

Week 2

Loyalty & Duty [Part I in text]

Reading Assignments from Text:

- Part I – Loyalty & Duty
 - Chapter 3 – The Blue Wall
 - Chapter 4 – If not Me, Then Who?
 - Chapter 5 – I'll See You Tonight!

Particularly at the graduate level, we suggest assigning additional scholarly journal articles. You may assign specific articles of your choosing or have the students research their own within your parameters.

The idea with Weeks 2 thru 10 is to discuss three chapters (one Part) each week. With roughly three hours of class time each week, this offers one chapter an hour. We suggest tests at the beginning of weeks 4 and 7, which will necessitate less class time for each chapter those weeks. How you assign the readings and handle the 'one hour – one chapter' concept will depend on whether your course meets once, twice, or three times during the week.

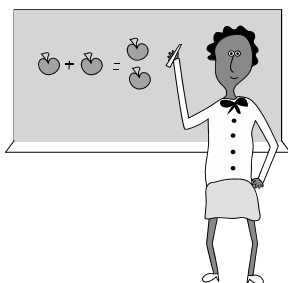
Key Student Take-Aways from Week 2:

- Appreciation of the complex world of police ethics, particularly concerning the virtue of loyalty
- Grasp of dilemmas that are created when one value is in conflict with another value (loyalty v. moral courage) or like values are in conflict with each other (loyalty to organization v. loyalty to person)
- Ability to apply ethical theory to practice

Primary Instructional Strategy:

While a variety of strategies and exercises are suggested throughout the course, we have found the first week using the scenarios in the textbook is best addressed through an instructor facilitated class discussion. As with all facilitation, the trick is to get the students engaged while keeping them on point. Probing questions will help provoke discussion and keep discussions within your parameters.

Probing Questions to Spark Discussion:



Note: Students will have a fair understanding of loyalty just from their life experiences but may not have a deep understanding of loyalty as it relates to the policing subculture. As they read the scenarios in Part I, it is likely the complexities of the topic may not resonate. This may be particularly true if they have not have a real-world understanding of situations common in law enforcement and the bonds that form between those experiencing those situations together.

- Last week we introduced ourselves to the class. We talked about the course and the textbook. We spent a considerable amount of time discussing various ethical theories. As we begin our journey into the next nine weeks of scenario-based learning, we need to keep these theories alive in how they may apply to real-life ethical dilemmas. Let's start with a brief recap of last week. Who would like to provide us a short overview of the two major categories of ethical theory?

Note: Last week was very theoretical with a significant amount of rote information offered to the class. Before jumping into the scenarios, a few minutes of recap is prudent. This is a great opportunity for you to clarify any misconceptions or miscommunications from last week.

- Let's break those umbrella categories down. Under what category would we find utilitarianism and in just a couple of sentences, what is the premise of that theory?
- How about Kant's Categorical Imperative?
- How about...? [Do this for each of the theories discussed in week 1. Be very brief. You still have a very rich discussion ahead of you on chapter 1.]

-----Transition Discussion from Week 1 to Week 2 -----

Loyalty

A popular topic germane to loyalty is the *Slippery Slope Theory*. A brief discussion about this concept is a valuable way to segue to loyalty.

Slippery Slope:

The Slippery Slope theory suggests that one bad action inevitably will cause another worse action. Consider a ball pushed over the hill. While the push was small, and the speed started extremely slow, the speed increases and damages at the bottom of the hill could occur to multiple players (ball, people, etc.).

In the context of law enforcement, for example, a police officer telling a lie to cover for his partner will lead to additional lies even to the extent of perjury under oath. Sometimes the theory is applied in a general sense. Once you steal something that very first time, stealing becomes easier and easier. In policing, the slippery slope would suggest corruption starts with a small gratuity and over time builds to crimes for profit by the police. Thus, the Slippery Slope theory is about momentum and usually applied with negative connotations.

While the Slippery Slope Theory may be intuitive, many believe it to be a fallacy due to the lack of argument for the inevitability of the event in question. Just because a person steals once, does that really mean he will steal again?

If you (professor) have strong opinions about the slippery slope, please share them. Generally, we throw out the pros and cons of the theory to the class just to expose them to the theory, and then ask for their thoughts.

Talking Points and Questions to Stir Discussion on Loyalty:

- Perhaps you will find it necessary, especially in younger classes at the undergraduate level, to begin with a discussion of what loyalty is and then move into why it is be such a powerful force in policing.

Note: As with all facilitation, be wary of the dominant students who want to take charge of the conversation or the high verbal students in the class who love to hear themselves talk. Try to engage as many different students as possible.

Here are a few suggested questions:

- What is loyalty?
- Who or what have you been loyal to in the past?
- What were you willing to do for that person or that cause even at risk to yourself?
- Does loyalty involve lying to protect them? Would that include covering up misconduct?
- Would you expect that same level of commitment from them?
- Would there be any differences in law enforcement loyalty as opposed to “regular” loyalty?

- I trust each of you has read chapter 1. Initial thoughts?
 - Don’t be surprised if you get anything from crickets [dead silence] to everyone wanting to talk at the same time. Every class is unique. Just be ready to provoke discussion (walk around and ask individual students for their opinion) or judiciously referee multiple people talking at the same time. We always encourage respect for another, but a civil yet spirited debate among students is magic in the classroom.
 - Don’t let this discussion go too long. It is very easy for students to get 10 degrees off the topic very quickly. The idea with this first question is simply to give them an opportunity to vent any significant reactions and ask any general questions about the scenario.

- Start working the students, as a class, through the considerations and consequences offered in the text. Ask for other considerations or implications the author did not offer.

- End the class with the discussion questions at the end of chapter 3. Again, just throw each question out to the class as whole.

Thoughts on the Chapter 3 Discussion Questions:

The text purposely does not answer the discussion questions. First, these questions are appropriate for class discussions, assigned as homework, or even used in tests. Providing answers would be counterintuitive. Second, these questions do not have correct answers per se. The correct path is clearer in some scenarios than in others, but by in large, most stories represent dilemmas in which a variety of ‘correct’ answers exists. We do have a few thoughts, however, for the instructor manual.

1. If Tony did take the money, would this conduct be categorized as police corruption in your view? Would it matter to you if the amount were \$4, \$400, \$4,000, or \$40,000?

The key point here is that stealing is stealing regardless of the amount. And a police officer stealing is corruption. Yet, the real value in this question is the debate it often stirs. It is interesting and valuable for students to hear the views of others who have vastly different outlooks than their own.

2. What competing values did Detective Parker face in this ethical dilemma?

This is a good time to talk about loyalty to person v. loyalty to the law and organization. Again, this lends itself to a rich class discussion.

3. What other considerations and consequences should Detective Parker have taken into account?

You probably have covered this question already by this point. You also can use this time to explore the teleological vs. deontological theories if you have some students, for instance, answering in a moral absolutist manner, while others are taking a more conformist approach.

4. Do you agree or disagree with the real-life decision? Why?

This one question can set off a fantastic debate in the classroom, particularly if you have a student composition with varying life experiences.

5. What is the Blue Wall of Silence (aka Blue Code of Silence), and what are its implications in the criminal justice field?

- *Blue Wall of Silence* – The unwritten rule that officers stick together. They will protect each other even in situations of misconduct and never testify against one another.
- On its face, the Blue Wall is immoral and undermines our entire criminal justice system. However, its roots, when viewed in the context of family and belonging and the ‘us against them’ paradigm, begin to explain its existence.
- If time permits, there is a rich discussion to be had here looking at the pros and cons of the Blue Wall. The Kleinig article offers an interesting perspective on this.

The “blue wall of silence” -- the rule that police officers will not testify against each other -- has its roots in an important associational virtue, loyalty, which, in the context of friendship and familial relations, is of central importance. This article seeks to distinguish the worthy roots of the “blue wall” from its frequent corruption in the covering up of serious criminality, and attempts to offer criteria for determining when to testify and when to respond in other ways to the flaws of fellow officers.

The Blue Wall of Silence
An Ethical Analysis

International Journal of Applied
Philosophy

Volume 15, Issue 1, Spring 2001

John Kleinig

Pages 1-23

DOI: 10.5840/ijap20011515

Thoughts on the
Chapter 4 Discussion Questions:

1. Policing is clearly not among the highest-paying professions in the United States. This is despite its dynamic, complex, and dangerous challenges. This is despite many of its members being highly educated men and women with unscrupulous character. In your view, does relatively low pay entitle officers to certain perks, possibly even having their dinners paid for, off the record, by their agency?

Usually, a few in the class will say that smaller gratuities are okay given the low pay, work conditions, and stresses of the job. Our position is that the police should not be entitled to anything beyond any private citizen. Once you are able to have the class come to this conclusion on their own, you can then move towards the bigger concept of accepting gratuities – small or large.

2. If you think the free dinners were okay, what would tip that belief to the other side? Would it matter to you if they were pocketing \$10 or \$15 in cash every night instead of using that money on dinner?

The point of this discussion is to determine if the amount of the gratuity matters. We suggest it does not. Even the small gratuities place officers in a spurious position. Yet, you may have different thoughts. This can be a great discussion.

3. Give this scenario some real thought. Recognizing the artificial confines of the classroom, what do you think you would have done if actually faced with this dilemma?

Ask for two or three volunteers to share their thoughts. Make sure to poke and pry into their responses and the motives of their responses.

Thoughts on the Chapter 5 Discussion Questions:

1. What other possible concerns or consequences should have been considered in this dilemma?

I put all I could think of in the textbook so let the class see if they can add to the list and then of course, please add your own insights.

2. Accusing a fellow officer, particularly a highly respected veteran, is not a path any young officer wants to choose. Yet this deputy felt the severity of the accusation outweighed the lack of evidence supporting Elisa's accusation. In hindsight, he obviously made the right decision. But do you think you would have made the same decision knowing only what you knew from Elisa? Support your choice.

Ask for two or three volunteers to share their thoughts. Make sure to poke and pry into their responses and the motives of their responses.

- End class by discussing Test 1, which is next week – format (undergrad v. grad), material to be covered, etc. Make sure to remind them the material from week (ethical theories) will represent a significant portion of the test.