ON THE NEED FOR IMPROVING ETHICS EDUCATION FOR A FREQUENTLY OVERLOOKED PUBLIC EMPLOYEE: THE STREET-LEVEL BUREAUCRAT

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“. . . a decision or action justified as moral because it is judged to be in the interest of the public may be immoral from the standpoint of . . . individuals . . . . Those who decide and act on behalf of the public will from time to time of necessity as I see it, be lying, stealing, cheating, killing. What must be faced is that all decisions and action in the public interest is inevitably morally complex, and the price of any good characteristically entails some bad.”

— Dwight Waldo

INTRODUCTION

It is possible to debate if the founding fathers expected or intended a republic governed by a virtuous class of administrators, or one in which self interest would be a key focus for all who govern, whether politically or administratively (Richardson and Nigro, 1991). If self interest is indeed the focus of public agency employees and managers, then the lack of trust in government said to have existed since this nation’s inception is not only understandable, but highlights the wisdom of the founding fathers’ decision to create a structure which intentionally limits power via a system of checks and balances. It has been argued that a democracy cannot survive without substantial citizen trust and confidence in government institutions and officials (Menzel, 1995) — making any historical lack of trust especially troubling, particularly if that trust is continuing to decline.

Despite declining trust, and more than two centuries of all too frequent incidents of graft, corruption, and government scandal, public ser-
vice workers who interact directly with the public, still represent the hopes of the citizenry for fair and effective treatment (Lipsky, 1980) — hopes, which are all too often not realized. Governmental missteps in response to disasters, and seemingly endless lists of improprieties lead some to refer to a “crisis of legitimacy” (Gordon and Milakovich, 1995) and may explain growing citizen cynicism about government. This cynicism is reflected by a mere 46% of respondents to a survey expressing a belief in the honesty of government officials, and only 43% expressing trust in government in general (Berman, 1997). Is it surprising that the ethical conduct and moral character of public officials are under increasing scrutiny? The increasing scrutiny may not be limited to the public sector, since similar issues exist in the business community and non-profit realm, as do calls for improving ethical standards and behavior (Grell, 1993).

Trust in institutions results from interactions at the ground level — interactions the public no longer seems to feel comfortable about. Thirty years ago, nearly 65% of the public trusted government and its officials to “do the right thing” most of the time. Despite the fact that ethical structures in the form of rules, laws, commissions, inspectors general, etc., have grown significantly, twenty years later trust has slipped to less than 30% (Gilman & Lewis, 1996).

Declining trust in public employees and institutions should come as no great surprise considering that at the local, state, and national levels, misconduct of public officials or their questionable judgment have become all too frequent headline news stories. A school board overspending school funds by more than $4,000,000; misuse of government aircraft and equipment on the part of cabinet level presidential appointees and senior military officers; accusations — sometimes televised — of police abusing citizens, or even fabricating evidence; and of course, leading politicians, up to and including the President of the United States, involved in never-ending accusations of financial improprieties are among the issues that have come to light, and are seen by the public as ethical shortcomings in government. Iran-contra, Whitewater, the Clinton Impeachment process, bogus intelligence assessments used to justify war, Presidential and Vice-Presidential campaign fund raising scandals, the Tom Delay affair and most recently the Scooter Libby indictment, continue to contribute to what seems to be an ever growing list of “household word” scandals. Scandals understandably contributing to a public perception that unethical conduct by politicians, appointees, and civil servants are common occurrences. These “household-word” scan-
dals exist at every level of government as evidenced by the ongoing trial of a judicial candidate in Okaloosa County, Florida, for being involved in a major real estate swindle, the proceeds of which financed his campaign to become a judge. Of course, scandals are not limited to political figures.

As a precursor to the Clinton Administration’s National Performance Review, headed by Vice President Gore, President Clinton publicly observed that a “deficit in trust” had developed about Government (Clinton, 1993) — the widespread belief in an unproductive, bloated, and unresponsive federal bureaucracy helped bring about that review. Calls to reinvent government in general and the civil service in particular continue — calls to build a government that works (Kettl, et. al., 1996). Part of this so-called lack of trust is likely the result of the behavior of government workers. Trust in government is again at a low point after the intelligence gathering failures that helped support a now unpopular Iraq War, and after perceived failures of government in the responses to Hurricane Katrina.

Despite a historical lack of trust, and despite two centuries of all too frequent incidences of graft, corruption, and government scandal, “Street Level Bureaucrats,” such as the police and those other public service workers who interact directly with the public, have long been said to represent the hopes of the citizenry for fair and effective treatment (Lipsky, 1980).

Unfortunately, these hopes have too often not been realized, as demonstrated by all too frequent and highly publicized incidents of police misconduct and ethical lapses. In the aftermath of the recent Hurricane Katrina, we again see police being questioned about organizational failures and about possible involvement in looting and car theft during the height of the disaster. Trust in public institutions is frequently based on the level of interactions at the ground level, the street level in the case of police — interactions the public often seems less than comfortable about. The current unrest in France demonstrates where this street level distrust can lead even in nations that look upon themselves as models of democracy. It is understandable that the public’s confidence in the integrity of government is reportedly waning. Thirty years ago, nearly 65% of the public trusted government to do the right thing most of the time, over these past thirty years, that trust has eroded significantly.

Publicized incidents of police abuses may well explain why with the exception of 1993, less than half the respondents to polls during the period 1977-1995 rated the police high or very high on honesty and ethics, and why since 1993, confidence in police honesty and ethics has
dropped significantly (Sourcebook of Criminal Justice Statistics, 139). Examined demographically, doubts about police ethics seem to be strongest among women and minorities (Sourcebook, 140). While public confidence in government in general has been declining, it seems most dramatic when that erosion in confidence includes those often referred to as society’s first line of defense — those who may, in the citizen’s mind, form the most visible representatives of government.

To strengthen that first line of defense and to meet the ever increasing demand for police protection, efforts continue from the federal to the local level to increase the number of police patrol officers on the streets. The increasing demand for protection and the resultant expansion of police patrol efforts, will certainly present greater opportunities for police/citizen interaction — interaction which, to be well received by the public and to be successful in strengthening police/community relationships, requires mutual trust between the police and the community. The building of that trust demands that the ethical underpinnings for police service be strengthened wherever necessary. The key question for debate is if the strengthening of professionalism and ethics can best be addressed through increased focus on higher education, on expanded training, and on strong organizational leadership.

**Ethical Issues and Police Training: A Review of the Literature**

The decentralized nature of American policing has long been viewed as an effectiveness detractor. As early as the 1931 Wickersham Reports, the multitude of police forces and their varying standards of organization were described as contributing to ineffectual law enforcement in this country (U.S. National Commission on Law Observance and Enforcement, Report No. 14: Report on the Police). While law enforcement has made great strides since that time, similar concerns continue to be voiced. The desire for local control of police had a noble beginning during the founding and growth of the nation, but with the staggering crime rates of today, can the further utility of that system be supported? The United States is not the only country with a decentralized police system, but it is one of very few. Most European nations, even those which once relied on localized police, have generally abandoned the localized approach to build a more professional police (Bacon, 1982; Harnischmacher and Semerak, 1986).

Since the law enforcement structure in the United States is not one in which police professionalism and ethical standards can be centrally managed, one potential agent to help promote ethics education and train-
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ing in the multitude of jurisdiction in this country may well be the academic community. In the debate about the police as a profession or a vocation, a college education is often looked to as the way to increase police professionalism, and to raise policing’s stature to that of a full profession. As a result, colleges and universities are well suited “to spread the word,” via well developed ethics curricula — curricula which should include the core areas of philosophy of ethics, moral rules and moral judgment, justice theories, ethics of public of service, and ethics of criminal justice agencies (Souryal and Potts, 1993).

Police officers face many ethical dilemmas, some of which lead to occupational deviance such as corruption or misconduct. Acts of police misconduct, such as lying or deception, are often an accepted part of the officer’s working environment (Barker & Carter, 1994), and even falsified sworn testimony may not just be an “occasional aberration” (Kleinig, 1996). Yet, much of the ethical education police officers receive is in the form of training in police academies. Academy and in-service training are the primary methods often cited by police executives for the delivery and reinforcement of ethics education and training (Braunstein, 1992). With all the practical applications the new police recruit is to master, however, ethics training may not be as extensive as it should be.

Police leaders often rely on academy training to address topics such as ethics, however, a survey of 101 police training academies throughout Texas showed that the majority of the academies devoted 1.6% or less of recruit training time to ethics (Redlinger, 1993). If the Texas example is an indicator of today’s ethics training in police academies, then ethics training can certainly be described as “brief.” Relying on in-service training may not provide the positive results one might look for either. As an example, one of the authors provided ethics training seminars to a major city police agency’s sworn leadership near the turn of the century. Despite the fact that most of the senior officers being trained had more than ten years in the department, none had attended any ethics training since initial police recruit training (Meine, 1998). Even President Bush has recognized the need for additional training in light of the CIA scandal. He recently issued an order for his staff to receive ethics refresher training.

Unfortunately, the fragmented nature of local policing makes it unlikely that any consistent approach to ethics training is to be found in police departments throughout the United States. A study of ethics training in Virginia police departments suggests that a dearth of in-service ethics training may well be the norm, not the exception (Meine, 1998).
In light of claims of near unanimous support for training as a way to promote ethical behavior (O’Malley, 1997), it is understandable that police academy and in-service ethics training would be looked to as the solution, despite the evidence of their limited use and utility. If training is not being used effectively what then — is formal education an alternative? Some police executives have recognized that the level of formal education may be a predictor of ethical behavior (Braunstein, 1992; Tyre and Braunstein, 1992). Unfortunately, the relatively small number of police agencies requiring college education for police officers suggests a major challenge ahead if higher education is to be a significant contributor to improving ethics education for the police.

THE CASE FOR EDUCATION

While some suggest that there is general support for a positive link between training and ethical behavior, the support is less clear for education as a means to improve ethical behavior (O’Malley), and yet, colleges and universities are said to bear a special responsibility for encouraging education for the public service (Fesler and Kettl, 1996). Despite the debate about the value of education for improving ethical decision making and behavior, and despite limited empirical support, both university faculty and students seem to believe ethics education increases ethical sensitivities and promotes ethical decision making (Menzel, 1997). This belief is shared by a broader community. While research does not support a clear link between education and ethical behavior (Bardon, 2004), arguments for ethics education come from a wide range of professional communities. The National Association of Schools of Public Affairs and Administration which accredits MPA programs suggests that the curriculum “shall enhance the student’s values, knowledge and skills to act ethically . . .” (NASPAA, 2006). Articles in Publications of the National Academy of Engineering (Herkert, 2002) and the CPA Journal (Watkins and Iyer, 2006) sound similar refrains. An Ethics Task Force of The Association to Advance Collegiate Business Schools authored a report suggesting the need for a renewed and revitalized focus on ethics education for business leaders (AACSB, 2004). We can thus conclude that despite the lack of empirical evidence, there is broad support for the need for ethics education.

Despite the support for ethics education, there is little agreement on how to best deliver such education. The debate about the need for specific ethics courses taught by properly qualified faculty members versus
ethics across the curriculum continues unabated. In the final analysis, two seemingly disparate, but ultimately compatible trends in the ongoing evolution of general education curricula nation-wide may hold the key for inserting ethics education into criminal justice degree programs. The first trend, toward allowing the student more freedom in selecting from among traditionally required general education humanities courses (e.g. philosophy, foreign languages, etc.) will provide increasing opportunities for including an ethics course in the list of options. With the proper insistence of faculty advisors, the ethics course could become a virtual requirement for criminal justice students. The second trend, toward more specificity in the requirements for satisfying general education requirements, could also be a viable means for including ethics education in criminal justice programs. This trend calls for the addition of a new category of general education courses that can be used to house degree-specific, required courses (e.g. lower-level economic courses for business majors, an ethics course for criminal justice majors, etc.)

Providing access to ethics education is also not without problems. The cost of higher education frequently keeps public managers from supporting employee education programs. In times of resource scarcity, there is a reluctance to support education programs of any kind, not just ethics education. Such reluctance means opportunity missed if claims of a positive relationship between employee education and ethical organizations are accurate (O’Malley). Since discipline-specific education, with outcomes immediately applicable to the workplace, is more likely to find acceptance, academicians must be sensitive to these realities and build curricula that encompass ethics education in all courses. Because no clear educational standards exist for entering into or being promoted in many public agencies, it may be particularly difficult to convince civil servants and public managers alike that continuing education is important for an enlightened public service. To overcome such reluctance, academia should make the case for clear educational standards at entry and promotion points in the civil service. Expansion of educational opportunities is necessary to provide the vehicle for the academic community to reinforce ethics education and standards of the public service.

For more ethics education to take place in the classroom, however, public servants must first go to or return to college. If colleges are to participate in improving public service ethics through education, not only must ethics curricula be expanded, but efforts to encourage public service continuing education, should be supported and expanded. Formal certification processes designed specifically to improve public employee
work performance through advanced education in specific work-related disciplines will benefit the levels of education and expertise now extant in the public service. Agreements and cooperation between educational institutions and certifying bodies will lend credibility to both the educational and certifying processes (e.g. Association of Government Accountants CGFM designation).

Educational institutions should expand efforts to take education to the working environments of public organizations. At the same time, accrediting agencies should support and promote rapidly advancing technology as a means to take the educational process to the student. Advancing communications technologies will, in the not-to-distant future, render conventional classroom settings at large central campuses largely irrelevant to practitioner education. Academic administrators and faculty should be visionary in incorporating advancing technology into institutional programs to bring higher education in general, and ethics education in particular, to the public service.

Ethics in the Classroom

Academia occupies a special position of trust in relation to students. Educators, particularly those with a strong practitioner background, are often seen as leaders, coaches, and role models by students. Their words can easily take on a, “that's the way it is,” quality for students. It is important therefore, that the ethics teacher be unequivocal in supporting the highest ethical goals and standards. He or she must be prepared to respond to doubt about the applicability of academic theory to the “real world,” by demonstrating how these ethical tenets have been successfully integrated into the teacher’s prior practical experiences or into the experiences of other accepted practitioners.

Ethics education must include in-depth discussions of ethical theories as a base for later situational debate. Discussion should create a firm foundation for criticism of extant undesirable administrative practices. Through the examination of personal and organizational practices in the context of an absolute standard, the dangers of situational ethics may be made clear. The absolutes of right and wrong should be explored fully in the classroom. To assist in this exploration, ethics and ethical standards might best be illustrated on a continuum as shown in the following figure.
One end of the continuum represents the total lack of ethical standards, while the other end represents absolute standards — standards under which all behavior is clearly defined and if necessary, regulated. While a situation of a total lack of standards is not likely to exist in most organizations, the absolute ethical standard on the other hand may not be achievable. The farther one moves toward the absolute end of the continuum, however, the clearer it becomes what ethical standards mean, and what behavior is expected of members of an organization. Setting, much less achieving, absolute ethical standards in a police organizational environment filled with ambiguity and discretion is not only difficult, but likely impossible. As long as the police, as public servants, are expected to be responsive to politicians and appointees, theoretical and practical concerns for situational ethics may not be dismissed by any serious student of administrative practice. Despite this reality, moving toward the right of the continuum by striving toward clear, specific and enforceable ethical standards and rules should continue, if for no other reason than to bring maximum clarity to rules of expected behavior.

In the classroom, the continuum can be an effective tool to demonstrate the value of such clearly defined ethical standards, while highlighting the reality that no set of standards can be so defined and so absolute as to encompass all potential situations. Some degree of ambiguity will always be present. Individual, administrative, and professional discretion will therefore remain an important element in ethical decision making — decision making that can be strengthened through adequate educational preparation.

Being advocates of clear unequivocal standards and ethical decision making is the contribution criminal justice faculty in the classroom can make toward educating the criminal justice student. Educating the student however, is not enough. Criminal justice faculty should take every opportunity to urge law enforcement leaders to establish clear standards,
not to tolerate deviations from accepted ethical standards, and to be the ethical trend setters for their organizations.

If a focus on ethics becomes part of every criminal justice course and program, and if criminal justice faculty members take every opportunity to teach ethics in and out of the classroom, then those of us in academia can make a major contribution to improving the ethical foundation for police service at all levels. Unfortunately for advocates of a robust ethics component in university programs, much needs to be done. Cooper accuses the academy of being slow to adopt a strong ethics curriculum. He reports that in 1988, only 31% of surveyed schools had conducted an ethics course over a two year period (Cooper, 1998). Despite public concern about ethics in the public service, as noted earlier, to this day there is little agreement in the academy about the need for ethics courses in the curriculum. Many argue for the inclusion of ethics across the curriculum, although that inclusion may not always be clear.

A review of eight criminal justice related baccalaureate and associate degree programs at universities large and small supports the debate. Only three of the programs had a required ethics course in the core of the curriculum, while five offered ethics only as an elective (Online Review, 2006). The debate about a course versus ethics across the curriculum is understandable since there is debate about which courses to require both in the general studies area as well as in the major. Despite the debate, the length of undergraduate programs has remained relatively constant at 120+ semester hours.

Criminal Justice Ethics Education for the Future

Raising or reinforcing police ethical standards, and further professionalizing the police throughout the country, requires our collective actions to speak as loudly as our words. Clear organizational policies, strong leadership, and continual reinforcement of ethics and standards in police organizations, supported by strong ethics curricula in law enforcement programs at colleges and universities are critical steps, however large or small, toward overcoming the declining public confidence levels in the police and the public service in general.

Education should play its part in reinforcing, even raising the ethical and professional standards of the police service by developing appropriate ethics courses as part of law enforcement curricula, and by ensuring appropriate ethical components are included in every course. We in academia must take the education case to police organizations and to the public. Criminal Justice departments in colleges and universities should
emphasize reaching out to community leaders, to police departments, to
the police rank and file, and to the public to emphasize the importance of
formal and continuing education for police officers throughout a profes-
sional career. It is important for Criminal Justice faculty to support local
and national efforts of professional organizations, and to make the case
to the police and the public alike that continuing education for police —
education with a heavy focus on ethics — is critical to effective and
enlightened law enforcement in a complex and diverse society.

It goes without saying that the academic community cannot, on its
own, change and improve police ethics or public confidence in police and
other government agencies. Academia can, however, help lead efforts to
further professionalize this important public service — the street level
bureaucrat.

NOTE

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