than be policed by oversight boards and consent decrees. It finds its original in New Orleans PD in the wake of a consent decree and specific and severe corruption that tainted the entire department. The program encourages and trains police to be more proactive in curbing behaviors that might be suspicious, dubious, or plainly unethical.

xv Levin, Sam (2020). "It's not about bad apples: how US police reforms have failed to stop brutality and violence" as retrieved from https://www.theguardian.com/us-news/2020/jun/16/its-not-about-bad-apples-how-us-police-reforms-have-failed-to-stop-brutality-and-violence on 7/7/2022. See also Heaven, W.E. (2020) "Predictive policing algorithms are racist.

They need to be dismantled" MIT Technology Review dated July 17. As retrieved on 7/7/2022 from: https://www.technologyreview.com/2020/07/17/1005396/predictive-policing-algorithms-racist-dismantled-machine-learning-bias-criminal-justice

xvi The speech referenced here is known as the "We choose to go to the Moon" address but is officially titled the Address at Rice University on the Nation's Space Effort which was delivered September 12, 1962 and originally authored by Ted Sorensen as the speech writer for the Kennedy administration.

Author Biographies

Dave Corderman
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David S. Corderman, PhD is an internationally recognized leadership training and counterterrorism professional. His career includes four years as a USMC infantry officer and twenty-four as an FBI special agent retiring as the Chief of the FBI's Leadership Development Institute. Dr. Corderman lectures frequently on a variety of critical incident management and leadership topics and holds several key leadership positions including being Chairman of the Board of the Greater Fredericksburg Region Families of the Wounded Fund; President Emeritus of the Hostage Rescue Team Association; U.S. Director of the international Leadership in Counterterrorism Alumni Association; and serves on the Executive Board of the FBI National Executive Institute Associates. Dr. Corderman is the author or co-author of several articles on leadership and a book titled, Leading to Make a Difference––Ethical, Character Driven Law Enforcement. He is also the recipient of several awards for bravery and merit either individually or with others including the U.S. Attorney General's Award, the Attorney General's Special Appreciation Award, and the FBI's Shield of Bravery.

John Jarvis
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Dr. Jarvis currently serves as the Academic Dean for the FBI Training Division. He also served as a Senior Scientist and the Chief Criminologist in the Behavioral Science Unit at the FBI Academy for about 20 years. He also has chaired the Futures Working Group which was devoted to examining issues confronting the future of law enforcement and national security. His academic and criminological work focuses on evidence-based policing strategies, crime analysis, crime trend research, and the initiation and support of various research efforts by local, state, and federal law enforcement. His most recent publications involve studies of homicide solvability, validity and reliability of national crime statistics, and measuring and exploring other aspects of violent crime and policing. He graduated from Old Dominion University with degrees in Sociology and Mathematics and holds a Ph.D. in Sociology from the University of Virginia. He has authored many periodicals and monographs for the Bureau and has authored and co-authored numerous works that include publications appearing in The Journal of Homicide Studies, Interpersonal Violence, the Journal of Trauma, Violence and Abuse, and Justice Research and Policy.

Paul Pastor
FBI NEIA

Paul A. Pastor retired on September 30, 2020 after a nearly forty year career in law enforcement. He concluded his career after serving for twenty years as Sheriff of Pierce County Washington. He entered law enforcement after completing two Masters Degrees and a Doctorate at Yale University.

He served in various positions for Washington State Criminal Justice Training Commission and for Pierce County Sheriff's Department. He was Chief of Police for the City of Everett, Undersheriff for Clark County Sheriff's Office and Operations Bureau Chief for Pierce County before becoming Sheriff of Pierce County, in charge of nearly 800 personnel in Washington's second biggest county.

He helped design Washington State's law on police use of lethal force and officer certification. He authored the Washington State Model Law Enforcement Policy and Procedures Manual. In sessions at FBI Quantico, he helped evaluate national approaches to policing mass civil disturbance following Seattle's World Trade Organization riots. He has served on multiple state and national committees on public trust, ethics, use of force and law enforcement standards and policy. He helped design the National Sheriff's Association plan for weapons of mass destruction.

He is a graduate of the FBI Law Enforcement Executive Development Seminar and National Executive Institute Programs. He served as instructor for courses in the FBI LEEDS Program, EDI Program, and NEI. He helped develop and implement the FBI's first regional LEEDS program which now has 21 regional training sites and a total of several thousand graduates.

He currently serves as President of the Board of Directors of the FBI National Executive Institute Associates: a non-profit organization consisting of graduates of the NEI program made up of Chiefs, Sheriffs and Directors of the largest police agencies in the United States, Canada, Australia and Europe. He is currently involved in a project with the NEIA to build and sustain ethical agency cultures in law enforcement organizations.

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