Ethical decision-making: A treatise into the role of ethics in 21st century policing.

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Abstract

In 1829, on setting up the modern police service, Sir Robert Peel stated, "The police are the public and the Public are the Police" (Williams, 2003:100). He recognised the accountability the police service has to its communities. Integral to this accountability are the notions of legitimacy and public confidence. Police officers are charged with carrying out their duties with a great deal of autonomy, but implicit within that freedom is the confidence that police officers are ethical and make decisions based on the notion of impartiality and without fear or favour - in other words, ethical decision-making.

In this study, the primary research questions focus on the manner in which ethics influences police decision-making, and why some police decisions and actions appear unethical. It explores the implications of the empirical findings for police training and practice. At the centre of the research methodology are qualitative interviews, which include the use of vignettes. These were used successfully to enable participants to reflect on and explain the practical realities of day-to-day policing.

The research identifies three key elements in the day-to-day practice of police ethical decision-making that will directly contribute to knowledge and understanding of police operational decision-making, namely:

- Police ethical decision-making is highly situated;
- It is strongly influenced by police occupational culture;
- The existing model of police training does not adequately prepare officers for ethical decision-making.

This study further identifies that police decision-making, particularly the police use of discretion, is affected by subjective and contextual factors, such as the 'attitude test', where individuals refuse to defer to the police officers legitimate authority and show the 'necessary respect'. It also identifies that the notion of 'the nine o'clock jury' is a consideration in police decision-making and that the desire to avoid scrutiny might lead an officer to make a decision they perceive to be acceptable to the organisation, rather than one that may be 'right' at that time. The evidence generated during this study demonstrates that the National Decision Model (NDM), produced by the Association of Chief Police Officers, may prove a valuable tool in cases where police officers need to make ethical decisions as it provides a framework by which officers can 'test' their decision-making.

The findings demonstrate that police occupational culture plays a significant role in the ethical decision-making of police officers. A feature that emerged during interviews was that, while there was a reluctance to 'grass' on a colleague, this would not occur at the expense of themselves, bringing to the fore the notion of 'self-preservation'. Authors, such as Reiner (2010), have identified that group solidarity and loyalty are common features in the police occupational culture, and this research provides evidence that police ethical decision-making remains heavily influenced by the 'esprit de corps', where the team bond remains a significant feature within police occupational culture.

Finally, the study demonstrates that police training in relation to ethics and ethical decision-making is sporadic. Many officers identified that they received little or no training in relation to ethics and ethical dilemmas, which form an integral part of the reality of policing. A clear finding from this research study is that vignettes are a valuable research and training method and should be used more frequently for police-based research.

Introduction

This study will address three principal questions:

1. **How do ethics influence police decision-making in practice?**
2. **Why do police decisions and actions occasionally appear unethical?**
3. **What implications do the empirical findings on police ethical decision-making have for police training and the practice of policing?**

"I.....of.....do solemnly and sincerely declare and affirm that I will well and truly serve the Queen in the office of constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all people; and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against people and property; and that while I continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law'.

(Section 83 Police Reform Act 2002).

Every Police Constable is sworn into office with the above oath. It is the benchmark, which each Constable, regardless of rank, is required to meet. This clearly recognises the power and responsibility that rests with a police officer in discharging their duties. Police officers regularly face significant challenges, often in complex circumstances, requiring them to make difficult decisions as they navigate through the multitude of issues that feature as part of their daily routine. This necessarily involves ethical considerations in 'what to do' as these ethical decisions are often made under intense scrutiny and pressure.

The association between police legitimacy, accountability and public confidence is an important one and is central to the principle of policing by consent. It is therefore an absolute requirement that police officers act impartially and ethically in their decision-making, as it underpins the bedrock principle of policing. Prenzler (2009:35) captures the essence of the inter-relationship between legitimacy, accountability and public confidence stating, "What must be kept in mind is that the more policing is biased ... the more police abuse their position to benefit themselves, the less legitimate and more harmful they become." This is supported by Neyroud (2011:113) referring to a study conducted by the Centre for Creative Leadership stating, "...the importance of the public facing leadership of frontline officers in role modelling standards and behaviours is a key aspect of securing legitimacy of the service in the eyes of the public".

The legitimate authority officers possess is unique according to Rowe (2008:98) in that, "...they embody the symbolic power of a sovereign state and have recourse to the legitimate use of force on fellow citizens." Furthermore, he suggests that as servants of the Crown, the office of Constable occupies a distinctive locus in society. Similarly, Manning (1977:104) argues that as an institution the police service is "...in symbolic terms, the most visible representation of the presence of the state in everyday life and the potential of the state to enforce its will upon citizens." Prenzler (2009) argues that ethics is an important aspect of policing in that if the sovereign powers granted to officers are not exercised, or seen to be exercised, in a transparent and ethical manner, it can have an overwhelmingly negative effect and serve to influence the confidence the public have in their police service. He (Prenzler, 2009) further argues that aligned to the notion of legitimate authority is the accountability of the police to the public and ethical standards in policing are a fundamental requirement in that process.

The proliferation of technology, such as CCTV and mobile technology through smart-phones, has introduced an immediacy to police accountability in the 21st century. Such developments allow individuals to record video images and upload them onto social networking sites within minutes. The original mandate for policing sets out that the police service is accountable to the communities it serves and to this end requires transparency and police officers to be held to account for the decisions they make. Prenzler (2009:29), in reconciling the notion of accountability and ethics states, "Police accountability is always ultimately to the people, and police ethical standards are about ensuring the highest quality of democratic policing".

Central to the issue of legitimacy, accountability and public confidence is the notion that policing is a profession. The professionalisation of policing has featured as a debate in policing for some time. Manning (1977) for example, argued that designating policing as a profession would provide an aura of legitimacy and offer a publicly acceptable vehicle to carry out their necessary duties in the maintenance of public order and the reduction of crime, *id est*, their legitimate moral and legal activities. In developing the association between professionalism and ethics, Neyroud (2003) argued that the development of ethical policing was a central strategy for the broader promotion of police professionalism.

Over recent years the professionalism agenda in the UK has gained some momentum and one of the central pillars aligned to the notion of professionalism and akin to other recognised professions is the development of a professional body. This

emerged as one of the key findings contained within the report completed by Peter Neyroud. The report (Neyroud, 2011:48) suggested that a professional body in policing should, amongst other features, commit "..to ethical leadership, human rights and equality" and be responsible and accountable for the professional standards required. This should be aligned to a set of principles and values that ensure the legitimacy and effectiveness of policing in the UK. Neyroud (2011:113/114) concludes that "..any leadership model for policing needs to start with and work forward from the values and ethics, which in itself will be a key concern of any professional body in policing". Rowe (2008) argues that in order to deliver on the desire to be regarded as a profession, as noted by authors such as Neyroud (2011), the police service needs to develop an ethical framework that other professions, such as the medical profession, have at the core of their occupational philosophy. The development of ethical policing becomes a central strategy for the broader promotion of police professionalism. This highlights the relationship between the decision-making of professional police officers and the legitimacy required to instil confidence across society that the service operates in an accountable and transparent manner, *ipso facto*, ethically and with integrity. However, Neyroud (2011) also recognises that the challenge is to ensure that, in developing the professionalism, the service does not distance itself from the communities it serves, causing a loss in public confidence.

It is inevitable that, given the degree of autonomy associated with the office of Constable, ethical considerations engage a whole spectrum of police conduct and misconduct. Poor quality of service, incivility and instances of corruption, all have a significant impact on overall confidence in policing.

It is evident from the literature that there is a fundamental relationship between ethics and policing. This study examines that relationship, and the degree to which it is embedded in the everyday decision-making of police officers. It has three principal questions:

1. How do ethics influence police decision-making in practice?
2. Why do police decisions and actions occasionally appear unethical?
3. What implications do the empirical findings on police ethical decision-making have for police training and the practice of policing?

In addition to the three main research questions, there are a number of other considerations that necessarily influence police decision-making. These include: the benefits that a code of ethics offers policing; police discretion; an examination of the

issue of noble cause corruption; police occupational culture; leadership and training in ethics. The remainder of this thesis sets out the empirical and theoretical knowledge relating to these questions and presents the findings of this particular study.

The primary data collection method used for this study was the semi-structured interview, including five vignettes, which explored the views of interviewees when presented with hypothetical scenarios. A total of 20 interviews were conducted using non-probability purposive sampling. In addition, analysis was conducted on existing documentary evidence available from the research site and a random sample of forces across England and Wales. This process sought to identify any stated values, ethical statements, or other evidence available on the subject-matter.

The first chapter in the review of literature deals explicitly with the primary research question in that it examines the theoretical underpinning ethics provides and illustrates how ethical issues impact on the routine decision-making of police officers. Ethics has been widely discussed in the police service (Villiers, 1997; Richards, 1985; Donahue, 1993; Pollock, 2004; Neyroud, 2008). Richards (1985) argues that intuitive moral principles require consideration in relation to their application to policing. In considering ethical decision-making, it was considered useful to explore the literature on decision-making in the first instance (Kahneman, 2011; Hawkins, 2003; Gelsthorpe and Padfield, 2003; Reiner, 2010; Klein, 1997). The relationship between decision-making and ethics according to Northouse (2007) is clear and he has argued that ethics is necessarily involved in any decision-making scenario, whether implicit, due to the nature of the issue involved, or an explicit element of the dilemma faced.

A feature in day-to-day police practice is the application of discretion and its impact on operational policing. Police officers are charged with a significant amount of discretion and a number of academics (Poyser, 2004; Huberts et al., 2007; Ericson, 2007; Nickels, 2007; Villiers, 2002) have examined the application of discretion in policing. A report on the office of Constable (Police Federation of England and Wales, 2008) describes discretion as 'the bedrock of policing', which facilitates rational and fair decisions. Referring to the work of Reiner (2000), Rowe (2008) acknowledges the importance of discretion and suggests that discretion is a subjective and a highly situated form of decision-making borne out of the need to apply the law in an environment that presents complex societal problems on a daily basis. Hence, there is a need to align a decision to the prevailing circumstances. He (Rowe, 2008) argues that officers routinely make such decisions out of necessity in order to meet the

burgeoning demand for their services against a backdrop of reducing resources. Officers regularly find themselves in situations where laws that can realistically be enforced based on the situational pressures they face get priority. Flanagan (2008) in his review of the police service in the UK identified that there was a clear link between professionalism, ethics and the fair and effective use of an officers' discretion. He argued that in order to build public confidence in policing it is imperative that there is a strong focus on accountability. This research acknowledges the relationship between ethical decision-making and police discretion.

While officers possess a great degree of freedom and autonomy in the manner in which they exercise their duties, this on occasion has led to the allegation of corruption, where the integrity of officers and the service has been brought into question. The 'News of the World' phone hacking scandal last year identified the close association between senior police officers from the Metropolitan Police Service (MPS) and members of the News International group. It brought to the fore once more the ethics and integrity of the police and attracted widespread condemnation that resulted in the resignation of the Commissioner, Sir Paul Stephenson. Incidents of such gravity put the service under significant scrutiny and triggered the Home Secretary and Prime Minister to instigate a number of inquiries to examine the manner in which police officers carry out their duties. Jackson (2011:6) in a recent Independent Police Complaints Commission (IPCC) report outlined that a number of police corruption cases in 2011 involved senior officers and "such cases are rightly viewed with considerable public concern and have tested public confidence in the police service."

This study explores the concept of 'noble cause corruption', which has been subject to considerable debate in police literature (Kleinig, 2002; Crank et al., 2007; Lober, 2002; Simons, 1999). The links between integrity, noble cause corruption and ethical decision-making are clear. If an officer, at some point, travels down the path of corruption, whether for a noble cause or not, they make a decision to act in an unethical manner in order to secure a conviction. For that reason, noble cause corruption was considered an important topic to include in this study.

The second research question focuses on why police decision-making and actions occasionally appear unethical. This necessarily involves exploring ethical decision-making and a number of extraneous features considered influential to police ethical decision-making, such as a code of ethics, the impact of values, culture, leadership and training.

There has been significant debate over the last few years as to whether the police service would benefit from a defined code of ethics (Beckley, 2000; Pagon, 2003; Farrell et al., 2002; Schafer, 2002; Villiers, 2002; Schwartz, 2001). This study examines the views of officers on whether or not a code of ethics would make a tangible difference to the way officers behave. A number of academics (Grieve, 2002; Lord and Brown, 2001; Thomas et al., 2001; Dickson et al., 2001; Lee, 2007; Borrello, 2005; Flanagan, 2008) have highlighted the importance of a set of values in acting as a benchmark for expected behaviour. The contribution values make in the development of ethical decision-making was highlighted by Mills (2002:25) stating, "In order to develop an ethical decision-making framework, there must be a reference point or 'ethos' from which to garner those values, which will underpin the decision-making process." This study explores the reality for the organisational actors in considering their decision-making processes and whether or not personal values and/or organisational values were manifestly or subconsciously a consideration in their ethical decision-making.

The occupational culture of the police service has been examined in great detail, particularly how it shapes the behaviour of the individuals within it (Reiner, 2010). Police occupational culture is regarded as a powerful influence on officers and has a definitive role in shaping the informal practices associated with police practice. However, authors such as Chan (1997), Rowe (2008) and Waddington (1999) highlight that police culture does not in it-self determine behaviour and that it is a matter for each individual as to whether they accept or resist the influence of the culture. A particular focus of this research is the degree of influence police occupational culture has on the practice of policing, and whether or not it remains a strong feature in police officer ethical decision-making.

A number of authors (Burns, 1978; Bass and Riggio, 2006; Offerman et al., 2001; Alban-Metcalfe and Alimo-Metcalfe, 2005; 2007; 2009; Gibson and Villiers, 2006; Northouse, 2007; Price, 2003) have discussed the influence of leadership in delivering a positive ethical tone in an organisation. This study explores the influence leaders have in creating a positive ethical environment and the reliance on the hierarchical structure of the service when difficult decisions have to be taken. Owens and Pfeifer (2003) have suggested that, while a solid foundation in ethics is vital at all levels of policing, the attitudes and behaviours of leaders have a direct influence over other officers.

Police officers receive a significant amount of training to prepare them for the rigours of policing. This research examines whether or not ethical considerations feature

heavily in their initial or on-going training programme and considers the work of authors such as Conti and Nolan (2005), Prenzler (2009) and Hayes (2002) on the value of ethical training in policing. This study explores the provision of training in ethics and whether or not there is an appetite and requirement for greater levels of training in ethical decision-making.

In sum, this research will call into question the assertion that ethical decision-making is merely a case of 'right or wrong'. Rather, it supports the assertion of Badaracco (2006:53), "real morality is not binary... it comes in many shades of grey", recognising that there are often no clear-cut answers to the dilemmas officers face.

Chapter 1

This chapter examines the philosophical principles of ethics, from theorists such as Aristotle (384 BC to 322 BC), Kant (1724 - 1804) and Bentham (1748 -1832). It considers the factors that influence decision-making and ethical decision-making, including literature from authors such as Hawkins (2003) and Kahneman (2011). It closes with a discussion on the nature of discretion and the concepts of integrity and noble cause corruption.

Chapter 2

The focus for this chapter is the discourse on the influential factors for delivering ethical decision-making. It includes a review of the literature available on the value of a code of ethics for policing and focuses on the influence of values on the decision-making process. It also explores whether organisational culture and leadership are influencing 'impact factors' that have a bearing on an organisations' ethical barometer. Finally, it examines the importance of training for the development of police ethical decision-making.

Chapter 3

The research methods used for this study in order to deliver on the three main research questions and associated factors are reported in this chapter. It explains the rationale for the methodological decisions taken during the course of this study. It provides detail on the methods selected to generate the empirical data for the study and discusses pertinent issues encountered during the research journey.

Chapters 4

This is the first of two chapters that utilise the data generated during the fieldwork element of this study. It discusses the practical application of the National Decision

Model (NDM) introduced into police practice recently to assist with police officer decision-making. This chapter also identifies from the data that there are significant inconsistencies in the application of discretion, examines the concept of 'noble cause corruption' and the thoughts on such activities by serving officers.

Chapter 5

This chapter considers the empirical findings relevant to the second and third research questions set for this study and outlines the reflections of officers on issues including the value of a code of ethics for policing, their individual and organisational values, culture, leadership and training. The analysis identifies that the culture of the police remains a key element in decision-making processes and influences whether or not officers make the right decisions for the right reasons. The actions of leaders, the way they address unethical behaviour and their own behaviour is shown to have a profound influence on the ethical tone of the organisation. The chapter concludes with an assessment of the training officers currently receive in relation to ethics.

Chapter 6

This concluding chapter draws together all of the evidence from this research and expands on some of the key empirical issues. It considers how additional knowledge from this research has implications for the academy, policy makers and police practitioners. In so doing, it highlights that further research on ethical decision-making and the provision of ethical training should be undertaken on a wider scale in relation to the police service.

Chapter 1

The Locus of Ethics and Decision-making in Policing

This chapter outlines:

- **Three basic philosophical principles which have clear resonance with 21st Century policing: Kantian; Utilitarian and Virtue ethics;**
- **Literature on decision-making, including ethical decision-making;**
- **The nature of discretion and the notion of 'noble cause' corruption.**

The first research question posed by this study seeks to explore the manner in which ethics influences police decision-making in practice. To provide the theoretical underpinning to this question, the key ontological, deontological and teleological principles in ethics are examined to consider how they affect policing in 'real' terms. This chapter also draws together the literature on decision-making and ethical decision-making and identifies that decision-making is a complex process which involves experience, intuition and is also subject to organisational pressures to ensure that decisions fit the requirements of the organisation. A review of the literature on police decision-making has highlighted the significant degree to which discretion features in the practice of policing and the depth of police academic literature available on this issue. Finally, in drawing this chapter to a close, issues surrounding integrity and the decisions that take officers down the path of corruption - in particular 'noble cause' corruption – are considered as a fundamental element within the ethical decision-making paradigm.

In exploring the manner in which ethical issues impact on the routine decision-making of police officers, it is necessary to reflect on the philosophical basis upon which ethical decisions are based, *id est*, the underlying ethical paradigms. To this end, three of the influential philosophies featured as part of this study are briefly outlined below.

The application of Ethics in Policing

Singer (1993) and Driver (2009) consider the study of ethics as a critical component in any true understanding of society. In policing terms, the study of ethics has gained popularity over the last thirty years with authors such as Delattre (1996) providing an insight into the role of ethics in policing. In more recent times, Hayes

(2002:325) indicates that ethics is "...one of the most important issues of the twenty-first century."

While there are keen advocates of ethical policing, the reality may be slightly less clear-cut. In practice, 'cops' carrying out the business of policing on the 'frontline' might not consider the importance of theoretical principles and may not realise the role ethics plays in the reality of policing. Pagon (2003) suggests that police ethics is a branch of applied normative ethics, which in essence is the association between theoretical principles and practical application. Singer (1993), in support of this, suggests that if an ethical judgement does not work in practice, then it must also be theoretically defective, as the foundation for ethical judgements is to help direct practice. Driver (2009) has noted that moral theories are concerned with the provision of moral guidance to those involved in ethical dilemmas. Furthermore they provide a moral benchmark for human conduct. It could be argued that moral theories provide the compass to guide ethical decision-making. Driver (2009:3) sums this up succinctly by saying that "...normative ethical theories give us some idea of how we ought to act, and what reasons are relevant in justifying praise and blame of action". In essence, ethical principles guide individuals to act in a manner considered within the norms of society.

What does the word 'ethics' actually mean? A review of the literature identifies that the word ethics is aligned to the word morals. These terms are frequently used interchangeably, but if a person is acting 'ethically', is that the same as a person acting morally? The Oxford English Dictionary has defined ethics as "moral principles that govern a person's behaviour or the conducting of an activity", whilst a moral is "concerned with the principles of right and wrong behavior" (http://oxforddictionaries.com). Hayes (2002:326) argues that ethics is essentially "...the study of right and wrong, duty, responsibility and personal character", while Thoms (2008:419), referring to The Macquarie Dictionary (1981: 614), defines 'ethical' as "pertaining to or dealing with morals or the principles of morality; pertaining to right and wrong in conduct; in accordance with the rules or standards for right conduct or practice". For the purposes of this study, acting 'ethically' equates to acting with moral principles, and to act morally is to act in accordance with the principles of what is right and wrong. In terms of ethical decision-making, it could be argued that an individual is making a decision based on the moral principle that distinguishes between actions that are right or wrong.

This research focuses on three significant theories that have made a major contribution to police ethics, namely Kantian, utilitarianism and virtue-based theories.

Kantian Ethics – introducing the categorical imperative

Immanuel Kant developed his theory based on the central role that duty has in the construction of ethical judgements, and it is regarded as a branch of deontological ethics. This theory is concerned not only with the outcome, but also with the action itself. In defining a decision, the action or decision would therefore have to have been 'good' in nature regardless of the eventual outcome (Ciulla, 2008). In essence, the outcome to a certain degree is irrelevant if the action is morally sound 'doing the *right* thing for the *right* reason'. A central principle in Kantian ethics according to Pollock (2004:21) is that of the 'categorical imperative' which requires "action without reference to the potential consequences." A morally permissible course of action will be reliant on whether or not it conforms to the categorical imperative, which he regards as the moral law (Driver 2009). In Kantian ethical philosophy, the categorical imperative is sacrosanct even if the consequences of adherence to this moral precept are undesirable. According to Pollock (2004), Kantian ethics is an absolutist system, which considers whether actions are intrinsically right or wrong regardless of their outcome, or the circumstances in which the acts were carried out. Therefore, if something is wrong then it is wrong on all occasions and there are no qualified applications of universal laws.

The key elements of Kantian ethics have been summarised by Pollock (2004) using the work of Bowie (1985:157) and (Driver 2009:87) in that formulation 1 is to "act only according to that maxim whereby you can at the same time will that it should become a universal law". In essence, an individual should create a maxim, which describes the action, and then test this maxim against the categorical imperative. If it fails the test then the action is not permissible. Kant highlights the case of a man who wishes to borrow money but knows he cannot pay it back – Kant believes that it is clear that this cannot be subject to universalisation.

The second formulation according to Driver (2009:90), citing Kant (1981:36), is to "Act in such a way that you treat humanity whether in your own person or in the person of another, always at the same time as an end and never simply as means to an end." In this maxim, anything done in self-interest or to the detriment of another would be immoral. The third and final maxim according to Kant is that individuals must always act in accordance with the universal law. "This is where the duty to tell

the truth is perfect - we must tell the truth all the time. In Kant's view lying is always impermissible" (Driver 2009:92). This is because lying cannot be universalised, as it would involve manipulating another person, but what about the altruistic lie? How does Kant deal with these lies? A lie that avoids a disastrous outcome would still need to be avoided according to Kant, Driver (2009:94), citing Kant, states "...to be truthful (honest) in all declarations is, therefore, a sacred and unconditionally commanding law of reason and admits of no expediency whatsoever". This contradicts the work of Manning (1977), referring to the work of Van Mannen (1974), who suggests that a 'white lie' in a policing sense does little harm and that in fact it is what the public want and expect from its police officers. However, Kleinig (2002:287), referring to the issue of 'noble cause' corruption, has stated that many regard the 'white lie' as "frivolous or well intentioned, which are frequently accorded moral legitimacy". This is obviously contrary to the Kantian view. The reality is that when these lies are carried out under the banner of the 'noble cause' form of corruption, they have been met with little approval or sympathy for those who are caught out.

Singer (1993) has suggested that ethics is a product of social life and has assumed the function, albeit not consciously, of being the glue that promotes common values across society. *Ergo*, those people who make ethical judgements in accordance with normative values across society are praised by society as acting morally. It is this motivation, to secure moral worth by acting not in self-interest but in the interest of 'doing right' for its own sake, which is now firmly embedded in society's notion of ethics. While it appears that Kantian ethics has its place in society, in that the outcome is of lesser importance that the application of the universal rule, there are critics of Kantian theory. One of the key criticisms is its rigid adherence to universal laws. This is problematic for writers such as Singer (1979), who suggests that ethics is always relative to a particular society and *de facto* applying a universal law would be futile. Furthermore, Singer (1993) suggests that applying reasoning to every sphere of life to ensure that an ethical judgement is 'right' in each case would be untenable and over-complicate life in general.

In a policing context, the Kantian concept of 'duty' resonates with police ethics and on inspection Kantian universal laws would appear to be well suited to policing. In carrying out their legitimate authority, officers should not allow concerns of the consequences to drive them to act ethically. Rather, they should make the morally correct decisions based on what they think is right, rather than what they believe the outcome should be. The means are more important than the ends; it is the process

that is important and not the eventual outcome. However, the concept of 'duty' for a police officer may come into conflict with the universal law that it is wrong to kill even in the protection of another. In accordance with Kantian ethics, the shooting of a person in self-defence or in the defence of another would *ipso facto* be an unethical act.

Utilitarianism - a case of ends justifying the means?

According to Pollock (2004) utilitarianism, developed by Jeremy Bentham, is based on the belief that the morality of an action is determined by the positive effect it contributes to the majority. This is supported by Driver (2009:3) who states that "Utilitarianism holds that the action, or a law, is right only if it produces the best outcome – only if it brings about the 'greatest good for the greatest number". In other words, if the act contributes to a good outcome then it is, *de facto,* the correct action.

Utilitarianism is about the principle of 'utility', which according to Driver (2009:42) is the "...principle, which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to argument or diminish the happiness of the party whose interest is in question..." The principle of utility has two key components. The first refers to the approach taken to the value or action that brings about the maximum 'good'. The 'greater good' principle is a calculus of good versus the amount of harm done. The second part is about intrinsic value, that is, the value that we ought to be maximising or promoting. In terms of a measure, Bentham considered the issue of pleasure and pain, not in the conventional sense of the words, but rather that which is 'good' or 'bad'. Driver (2009) suggests that, for Bentham, the action of the individual was morally right if the outcome produced the greatest 'pleasure' overall. However, the pleasure would not just be to the benefit of the individual actually performing the action, but would need to be philanthropic in design. The utility of the decision-making process is determined by six parameters: intensity; duration; certainty or uncertainty; propinquity or remoteness; fecundity and purity. Driver (2009:54) argues that it would be highly circumspect to utilise these parameters on each occasion an ethical dilemma occurred, stating:

> "It is not to be expected that this process should be strictly pursued prior to every moral judgment, or to every legislation or judicial operation. It may, however, be kept in view: and as near as the process actually pursued on these occasions approaches to it, so near will such process approach to the character of an exact one."

Critics suggest that utilitarianism does not take into account the rights of the individual. For example, Driver (2009), referring to the work of Sidgwick (1981), argues that while utilitarianism outlines the basic principle that individuals should 'maximise the good' in order to deliver ethical decisions, he does not expand on how this should be achieved or the degree to which it should be achieved. For example, should it be maximised to the total amount or an average amount spread across the population affected by the action? Despite this criticism, Singer (1993) argues that he is inclined to hold a utilitarian position and advocates utilitarianism as a source of moral reasoning.

In a policing context, Richards (1985:30) has suggested that utilitarianism is the theory most closely aligned to policing and has stated,

> "Most people would probably not claim to be utilitarian if asked, and yet many also behave and reason as if they were. Utilitarianism is unconsciously taken for granted. This provides a considerable advantage that, as a theory, it links with intuitive convictions and makes explicit some elements of conventional moral reasoning."

However, Punch (2009) has suggested that this willingness to use utilitarianism in police decision-making has inherent flaws and can lead officers down a path of corrupt practice in order to deliver the result that they perceive is delivering the 'greater good'. Punch (*ibid*: 48), referring to the work of Goldschmidt (2008:127), found that officers rationalised their deviant behaviour and the decisions they made on the derivative intention, namely that it was for the benefit of society as a whole. It followed that dishonesty with a 'pure' intent' was not inherently wrong. Furthermore, in order to deliver the 'desired outcome, the officer was "...willing to do what I have to do to make the case." This raises serious concerns on the ethical decision-making of officers.

Virtue based theories – Aristotle

Aristotle is credited with the development of virtue-based ethics. Driver (2009:137) has argued that in virtue based theories "a good human being was virtuous in the sense that he embodied all the excellences of human character". In essence, virtue theories hinge on the individual possessing those virtues that make them a good and worthy citizen. Northouse (2007), referring to the work of Velasquez (1992), argues that Aristotle advocated those virtues that create the 'moral person', and include courage, temperance, generosity, self-control, honesty, fairness and justice.

One way to understand Aristotle's account of how the virtuous person, as opposed to the non-virtuous person, arrives at correct moral judgements is via perceptions of

what is morally relevant in the context of making the judgement (Driver, 2009). The person who is well trained or who has been brought up well by their parents and received the 'right sort' of education will have developed this perceptual capacity. In essence, this suggests that the individual, who has been socialised to be a 'good' person, with the strength of character to determine the difference between right and wrong, will be virtuous and *de facto* make good judgements.

This is supported by the work of Delattre (1996:5) who is a keen advocate of Aristotelian virtue ethics and is particularly interested in the issue of a person's character and how it is formed stating, "no one is born with formed character". Delattre argues that the process of socialisation plays a pivotal role. Delattre (1996) points out that even mastery of the process of moral reasoning and decision-making does not, by itself, guarantee ethical conduct, nor do all situations require moral reasoning and deliberation. An individual has to have good character, which he believes is synonymous with having the appropriate virtues, to be motivated to act ethically. Delattre (1996) goes on to suggest that police officers should possess the following virtues: honesty, trustworthiness, justice, fairness, compassion, temperance, courage, wisdom and integrity. One of the general criticisms of virtue ethics is that it does not conform to what is known about human behaviour from developments in psychological research. In essence, virtue based theory does not appear to take into account personality and psychological influences upon an individual.

In concluding this section of the chapter, it is worth noting the comment of Singer (1993) who suggests that, when attempting to resolve routine dilemmas, giving consideration to what society expects the individual to do in the circumstance does not make the decision any easier. It is the responsibility of each individual to resolve those difficult choices for themselves and make the 'right' decision.

The Art of Decision-making

A number of authors (Kahneman, 2011; Hawkins, 2003; Gelsthorpe and Padfield, 2003; Reiner, 2010; Klein, 1997; Bonabeau, 2003) provide theoretical and empirical evidence on the science of decision-making. Kahneman and Tversky (1984) cited in Kahneman (2011:433) highlight that in reality the art of making decisions "..is like speaking prose – people do it all the time, knowingly or unknowingly." In other words, people have to make ethical decisions in their everyday lives.

A number of authors have considered the importance of intuition in the decision-making process. Hawkins (2003), Almond et al., (2008) and Kahneman (2011) describe the influence that experience and professional judgement have on the delivery of intuitive decision-making. Kahneman (2011) describes this as 'System 1 thinking'. Hawkins (2003) highlights that even where policy or guidance is available to help shape the decision, in reality many of those who make decisions return to their intuition or refer to a previous experience. This suggests that the problems faced in the present are categorised on the basis of similar encounters or decisions made in the past. As a consequence, individuals can routinise decision-making, allowing decisions to be made relatively quickly. Almond et al., (2008:152) discusses this identification of patterns from past experiences as 'heuristics', the "…..cognitive 'short-cuts' – rules of thumb that we employ to reduce complex problems, observations, interactions, decisions and so on into simple, efficient rules that work well in most circumstances". From this perspective, decision makers use their experience to make sense of the situation.

In defining intuition, Bonabeau (2003:118) has suggested that it is such a nebulous issue that it can mean anything from instinct to professional judgement. In general terms, there is a common understanding that it is "...the brain's process of interpreting and reaching conclusions about phenomena without resorting to conscious thought." This instinct or intuitive form of 'System 1' decision-making is what Hawkins (2003), referring to the work of Skolnick (1966), termed 'perceptual short-hand'. Perceptual short-hand is a mechanism for typifying and classifying each issue based on a frame of reference and its similarity to the routine decisions organisations ordinarily expect members to take. This is possible because decision makers develop understandings of what are 'normal cases' and 'normal ways' of deciding (Sudnow, 1965).

In a policing context, it would be unusual not to expect intuition to influence how police officers make ethical decisions. There is evidence from authors such as Manning (1977:23), referring to the work of Goffman (1974:intro), who suggested that officers, during the course of their practice, apply their established frame of reference to the events, objects and processes that they encounter. These perceptual and cognitive frames "...not only define the experience, they constitute meaningful aspects of experience." He (*ibid*) suggests that police officers operate across society and therefore nothing is beyond their potential sphere of operation. It is therefore imperative that they develop a wide stock of knowledge to make sense of the countless situations they encounter.

In considering the decision-making process, Hawkins (2003:189) suggests that it can be broken down into three component parts: frame, field and surround. These parts are in interaction throughout the decision-making process. The 'framing' process involves (1) interpretation, making sense of what is presented; (2) classification, a reference to the type of case presented, and (3) task, which is organisationally determined particularly in a complex decision-making environment, such as policing in a rapidly changing society. Information is a fundamental prerequisite in this process. Hawkins (2003:190) states that the 'frame' captures the interpretive behaviour involved in the decision-making process and "...is a structure of knowledge, experience, values and meanings that decision-makers employ in deciding. It addresses the question, 'what is going on here?' (Goffman, 1974). He (Hawkins, 2003) identifies that this process (framing) necessarily involves a variety of processes, but it offers the sense of order human beings crave. In essence, the frame is a 'rule-book' that allows decision-making to ascribe meaning to the situations decision-makers find themselves in. The development of these frames is also determined by a variety of issues such as an individuals' beliefs, for example, about the concept of 'right' from 'wrong', which goes to the heart of ethical decision-making. It is also noted that 'frames' are subjective and so are influenced by the professional socialisation processes and knowledge acquired as part of the training process; a "professional ideology" (Hawkins, 2003:190).

The decision "field" is the actual setting in which the decision takes place. In considering the decision field in more depth, Hawkins (2003) suggests this may be associated with formal policies or those defined by an organisational mandate. In a policing environment, this could be such influences as a positive arrest policy for domestic violence, but it may also be subjective and based on the values and expectations of those staff. In defining this issue of the 'surround' Hawkins (2003) argues that the concept of the surround is designed to take into account the broader context or setting in which the decision itself takes place. This illustrates that the environment and extraneous factors involved need to be considered in the decision-making process. Greater focus needs to be afforded to the surround in which officers operate as changes in the surround may influence the decision-field. This may in turn affect their framing behaviour, *id est*, the way in which officers classify and interpret the events as they unfold, which ultimately could change the decision made. This is supported by Reiner (2010) who, in considering the notion of framing or the interpretation an officer's frame of reference has in the decision-making process, highlights that an understanding of police culture is useful in interpreting what officers actually do. This will be discussed in more depth in the next chapter.

In considering the surround, *id est*, the extraneous factors inherent in decision-making, the literature has identified the situated nature of decision-making and more specifically ethical decision-making. Owens and Pfeifer (2003:129), referring to the work of Jones (1991), suggest that situational factors have a direct impact on ethical decision-making and behaviour. It is noted that a number of studies (Davis et al., 1998; Weber, 1996) have identified the situational influence on ethical decision-making...."situational factors or the subjective experience of these factors are of particular importance for police leaders called upon to create and define ethical standards for personnel." Alison (2008) has suggested that actions carried by an individual are strongly influenced by the context and surroundings that individuals find themselves in, *id est*, situated decision-making. In essence, the context of the situation is a powerful influence on the decisions that are made. Shearing and Ericson (1991:487), referring to the work of (Sudnow, 1965), draw together the usefulness of intuition, experience and situational pressures to make routine decisions in complex situations, stating:

> "Somehow competent officers know what to do. Somehow they see the world in the way that enables them to get the essentials of the situation immediately. Somehow they will move easily and quickly from what is happening to knowing what to do about it; from seeing to doing... and state emphatically and categorically, that competent police work is not done by following a book of rules. Police work, they insist, is not 'done by the book'.....Policing, it is argued, cannot be learned scientifically, in the sense, that if A is done in situation Y and B is done in X situation, then Z will result. The life police officers confront is too diverse and complicated to be reduced to simple principles."

The importance of intuition and experience in making ethical decision-making has been clearly explicated, but Almond et al., (2008) recognise the dangers associated with decision-making based on such features. They argue that when an individual has formed an opinion or a belief on a particular issue then it can be highly resilient to change even in the face of evidence to suggest those beliefs are incorrect. This poses an issue with the notion of 'impartiality' required as a feature of the legitimate authority afforded to officers. This was also identified as a concern by Kahneman (2011) who noted that caution must be exercised in applying System 1 thinking and intuition. There is a tendency to jump to conclusions as the quality and quantity of the information provided is not always taken into consideration. Therefore, if the individual recognises the pattern as learned behaviour it may lead to an automatic decision without a full consideration of all the facts.

This would suggest that System 1 thinking or intuitive decision-making, while appropriate for the majority of 'routine' decisions, may lead to an inappropriate decision where ethical dilemmas feature. This is where a more deliberate, complex

form of decision-making would be applied, *id est*, 'System 2' thinking or rational thinking. Bonabeau (2003) would support this note of caution as he suggests that while intuition is useful in decision-making and decision-makers should not ignore intuition, any suggestion that it is a substitute for reasoning is flawed. Intuition is just as likely to lead to failure as it is to success. In a policing context, Bayley and Bittner (1984) and Richards (1985) warn of the reliance on intuition as a guide for ethical decision-making. While recognising that it serves officers well for routine dilemmas and the moral practice of officers, they argue it is less beneficial when instances occur which fall outside the 'norm'. There needs to be a mechanism for distinguishing between the options available and determining which option is more 'ethical'.

In a similar vein, Almond et al., (2008:172), referring to the work of Kruglanski and Freund (1983) on the issue of stereotyping, found that having to make decisions in time-critical situations delivered a tendency to decide based on stereotyped judgements ("a standardized conception or image of a specific group of people or objects"). Research has shown that stereotypical expectations play a major role in the way that information about a person is processed, what information is preferentially retrieved from memory and the way those expectations affect impressions and judgements. The authors discuss the biases that exist in decision-making, where individuals are more inclined towards one path than another. This is particularly relevant in relation to the notion of 'impartiality' as the subjectivity of decision-making and the potential for bias based on issues such as stereotyping has been subject to scrutiny in the police environment for a number of years.

Can Rules reduce the Subjectivity of Decision-making?

Subjectivity on the part of the decision maker causes Hawkins (2003) to argue that the personality of an individual leads to a distinctive frame that, as a consequence, is likely to result in a different decision outcome. He (*ibid*: 202) suggests that very often an analysis of decision-making ignores the behaviour of individuals in the process stating, "...subjects are rarely, if ever, totally passive participants in the decision-making process, even if their 'participation' is often unwitting or inadvertent". For example, in a policing context, Loftus (2010) describes the 'attitude test', where individuals during their interaction with officers refuse to defer to the legitimate authority and show the 'necessary respect'. This, Loftus (2010:10) observed, was an informal aspect of police practice that "... officers applied when interacting with the public. In order to pass the test, people were required to display deference through being polite, apologising or admitting guilt". Reiner (2010) has

also referred to this situation as 'contempt of cop'. It was on occasions such as these when officers felt the most need to 'save face' by maintaining and displaying their authority. Loftus (2010), referring to the work of Waddington (1999), suggests that this response was most readily invoked when officers had an audience particularly of colleagues. The attitude of the complainant in the face of potential prosecution was also discussed by Newman (1985) as a potential factor in whether or not an officer decided to exercise their power of discretion. In sum, the subjectivity associated with such interactions appears to lead to decisions based on the level of respect levelled at an officer.

In a defence of the subjectivity inherent in decision-making, Hawkins (2003) suggests that discrepancies and inconsistencies are an inexorable feature in the criminal justice system, even in circumstances whereby individuals apply the same rule to an event. In reality, the situated nature of the decision, derived from the actor's interpretation of the frame, field and surround, impact on the final decision taken. Similarly, discussing the application of discretion, Newman (1985) argues that the same person could get a different outcome from two different officers. What appears entirely appropriate for one person may be construed completely differently by another. This appears on the face of it to be entirely unethical, it would suggest that it is an act based on self-interest rather than based on the objective facts of the circumstances presented.

Aside from the personal influences, Hawkins (2003), referring to the work of Lipsky (1980), highlights that organisational pressures can directly or indirectly impact on the decision frame and can serve to constrain individuals and influence the decisions they make. In this sense, the decision may be influenced to a greater degree by the external pressures on the decision-maker to make an 'appropriate' (organisationally driven) decision as opposed to a decision that the individual may, without the undue pressure, ordinarily have made based on the intrinsic aspects of the case presented. Alison (2008:12) in considering the organisational pressures impacting on the decision-making process states, "...any decision considered by one individual is always filtered through an organizational lens."

In a similar vein, Eyre et al., (2008) suggest that individuals operate within the wider organisation context and structures, which also shape reality for the practitioner. They also identify the impact this has on decision-making where the organisational climate can cause what they refer to as 'decision inertia', where an individual fails to make a decision even when all the information is readily available to draw an accurate inference. This reluctance to make a decision could be the outcome of the

constraining effects of organisational structures on practitioners. Eyre et al., (2008:210) discuss conflict theory and assert that a 'blame culture' in a policing context weighs significantly on the mind of practitioners. Referring to the work of Tetlock (1997) they state that "subjective estimates of the reactions of those to whom they are accountable will be prominent". In other words, scrutiny can have a profound impact on the willingness to make decisions. This heterogeneity of decision-making through the development of distinctive and subjective 'frames', based on the personal values of the individual and organisational influences including occupational culture, will be discussed in greater depth in the next chapter.

In an effort to reduce 'decision-discrepancy', organisations have sought to introduce the rules-based paradigm as a mechanism to dampen the influence of subjectivity. Hawkins (2003:205) has suggested that efforts to deliver decision-making matrices could be seen as an effort to "systemise the decision-making frame of police officers". However, he (Hawkins, 2003:205) referring to the work of Kemp and Gelsthorpe (2003), highlights that the subjectivity inherent in decision-making is resilient against efforts to impose control on the decision-making process. Efforts to systemise the decision-making process struggle against the backdrop of "highly resistant organisational and cultural practices." This has led the authors (Kemp and Gelsthorpe, 2003) to suggest that, as a consequence, any such attempts to control decision-making have been unsuccessful in delivering a consistent approach. Hawkins (2003:206) suggests that rules are a 'hook' on which the decision-maker can 'hang' their decision-making.

Hawkins (2003) refers to the work of Davis (1969), a keen advocate of the rules-based paradigm, who champions the use of rules, as opposed to the use of discretion, in the application of the law and the delivery of consistent results. However, in a contrary view, Hawkins (2003) also points out that rules can be regarded as negative, particularly where they are ambiguous and may even promote poor decision-making. He (*Ibid*: 206) also states that:

> "..it should not be assumed that rules operate upon decision-makers in a simple causal way. It may not be a case that 'the rule is this, therefore I must do that'. It may instead be a matter of 'I do this to justify what I do in terms of this rule (so-called 'presentational rules')"

This highlights that, in policing terms, the justification of the action is as important as the decision itself. The rationale for a given decision and an effective recording of that decision is pivotal. Gelsthorpe and Padfield (2003) argue that a strict set of rules serves to ensure a level of standardisation and consistency in the decision-

making process and that this consistency in applying the law is necessary to ensure fairness.

In a contrary view to the rule-based paradigm, Eyre et al., (2008) found that excessively prescriptive policies curtailed the autonomy of professionals who may need to frame their decision around the specific circumstances they are facing. In a policing context, Reiner (2010) suggests that consideration of the law, policy and procedure as dependent variables within the decision-making process fails to recognise the importance police culture, which applies the 'ways and means act' as a key facet in the practical application of policing. Punch (2009:40) supports this argument, noting that a culture to get the job done is prevalent even when it means "cutting corners and bending rules, using the so called 'ways and means act'". Furthermore, Reiner (2010:116) suggests that the courts recognise and are prepared to accept that officers need to extend or navigate through the rules in order to deliver legitimate police practice, which "...leaves considerable leeway for police culture and the social and situational pressures on officers to shape police practice (Mastrofski, 2004)". This is supported by Chan (1997) who suggests that the traditional approach of changing the police in general has sought to change the rules to ensure compliance. However, Chan (1997) recognises that police officers have been known to devise inventive ways of circumventing the rules in order to get on with the business of policing the streets. This is also supported by Waddington (1999) who suggests that the informal way of getting on with the business of policing on the street is a more amicable way of achieving the compliance required to navigate the intricacies of applying the law in a complex society.

In consideration of the rules-based paradigm, a number of authors (Wirrer, 2006; Lee, 2007; Matchett, 2008; and Mills, 2003) consider the law as a mechanism for guiding ethical behaviour. Kleinig (2002:297), referring to the work of Delattre (1989), suggests that there should be more advice and guidance offered to provide some scope for discretionary decisions, "No principle, including the law, is completely inviolable; no law is sufficiently fine-grained to accommodate every set of circumstances. Implicit in this grey zone is the practically awkward distinction between the legal and the moral". Weber (1992) and Prenzler (2009) support this position and recognise that ethics is broader than the 'pure' letter of the law and *in actu* operates to inform and direct the 'spirit' of the law.

One of the issues that arise when discussing the issue of the law and morality is whether the two are actually in conflict. Matchett (2008) discusses the test of reasonableness or the 'reasonable man test' that is frequently used in courts of law.

Matchett (2008) argues that 'the reasonable man test', whilst providing a lawful outcome, does not always produce a moral outcome and that the existence of rules are to guide our actions: "In a contest between legal and moral, legal wins every time – police officers know this only too well". However, Alderson (1982), while acknowledging the rule of law is the foundation of a democratic society, states that policing must be embedded with the notion of legal and social justice. In our society, the relationship between law and morality is complicated. There are laws that refine and clarify moral precepts, while others are open to ambiguous moral evaluation. The borderline between law and morality is often blurred. The law does not tell us what we ought to do in most situations. At most it sets out a framework, which determines the minimum standards and acceptable behaviour that society will tolerate. Moreover, the requirements of morality go beyond those of the law. The framing of moral standards by police supervisors will involve reference to shared values, but also involves a more complex process of fostering an atmosphere where moral dilemmas may be faced and shared. In such a process, setting an example is as important as establishing precepts but in securing practice, informed by the appropriate principles, critical attention to the moral requirement is a necessity.

Ethical Decision-making

In considering ethical decision-making, Neyroud (2006), referring to the work of Neyroud and Beckley (2001), suggests that it is simply a case of police leaders and officers making the right decision for the right reason. However, Lee (2007:29) states, "right and wrong is helpful but it's also insufficient to deal with the ethical dilemmas facing policing in the 21st century". This infers that officers need to do more than just recognise the difference between right and wrong; they also need to possess the requisite tools to actually deal with the ethical dilemmas presented. Mills (2002) argues that ethical decision-making is primarily concerned with the potential ethical outcomes derived from a decision. Critical to this process are the values and beliefs of the individual, which assist in developing their sense of what is right or wrong in any given set of circumstances. Similarly, Schafer (2002) argues ethical decisions consist of a range of choices rather than one single decision, but warns that a 'bad' initial decision can have consequences not just for that decision, but those that follow. In pursuing this issue, Schafer (2002:15) has suggested that the individual, when considering the most appropriate decision to take, will explore three key questions: "what should I do? What will I do? How does the decision I make comport with my personal orientation?" In other words, the officer should consider their own moral compass as their guiding principle.

An interesting concept considered by Schafer (2002) is the principle of 'equilibrium', which he asserts is the driving force behind any decision an individual makes. An individual's desire to maintain the equilibrium in their life drives their decision, and when confronted with an ethical dilemma, their underlying driver will be to maintain their equilibrium, which may impinge on their objective decision-making. It could be argued that Schafer (2002) is claiming that individuals may take an unethical path if it serves to maintain the 'equilibrium' in their lives. This seems to be akin to the 'path of least resistance', where individuals acquiesce instead of challenging unethical behaviour.

Badaracco (1997) in his work describes what he considers to be 'defining moments' where a person has to choose "...between two options: One we know to be right and another we know to be wrong". He articulates three defining moments, which are all centred on our personal, organisational and societal values. He also introduces the term 'ethical myopia', where managers in the organisation believe that everyone in the group 'views' the situation through the same 'eyes', hence the eye metaphor. It is interesting that for each 'defining moment', actors need to challenge themselves. For example, in the first defining moment, one looks introspectively and asks the question 'who am I?' The second moment looks at an organisation and the leader needs to ask 'who are we?' Finally, the organisation looks at its place in society and asks 'who is the organisation?' It could be argued that the Badaracco (1997) model is an incremental model, because if the organisation does not understand its own identity and values, then how can it identify its place and role in society?

A feature in the literature is the association between gender and ethical decision-making. Libby and Agnello (2000), discussing the work of Ford and Richardson (1994), found that gender was important in ethical decision-making. A significant paper on this issue by Glover et al., (2002), referring to the work of Jackall (1988), outlines a number of studies that have found men are more prone to unethical behaviour than women. Glover et al., (2002) in their research found that women were more likely than men to make ethical decisions. However, Libby and Agnello (2000) refer to a number of authors (Galbraith and Stephenson, 1993; Krebs, 1994; Sikula and Costa, 1994; and Jones and Kavanagh, 1996) who report that gender has no effect on ethical decision-making.

From the evidence presented in this chapter, it is clear that making 'the right choice' is not as simple as it may first appear, and certainly not in every circumstance. Officers are confronted with ethical dilemmas on a frequent basis, which Richards (1985) suggests is implicit and bound up in the nature of police practice. An ethical

dilemma is, by its very nature, a dilemma - a circumstance where the individual is caught between 'a rock and a hard place'. Beckley (2000) and Wildermuth and Wildermuth (2006) argue that ethical dilemmas are problems that have no easy solution and very often result in criticism regardless of the ultimate decision.

In drawing this section to a conclusion, Neyroud and Beckley (2001) cited in Rowe (2008), suggest that the 'rule bound bureaucracy' is increasingly inappropriate to the contemporary environment and ought to be replaced by 'flexible professional practice'. This would necessarily involve the application of 'discretion' as a quasi-legal mechanism for applying the law, which is regarded by authors such as Hawkins (2003:188) as a fundamental requirement in police practice, suggesting that "...identifying the formal locus of discretion is best seen as a preliminary, if the task is to actually understand decision-practices and what shapes them".

The Practice of Discretion

Discretion has been the subject of significant debate in policing theory (Ericson, 2007; Nickels, 2007; Kleinig, 1996; Poyser, 2004; Delattre, 1996/2002; Rowe, 2007; Rowe, 2008). Ericson (2007:369) describes discretion as the "autonomy of decision-making independent of legal constraint" and suggests it is a fundamental concept embedded within the culture and structures of policing. Delattre (1996:45) states that "Discretion is the authority to make decisions of policy and practice". Kleinig (1996) has suggested that discretion is far more than simply making a decision, it provides an implicit understanding of what can legitimately be subject to more informal action; in essence it is prerogative. Rowe (2008) has observed that a feature of discretion is that officers are given a significant amount of freedom from supervision and as a result have a high degree of autonomy in the day-to-day execution of their duties. He (Rowe, 2008) highlights that there have been attempts over the years to limit the degree of autonomy afforded to an officer, for example, the positive arrest policy for domestic violence cases.

Poyser (2004), referring to the work of Holdaway (1977) and Delattre (1996) argues that the nature of the office of Constable is such that discretion is an absolute necessity. The role compels them to exercise discretion on a frequent basis in dealing with the complexities of society and Poyser notes that it would be impossible for every law or regulation to prescribe a course of action in every given situation. In a similar vein, Richards (1985:20) argues that "...it is impossible for laws to be deductively applied without intermediate inductive judgements; the whole body of law cannot be applied on practical grounds.." In fact, Ericson (2007), referring to the

work of Ignatieff (1979) and Rawlings (2002), identifies that 'tacit contracts' are made between members of the community and officers, where the officer is prepared to 'turn a blind eye' to minor indiscretions in the law in return for intelligence or information and support on matters considered to be important. This '*quid pro quo*' arrangement between the citizen and police officer is neither laid down in statute nor is it included in policy or procedure, nevertheless it is a part of day-to-day policing.

In discussing the use of discretion in the day-to-day reality of policing, Rowe (2008) referring to the work of Wilson (1968), recognises that discretion has more relevance to the lower echelons in the police. Unlike other occupations, the amount of discretion afforded to officers is greater further down the hierarchical structure. Hayes (2002) suggests that this is even more acute because probationer Constables are often asked, very early in their service, to deal with issues that pose ethical dilemmas, such as the effective and proper use of discretion and the use of force. This is supported by Rowe (2008:98) who recognises that very often those on the 'thin blue line' are officers who are young in service and inexperienced. It suggests that those who face the day-to-day practicalities of operational police work are, *de facto,* those with the least experience to equip them with the stock of common knowledge necessary to deal with the complexities inherent in police practice.

In exercising appropriate discretion, officers are charged to do so with impartially. Richards (1985:22) argues that impartiality is a fundamental moral, as well as legal, requirement. This objectivity, according to Newman (1985) and Richards (1985), is necessary to avoid a situation where personal prejudices and values outweigh an officer's duty to exercise their duty impartially. An example used by Richards (1985:22) demonstrating the difficulties inherent in applying discretion is that of the speeding motorist. The law requires that all motorists be treated equally in respect of speed limits, "but the father's plea of special entitlement to exceed the limit on his way to a sick child will probably count as a relevant reason for unequal treatment by a police officer". This mirrors an example provided by Reiner (2010), which highlights the dangers associated with discretion. He describes a situation where a Constable had exercised discretion and professional judgment not to prosecute a man doing 65 mph in a built up area because the man's wife was in labour. That decision backfired when the man in question wrote to the Chief Constable two weeks later to thank the officer for using his discretion. This resulted in the officer receiving a severe reprimand for excusing such a flagrant breach of the speed limit. Although this example was taken from Reiner's research in the late seventies, it does highlight the

fears associated with professional judgement and the ramifications for the officer concerned, even when acting in good faith.

The use of discretion is also aligned, according to the Police Federation report, with the independence of the Constable. It concerns the much cited quote from Lord Denning in the case of R v Metropolitan Police Commissioner *ex parte* Blackburn, also referred to by Prenzler and Ronken (2003), which refers to the doctrine of independence. Essentially, Lord Denning stated that the Constable is responsible for law enforcement, *ergo,* is answerable to the law and the law alone. This is an interesting proposition that underlines the impartiality of the office of Constable and that *de facto* the role comes with freedoms that afford the Constable greater power than the ordinary citizen. However, this independence, according to the Police Federation report, is set against a backdrop of continuing pressure from central government to erode the freedoms of the Constable thereby restricting the level of discretion available. The development of a performance and target-driven culture is discussed in a negative sense by Loftus (2010), referring to the work of Loader and Mulcahy (2003), in that performance indicators have curtailed the use of discretion and the autonomy of the officer to deal with issues as they see fit.

In conclusion, while it is clear that discretion has been the subject of significant debate, the reality according to Wadham (1998) cited by Poyser (2004:7) is that "mechanistic law enforcement would deny the officer the opportunity to act fairly and appropriately according to the situation." Alderson (1979:63) supports this view stating, "police officers also use their discretion to 'temper the bluntness of the law'". This suggests that officers are forced to apply discretion and exercise judgement in order to cope with legislation that is designed to meet the broad needs of society, but is unable to factor in every eventuality of practical day-to-day policing. The freedoms associated with the office of Constable and the expectation that officers will exercise discretion could lead officers to abuse their legitimate authority, which could result in a breach of integrity or lead to corrupt acts.

Integrity, Corruption and the Noble Cause

Integrity is a word commonly found in the literature on policing. Gibson and Villiers (2006:54) suggest that integrity is an indispensable virtue and support Delattre's (1996) definition as "the settled disposition, the resolve and determination, the establishment habit of doing right where there is no one to make you do it but yourself". Becker (1998) suggests that integrity is based on making principled decisions regardless of emotional or social pressures, and in doing so ignoring

illogical considerations in favour of rational principles. In practical terms, integrity can be described as the minimum standard the public has a right to expect.

Aligned to the notion of integrity is the issue of corruption. In a policing context, Punch (2009:20), referring to Barker and Roebuck (1973:3), has defined corruption as "deviant, dishonest, improper and unethical or criminal behaviour by a police officer". Thoms (2008) highlights that corruption had reached such endemic levels in New South Wales Police service that it resulted in the Australian Government setting up the Wood Royal Commission and the Police Integrity Commission to identify and deal with the issues. Thoms (2008), referring to Chan (1999), identified that despite having both internal and external scrutiny, there remained organised and entrenched corruption. Thoms (2008) argues that the level of corruption was due to the strong influence of the previous four commissioners and their senior management team who had, by trying to change the ethical climate in the organisation, actually driven the corruption underground. This, according to Thoms (2008), raises the issue as to whether, in organisations which are military in origin and by definition hierarchical, the influence of the most senior management is able to permeate through the organisation, *id est,* do the messages get through?

In developing the concept of police corruption, it is interesting to note the research of Punch (2009) who suggested that there are three typologies associated with police corruption: 'Grass eaters'; 'meat-eaters' and 'birds'. The 'grass-eaters' did not look for graft or kickbacks but passively accepted them as the natural perks that were spontaneously on offer. These benign grazers had no moral qualms about accepting free food and reductions on purchases. 'Meat-eaters', which Punch (2009) identifies as based on the work of Barker and Roebuck (1973), are proactive carnivores actively out searching for corruption opportunities. The third type of corrupt officer, which he described as 'birds', are officers who avoid deviant practices themselves, and 'soar above the reality of the street' wilfully ignoring the carnivore and herbivores. Punch (2009) asserts that, while good officers are able to work alongside corrupt officers, they must 'turn a blind eye' or develop an avoidance strategy. Another theory from Prenzler (2010) to a certain degree supports the work of Punch (2009) in his notion of the 'slippery slope' where officers, particularly early on in their career, will be encouraged through peer pressure to engage in minor infringements and perhaps 'grass eating' - for example, the acceptance of gratuities. This acts as the precursor to more serious forms of corruption (meat eaters). In such cases, within a short period following induction into the police service, they would have compromised the personal moral standards they entered the service with.

In recent times, the drive to improve performance has resulted in academics such Kleinig (2002), referring to the work of Neyroud and Beckley (2001), to highlight the issue of 'performance corruption'. This is where individuals focus on areas of the policing business that are evaluated or inspected. An increasingly aggressive and demonstrable performance corruption or culture has emerged as a major factor affecting integrity, not least because for some years there has been an apparent tendency for some forces to 'trawl the margins' for detections and generally use every means to portray their performance in a good light. This is supported by Reiner (2010:118) who suggests that "Under the pressure to get 'results' in the form of clear-ups, police may well feel impelled to stretch their powers and violate suspects rights". In essence, what they refer to is synonymous with the phrase, 'what gets counted gets done'. It suggests that police officers prioritise work according to the performance requirements placed upon them by the organisation. In support, Loftus (2010) found that the organisational emphasis on performance was insidious and created competition between and across shifts.

When considering the issue of integrity and corruption, the term 'noble cause corruption' is a common feature. Kleinig (2002) suggests that this was a term first coined by Delattre (1989) to identify when an officer exceeds their authority in order to achieve what they regard as a legitimate objective. In terms of a definition, Kleinig (2002:288) suggests that "....noble cause corruption is said to refer to situations in which convictions are falsely obtained in order to secure a greater good such as public safety". The notion of noble-cause corruption should immediately appeal to the utilitarian, who would suggest that the greater good has been served by such behaviour (Kleinig, 2002; Crank et al., 2007). This is aligned to the notion, of 'rule bending' discussed earlier in this chapter.

It is suggested by Johnson and Cox (2005), referring to the work of Harrison (1999), that officers may be unintentionally carrying out acts that could be described as noble cause corruption. Officers may not intend to operate outside of the law, but their behaviour may simply be symptomatic of a failure to recognise the boundary between 'right' and 'wrong'. Kleinig (2002) suggests that noble cause corruption, rather than being associated with corruption *per se*, should be regarded as a form of deviance. Terms such as 'noble cause misconduct' or 'process deviance' are more helpful, which is supported by Miller (2004), cited in Richards and Adlam (2004), who also suggest that there should be a delineation between corruption where the driving factor is personal gain, and noble cause corruption, which is driven by achieving a desirable outcome for the public good.

A repeated example through the literature is the 'Dirty Harry' conundrum, referring to the series of films about an American policeman Harry Callaghan. Klockars (1983) cited in Crank et al., (2007) suggested that 'Dirty Harry' epitomises the type of actions that seem to rationalise noble cause corruption, and that 'the Dirty Harry problem' was a central tenet of police work. He argued that police have to choose between competing ethics, either the legal or the good end. In another interesting example offered by Kleinig (2002) to highlight what he terms 'dirty hands' decisions, he notes that individuals are frequently presented with difficult decisions, that despite the best of intentions, will 'end' with 'evil' consequences. He refers to the William Styron novel 'Sophie's Choice' about a mother in a Nazi concentration camp faced with the choice of keeping just one of her children, given an ultimatum that if she refuses both will be killed. The moral burden on her in this situation is enormous and Kleinig (2002) suggests that whatever her choice she will be left with 'dirty hands', the result of an unethical decision made under impossible circumstances. He (Kleinig 2002) suggests that these moral impasses are caused more often than not by the immoral behaviour of others.

In terms of the drivers of noble cause corruption, Neyroud (2006) referring to his earlier work (Neyroud and Beckley, 2001), outlined three areas of concern: preoccupation with crime-fighting approaches; the police organisation itself; and the police culture, which will be discussed in greater detail in the next chapter. Kleinig (2002:291), referring to Delattre (1989), suggests there are two 'vices' that determine whether or not the police officer will engage in acts of noble cause corruption. The first is arrogance, where officers arrogantly believe that that the ends they are pursuing justify the means. The second is cowardice; when hard decisions need to be made, officers withdraw and hide in their office, thereby acting corruptly. It is interesting to note that Delattre (2002) considers that when an officer is thrust into making difficult decisions and does the best to make the 'right' decision, then there is no reason to charge the officer with being corrupt. He (Delattre, 1989) would assert that only those who fail to recognise the dilemma or withdraw from confronting the necessary decision (cowardice) could be described as having 'dirty hands'. In this sense, cowardice could be aligned to the notion of decision inertia discussed earlier. Officers are fearful about making a decision based on potential organisational scrutiny and therefore avoid making a decision altogether.

The link between ethical decision-making and noble cause corruption is evident and Kleinig (2002:298) argues that a key feature in making decisions is that "...such judgements may result in noble cause decision-making that hovers close to the

edges of corruption; they share some features with means-ended decision-making and some with dirty hands decision-making". This highlights those instances where the law does not always appear ethical to all. For example, the 'dirty Harry' conundrum, where an officer breaches the law in an effort to save the life of another, could be regarded as ethically legitimate but is nevertheless unlawful.

In drawing this section to a close, Reiner (2010:209/210) has suggested that while there may be a level of acceptance in the police culture towards 'rule bending' in the form of 'noble cause corruption', this does not translate into a 'carte blanche' authority for significant deviance from the "moral norms of police culture". While there may be a tolerance to minor infringements in day-to-day practices such as "...verballing or even physical force in some circumstances", the reality is that officers weigh these forms of malpractice against their moral judgement of what the individual deserves and/or is necessary, "...even if these fall short of ideal versions of ethical policing (Klocklars, 1980; Kleinig, 1996; Neyroud, 2008)."

Conclusion

In sum, it is evident that ethics has a significant role in day-to-day policing situations. This chapter has articulated the journey from the three key areas of ethical theory, through to the discourse on decision-making and ethical decision-making. Police decision-making is subject to intense scrutiny, particularly as police practice is allied with the freedom and autonomy associated with the office of Constable. It is imperative that police decision-making is ethical and not driven by corruption, personal reasons, a lack of integrity or the negative connotations associated with a perceived lack of integrity. This merely serves to reduce public confidence and undermine the legitimacy of the police. In support of this, Neyroud and Beckley (2001:220) state:

> "Good policing in the 21st Century requires.... a renewal of the contract between the police officer and the citizen, which in turn requires greater openness and scrutiny, continuously improving professional standards and a new commitment to ethics at the core of policing."

Chapter 2

Examining *ultra vires* aspects of Police Decision-making

This chapter outlines:

- **Whether a code of ethics would deliver benefits to the ethical decision-making of police officers;**
- **The values of the police, including an examination of the culture and role of leadership in setting the ethical tone of the organisation;**
- **The value of ethics training for police officers.**

This chapter highlights the extra-legal aspects of police ethical decision-making and looks at potential explanations as to why, on occasion, it appears unethical. The manner in which external factors influence ethical decision-making is explored and, in order to consider these issues, this research study necessarily considers a number of key personal and organisational influences. A significant feature in the police literature on ethics and ethical decision-making is the drive to deliver policies and the development of practices that encourage an ethical approach to the decisions officers take. These extraneous factors have a strong influence on the nature of police ethical decision-making and a number of these factors featured as part of the discussions during this research study.

A number of authors (Beckley, 2000; Villiers, 2002 & 2003; Pagon, 2003; Rowe, 2008; Prenzler, 2009) have discussed the value of a code of ethics to assist officers in making ethical decisions. This chapter considers the role values play in ethical decision-making and also explores the role organisational culture plays in providing the climate for ethical behaviour, particularly when it comes to making ethical decisions (Magers, 2007; Victor and Cullen, 1987; Dickson et al., 2001; Rothwell and Baldwin, 2006). There is significant evidence to suggest that leadership plays in delivering an ethical environment (Burns, 1978; Bass and Riggio, 2006; Offerman et al., 2001; Alban-Metcalfe and Alimo-Metcalf, 2007; 2009; Alimo-Metcalfe and Alban-Metcalfe, 2005; Gibson and Villiers, 2006; Northouse, 2007; Price, 2002). The final aspect of this literature review examines the ethical training of police officers.

Codes of Ethics – A blueprint for Ethical Decision-making?

There are a number of organisational theorists who have argued for the development of a code of ethics as a basic statement of intent to their employees and the public at large in relation to their ethical position (VanSandt & Neck, 2003; Schwartz, 2001; Beckley, 2000; Farrell et al., 2002; Loe et al., 2000; Schwartz, 2001). Schwartz (2001:248) defined a code of ethics as "a written, distinct, and formal document which consists of moral standards used to guide employee or corporate behaviour."

A significant literature review by Ford and Richardson (1994), supported by Farrell et al., (2002), referring to the work of Brien (1996) and Marnburg (2000), found that the existence of an ethical code did not have a positive impact on the attitude of respondents. This lack of evidence in relation to the effectiveness of a code of ethics has led VanSandt and Neck (2003:364), referring to Mathews (1988), to conclude that a code of ethics "may be nothing more than window dressing". In contrast, McCabe et al., (1996), cited in VanSandt and Neck (2003), did find a positive correlation between the existence of a code of ethics and a reduction in the amount of unethical behaviour. This is supported by Valentine et al., (2002), citing Singhapakdi and Vitell (1990), who identified that individuals employed in companies that had imposed codes of ethics were more ethical than those employed in companies without a code.

A number of authors have considered the benefits of a code of ethics for the UK Police Service (Beckley, 2000; Villiers, 2002 & 2003; Pagon, 2003; Rowe, 2008; Prenzler, 2009; Rowe, 2008). Rowe (2008:129) has suggested that the introduction of an ethical code of ethics for the police is associated with the wider context and growing concern over "standards in public life", itself aligned to the issue of "enhancing public confidence (Neyroud, 2003)." In considering the introduction of a code of ethics for policing in the UK, it is important to note that there have been two attempts to introduce one, but both have failed (Villiers, 1997). However, the European Council Code of Ethics already exists and Villiers (2002) suggests that Section 63 of the Council of Europe new Code of Ethics, which sets out the requirement for member states to develop a code of ethics for police, should have been the catalyst for the British police service to move forward with the development of an ethical code.

Villiers (2002) and Richards (1985:28) have reinforced that personal responsibility is a critical element in a code of ethics. Richards (1985) has argued that the construction of a code of ethics for policing would offer a set of principles to which

officers could return for guidance on a whole range of routine situations. This approach has been supported by Neyroud (2006:21), referring to Neyroud and Beckley (2001), who states "...that a helpful starting point for policing would be a set of ethical principles, drawing on human rights and ethical theory, which can be situationally applied". Rowe (2008) has also espoused the potential benefits of a code of ethics for policing. He suggests that it could offer an effective means of responding to behaviour that does not meet the standards expected. Kingshott (1999), cited in Beckley (2000), suggests that a code of ethics will assist with awareness raising and ultimately improve ethical decision-making. This said, Richards (1985) does acknowledge that codes alone will not guarantee ethical decisions; the manner in which these codes are applied is equally important.

In contrast, Beckley (2000) has argued that a code of ethics is not required in the police service. He suggests that the ACPO Statement of Common Purpose and Values (SCPV) was devised to ensure that officers have a guide to follow and that this captures the essence of the policing role in democratic society and negates the need for a formal code of ethics in the UK. Beckley outlines that he has yet to uncover a document that comprehensively articulates a statement of ethics. He refers to a number of documents that are similar to an ethical code, for example, the Oath of Office of a Constable and the Standards of Behaviour. Similarly, Schafer (2002:15) is sceptical of the practical usefulness of such 'codes' and suggests that in reality a code of ethics in an organisation could "... become the goal rather than a trip wire to signal unacceptable behaviour". Alderson (1998) suggests that it would be a mistake to direct the entire focus on operational police officers, as the ethics of the police service itself must be addressed in the first instance. It would be disingenuous to expect officers to conform to a code of ethics when in fact they are driven towards certain patterns of behaviour that could be regarded as unethical. Owens and Pfeifer (2003), referring to the work of Kronzon (1999), have suggested that the behaviour of leaders is more influential on the behaviour of members than a formal code of ethics would be. They argue that there is no significant evidence that the presence or absence of a formal code of ethics has any negative influence on the way in which individuals perceive the behaviour of others.

In concluding this section, the comments of VanSandt and Neck (2003), referring to the work of Cassell et al., (1997) Trevino (1990) and McCabe et al., (1996), highlight that in isolation a code of ethics will do little to change behaviour unless it is embedded into the culture of the organisation. Central to this notion of professionalism is the development of a strong affiliation with organisational values.

The influence of Personal and Organisational Values

There is evidence (Grieve, 2002; Lord and Brown, 2001; Thomas et al., 2001; Dickson et al., 2001; Lee, 2007; Borrello, 2005) that values have a significant influence on the way in which social actors make decisions. Lord and Brown (2001:138), referring to the work of Schwartz (1992), define values as "desirable states, objects, goals or behaviour transcending specific situations and applied as normative standards to judge and to choose among alternative modes of behaviour". Dickson et al., (2001), referring to the work of James (1998), argue that social actors have used their personal values to make sense of events that occur in their environment. This suggests that values form an integral aspect of the 'framing' process noted in Chapter 1. Other authors (Michie and Gooty, 2005; Lord and Brown, 2001; Cha and Edmondson, 2006 who refer to various authors; Chatman & Cha, 2003; Feather, 1996; Kotter & Heskett, 1992; Lord & Brown, 2001; Lydon, 1996; O'Reilly & Chatman, 1996; Rokeach, 1973; Tushman & O'Reilly, 1997; Walton, 1985) have suggested that values serve to provide guiding principles in a person's life and serve as a regulatory mechanism to control behaviour in accordance with socially acceptable norms.

In policing terms, a number of writers have shown an interest in the role values play in the police service (Neyroud, 2006; Lee, 2007; Fitzpatrick, 2006). Both Lee (2007) and Neyroud (2006) have suggested that the challenges of policing in the 21st century and developing a professional police service with a commitment to ethics and human rights principles, is underpinned by the personal values of officers. This is supported by both Ford (2003) and Loftus (2010:1), who have identified that informal values play an important role in policing and "..in shaping their everyday decisions and practices." In contrast, Fitzpatrick (2006:13) suggests that there has been "...a misplacement of values and moral reckoning (ethics) used by police in making many of their decisions". He argues that values do not provide the appropriate guidance for decision-making because they do not provide the 'rightness' or 'wrongness' of a particular decision. This view would seem to suggest that having an agreed and common set of values for an organisation would not influence the ethical decision-making process. This is contrary to the direction the police service has been heading towards for some time.

In an attempt to develop a corporate set of values across the service, the Association of Chief Police Officers constructed the Statement of Common Purpose and Values in 1990 (HMIC 1999). In this statement, there is a clear expectation that every member of the police service, both sworn and unsworn staff alike, have a duty to the

public. De *facto* there is an expectation that staff share the core values noted, which are "fairness and impartiality, integrity, freedom from corruption, respect for liberty and compassion". In reality these values, whilst providing a generic platform for consideration, do not necessarily provide the degree of clarity required to assist in ethical decision-making. They are broad principles and it could be argued that they replicate the basic principles contained within the Oath of Attestation.

In making decisions it appears social actors use their values as a regulatory mechanism to ensure that their decisions are consistent with their own and their organisational values. But what happens when these are incompatible? Incongruence between the values of the individual and the organisation should not be overlooked. Authors such as VanSandt and Neck (2003), referring to the work of Brown (1987) and Peterson (2003), suggest that a disconnection between the personal values of the individual and the values of the organisation can be a destructive situation for both. Peterson (2003) outlines that a lack of congruence between personal and organisational values is typically called ethical conflict, where the ethical values of the individual do not correlate with the organisation. Research has concluded that individuals tend to place themselves in organisations that best suit their character and voluntarily leave those that do not provide a positive match (Schneider, 1987).

A number of authors (Punch, 2009, citing Reiner, 1978; Rowe, 2008; and Reiner, 2010) have discussed the political proclivities of police officers and in doing so have argued that police officers typically come from relatively conventional backgrounds. Reiner (2010:126) states, having considered the political orientations of police officers "...to be conservative, politically and morally.... The police officer with a conservative outlook is more likely to fit in. Processes of selection and self-selection lead police officers to be conservative..." This would therefore suggest that they are more likely to have conservative values that align closely to the organisational values inherent in a law enforcement institution.

In concluding this section, it seems there is general agreement that the values of those engaged in the business of policing are an important factor. It is imperative individuals understand and possess the values that underpin the Oath of the Constable. However, it is also acknowledged that the strength of the police culture is such that Ford (2003:84), referring to the work of a number of authors (McNamara, 1967; Crank, 1998; Lundman, 1980; Reuss-Ianni, 1984), suggests that new recruits entering the police service do so with high ethical standards, but these change as they become exposed to the values and attitudes inherent within the police culture.

Quickly they become institutionalised into the police organisational culture and their attitude diverges from those in wider society.

The Police Organisational Culture

The role of an organisational culture is noted by Deal and Kennedy (1982), cited in VanSandt and Neck (2003:372), who argue that corporate culture "has a powerful influence throughout an organisation; it affects practically everything." Grieve et al., (2007:116) in defining culture state it is, "the deeper level of assumptions and beliefs that are shared by members of the organisation that operates and project unconsciously on an organisation's view of itself and the environment." VanSandt and Neck (2003) argue that the organisational culture is pivotal in transmitting the ethical intentions and orientations of the organisation to its employees. This is supported by the work of Chen et al., (1997) who, referring to the work of Sinclair (1993) and Ford and Richardson (1994), outline that the more ethical the culture of an organisation, the more ethical an individuals' decision behaviour. Therefore, to influence conduct and decision-making, there must be an organisational drive to foster a culture that actively promotes ethical behaviour.

Police culture has been the subject of significant international research (Reiner, 1992; Chan, 1997; Waddington, 1999; Dick and Jankowicz, 2001; Jones, 1996; Paoline, 2004; Holdaway, 1997; Holdaway and Barron, 1997; Young, 1991; and Brown, 1996; Rowe, 2008; Reiner, 2010; Loftus, 2010). Rowe (2008:112), referring to the work of Reiner (2000), states that 'police culture is not monolithic, universal and unchanging' and it cannot be assumed that all officers share values, attitudes and beliefs. This is supported by Chan (1997), referring to the work of Manning (1993), who has suggested that any theory of police culture should account for the existence of multiple cultures within a single police force and for variation in cultures between different police forces.

Chan (1997) argues that police culture does not provide an absolute guide to the behaviour of police officers; it is up to each individual officer to decide whether or not to resist or accept its influence. This is supported by Rowe (2008:116) who argues that ".....while the concept of police culture is vital to understanding policing it provides a poor guide to police behavior in particular circumstances". Similarly, Waddington (1999) suggested that police culture is a means of interpreting and explaining police work. The culture does not, and is not, an inevitable and contributory factor in determining police officer behavior. In appears that while both Waddington (1999) and Rowe (2008) recognise the influence of culture, they warn

against labelling police culture as a mechanism for shaping behaviour. In examining police occupational culture for this study, two of Reiner's (2000) seven elements of culture have been explored further; sense of mission; isolation and solidarity.

The Mission of Policing

Policing as a mission or vocation rather than simply a 'job' has been considered by a number of authors (Reiner, 2010; Neyroud, 2003; Loftus, 2010; Delattre, 1996; Punch, 2009; Manning, 1977). Reiner (2010:119) has identified that this sense of 'mission' is aligned to the fact that officers consider policing to be more than simply a job; it is a moral imperative, which they are duty bound to fulfil. In essence, it is a calling and they present "'the thin blue line', performing an essential role in safeguarding social order". This is supported by Loftus (2010:4), referring to the work of Manning (1977), who argues that the police service, and in particular its culture, has long identified with a defined and amplified sense of mission in their role. Furthermore, Loftus (2010) found that officers recognised the moral values associated with the culture, outlining that they were involved in a 'noble mission', protecting society from descending into chaos.

In a similar vein, Delattre (1996) suggests that the mission of policing is allied to ethical behaviour and integrity. Only officers with these characteristics deserve to be entrusted. Punch (2009:37) has captured the essence of policing as a vocation and a mission, but also recognised the influence such a mission has on the development of a strong devotion to the ethos of the team stating:

> "Policing is seen as a vocation, if not a noble mission; this enhances a view of being separate and different and of doing valuable work that is not fully appreciated by outsiders.... a powerful feature in policing is that the nature of the work, operating in uncertain situations of potential conflict generates strong solidarity. In the cop code officers must always back up partners and respond rapidly when an officer is in trouble (Reuss-Ianni 1983)."

Group loyalty and social isolation

It is noted that this fixation with loyalty can result in some complex ethical dilemmas and as a consequence introduces morally grey areas. Kleinig (1996:31) cites the former assistant Chief in the New York Police Department, Aaron Rosenthal, to illustrate the paradoxical nature of loyalty in that "...if an organization wants you to do right; it asks you for your integrity; if it wants you to do wrong, it demands your loyalty." A number of authors (Rowe, 2008; Loftus, 2010; Neyroud, 2003; Punch, 2009; Kleinig, 1996; Reiner, 1992; Prenzler and Ronken, 2003) have discussed group loyalty as a negative feature of police culture in that it has been aligned to a

willingness to protect colleagues and cover up transgressions. For example, Loftus (2010) noted the strength of group loyalty and how pervasive it was in the culture of the officers, observing on a number of occasions the 'covering up' of deviant practices of other colleagues.

Rowe (2008:101) referring to the work of Walklate (1995: 104) highlights this predilection for covering for their colleagues in that:

> "Cooperation and solidarity have frequently been, commented upon as key features of this cop culture ... on occasions that culture has been seen as the source of all policing ills. Indeed, the solidarity engendered by it had been known to provide 'cover' for rather less than legitimate policing activities. Understanding the nature and impact of this culture on how the task of policing is performed is crucial to an understanding of how, in routine practice, the central task of policing is interpreted."

Neyroud (2003) supports this position as he suggests that, due to the strength of the occupational culture of the police and the strong camaraderie experienced in the service, there are occasions where a 'partner' or close colleague is 'shielded' and where their inappropriate behaviour is not reported. Furthermore, in an assessment of police deviance and corruption, Punch (2009) argues that a major issue is the role that loyalty and solidarity play in allowing such activity to fester, or in being prepared to lie for another officer. The loyalty imperative could put colleagues under intense pressure and Reiner (1992) and Prenzler (2009) have suggested that the notion of the 'rule of silence' is a significant facet of the cultural paradigm. This complicit willingness to remain silent or lie for a colleague has been aligned by both Reiner (1992) and Prenzler (2009) to the strong informal sanctions that officers can be subjected to, including ostracism from the rest of the group, bullying, or physical or reputational threats to the officer in order to 'buy' their silence.

Prenzler and Ronken (2003) support this notion of a 'code of silence' and outline that even where misconduct is identified their (police officers) first instinct would be to protect colleagues or cover up the alleged misconduct issue. Furthermore, he (Prenzler, 2009:38) argues that this level of solidarity could result in police officers "who witness misconduct then become torn between their duty to reveal the truth and help stop corruption, and group pressures to keep silent". Punch (2009) has questioned whether this reluctance to break the 'code of silence' and the need to gain membership in the group, represents the 'slippery slope' towards corruption. A reluctance to report colleagues could be symptomatic of a culture where 'whistle blowing' is frowned upon.

It is understandable why loyalty in this context could be regarded as negative, but loyalty in general terms is regarded as a desirable virtue. In a positive assessment of the interrelationship between police occupational culture, solidarity and loyalty, Chan (1997) and Reiner (1992) highlight that police officers regard the assimilation of police culture as essential. It allows them to cope with the demands of policing, which are regarded as dangerous and bring a sense of social alienation. Solidarity, loyalty and social isolation all appear to paint a negative picture of police culture, but it is also worth noting that these features could also be regarded as a valuable asset to the occupational culture in that they provide camaraderie and a support mechanism for team members who face adversity on a daily basis and it helps to maintain team cohesion (Reiner, 1992).

Such an environment highlights a 'us' (police) and 'them' (everyone else), wherein the notion of solidarity and team membership is critical. This sense of social alienation or isolation has been discussed by Loftus (2010), referring to the work of Reiner (2000). Due to the status of police officers and being symbols of state authority, the police are prone to become socially isolated from the outside world. Conti and Nolan (2005) found that new recruits were told from the outset about social isolation and how their lives would dramatically change and be significantly different from their friends and family because of the position they held.

Aligned to this notion of solidarity and social alienation, Reiner (2010:124) has developed an interesting concept referred to as 'police property' stating:

> "A category becomes police property when the dominant powers of society (in the economy, polity, ext.) leave the problems of social control of that category to the police (J. Lee 1981:53 -- 4). They are low-status, powerless groups whom the dominant majority see as problematic or distasteful. The majority are prepared to let the police deal with their 'property' and turn a blind eye to the manner in which this is done."

In effect, alcoholics, drug addicts, the unemployed or the criminal fraternity could be classed as the 'undesirables' of society. Reiner (2010) categorises a number of groups that draw upon policing services, including "Rubbish", people who make calls on the police, which are seen as difficult, a 'waste of time' or are the result of the behaviour or lifestyle of the individual involved. He notes that domestic disputes would ordinarily be categorised by police officers as such a call.

The second category in this typology of 'police property' is "Challengers", defined by Holdaway (1983) as those whose job routinely allows them to breach the mystery and clandestine nature of police culture, and gives them information and knowledge

with which they might challenge police control of their 'property'. This may include those involved in the custody visitor's scheme. The third category "Disarmers" are members of groups who can weaken or neutralise police work (Holdaway, 1983). They include groups that are regarded as difficult to deal with, such as victims or witnesses, because they are perceived as socially vulnerable, such as children or the elderly. Allegations they make against the police may receive special sympathy. The next type is "Do-gooders" who are principled anti-police activists who criticise the police and organise to limit their autonomy (*ibid*). The final category in Reiner's (2010) typology is the 'Politician' who as a collective are regarded suspiciously (Reiner 1978). This group includes lawyers that have been seen as a contributory factor in the 'them' vs. 'us' description of police culture. Reiner (2010), referring to an extract from an interview with an officer, suggests that the solidarity is borne out the pressure and criticism officers receive from all corners, including their own managers and the public, but particularly from the lawyers. This epitomises and accentuates the perception that social isolation is the 'policeman's lot'.

Socialisation – transmitting the Police Culture to new Recruits

Socialisation has a significant role to play in sustaining an organisational culture. It is a vehicle for ethical behaviour, as noted earlier in a discussion on Aristotelian ethics. Richards (1985:27) argues that:

> "Moral principles structure our experience: not only do they prescribe how we ought to behave, but because they have a descriptive content they indicate what it is we should attend to. We learn of them in a complicated and largely informal way in childhood from parents, teachers and other landlords and more often than not in the context in which they have application".

According to Prenzler (2009), referring to the work of a number of authors (Brown and Willis, 1985; Wortley and Homel, 1995) and Ford (2003) referring to the work of a number of authors (Lundman, 1980; Niederhoffer, 1967; Van Maanen, 1973), many recruits bring high moral standards with them. The values and attitudes that characterise the working personality of a police officer are actually learned as part of the process of socialisation during the early part of the officers' career. Kappeler et al. (1998:87), cited by Catlin and Maupin (2004:289), suggest, "..recruit and probationary officers are profoundly affected by their training and socialisation". This suggests that the initial period of an officer's career is significant in the development of their beliefs, values and attitudes. Catlin and Maupin (2004), identified that socialisation in an organisation is a significant factor in the ethical orientation of police officers. Furthermore, Bennett (1984), cited in Catlin and Maupin (2004), outlines that recruit training does have an impact on the values of officers. Rokeach

et al. (1971), cited in Catlin and Maupin (2004), suggest that this is not the case and concluded from their research that values were not influenced by the same organisational socialisation processes that feature in other research.

Fielding (1988), citing the work of Van Maanen (1974), outlines that the process of socialisation provides new members with a 'route map' to becoming a fully integrated member of the organisation. It provides the rules and perceptions necessary to navigate through the initial rituals inherent in police occupational practices. Such is the power of the culture in providing this route-map to accepted norms of behaviour that it has a profound ability to shape the attitudes of those that enter the organisation. Fielding also highlights that understanding these changes offers a critical insight into the decision-making of police officers. Punch (2009) describes the pragmatism associated with policing where the experience of the street outweighs the theoretical knowledge gained in training school; the new recruit is encouraged to forget everything they've learnt in training school and the 'real' craft of policing is carried out on the street.

The strength of the socialisation process according to Punch (2009) makes probationers particularly susceptible to assimilated deviant practices from more experienced colleagues. This is supported by HMIC (1999:29) who identified that there was a clear mismatch between the virtues extolled during their training and the views and attitudes of Tutor Constables and other experienced colleagues. It emerged that, 'new starters go with the flow, it's part of the police culture', and it was clear that new staff were heavily influenced by events going on around them. It is interesting that Holdaway and Barron (1997) found that the pressures to conform to the values and beliefs of the prevailing culture were reduced when the probationary period ended. This may be a signal that the officer has been 'fully socialised' and accepted as a member of the cultural group. Holdaway and Barron (1997) report that even those who initially found it difficult to accept the culture as inevitable find themselves immersed in the culture over time.

According to Ford (2003:86), referring to the work of other researchers (Bahn, 1984; Reuss-Ianni, 1984; Sherman, 1999; Van Maanen, 1973), 'stories' are an important tool in the transference of the culture from one generation of officers to the next. In support of this, Shearing and Ericson (1991:488) state "When asked how police work is done officers are unequivocal, they cite experience. They tell stories and cite aphorisms (Bayley and Bittner 1984) that lovingly describe ways of being, seeing and most importantly acting as a police officer". Shearing and Ericson (1991) assert that, contrary to the widely held view, police officers are socialised into, and heavily

influenced by, the police culture and officers are active participants in constructing the culture themselves. To this end, it would appear that these authors subscribe to the fact that the actors themselves are a fundamental part of the reality construction process. This contradicts the rule-based conceptual model discussed earlier as a feature in decision-making because the conventional view, that rules guide actors' behaviour and provide the basis for conformity, is erroneous.

In a critique of the conventional view of police culture, the typical 'boxing' of police actions as a result of the rules and regulations that they have to comply with is viewed as flawed. This is because police officers in particular quite regularly 'police' outside the boundaries of their policies and procedures in order to deliver results. Shearing and Ericson, (1991) suggest that a 'competent' officer is able to use decision-making freedom to 'choose' the most appropriate means of dealing with the issue. Sometimes the best way to achieve results is not to apply the rulebook too strictly. Of course Shearing and Ericson (1991) fail to mention the importance socialisation processes play in preparing those 'competent' officers for this event and providing that 'stock of common sense knowledge'. Officers, when questioned, use experience as an explanation for their ability to deal with such a wide variety of alternatives. Of course, any allusion to the 'copper's instinct' could be regarded as the product of knowledge built up as part and parcel of objective reality building processes. This has clear links with the role of intuition in decision-making discussed in Chapter 1.

Shearing and Ericson (1991:488), referring to the work of Bayley and Bittner (1984), argue that in discussing their 'craft' police officers have difficulty in articulating the principles of policing. They make sense and simplify the situational complexities they face through anecdotes and 'story-telling'. They conclude, however, that these stories should be taken with some scepticism as the same stories re-emerge too frequently and might simply be part of the 'folklore' transmitted from officer to officer without any critical evaluation. The collective of stories advocated by authors such as Shearing and Ericson (1991), referring to the work of White (1984), suggests that they provide a guide to the intrinsic cultural resources operating within each organisation. Each story demonstrates that culture is not simply a scheme or structure, but actually a way of life that, in order to be fully understood needs to be grounded in providing a set of resources that illustrate how that organisation works *in actu*, offering a pathway that illuminates and brings to life the way that officers speak and behave. Ford (2003) and Manning (1977) have suggested that stories, in essence, are the method by which police culture is transmitted from one generation

of police officers to the next. It brings to life the profession of policing to the new recruit and serves as a 'peg' upon which to 'hang' the cloak of mystery and supposition associated with the milieu of policing reality.

In concluding this section of the chapter, Loftus (2010) has argued that it will be difficult to change the nature of police culture until the mission of policing is radically reshaped. The strength of police culture has not been hindered by social change as the pressures associated with the office of Constable persist. Until this 'mission' is radically re-engineered, Loftus (2010) has little optimism for cultural change in the police service. Leadership will be a key feature in delivering any change to police culture and the relationship between culture and leadership is well documented. Maddalena (2007) and Thoms (2008) suggest that leadership is critical in the development of an organisation's culture and that it is the responsibility of the executive team in the organisation to develop an occupational culture that delivers ethical decision-making.

Ethical Leadership

A number of authors (Owens and Pfeifer, 2003; Bennis and Nanus, 2007; Bass and Riggio, 2006; Grieve, 2002; Wirrer, 2006; Banerji & Krishnan, 2000; Aronson, 2001; Kanungo, 2001; Trevino et al., 2003; De Hoogh and Hartog, 2008; Thoms, 2008; Dickson et al., 2001; Offerman et al., 2001, Adams et al., 2001) have discussed the role leaders have in the establishment and maintenance of a culture and the corresponding climate where ethical decisions are encouraged. Owens and Pfeifer (2003) argue that acceptance or rejection of behaviour by leaders can be the 'thermostat' in determining what level of unethical behaviour is tolerated. Bennis and Nanus (2007:173) argue, "Leaders set the moral tone....by reinforcing appropriate behaviours and by articulating these moral positions to external and internal constituencies". In other words, the leader is pivotal in developing the moral benchmark by which he or she expects everyone else to work.

In policing terms, Swope (2000:36) argues that police leaders have an important role to play in shaping the culture by effectively dealing with breaches of integrity, which "...is critical in maintaining an ethically healthy culture". The importance of leadership delivering ethical standards and preventing corruption was captured by Jackson (2011:25) with reference to the IPCC report into corruption in that "...in several cases wrong doing has not been detected owing to a lack of or inappropriate supervision." The role of leaders in the creation of a positive ethical environment is highlighted by Magers (2007:23) who argues that leaders in the organisation have

the challenge of ensuring that the organisational values they construct are commensurate with the ethical principles inherent in policing and that, furthermore, it becomes deep-rooted into normative practice and a feature in the decision-making processes of officers.

One of the central issues in the literature on leadership and ethics is the personal ethics of the leader and their qualities and virtues. Several authors (Alimo-Metcalfe and Alban- Metcalfe, 2005; Lee, 2007; Gibson and Villiers, 2006) discuss the virtues leaders should possess in order to make them effective. Alimo-Metcalfe and Alban-Metcalfe (2005) suggest that personal qualities, which are a critical part of any transformational leader, include honesty, consistency and integrity. In a policing context, Gibson and Villiers (2006) consider the issue of personal integrity in leadership and outline that the outstanding leader possesses high integrity and moral courage, which inspires trust and loyalty. In the recent review of police leadership and training carried out by Chief Constable Peter Neyroud (2011), the integrity and ethical attitude of managers and leaders in the police service were viewed as vitally important. Having values and ethics at the centre of the leadership model for the service was therefore imperative. The importance positive leadership has on the police service was also confirmed by Berry (2010:4) who suggested that there was a need to recognise leaders in the organisation that not only talk about a set of clear and simple ethical standards, but also reinforce this with action to maintain such a standard; in other words 'walk the walk' not just 'talk the talk'. Berry (2010) also recognises that leaders have a key role in supporting officers who have made decisions based on the immediate information and the situation before them, regardless of whether the outcome matched their expectations.

Owens and Pfeifer (2003:126), referring to the work of White (1998), have identified the role that hierarchies play in the moral reasoning of individuals, particularly within paramilitary organisations. They found that the hierarchical structure in such organisations have a profound impact on the moral reasoning of individuals. In a similar vein, this study shows that police leaders need to be aware of the impact organisational structure has on the ethical proclivities of their officers. They need to consider how they might best nullify this factor. Blasi (1980) suggest that moral reasoning and ethical behaviour are directly related. The manner in which an individual analyses an ethical dilemma appears to have a direct impact on their subsequent behaviour. Owens and Pfeifer (2003), taking into account the work of White (1998) and Blasi (1980), have suggested that organisations, which are acutely hierarchical in structure and nature, may be disadvantaged in relation to the moral

reasoning of their officers. They suggest that it is not just the actual behaviour of leaders that influences the behaviour of subordinates, but the perceived behaviour or attitude. This is also true where an individual perceives that the acceptable moral position, the behaviour they perceive to be the norm within the group, guides their moral behaviour. Owens and Pfeifer (2003) suggest that the ethical reasoning and behaviour of an individual within an organisation, and the manner in which they respond to ethical dilemmas, will be directly associated with their perception of acceptability within the organisation.

In conclusion, there is evidence that supports the notion that police leaders have a pivotal role setting the tone of the organisation. Owens and Pfeifer (2003:124), citing the work of Kronzon (1999), state that "...the behaviour of leaders often produces more ethical influence than written organizational code of ethics". This contradicts the work of Villiers (1997), noted earlier. Prenzler (2009:175) captures the relationship between leadership and ethical policing in that he recognises that being a good inspirational leader on its own is insufficient to ensure ethical policing and decisions. Police managers and supervisors also require a thorough understanding of the practical operation of the organisation to support ethical policing. In developing ethical leadership, Wildermuth and Wildermuth (2006) referring to the work of Josephson (1989), suggest that in training it is necessary to distinguish the obvious 'unethical' decisions from the 'ethical' ones, *id est*, those that are clearly wrong, for example stealing, or injuring others. In addition, it is important to reinforce to leaders that there is no absolute answer where the line between right and wrong is based on ethical values, truth and fairness, truth and loyalty. The actor, when considering the most appropriate answer, needs to rely on their own values to navigate their way through the 'fog' in order to get to 'clear blue skies'.

Ethical Training

The role of training has been a feature throughout the literature on values, discretion, integrity and ethical decision-making. Several authors have broached the issue of ethics training in the police service (Donahue, 1993, referring to the work of Elliston and Feldberg, 1985 and Pollock-Byrne, 1988; Owens and Pfeifer, 2003; Gleason, 2006; Conti and Nolan, 2005; Prenzler, 2009). The terms "training" and "education" are sometimes used interchangeably according to Prenzler (2009), but are actually two different things. Training often involves memorising material and the application of practical skills, while education refers to a broader, theoretical and critical development of knowledge and skills. He suggests that in order to develop

the necessary ethical capability, an officer should be exposed to both as part of their development programme.

It is suggested that it may be feasible to train officers to be more ethical in their decision-making (Gleason, 2006; Owens and Pfeifer, 2003). By training officers in the theory of ethics, they are afforded the ability to recognise ethical dilemmas, identify the options available to make the decision, act and then, having made a choice, stand by their decision. However, training, whilst raising awareness, does not endow officers with the moral courage necessary to make challenging ethical decisions.

Gleason (2006:60) has suggested that any police training in ethics should provide clear guidelines and parameters to follow. It should deliver a vocabulary, thought processes and acceptable boundaries within which officers can properly exercise their powers, which he suggests will make "..the law more just". This is supported by the work of Delattre (1996:148), referring to Sherman (1983), who suggests that "teaching the reasoning process for arriving at moral decisions...is the fundamental purpose of education in ethics". The importance of police ethics in delivering ethical decisions was highlighted by Delattre (1996:150), referring to the work of Sherman (1983), who suggests "if ethics is to be treated seriously, teaching it as a separate course seems to be the only viable option." It was noted by Hayes (2002:323) that in general terms the traditional police training curriculum has not met the ethical element of officer training very well.

Helsen and Starkes (1999:399) recognise there are difficulties inherent in police training for trainees to secure the necessary experience of making decisions, particularly when it comes to dangerous situations. This can equally apply to ethical dilemmas. They suggest that, to be successful, training needs to be made real so that the 'correct' decisions can be made when officers are faced with similar scenarios in the real world, *id est*, they must engage the same stresses and strains as a 'real' situation. This is supported by Prenzler (2009), referring to the work of Kleinig (1990) and Newburn (1999), which suggests that the training course to new recruits should include the use of ethical dilemmas. These offer an opportunity to contextualise written policy and further develop, through discussion and debate, both hypothetical and real-life scenarios. Owens and Pfeifer (2003) support this, arguing that to positively influence ethical decision-making, the situational pressures and dynamics affecting the individual need to be discussed and tested in a training environment. They suggest that training should be focused on improving an officer's ability to make ethical decisions in general and engage in ethical behaviours, rather

than trying to focus on the myriad of ethical issues associated with policing. This would give them tools to work with, rather than the 'correct' decision to a number of given situations.

Conti and Nolan (2005) found that often police training courses over-simplify ethics and assert that any training course on police ethics should identify the multitude of universal moral dilemmas faced by police officers in the execution of their everyday duties. In addition, training should encompass guidance around what constitutes 'the right behaviour' in given circumstances and an outline of the dilemmas faced in day-to-day activities where 'right' isn't entirely clear. In other words, police ethics training needs to identify the morally grey areas identified by Badaracco (2006). Prenzler (2009) supports the notion that police training should include a comprehensive input on ethical issues and supports the view of Conti and Nolan (2005) in favour of a separate ethics course aside from the generic law or procedural aspects of police training. He argues that while a stand-alone course is preferable, this should not be at the expense of the 'pervasive method' of teaching, where ethics is covered across the curriculum. In essence, Prenzler (2009) supports the notion that ethics should be integrated into teaching modules to ensure that officers recognise the universality of ethics in policing, but recognising its importance in normative police practice, advocates a stand-alone ethics module. However, he highlights the dangers of diluting the already crowded new recruit curriculum, whereby efforts to ensure it caters for every expanding raft of legislation and procedure, and the ever increasing input of IT, will remove or shrink the ethics element to such a degree that it becomes meaningless and detached from police practice.

In terms of developing the ethical decision-making of police officers, Owens and Pfeifer (2003), referring to Clark and Leonard (1998) and Kronzon (1999), argue that the most effective way to deliver police training is to combine the individual, organisational and situational factors influential in ethical decision-making. They refer to a number of key attributes that would support organisations in developing ethical decision-making. The first is to identify the desirable ethical climate, that is, the culture they want to promulgate throughout the organisation that reflects its ethical needs and the communities they serve. They also refer to ethical training and the combination of classroom and interactive involvement with officers as the most effective platform, using case studies as a mechanism to share learning. This also highlights the situational factors associated with ethical decision-making. They also consider the dichotomy between ethical training and ethical course, arguing it is

important that ethics is included across activities and is not simply a classroom activity. They state (*ibid*: 132) "researchers have come to the conclusion that for ethical training to be effective it should be practical as opposed to strictly theoretical and focused on the decision-making process rather than rote learning of concepts." They also point out that the training also needs to clearly set out the organisational expectations in relation to the ethical standards and behaviour and recognise the importance of leadership. An interesting proposal set out in their work is the inclusion of community input into the training package created, linked to the improvement in outward legitimacy and public accountability and confidence.

Conclusion

This chapter has examined the influential facets of decision-making including an examination of values, culture, leadership and training. Neyroud (2011) has been exercised in his desire to deliver professionalism to policing through leadership and the introduction of the College of Policing. This will have a mandate for developing the professionalism of the service, including training of officers at all levels.

The introduction to this thesis presented the notion of public confidence and its importance is reinforced as a recurring theme throughout the literature, particularly when discussing the issue of ethical decision-making and integrity. It is evident that aligned to the notion of public confidence is accountability and transparency. Gleason (2006) suggests that improving the morality of decisions made by the police and their accountability for those decisions will have the effect of raising public confidence in policing. This is supported by the work of Richards (1985:18) who argues that public trust and confidence in policing underpins the principle of 'policing by consent'. The recent IPCC report on Corruption (Jackson, 2011:2) echoes this, "Policing in England and Wales is.... based on the principle of policing by consent, which relies heavily on a relationship of mutual trust and respect between the police and the public." It also suggests that public confidence is rocked and badly damaged by police behaviour, which it construes as being corrupt or inappropriate.

The role of police officer is a challenging one, with the weight of public expectation on every decision they make. It is therefore vitally important that the decisions they make are ethically potent. In the majority of cases, it is posited that officers join the police to make a difference, a point Richards (1985:25) is clear on when stating that "Most officers develop vocational commitment to policing; they accept the responsibility for developing their police knowledge and upholding the principles and values of the office."

Chapter 3

Methods

This chapter outlines:

- **The sampling process selected for the purpose of this study and the rationale for sample selection;**
- **The content of the interview schedule and vignettes that sought to explore the views of the interviewees and the decision-making of officers when presented with a set of ethical dilemmas;**
- **The data collection process and how this multi-method qualitative research study delivered the necessary data.**

This study employed a multi-method qualitative investigation into ethical decision-making to address the three main research questions, along with the ancillary issues identified, such as occupational culture and leadership. This research was set in one of the forty-three forces in England and Wales and the decision was taken that the researcher's own force would be the most viable option as it offers a return on the investment for the organisation. It also provided the necessary access, which Remenyi et al., (1998), referring to Gummesson (1991), suggest is one of the most pressing issues to overcome as a researcher, particularly for a one-off academic study.

Several authors have considered the issue of ethical decision-making (Ford and Richardson, 1994; Loe et al., 2000; Sims, 1999). An extensive analysis of ethical decision-making research studies carried out by Loe et al., (2000) found that that there had been 191 studies conducted on ethical decision-making since 1961. In the vast majority, quantitative research, with quite large samples, was used. For example, in 1988, Victor and Cullen carried out a study on ethical climate with findings based on responses from 872 managers. A breakdown finds that there have been 26 studies into gender and ethical decision-making, but Loe et al., (2000) did not find any evidence of ethnicity as a specific research topic. There were 17 studies on a code of ethics and ethical decision-making and a further 18 studies explored organisational culture and climate as a feature in ethical conduct. There was a dearth of evidence from qualitative studies, furthermore there appears to be an absence of empirical data on ethical decision-making in the police service. Ethical decision-

making according to Sims (1999) remains a fruitful landscape for further research in order to give managers a better understanding of the phenomenon.

As a serving police officer, the duality of my role and its possible impact was identified as a potential issue in the research. Sheptycki (1994) suggests that the in-house researcher may be deterred from conducting research on the organisation due to the potential limitations imposed or latently held within the hierarchy of the organisation. This issue was recognised but it was concluded that my previous experience in conducting research in the organisation, plus the reassurances and explanations given at the start of the interviews, meant the issue of duality of role would be mitigated. Moreover, the knowledge and experience associated with having an officer as a researcher provided participants with some comfort and meant that interviewees did not need to clarify issues or police jargon during the interviews. Johnson (2002:107) supports this position arguing that "an important issue is the researcher's relationship to member knowledge and lived experience", as it offers reciprocity in the interaction between the interviewer and the interviewee and an understanding of the nuances of the interviews. However, he (Johnson, 2002) also recognises that the current or former status as 'members' may constitute a barrier, but concludes that the benefits of reciprocity outweigh the potential difficulties.

It is impossible to claim that my prior role as a Chief Inspector within the organisation made no difference at all to the research, but all efforts were made to try to put the interviewees at ease. The empirical evidence from this study would suggest that officers were prepared to give open and honest responses in the majority of cases. It was therefore a positive asset to the study that I held both roles of researcher and member of the organisation, as it facilitated a better and more effective understanding of the constructs described by the participants. In addressing this issue of duality of role, the interview guide provided a short descriptive paragraph introducing the researcher role and the subject matter. This was a concise explanation that reinforced the status of the researcher. This was completed in order to avoid any potential ethical dilemma on my part, as the interviewee would not be left with any expectations from the researcher.

The Research Design

A number of authors advocate the use of qualitative research design as an effective tool in securing rich, 'thick' data concerning the phenomenon under investigation (Creswell, 1994; Geertz, 1973; cited in Klenke, 2008; Snape and Spencer, 2003; Lewis, 2003; Lincoln and Guba, 1994; Silverman, 1997 & 2001; Bryman, 1989 &

2004; Holstein and Gubrium, 2004; Lewis, 2003; De Vaus, 2002; Patton, 1990; and Denzin and Lincoln, 1994). Snape and Spencer (2003:3), referring to the work of Bryman (1988:8), capture the raison d'être of qualitative research stating, "the way in which people understand and interpret their social reality is one of the central motifs of qualitative research". This is supported by the work of Denzin and Lincoln (1994) who suggest that the advantage of qualitative research is that it provides the researcher with an opportunity to get closer to the participants. Patton (1990) outlines some of the strengths of qualitative research in that it is possible to secure depth and detail with openness that allows the researcher to view the world as the interviewees see it. This is supported by Stroh (2000:197) who suggests "A qualitative methodology can explore the 'actor's definition' and 'how people act, which gives meaning to their own lives' (Eyles, 1989:207)".

Other research methods were considered but rejected. The use of questionnaires was not considered to be the most effective route to achieve this deep-rooted understanding. Participants would be limited in their ability to respond and governed by the narrow list of choices presented. Whilst it is recognised that many previous studies on ethical decision-making have used this method, it was discounted as the qualitative interview was deemed more appropriate in providing an opportunity to explore issues within the interviewees as they occur. It would be a more effective mechanism for capturing the thoughts and considerations officers have during the course of their ethical decision-making. Bryman (1989:140) supports this rationale, arguing, "Quantitative research tends to deal less well with the processual aspects of organisational reality".

In terms of other primary data collection methods, both observation and focus groups were considered, but dismissed. The ethnographic observation of officers whilst taking decisions 'on-the-job' carried with it significant ethical concerns in the context of this study. While others such as Young (1991) have successfully used observation of the police, it was clear that his research was conducted over a significant period of time. Given my rank in the organisation, it would have felt uncomfortable to conduct research on the street with officers, observing their decision-making processes and then talking through the processes. It would, in all probability, be even more uncomfortable for an officer to be observed by a more senior officer during this 'live' process. A core feature in any research project is that the methods used must be realistic and achievable. As a full-time professional police officer at a relatively senior rank, it would have been difficult for me to carry out the

necessary hours of observation to elicit sufficient material to provide the meaningful insight and data required.

The use of focus groups was also considered and discounted. There are benefits in the focus group method, such as the researcher being able to collate a number of experiences/perspectives from subjects in a reasonably open environment and in a short time. However, the reality for this research was that, given the topic under investigation and the depth of experience sought, asking individuals to reveal their personal values and discuss their decision-making processes would have been difficult within a group setting. In addition, those that may have valuable insights to add may have felt uncomfortable disclosing their 'inner thoughts'. This view is supported by the work of Klenke (2008) who suggests that while there are benefits as noted above, the weaknesses of such an approach are that it only allows restricted time for participants to discuss their experiences and it may serve to curtail the thoughts of some participants and restrict the depth of the conversations. Lewis (2003:58) supports this position stating that focus groups, "...offer less opportunity of individual accounts and if this is the type of data required then in-depth interviews are preferable". An additional limitation was that the group as a collective may construct what they consider to be desirable responses or organisationally acceptable responses.

Appropriateness of the Method of Selection

The primary method used in this study was the in-depth semi-structured interview. It is noted, "...within social research, a compelling reason for carrying out qualitative interviews is that they offer a means of exploring the ways in which social actors interpret the world and their place within it. These interpretations are often complex and nuanced and would be difficult to access through other means" (Lawler, 2002:242). It has been suggested by Ritchie (2003); Klenke (2008) and Silverman (2001) that interviewing is one of the most widely used methods in qualitative research as it is well suited to delivering the data required to uncover and understand the phenomenon under investigation. This is supported by Miller and Glassner (2004:137) who argue, "...a strength of qualitative interviewing is the opportunity it provides to collect and rigorously examine narrative accounts of social worlds".

In deciding the most appropriate interview format, it was noted that there were a number of options available including fully structured, semi-structured and unstructured schedules, each with their own advantages and disadvantages. The

reason for discounting the structured interview was similar to the issues noted above in relation to the use of quantitative methods. It would not have provided the flexibility to allow the respondent to discuss matters or to explore issues that emerged during the course of the interview. The rigidity of the interview would have inhibited the qualitative nature of the interviews and would have been far too similar to a quantitative design of research. Equally, the unstructured interview type was not considered a viable option as without a schedule a mere reliance on the issues that were raised during the interview would be too *ad hoc* and may miss pertinent issues for further exploration. The use of the semi-structured interview is advocated as a preferred method for conducting interviews in that they are said to yield far richer data (Wenger, 2001; Odendahl and Shaw, 2002). However, "They are high preparation, high risk, high gain and high analysis operations" (Wenger, 2001:5).

The semi-structured interview in this study was a combination of questions and specially designed vignettes. The vignettes offered an opportunity to explore the actual decision-making of the individual. They consisted of a set of ethical dilemmas specifically designed to investigate the processes employed in the decision itself. Sims (1999) referring to Weber (1992) specifically highlights the usefulness of this method as a mechanism for studying ethical decision-making. Barter and Renold (1999) have argued that there have only been a few detailed accounts about the use of vignettes, particularly within the qualitative research paradigm. They (Barter and Renold, 1999) suggest that vignettes have been used to unmask the cultural norms that can be elicited from participants' attitudes and beliefs about a given situation and have also been useful to explore participants' ethical frameworks and moral codes. In outlining the key principles of the use of vignettes, it has been noted by Barter and Renold (1999) that a few factors must be present in determining its success as a technique. Firstly the vignettes must appear plausible and real to participants (Neff, 1979). Secondly, the vignettes need to contain sufficient context for respondents to have an understanding about the situation being depicted, but be vague enough to 'force' participants to provide additional factors that influence their decisions. In order to deliver on these requirements and ensure that a full range of practical and 'real-life' scenarios were presented to interviewees, five ethical scenarios were derived for this study.

Another relevant feature, given the nature of the subject matter in this research, was that Barter and Renold (1999) report that participants may initially provide 'socially desirable' responses. Only after probing will they reveal how they truly believe they would respond to the situation. Renold (2002) also suggested that the most common

theoretical and methodological restriction on the use of the vignette is the relationship between the vignette and 'social reality' - between belief (what they say they 'ought' to do) and action (what they 'actually' do). There were interviewees who seemed to outline the 'right answer' in terms of the response that the organisation would expect. However, in general terms the responses given by the majority of interviewees highlighted that they were prepared to discuss their actions as if the situation were real. It is suggested that the latter offered a more accurate reflection of reality for the purposes of this study.

This research design was multi-method and secondary sources were used and triangulated with the primary research method. This was a distinctly different process from the review of literature. The selected secondary sources for this research included a review of a recent cultural audit of the force's entire staff. Here it was possible to consider the findings and how they relate to this research. This approach is supported by Ritchie (2003:35) who argues that "documentary analysis is particularly useful where the history of experiences has relevance..", while Burton (2000:347) citing the work of Hakim (1982:1) has suggested that "secondary analysis is any further analysis of an existing dataset which presents interpretations, conclusions, or knowledge additional to or different from, those presented in the first report on the inquiry as a whole and its main results". However the primary data collection relies solely on a qualitative research design. It has been suggested by Ritchie (2003:32) that "... there are many occasions when a qualitative approach will be the only approach needed to address a research question...if the major purpose of research is understanding context or process...then qualitative evidence alone may be needed".

Sampling

This research used purposive sampling, which according to Ritchie et al. (2003:78) citing the work of Mason (2002) and Patton (2002) is where "the sample units are chosen because they have particular features or characteristics which will enable detailed exploration and understanding of the central themes and puzzles the researcher wishes to study". The purposive sampling technique according to Ritchie et al., (2003), who refer to the work of Patton (2002), is a hybrid approach that serves to select groups of individuals based on the strata the literature identifies as being relevant to this research. In considering the strata required here, it was deemed important to select interviewees based on rank, as there is evidence from the literature to suggest that leaders and supervisors in the organisation have a pivotal role to play in the creation of an ethical climate for officers to operate within.

The ranks of Constable and Sergeant were deemed to be of prime importance to the research as they are invariably the individuals who remain public facing and have to make those critical decisions on a day-to-day basis. Whilst there was no specific literature in relation to the relevance of role in ethical decision-making, it does appear as a feature to a lesser degree. Thus interviews were held with officers from a range of roles across the organisation to ascertain whether there were different thought processes inherent in different departments and at different levels. The cross section of roles sampled across the organisation is shown in Table 3.1.

A number of authors (Glover et al., 2002; Ford and Richardson, 1994; and Loe et al., 2000) suggest that there have been a number of studies that have sought to explore gender differences in relation to ethical decision-making. Whilst it is recognised from the work of Loe et al., (2000) that there have been a significant number of studies in relation to this issue, the reality is that there have been no such studies from a review of the police literature on this issue. For this reason, gender was a feature in this study. In addition, while there was no empirical evidence of ethnic differences in ethical decision-making, this study also explored that area by including black and minority ethnic officers in the sample.

The sample also included key informants or 'elites'. Odendahl and Shaw (2002) considered the issue of interviewing 'elites' in identifying the value that such interviews can elicit in data collection. The definition of what constitutes 'elite' is subjective and according to Odendahl and Shaw (2002) can vary depending on the nature of the inquiry. In the context of this study, the nature of the elites was based on their experiences and specialist knowledge in relation to the field of inquiry, rather than designating 'elites' based on rank or position within the organisation. The inclusion of these four interviewees added significant value to the research as it offered a slightly different perspective and an interesting insight into the thoughts of senior managers and Staff Association representatives.

The sample frame was secured from the force Human Resources department. The sample was constructed to achieve representation across the ranks but it also reflected the largest population group or rank, which is, by a significant proportion, the Constable. The sample also took into consideration the Sergeant rank and the pivotal role they have in leading and supervising staff. The Inspecting and Superintending rank participants were also important as these officers assist in setting the ethical climate of the organisation. For the purposes of this study, the Superintending rank included Chief Superintendents and Superintendents, while the Inspecting rank included Chief Inspectors and Inspectors. The sample was smaller at

these ranks but reflected the overall numbers at each level. The issue of selecting quotas for each group was discussed by Ritchie et al., (2003:103) who suggest that the process of arriving at the appropriate quota is based on the "...precise number of people that will be needed with each of the characteristics set out in the sample matrix". The sample size for each rank was based on the primary objective of the research, which was to ascertain the ethical decision-making of operational officers. That said, all officers will have been 'operational' at some point in their career and have valuable insights to offer.

A common dilemma for a qualitative researcher is the number of interviews to conduct. It would be untenable to carry out hundreds of interviews yet it is also imperative that a sufficient number are secured in order to understand the true nature of the phenomenon under investigation. Kvale (1996:101) articulated succinctly this issue stating, "How many interview subjects do I need is a common question and the answer is as many subjects as necessary to find out what you need to know". Johnson (2002) argues that while there have been a number of authors (Spradley, 1979; McCracken, 1988; Glaser and Strauss, 1967) that have procrastinated about the optimum number of interviews a researcher should carry out, it is apparent that there is no specific or set answer.

The number of interviews set for this study was low, but it was deemed sufficient to provide a rich source of information from participants. In total there were 20 interviews with officers; five Constables; five Sergeants; four Inspecting rank officers; 2 Superintending rank officers; four 'elite interviewees' drawn from the Association of Chief Police Officers and two key Staff Associations in the organisation, namely the Police Federation and the Police Superintendents Association of England and Wales. The original design did not factor in any requirement for the sample to include a variety of roles and experience. However, that said, interviews were conducted with officers from a variety of roles, experiences and police service. The mix of male and female interviewees (excluding elite interviewees) was nine male and seven female. The four elite interviewees comprised of two representatives from the Association of Chief Police Officers, who have an interest in ethics and ethical decision-making, one representative from the Federation and another from the Superintendents Association. All four elite interviewees were male. Table 3.1 identifies each of the interviewees in turn but, in the interests of confidentiality and anonymity, the information provided about the elite interviewees has been kept brief.

Table 3.1: A description of the interviewees and their role in the organisation.

Int.	Gender	Rank	Role	Service (in yrs)
1.	Male	Inspecting	Uniform operations	11 - 20
2.	Male	Constable	Uniform operations	11 - 20
3.	Male	Elite	N/A	N/A
4.	Female	Sergeant	Uniform operations	11 - 20
5.	Female	Sergeant	Non-Operational	11 - 20
6.	Male	Elite	N/A	N/A
7.	Male	Elite	N/A	N/A
8.	Female	Sergeant	Non-Operational	21- 30
9.	Male	Superintending	Uniform Operations	21 - 30
10.	Male	Inspecting	Uniform Operations	21 - 30
11.	Male	Superintending	Specialist Operations	21 - 30
12.	Male	Sergeant	Specialist Crime	11 - 20
13	Male	Elite	N/A	N/A
14.	Male	Superintending	Non-Operational	21 - 30
15.	Male	Constable	Uniform operations	11 - 20
16.	Female	Constable	Uniform operations	< 2
17.	Female	Sergeant	Specialist Crime	2 - 10
18.	Female	Inspecting	Non	11- 20

			operational	
19.	Female	Constable	Uniform operations	2 - 10
20.	Male	Constable	Uniform operations	2 - 10

Access to the organisation was secured by writing a letter to the Deputy Chief Constable (see appendix A). To elicit the support of the relevant Staff Associations, a letter was sent to each Secretary of the Staff Association (see appendix B) who both agreed to participate with the research. It was important to secure their agreement as they represent the vast majority of officers across the force. It was also relevant as some individuals were asked to participate in the study as 'elite' interviewees. The individuals involved in the research were e-mailed with the participant letter attached (see appendix C), inviting them to participate in the study. All but three of those e-mailed agreed to participate. One invitee did not respond to the invitation at all, while the other two participants at the higher level outlined that they were 'too busy' to spare the time for the interview. In retrospect, being in the organisation and being known to many of the participants positively assisted in their willingness to give of their time.

A question of Generalisation, Reliability and Validity

A number of qualitative researchers (Klenke, 2008; Lewis and Ritchie, 2003) have questioned the appropriateness of such terms in qualitative research. Klenke (2008:10) states that those from a quantitative perspective suggest that the subjectivity involved in qualitative research would render the research "Unreliable, invalid and non-replicable." Conversely there are qualitative authors (Eisner, 1991; Lincoln and Guba, 1985, cited in Klenke, 2008) that question the objectivity of statistical analysis.

A definition of generalisation has been offered by Lewis and Ritchie (2003:263) as "Whether the findings from a study based on a sample can be said to be of relevance beyond the sample and context of the research itself". Whilst it is acknowledged that this is an important issue they (*ibid*) state that there are no set rules of guidance in terms of what generalisation of findings actually involves. They refer to three types of generalisation, namely 'Empirical', 'Representational' and 'Inferential' (*ibid*:264). In terms of what these actually mean, 'empirical generalisation' is consistent with external validity and is concerned with the portability of the research beyond the

current study. In this case, can it be replicated in other forces? The 'representational generalisation' is concerned with whether or not the study being conducted can be replicated internally, therefore, are the findings of this study representative of the whole organisation? In the third type of generalisation, namely 'Inferential generalisation' the issue is whether or not the study can be transferred across settings. Patton (2002:584) has commented that inferential generalisations are "modest speculations on the likely applicability of the findings to other situations under similar but not identical conditions".

A number of authors (Lewis and Ritchie, 2003; Klenke, 2008, citing Searle, 1999; Lincoln and Guba, 1985) in considering the issue of reliability and validity have discussed alternative terms to describe what qualitative research aspires to achieve instead of reliability and validity. For example, Glaser and Strauss (1967) refer to 'trustworthiness', while Hammersley (1992) and Robson (2002) talk of consistency and Lincoln and Guba (1985) discuss the concept of 'dependability of the evidence' derived from the qualitative data. There are researchers that have tried to move away from the term validity, preferring the term "credibility" (Lincoln and Guba, 1985; Glaser and Strauss, 1967; cited in Lewis and Ritchie, 2003:273; Klenke, 2008) to describe internal validity. The notion of credibility is aligned to whether or not the results are credible or believable. Klenke (2008) also talks of transferability, which is the extent to which the results can be transferred to another context or setting. While qualitative researchers continue to argue about the precise nature and definitions of reliability and validity, the principles of reliability and validity have been considered in this research design.

Bryman (1989) argues that reliability refers to the consistency of a measure and that this comprises two distinct elements, external and internal reliability. External reliability refers to the degree to which a measure is consistent over time. Lewis and Ritchie (2003) argue that external reliability is concerned with the replication of similar studies, while internal reliability is the extent to which assessments internal to the research are agreed or replicated between researchers. In Lewis and Ritchie (2003:271) the work of Searle (1999:158) is discussed and that good practice in terms of reliability is achievable through reflexivity, which is "showing the audience of research studies as much as possible of the procedures that have led to a particular set of conclusions". This does appear to be a simple case of transparency of the methods used to secure data and that external reliability has parallels with the inferential generalisations noted above. Klenke (2008) refers to the work of Lincoln and Guba (1985) who discuss the concept of dependability, which they would argue

is akin to reliability. The design of this study with semi-structured interviews and vignettes has relevance beyond the immediate study; the responses of officers demonstrate a commonality across interviewees and across ranks. It is therefore asserted that the design methodology and sample is portable across the service.

In terms of internal validity, Lewis and Ritchie (2003) using the work of Arksey and Knight (1999) suggest that it is purely the claim that the research is investigating what it claims to be investigating. On the other hand, external validity is said to be concerned that "the abstract constructs or postulates generated refined or tested are applicable to other groups within the population (LeCompte and Goetz, 1982) and other contexts or settings (Lincoln and Guba, 1985)" (Lewis and Ritchie, 2003:273). In terms of the validity of this research, it is clear from the interview records that the research is credible and indeed transferable. The results outlined below demonstrate that the issues discussed and the vignettes proved realistic to all the officers involved and indeed many interviewees commented on the mental probing the vignettes had prompted and the realism associated with the ethical dilemmas.

The final consideration is the value that triangulation will add to this study to improve the validation of the research. Klenke (2008:44) has described triangulation as a tool which seeks "...to verify facts through multiple data sources". It has been noted by Ritchie and Lewis (2003) that there has been some debate around the usefulness of triangulation as a tool to validate research data. The triangulation of data sources (Denzin, 1978) embedded within the design of this study help create a valid and reliable piece of research that truly reflects the reality of the police organisation in terms of ethical decision-making in the day-to-day events that make up the operational policing construct.

The research design also offered an opportunity for 'internal triangulation', which can be described as the process of validating the responses given in the questions in comparison to the responses given during the vignettes. This process provided clear evidence that the interviewees in some cases, whether consciously or subconsciously, provided differing responses in some of the areas discussed. This anomaly is highlighted in the next chapter. In conclusion, the central issue that remains is that the research must be credible with peers, must be trustworthy and capable of transfer to other studies, whether internally or externally. It is suggested that this research methodology is portable to other police forces, both in the UK and other countries, and further, to other organisations.

Data Collection

The questions for the interview guide (appendix D) were aimed at providing rich, informative data. They included background questions that introduced the interviewees to the interview process and provided some context of the interviewees experience and knowledge of ethics before moving into the main body of the interview. The second section of the interview schedule covered personal and organisational values. The intention was to explore the respondents' understanding of the term 'values' in the first instance, then investigate their personal values. This proved a challenging process as many of the officers struggled to articulate what their values actually were. The interview then sought to compare the personal values of the respondent as they related to the organisational values and whether these values were congruent.

The third section of the interview discussed police use of discretion. There has been a significant amount of research outlining what discretion is and it was considered important to unpick the respondents' view of discretion, how they have applied it, and the factors that influence their decision to use discretion in their duties. This section also invited respondents to consider the level of discretion that they thought acceptable in exercising their duties. The fourth section of the interview explored the issue of integrity and respondents' understanding of the term; more specifically the issue of 'noble cause corruption' discussed in the literature chapter. The respondents were invited to explain the term and then asked for their thoughts on such activities. The fifth section of the topic guide introduced ethical decision-making as a concept and sought a definition from respondents. The respondents were also asked to outline how they ensured the decisions they made during the course of their duties were morally sound. Respondents were also asked for their views on whether or not the law was *de facto* moral, furthermore what they would do should they be put in a position where they were asked to carry out a duty which was in itself lawful, but to which they were ethically opposed. This question sought to explore their experiences and feelings when being asked to carry out a duty that they were ethically opposed to. The final few questions of this section examined whether or not a code of ethics for policing would be welcomed and if leadership and culture may promote ethical behaviour in the organisation.

The sixth section of the interview guide included a short introductory paragraph to explain the vignettes. Interviewees were informed that there was no right or wrong answer, but that the vignettes were merely a prompt to talk though the issues and decision-making processes. Each vignette was designed to be realistic and depicted

plausible scenarios officers may come across during the course of their duties. The five vignettes covered a range of scenarios, building on some of the topics covered in the main body of the interview itself. These ethical dilemmas were used on all but three of the interviewees. In two of these three cases, the vignettes were not used because the interviewees were elite interviewees at ACPO level and it was decided that the vignettes were not appropriate for this reason. The third interviewee that did not take part in the vignette section of the interview failed to do so as a result of the restricted time available. The decision was made that the main body of their interview provided a number of examples and the use of the vignettes would not have added a great deal to the overall content of the interview in this particular case. A similar approach was taken where the interviewee, during the course of the initial questions, had already made it clear the decision they would have made and the rationale in similar circumstances. It seemed pointless re-visiting that same issue in the vignette section of the interview. The seventh and concluding section of the interview schedule focused on training issues and whether or not respondents thought that there was scope for training in the areas discussed to raise awareness. At this stage, any other comments the respondents wished to raise were also invited.

One of the elite interviewees, because of the extent of their knowledge and influence in ethical decision-making in the police service, was given a different interview schedule (see appendix E). The topics were essentially the same but included the opportunity for the interviewee to discuss strategic issues from a national perspective rather than simply a local force perspective. This provided contextual data for the research.

The first draft of the interview guide was given to the Staff Associations to consider and the feedback received from both the Federation and Superintendents Association representative was positive. The Superintendents Association representative raised the issue that the scenarios were predominantly focused on the street level and that perhaps some vignettes covering management dilemmas could be included for more senior ranks. This was considered, but since the main focus of the research was to assess ethical decision-making on the front line, it was felt that management issues and discretion could be drawn out during the question phase of the interview. The initial interview schedule was carried out with a Sergeant and it resulted in a minor amendment to the introductory paragraph as the text did not flow properly during the interview and, on reflection, was a little repetitive. In many cases because of the nature of the questions being asked, interviewees asked for a copy of the guide in

advance of the interview. In the interests of transparency these requests were agreed.

In general, the interview process went according to plan. However, there was an issue with the work environment. A couple of the interviews suffered from minor disruption (telephone ringing in the background; interruption from the officer's radio). To a certain degree this was expected as the research was encroaching on the interviewees' working day and, in some cases, the individuals were not able to detach themselves from their day-to-day role for the duration of the interview. In a couple of cases the interview was interrupted by other individuals entering the room of the interview. Although frustrating, this did not result in too much of a problem as the interview was simply suspended and resumed following the interruption. In hindsight it may have been appropriate to conduct the interviews away from the working environment and outside of working hours, however, it may have had a negative impact on participation with fewer officers being prepared to become involved.

The vignettes proved extremely useful as a mechanism for testing some of the assertions made by interviewees earlier in the semi-structured aspect of the interviews. Positive feedback from interviewees vindicated the decision to use vignettes as a tool in the interview. The vignettes 'tested' interviewees and many commented on conclusion of their interview that the vignettes had offered 'a mental probing' on their decision-making and had really made them think about their preconceived ideas on how they would react if presented with similar issues. This is certainly a technique that has wider application in police-based research.

The interviews were digitally recorded as it was considered that using recording facilities would allow for greater accuracy and would allow the interviewer to listen and probe during the interview instead of writing notes. This position is supported by Johnson (2002:111) who argues, "... field notes are far inferior to tape recording for in-depth interviews" and Stroh (2000) who refers to Pile (1990:217) in suggesting that, "An analysis of language can only be carried out with confidence if there is an entire record of conversation. Hastily scribbled notes... are not accurate enough to be used in this way". Interviewees gave their informed consent (appendix F) in advance of the interview on a pro-forma consent form and agreed that it could be digitally recorded. Interviewees also confirmed their consent during the introduction to the interview itself.

The majority of interviews were transcribed by me as the researcher. However, as the transcription process was incredibly time consuming, a professional did five of the interviews. It is recognised that transcription is itself a useful part of the analytical process and, in order to ensure that the transcripts were a true and accurate record of the interviews and to get a 'feel' for the data, these interviews were read through while listening to the recording. In order to safeguard the integrity of the data, the professional transcriber was asked to sign a confidentiality agreement (see appendix G), so that the confidentiality element of the research was not compromised. The interviews comprised of approximately twenty hours of qualitative data, which resulted in 315 pages of transcripts covering almost 160,000 words. It was therefore critical that this wealth of data be summarised in a manageable way.

Data Management and Analysis

Spencer et al., (2003:199) have suggested that data analysis is " ..a challenging and exciting stage of the qualitative research" and that there is likely to be a volume of data that is by its very nature 'messy' and requires significant reduction in order to synthesise the central themes and concepts emerging. The framework analysis method (Ritchie and Lewis, 2003), developed by Ritchie and Spencer (1994), is a matrix-based analytical method used to manage and analyse data. This method was identified as the best tool for analysis in this study as the opportunity to identify themes in a systematic manner appealed on two grounds; firstly, such a process produced a familiarity with the data, which is absolutely essential and is "akin to building the foundation of the data analysis structure" (Spencer et al., 2003:221). Secondly, it provided a structure upon which to hang concepts that emerged during the course of the analysis.

The development of the thematic framework involved sorting through the raw data to establish initial themes and concepts. This process was long and painstaking and involved reading through each of the twenty transcripts and constructing the analytical Framework or indexing of the data. It is noted by Ritchie et al., (2003:222) that "Once an initial list is generated it is important to construct a manageable index". This process is achieved by comparing themes and sub-themes as you work through the data. This is regarded as the development of the index or conceptual framework process. This process offers the researcher the opportunity to assign some meaning to passages taken from the interviewees and to cross-reference to other passages from interviewees. As each interview is reviewed, the patterns and themes begin to emerge. The initial transcription of the interviews assisted in the

process and, while the process took some considerable time to complete, it did result in a significant degree of familiarity with the data. This first step provided the foundation knowledge needed in the analytical process.

Transcripts were uploaded into the FrameWork computer package, computer-aided qualitative data analysis software (CAQDAS) that offers users an opportunity to summarise data into a series of matrices from which thematic analyses can then be generated. This process involved working through each of the transcripts to label the data. This process has been called both indexing (Ritchie et al. 2003; and Richards and Richards 1994), and coding (Ryan and Bernard, 2002). Ritchie et al. (2003) argue that the indexing of data is more appropriate earlier in the analysis process. Ritchie et al., (2003:224) state that "indexing involves reading each phrase, sentence and paragraph in fine detail and deciding 'what is this about?' in order to determine which parts of the index apply". Ritchie et al., (2003) argue that the initial index will require a degree of refinement following the initial application and that there may be sub-divisions and distinctions in the material that need to be reviewed and alterations made to the index to reflect new associations. This was the case in this research, where the initial analysis revealed a number of missing areas. The data was sorted in themes throughout the process and under each theme the sub-themes were identified. This was an iterative process where themes emerged from every review of the transcripts. The initial framework design endured a number of changes before the final analytical framework was set (Table 3.2). In total there were eleven themes, which generally followed the structure of the interview schedule, but the sub-themes were generated from the interview discourse.

Table 3.2: The Thematic framework

1 – Background	
1.1 A priori training input	
2 – Values	
2.1 - Personal Values	
2.1.1 – Socialisation	2.1.2 – Understanding
2.1.3 - Changing values	2.2 - Organisational values
2.3 - Values harmonised?	

3 – Discretion	
3.1 – Influences	3.1.1 – Values
3.1.2 - Tolerance level	3.1.3 - Influential colleagues
3.1.4 - Seriousness of the offence	3.1.5 – Consistency
3.1.6 - Attitude test	3.1.7 - Appropriate Use
3.2 – Consequences	3.2.1 – Professional
3.2.2 – Community	3.3 – Training
3.4 - Performance culture	3.4.1 - Erosion of the use of discretion
3.5 - The principle of 'common sense'	3.6 – Understanding
4 – Integrity	
4.1 - What does it mean to officers?	
4.1.1 – Honesty	4.1.2 – Professional
4.1.3 - 'Doing the right thing'	4.1.4 – Values
4.2 - Organisational emphasis	
4.3 - Noble Cause Corruption	
4.3.1 - Thoughts on such activities	4.3.2 – Definition
5 - Ethical decision-making	
5.1 - What does it mean to officers?	5.2 – Values
5.3 - The decision	5.4 - Reasonable person test
5.5 - Nine o'clock jury	
6 - The law & morality.	
6.1 - Decision when in moral opposition	6.2 – Views
7 - Code of ethics for policing	

7.1 – Thoughts	
8 - The role of leadership	
8.1 - Setting the tone	
9 - The role of organisational culture	
9.1 - Peer pressure	9.2 - Setting the tone
9.3 - Culture & change	9.4 – Impact
10 - Training Input	
10.1 - Value in delivering training on ethical decision-making?	
Scenarios	
11.1 – Decision-making	
11.1.1 – Considerations	11.1.2 – History
11.2 – Consequences	11.2.1 – Interviewee
11.2.1.1 - Self preservation	11.2.1.2 - Self Doubt
11.2.1.3 – Values	11.2.2 - Officer involved
11.2.2.1 - Trust and Confidence	11.2.2.2 - Loss of job
11.2.3 – Community	11.3 - Peer pressure
11.3.1 – Ostracised	11.3.2 – Understanding
11.4 - The Grass	11.5 – Justifiable
11.6 – Action	11.6.1 - Report to supervisor
11.6.2 - Challenge officer	11.6.3 – Arrest
11.6.4 – Discretion	11.7 - Performance culture
11.7.1 - Pressure to secure detections	11.8 - Social responsibility
11.8.1 - A caring profession?	11.9 - Reputation management

11.9.1 - Interviewee	11.9.2 - Officer
11.9.3 - Organisation	11.9.3.1 - Trust and Confidence

The next stage in the analytical process was to summarise the transcripts, which according to Spencer et al., (2003:229) "serves to reduce the amount of material to a more manageable level...and also begins the process of distilling the essence of the evidence for later representation". According to Ritchie et al., (2003) there are three essential elements for the original data to be maintained. Firstly, as far as possible, phrases need to be retained in order to preserve the nuances in the participants' language. Secondly, the initial interpretation should be kept to a minimum at that stage so that the original expression of the participant is retained. Finally, the dismissal of material as irrelevant should be avoided at the earlier stages as its relevance may not be immediately clear. This process of thematic charting is the process of synthesising and sorting data and is essentially the process of eliciting the key pieces of data whilst retaining the language and context in which it was made and placing it into a thematic matrix, that is "....summarising without losing content or context...."(Ritchie et al., 2003:231). A key issue is maintaining the integrity of the original data, using participants' own language and terminology to express the issue. This was achieved here by making sure that the essence of the discourse was retained and that key elements were recorded verbatim in the summarisation process. An example of a thematic chart - the overall importance of values - can be found in appendix H.

The purpose of analysing the data is to elicit both descriptive and explanatory accounts from it. In terms of the descriptive accounts, Spencer et al.,(2003:237) have stated that "the main task is to display data in a way that is conceptually pure, makes distinctions that are meaningful and provides content that is illuminating". This study was designed to ensure that the descriptive accounts provided the answers to the research questions. The explanatory accounts on the other hand look for associations and are considered a "lucrative form of data investigation" (Spencer et al., 2003:247). The association between values and ethical decision-making shows that values play an important role when officers are confronted with ethical dilemmas; similarly, when faced with tough choices, the culture of the organisation has an impact. One issue that White et al., (2003) has identified, and is perhaps an easy trap to fall into, is the need to be relatively judicious with the use of verbatim passages; reams of text included in the findings can detract from the overall work.

This was taken into account in the presentation of the results, and verbatim quotes have only been used when they add context to the topic being discussed.

The initial stage in descriptive analysis seeks to explore the nature of the phenomenon under investigation and to display that in a manner that highlights the key concepts and distinctions inherent in the transcripts. In terms of defining the constructs Ritchie et al., (2003) suggest that it involves an actual understanding of what's happening in a specific topic. The descriptive research questions for this study sought to explore the processes police officers employ to ensure that the decisions they make are ethical. In order to draw out the key facets of this process, the research considered a number of considerations that necessarily influence police decision-making and include: the case for the introduction of a code of ethics; the exercising of police discretion; an examination of the issue of noble cause corruption; police occupational culture and leadership

The explanatory aspect of data management is about detecting and defining the patterns in the research, drawing out associations between the data and identifying themes in the data, which Ritchie et al., (2003:248) suggests "...brings a deeper understanding of the subject under review." In terms of verifying the associations between groups and subgroups of data, the next step is to identify 'why' these associations exist. This process of association is regarded Ritchie et al., *(ibid)* as "a lucrative form of qualitative data investigation as it almost invariably brings a deeper understanding of the subject under review." The development of explanations is a difficult process and "...it involves a mix of reading through synthesized data, following leads as they are discovered, studying patterns, sometimes reading full transcripts and generally thinking around the data" Ritchie et al., (*ibid*). This process proved particularly useful in this study as the questions and vignettes offered internal triangulation and an insight into the explanations from interviewees from both specific questions and the dilemmas posed. In addition, the cross-referencing of differing accounts from interviewees highlighted a potential explanation around the decision-making itself. For example, there was a clear relationship between the 'esprit de corps' and decision-making; the desire to make decisions that did not compromise the sanctity of the team.

Ethical Considerations

This research raised a number of ethical issues. First, an important element in the research was informed consent, which means that the interviewee fully understands the nature of the research and the range of matters relating to the research (De

Vaus, 2002; Christians, 2000; Kvale, 1996). This was achieved by asking each interviewee to sign the interview consent form (see appendix F) in advance of the interview. The next issue was to ensure that participation was entirely voluntary, which De Vaus (2002) considers essential. In order to achieve voluntary participation the participants were given a choice in the covering letter and were again asked immediately prior to their interview whether or not they were happy to proceed.

Having secured the individuals participation, a key concern is the confidentiality and anonymity of their responses. The need to differentiate between confidentiality and anonymity is essential in order to ensure that the researcher is giving the appropriate guarantees. It has been suggested that this is a common problem amongst researchers and that it may inadvertently mislead respondents with assurances that they could not possibly keep (De Vaus, 2002). For confidentiality, the researcher will have access to the names of individuals on their responses but offers assurances that no one else will have access to their information. Singer et al., (1995) have indicated that in the event that there is any doubt regarding whether to guarantee anonymity or confidentiality then it would be wise to provide strong assurances about confidentiality rather than anonymity. In the context of this study, interview respondents were guaranteed confidentiality. The rationale for providing confidentiality according to De Vaus (2002) is that it will assist in the honesty and level of responses from respondents and protect respondents' privacy. In reporting this study, the desire to maintain confidentiality, not only in terms of the individual but also the organisation, has resulted in limited information being given about the force, a sanitised version of any documentary evidence supplied and only scant details provided about individuals.

Respondents were given assurance that every effort would be made to safeguard their anonymity, but in line with the thoughts of Singer et al., (1995) noted above, to guarantee anonymity may be difficult given the fact that many of the respondents were interviewed in the work setting. This was expressed in the interview consent form, which each respondent was asked to sign in advance of the interview. A further explanation in relation to confidentiality and anonymity was given in the introduction to the interview. An interesting quote from Eisner (1991:225-226), cited in Klenke (2008:51), does throw into doubt the ability to ever ensure informed consent or guarantee confidentiality and anonymity because, by the very nature of research, and in particular qualitative research:

> "We might like to ensure informed consent, but we know we can't always inform because we don't always know. We would like to protect personal privacy and

> guarantee confidentiality, but we know we cannot always fulfil such guarantees. We would like to be candid but sometimes candour is inappropriate. We do not like to think of ourselves as using others as a means of our own professional ends, but if we embark on a research study that we conceptualise, direct and write, we virtually assure that we will use others for our purpose".

Another issue, in relation to the ethical considerations involved in research and especially in the qualitative domain, is bias: Silverman (2001:270), referring to the work of Max Weber (1946), outlines that "all research is contaminated to some extent by the values of the researcher, a view supported by Klenke (2008:42) who states that qualitative research "is not value neutral". In this context, my work role provides me with a distinct knowledge of the business of policing and as such it would be relatively easy to interpret the data according to my own constructs rather than those of the participants. In order to avoid this, my role as researcher meant remaining objective, standing back in an attempt to be neutral and impartial and recognising the dangers inherent in being drawn into subjective interpretation and therefore biasing the data.

Conclusion

This chapter discussed the key methods of data collection used to progress the aims of this thesis. The use of vignettes as a research technique was not something originally considered at the outset of this research but using this technique as part of the semi-structured interview proved highly effective. They worked very well and offered participants ethical dilemmas that challenged them. The feedback from interviewees after each interview was positive and the vignettes in particular proved popular.

Chapter 4

Explicating the day-to-day reality of Police Ethical Decision-making

This chapter outlines that:

- **The ACPO National Decision Model (NDM) provides a platform for police ethical decision-making;**
- **Discretion is a key feature in the day-to-day reality of policing, but there is a significant amount of disparity in the ethical decision-making of officers;**
- **Integrity is clearly a fundamental virtue to police officers and the concept of noble cause corruption was universally condemned by officers.**

This chapter examines the nature of police ethical decision-making including an assessment of the National Decision Model (NDM) introduced in 2011 to assist police officers in the ethical decision-making process. Integral to this model are the values of the service how these values comport with the personal values of the officers and how they contribute to ethical decision-making. The new Statement of Mission and Values (SOMAV), which is central to NDM, is designed and intended to be the fulcrum in police officer ethical decision-making.

In considering ethical decision-making, the extant literature identified the importance of officer discretion in day-to-day operational police practice. This study identified a number of interesting, and to some extent, pejorative themes emerging from discussions on the manner in which officers used their legitimate authority. It found that ethical decision-making, particularly in relation to discretion, is highly situated and grounded in the subjective perspective of the individual officer. This raises issues as to whether or not this approach is, *ipso facto*, ethical. This chapter also explores the view of officers on issues such as integrity, its relationship with the concept of corruption and, more specifically, noble cause corruption. This research recognised the ethical dilemmas posed as a result of balancing the needs of the individual against the needs of the wider community, and how issues such as the

propensity towards performance management may result in a perverse sense of 'duty' to reach the performance target as opposed to 'doing the right thing'.

Exploring Ethical Decision-making in a Police Organisation

This study found that the level of knowledge and understanding of officers on the concept of ethical decision-making was, in the main, low. In general, officers thought it was as simple as making objective decisions. One interviewee (Constable – Int.17) stated that ethical decision-making to her was about "...making decisions based on true fact and not allowing your personal judgements, feelings and emotions to affect your decision-making". However, one of the elite interviewees (Int.7) captured the essence of ethical decision-making as:

> "..for me is the decisions that you make that will be used in an ethical manner, which means that they'll be soundly based on either law procedures, values, societal norms, that allows you to reach decisions which for want of a better word is wholly defensible in the eyes of the communities you serve, the public, the judiciary".

The interviews explored whether officers had developed ethical decision-making models of their own to meet the challenges of policing. The interviewees were not given any specific models to use during the course of the vignettes, and interviewees were asked to respond openly and honestly as to how they would address each of the dilemmas. Several interviewees specifically mentioned the Conflict Management Model (CMM) as a framework they would use to arrive at a decision. A number of others unwittingly described the process they would use in coming to a decision and they were in fact outlining the fundamentals of the CMM. This model is integrated into the operational practice of police officers and has featured in the training of officers in relation to officer safety for a number of years. One of the Inspecting rank officers (Int.1) stated that he used the CMM model at a subconscious level as he navigated his way through the ethical dilemmas presented in this study.

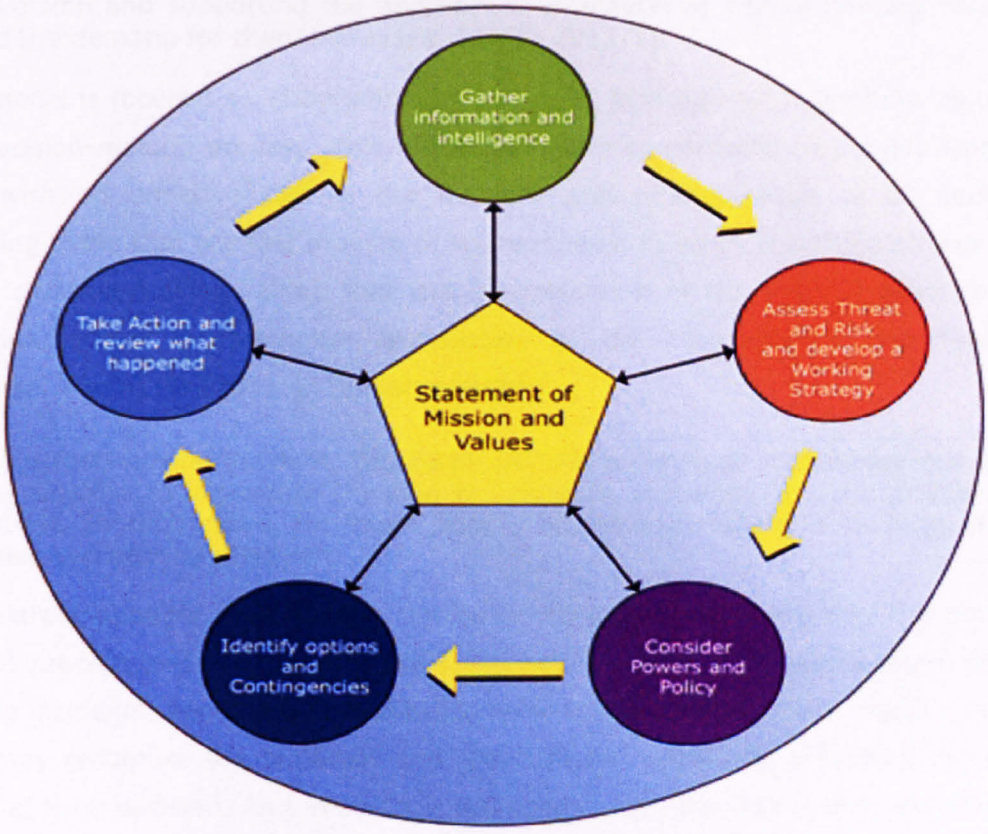
In Chapter 1, the influence of instinct and its impact on the decision making process was discussed, as opposed to proper and effective analysis of the situation. Authors such as Kahneman (2011), Hawkins (2003) and Alison (2008) have recognised that heuristics, experience and instinct often play a more significant role than analysis and System 2 type thinking, particularly given the time pressure often associated with police decision-making. It would seem therefore that any model designed to deliver ethical decisions needs to take into account the propensity of humans to rely on experience and instinct to drive their decision-making. Kahneman (2011) highlighted that 'System 1' intuitive thinking has a tendency to jump to conclusions

based on limited information, which is particularly concerning when considering the complexities associated with the wide variety of ethical decisions required of police officers.

National Decision Model – A panacea for Police Ethical Decision-making?

A review of the documentary evidence identified that in July 2011 the Association of Chief Police Officers (ACPO) had approved the adoption of a single National Decision Model (NDM)[1] for the Police Service (see figure 4.1). This model replaces the Conflict Management Model (CMM) and has been designed to encourage officers to use their values, professional judgement and discretion. The ACPO Ethics Portfolio and the National Risk Coordination Group have developed this values-based tool to provide a simple, logical and evidence-based approach to making policing decisions.

Figure 4.1: Association of Chief Police Officers National Decision Model.



[1] It should be noted that all but one (Int.13) of the interviewees would have been unaware of this model during the fieldwork element of this research.

One of the elite interviewees (Int.13) suggested that this decision-making model would assist officers in the management of ethical dilemmas stating:

> "...that policing is so complicated that having just one view is not enough and actually there are times within some of the policing dilemmas that principles are actually in conflict. So you might have a principle about truth telling and a principle about the right to life and they might be in conflict, so it (the model) has that level of sophistication to it".

An ACPO (2011) guidance document produced for police officers on the NDM highlights that officers are frequently expected to make complex decisions in challenging circumstances. This can have a profound and lasting effect on the lives of individuals. It is recognised that the NDM is a fundamental drive to:

> "...ensure a greater focus on delivering the mission of policing, acting in accordance with our values, enhancing the use of discretion, reducing risk aversion and supporting the appropriate allocation of limited policing resources as the demand for them increases" (ACPO 2011:1).

This model is focused on understanding and using professional judgement as part of the decision-making process. This model has been constructed to provide front line staff with an effective tool in the delivery and rationalisation of all decisions, including those that are fast moving or spontaneous; in effect it is the platform for all police decision-making, albeit that the interpretation of the NDM is down to each individual officer to rationalise and decide on the proportionate and necessary response. The ACPO (2011:1) guidance states:

> "in a fast-moving incident, the Police Service recognises that it may not always be possible to segregate thinking or response according to each phase of the model. In such cases, the main priority of decision makers is to keep in mind their overarching mission".

This extract appears to recognise the influence that instinct plays in the decision-making process and very often officers will not, particularly in spontaneous or fast-moving incidents, necessarily consciously refer to each stage of the model. Instead they may recognise the situation and 'instinctively' apply the principles therein to arrive at their decision. As a result it is absolutely vital that this model, including the central pentagon, becomes 'instinctive' and part of the fabric of their ethical-decision making process. This is particularly important as Almond et al., (2008) suggest that once individuals have formed an opinion or a belief on a particular issue it can be highly resilient to change. This is particularly concerning in a policing setting as one of the fundamental requirements outlined in the Oath of Attestation is the principle of impartiality.

The importance of values: the 'central pentagon'.

The most significant shift from the CMM to the NDM is the central pentagon. This outlines the new ACPO 'Statement of Mission and Values' (SOMAV), which replaces the 1990 Statement of Common Purpose and Values (SCPV) as a focal point in the model. The SOMAV is:

> "The mission of the police is to make communities safer by upholding the law fairly and firmly; preventing crime and antisocial behavior; keeping the peace; protecting and reassuring communities; investigating crime and bringing offenders to justice.
>
> We will act with integrity, compassion, courtesy and patience, showing neither fear nor favour in what we do. We will be sensitive to the needs and dignity of victims and demonstrate respect for the human rights of all.
>
> We will use discretion, professional judgment and common sense to guide us and will be accountable for our decisions and actions. We will respond to well-founded criticism with a willingness to learn and change.
>
> We will work with communities and partners, listening to their views, building their trust and confidence, making every effort to understand and meet their needs.
>
> We will not be distracted from our mission through fear of being criticised. In identifying and managing risk, we will seek to achieve successful outcomes and to reduce the risk of harm to individuals and communities.
>
> In the face of violence we will be professional, calm and restrained and will apply only that force which is necessary to accomplish our lawful duty.
>
> Our commitment is to deliver a service that we and those we serve can be proud of and which keeps our communities safe" (ACPO 2011:3).

These values are at the heart of the model. Whilst not prescribed, are intrinsic to every aspect of ethical decision-making. At this stage in the model, officers are asked to consider what the organisation and the public would expect in making the decision. It is noted that the decision-makers should not confuse the need to make the right decision with the difficulties they may face in putting the decision into action, *id est*, the decision itself should not be avoided due to the practicalities in the application of the decision.

The empirical evidence generated during the course of this research demonstrated that values were important and that the notion of 'right from wrong' and 'doing the right thing for the right reasons' featured strongly in interviews. But what exactly does 'doing the right thing' actually mean? There were a number of variations on this phrase, including the suggestion from one of the Inspecting rank officers (Int. 1) that the concept of 'right from wrong' was about doing what was right within the

legislative framework. Other interviewees suggested that they regard values to be akin to a 'rulebook' by which they run their life and that values are the standard by which they operate.

In general terms, the values of officers in this study were consistent and reflected the conservative values noted in the literature by authors such as Reiner (2010). The values of officers were, to a large degree, standardised across interviewees supporting the notion that police officers are in general terms drawn from conservative backgrounds. Several interviewees recognised that their values differ from many of the individuals they come into contact with. A number of officers recognised the challenge some sections of society pose, as their values are fundamentally divergent from the normative values in society. Officers recount situations where individuals have values that do not align with accepted societal norms, where the behaviour, attitude and approach of these individuals are fundamentally different from the officers. This supports the work of Reiner (2010) in relation to his 'police property' typology. For example, a Constable (Int.19) suggested that they might be required to attend an address where the occupants have values that are diametrically opposed to those of the officer, where they have no respect for themselves or others. This was reinforced by another Constable (Int.16) who stated that she recognised that her values can be significantly different from those she comes into contact with, but that she controls any feelings or emotions she has in relation to their values as she recognises that she is paid to carry out her role and not make value judgements.

One of the Superintending rank officers (Int.11) captured the extent of the internal conflict some officers face during the course of their career:

> "I think my values have been challenged since I joined the police service definitely and I've found situations where you know, where perhaps I think I should have been more sympathetic, um, um, but, so I found challenging situations, where I've struggled at times my values of impartiality, of fairness for everyone, or supporting people who need support. I've struggled to apply those across people, who perhaps personally, I don't think play their part in society, for example, so I have found my values tested as well sometimes when you're dealing with people who I've got a lot of time for and I like, but for various reasons who have done something which goes completely against my values and that really does test you doesn't it, so I've found my values being bashed and bullied around the place".

In general terms, the majority of officers felt that their personal values had remained constant after joining the police.

Officers have described their 'inner compass', to make decisions which are ethically right and have integrity. One of the Superintending rank officers (Int.14) introduced an example where he thought that his values might impinge on his ability to make an impartial decision. He stated that he would find it difficult if he encountered a scenario where a convicted paedophile moved into his street not to disclose this information to neighbours. He acknowledged the situation was difficult but stated, "I don't think I could stay quiet, but it's difficult, it's a difficult situation". This would be unprofessional, but utilitarianism and the notion of greater good would feature, as a well as his loyalty to friends and neighbours. Nevertheless, a decision of this nature would breach the integrity of the individual and the organisation. While many may support this decision, particularly those affected, it would undoubtedly result in his dismissal from the service.

In general terms, interviewees recognised the declared values of the organisation and furthermore identified that the values of the organisation were about honesty, integrity, and professionalism. They were viewed as of paramount importance to the police service and integral in developing public confidence. The Cultural Audit carried out by the force in 2009 identified that there was a significant issue with the communication of values across the organisation, in that 53% of officers supported the assertion 'Managers give mixed messages about what our values are'. On face value, this appears a little concerning; however, it is not supported by evidence from this research where officers were aware of their organisational values.

A dip sample review of the organisationally stated values from other police services across the United Kingdom highlighted the publicly available literature on the values of the forces. The Police Service of Northern Ireland state their values as; honesty and openness, fairness and courtesy, partnerships, performance, professionalism and respect for the rights of all. Another force with a clear statement of values is the Lothian and Borders Police who outline that they act with honesty, fairness and respect, 'always do the right thing' and take positive responsibility for their actions. The force states, "Our values sit at the heat of all our action and decisions and are the guiding principles about how we go about our business" (www.lbp.police.uk/about_us/ourorganisation/values). In contrast, the Metropolitan Police has a statement of intent more than an articulation of values, suggesting that their values are around working with partners to have pride in the quality of the policing service they provide. Dyfed-Powys Police refer to the Statement of Common Purpose and Values (SCPV) as their guiding principle. Lincolnshire Police suggest that their values are around policing with PRIDE: Professionalism; Respect; Integrity;

Dedication and Empathy. Northumbria Police outline that its values are about effective leadership and communication to ensure a total policing philosophy for staff to take pride in all they do while putting the citizen first and applying the principles of integrity and high-quality service.

It was evident from the review of these forces that their stated values differed significantly and very few referred to the SCPV. These were originally accessed prior to the introduction of the NDM, and therefore the SOMAV, in July 2011. The same forces were revisited on the 28th April 2012 and there were no references across the sample sites to the ACPO Statement of Mission and Values (SOMAV). This suggests that even though the SOMAV had been implemented several months before, it had not permeated into the stated values of the forces. This is more of a concern as the principles within SOMAV, replicating to a large degree the Oath of Attestation and Peelian principles, should be the 'backbone' of the stated values regardless of the organisational variations. This dip sample would suggest that, while signed up in principle to the SOMAV, many forces have yet to fully embrace it as an underlying philosophy that contributes to their public-facing identity.

A feature in the literature is the concept of 'ethical conflict', where personal and organisation values conflict (Peterson 2003). Participants in this study suggested that their values were in alignment with their organisational values. There were interviewees (Int.9) that specifically stated "I had to make a decision when I joined the police... is it the right organisation and part of that was based on would I fit." The interviewee suggested that this may have been a subconscious decision in that he states "You've looked at the organisation, you've looked at what it stands for, what it does, and you think that is an organisation you want to be part of". This recognises the work of Schneider (1987) who identified that individuals tend to place themselves in organisations that best match their character. One of the elite interviewees (Int.13) suggested that the organisation needs to actively seek out recruits whose values are consistent with those of the organisation. Furthermore, the organisation needs to clearly articulate its values so that it attracts those individuals with values that are commensurate with those of the organisation.

There is significant evidence in this study to support the assertion that officers rely on their values to make decisions. The key issue, which is the focus of this study, was whether those decisions are *de facto* 'ethical'. Several interviewees explicitly stated that their values were a facet of their own decision-making process, albeit there were interviewees who stated that it was a subconscious process. Others suggested that while the law is a factor in decision-making, their values would point

them in the direction of the morally correct decision. There is however, an acknowledgement that this in itself may lead to subjective decision-making, with differing decisions based on the subjective processes attached to individual officers. This is supported by a Sergeant (Int.4) who highlighted that they actively apply their values and ethics when making a decision. The officer recounted a situation where she had come across a shoplifter and had relied on her own values in making the decision to exercise discretion stating:

> "I looked at what this person's future prospects were and it was a huge influence for me and being a mother I looked at would I want my son to be treated the same in those circumstances and that was a huge factor in making the decision".

The officer goes further to outline the background of the individual and identified that the offender was a student from a middle-class background. On reflection it could be argued that the officer might not have arrived at the same decision if the individual concerned was from a different background. These are the types of decisions where values seem to play a role in arriving at a decision, but is the decision an ethical one? A Superintending rank officer (Int.14) stated:

> "The allegation will always be potentially that you have made the decision based on some values which aren't appropriate, and understanding why you've made that decision is really important. I think that's why you've got to have a sound base for your decision-making 'cos otherwise you are either becoming a robot, i.e., all you do is see an offence and report and arrest, or you get an allegation made that you're inconsistent and unfair, and at worst potentially criminal in terms of your decision-making".

This principle of impartiality was covered in one of the value statements (Statement 2) from the Force Cultural Audit. Officers were asked to respond to the statement, "Some victims of crime are more deserving of a good service than others", with 42% of respondents in the force strongly agreeing or agreeing. On a similar note, statement 6 from the Cultural Audit, 'It's a waste of time trying to help some people", elicited 31% agreement from respondents. The responses indicate that there are a significant number of officers across the organisation who perceive that some victims and communities deserve less of a service than others. This supports the category of 'Rubbish' within the notion of 'police property' outlined by Reiner (2010) where respondents suggested that there were groups of individuals beyond the norms of society and, while these groups/sections of the community occupied much of their time, they did little to deserve a policing service and it was a waste of a valuable resource to assist these individuals. This is particularly concerning as it suggests that a proportion of officers have an underlying contempt for sections of the

community they police. The key in this issue is whether or not the officers actually apply those values in exercising their legitimate authority.

Navigating the National Decision Model (NDM)

In a descriptive analysis of the NDM, there is clear alignment to the previous decision-making model, the Conflict Management Model, in that the first stage in the model is about gathering information and intelligence. This was universally regarded as a critical aspect of the decision-making process and interviewees demonstrated a voracious desire to gather more information, supporting the work of Hawkins (2003). This was particularly the case when presented with ethical dilemmas in the vignette stage of the interviews. Officers were prepared to provide an initial indication of their thought process, but when the issues were explored in more detail it was clear that information and intelligence gathering was paramount. This is associated with the notion of 'framing', identified as a fundamental process in the decision-making process outlined by Hawkins, (2003) and Reiner (2010). Here officers seek information in order to classify and typify the incident so that they can use their experience to make a decision based on the universal knowledge stock available; information gathering is clearly pivotal to that process. One of the Sergeants' (Int.12) specifically highlighted the need to capture all the information available before making a decision, stating:

> "I think with all of these scenarios, I mean the common thread of them all is that this should never be accepted on face value. Each scenario you have given to me needs to be looked at thoroughly, investigated proportionately, and if there are avenues of concern, or issues of integrity, or criminal offences being committed by these officers, they have got to be dealt with robustly..."

Another Constable (Int.20) stated that in making decisions they would gather all the information, consider the issues in the wider context and rely on previous experience. This reliance on experience was discussed in chapter 1, (Hawkins, 2003; Almond et al., 2008; and Kahneman, 2011) outlining how valuable experience is during the decision-making process, particularly where intuitive or System 1 thinking is applied. Hawkins (2003), Manning (1977) and Shearing and Ericson (1991) identified that intuition and experience are important facets of decision-making and plays a significant role, even where policy, guidelines or a model exist in an attempt to shape the decision. This study supports that position. This officer (Int.20) also stated that he would consider the options available, and the law, in order to make a balanced decision on the course of action. This reflected the comments of a Sergeant (Int.4) who stated that they would weigh up all the factors, including external factors, in order to make a decision. Information is clearly the life-blood in police

ethical decision-making and the manner in which officers use that information is integral to the overall decision outcome, which supports the work of Hawkins (2003). This study also demonstrates that instinct and experience is important in that process, supporting the work of authors such as Shearing and Ericson (1991), Kahneman (2011), and Bayley and Bittner (1984).

The second stage in the model involves assessing the situation, including any specific threat, the risk of harm and the potential for benefits. It requires officers to assess the information that they have at their disposal and to consider what they know, where there are gaps in knowledge and whether they need to share that information with others. The officer is expected to fully examine the situation and factors such as the likely harms and benefits. The model describes the threats and risk of harm to the individual, officer and organisation, but this study demonstrates that a key element in the ethical decision-making process is 'self-preservation'. Essentially this is the protection from 'harm', not in a physical sense, but in terms of being held to account for actions that may jeopardise their career and, *de facto,* their quality of life. Self-preservation is discussed in Chapter 5, but threat, risk and harm are wider, and have a profound impact on, their overall ethical decision-making.

The third stage of the model considers the powers, policies and legislation that the officer may need to explore as part of their decision-making process. This may include an examination of the relevant national and local policies in place to deal with the scenario, for example, the positive arrest policy in relation to domestic violence. The guidance to officers suggests that, if there is a clear rationale for stepping outside of policy, that it may be reasonable to do so. A feature of the literature is the extent to which rules and policies govern the ethical decision-making of officers. The ACPO (2011) report that introduces the NDM suggests that police officers can no longer rely on the law alone to reach decisions and legitimise actions. This specific issue was discussed during the interviews and officers were asked whether they thought that lawful decisions were *de facto* moral. In response, officers recognised that not all legal decisions are moral. A Sergeant (Int.12) illustrated this conflict when referring to the issue of assisted suicide. The interviewee noted that whilst it remains a criminal offence in England and Wales to assist the suicide of another "...morally the public wouldn't accept a conviction of someone morally in their values doing the right thing by their family". The officer accepted that it may not be morally right to take the life of another, but under certain circumstances the public may grant moral leeway. This confirms the thoughts of Richards (1985) who suggested that the borderline between law and morality is often blurred and, more often than

not, the requirements of morality go beyond the law. It also demonstrates the philosophical issues that are mired in police practice and the ethical conflict that officers face as a fundamental aspect of their duties.

In a real life example, a Constable (Int.15) highlighted the action officers are prepared to take when in moral opposition to a policy or law. He was around the corner from the report of a male armed with a knife; he attended and was told by the control room Sergeant to withdraw pending the arrival of firearms officers. The officer decided to intervene, in contravention of policy, because of the danger to the public in the vicinity and their perception that an officer was not dealing with a potential threat. The control room supervisor later gave him a dressing down for not obeying policy. This scenario highlights the internal and external conflict that exists and identifies that often the ethical decision is to disregard the 'rules' as prescribed and to 'do the right thing', which in this case was clearly aligned to the mission of policing.

The fourth stage of the model asks officers to identify and consider the options available to them and what are they trying to achieve. This stage of the model would also consider the appropriateness of the resources available to them and ensure that the chosen option has considered the principles of the Human Rights Act 1998. One of the issues made clear in the ACPO (2011) guidance is the accountability associated with the decisions made. Officers must be prepared to provide a rationale for what they did and why. It recognises that it is a matter of professional judgement whether or not to record the rationale, as well as the nature and extent of any explanation, but that the record of the decision should take account of the nature and seriousness of the situation and the proportionality of the decision taken. Therefore, while in reality it isn't advocating a 'sledgehammer to crack a nut', it does highlight that if an officer is making a significant decision that is likely to come under scrutiny then the record needs to reflect the deliberations and rationale for making such a decision. In essence, it leaves it to the discretion of the officer as to whether they provide a written rationale for the decision.

In considering the decision-making of officers and the options available, a number of interviewees referred to the concept of 'trial by the nine o'clock jury'. This is where decisions made by officers are subjected to a 'post mortem', or subjected to scrutiny by others 'the morning after' when the heat of the incident has been dampened and the full facts are apparent. Officers mull over the decisions and make their analysis on the performance of their colleagues. It is this cauldron of scepticism that officers' fear and has been aptly named the 'nine o' clock jury' as decisions invariably become

subject to scrutiny on paper at 9am when the day shift arrives. This concept aligns to the work of Eyre et al., (2008), referring to the work of Tetlock (1997), that found a 'blame culture' in policing, which can have a profound impact on the willingness to make decisions. Interviewees highlighted the need to ensure that the decisions made are justifiable and auditable and are able to stand the test of the 'nine o'clock jury'. One of the Inspecting rank officers (Int.10) when considering the impact of the nine o'clock jury stated "I'm conscious every decision I make could come under scrutiny...That's fine, and the nine o'clock jury on the Sunday morning, we've all been subjected to them..."

The examination of the decisions made on the following day by a group of officers based on the written evidence available does not take into account the other factors at play in making a decision. Officers identified that the 'nine o'clock jury' may influence their decision-making particularly around their use of discretion. Although not an official term, "nine o'clock jury" describes the scrutiny applied by more senior officers who were not present at the incident. This feature of police procedure was regarded by a number of interviewees as a negative aspect of police practice. Consequently, officers are wary of making decisions that may not fit within the performance culture or be regarded as the 'correct' course of action. This blame culture, where officers are subjected to criticism *in absentia*, is universally regarded negatively and there may be some evidence that officers would rather not make a decision at all if it were later to be criticised. This is an interesting aspect of police practice and aligns to the concept of decision inertia discussed by Eyre et al., (2008) in Chapter 1 and cowardice mentioned by Kleinig (2002).

During the course of the interviews, officers highlighted the need to justify and rationalise decisions. This was also discussed during the vignette involving injury to a detainee. The application of force is a matter for the individual, and they would have to justify the use of force based on the principles of the Human Rights Act (HRA) and the interpretation of the law surrounding the use of force. A number of interviewees reverted to JPLAN, which is an acronym around the key elements of the HRA, which highlight the need to justify the use of force, ensure that it is proportionate to the threat posed, that it is based on legal powers and that the action is accountable and necessary. Proportionality is a concept that officers demonstrated a clear understanding of throughout the interviews, along with the need for their actions to be proportionate and justifiable. Justifying the decision is as important to the officer as the decision itself. The issue of justification and recording the rationale for decisions made was explored by an elite interviewee (Int.6). In considering one of

the ethical dilemmas, it was suggested that the process of justification was as important as the decision itself:

> "I genuinely don't think from a misconduct point of view, you could be ...well, you could probably be criticised, but I think you could, as long as you've recorded and you've justified what you've done you could say, that's the decision I made....if it was wrong in the circumstances because you don't know what's coming out later...But I think as long as you've been ethical in you've challenged it, they've given you an explanation, you've recorded it, I genuinely believe that you would, that you would be seen to be acting fairly and ethically".

The fifth stage of the model is around taking action putting into practice the decision they've made. The model suggests that once the incident is over, the decision is reviewed using the same 5-stage model to identify lessons learned. The model is cyclical in nature, *id est*, designed to be used continuously to assist in ethical decision-making. If the incident continues, the model would be used again to gather more information, assess the situation, identify the options and take action.

The evidence generated in this study illustrates the difficulty officers have in arriving at decisions, particularly in the ethical dilemmas posed by the vignettes. There is support, from the evidence presented during the interviews, that the NDM being introduced by ACPO will provide a platform for officers to make informed decisions. The word 'informed' rather than 'ethical' is used because this research demonstrated that, while the model might assist in decision-making, there are other external factors that also play an important role in ethical decision-making processes. This will be discussed in greater detail in the next chapter.

In considering the ethical decision-making of officers, the extant research demonstrated that there have been contrasting findings as to whether factors such as gender influence ethical decision-making. This study did not find any discernible difference in the responses of female and male officers in relation to ethical decision-making. However, one issue that was raised by a couple of the female officers was the potential difference between male and female officers in the exercising of discretion. They suggested that, particularly with public order offences, female officers may be more tolerant and try to reason with individuals regarding their behaviour, whereas male officers may be more inclined to get 'hands on' at an earlier stage. In contrast, another interviewee (Int.4) suggested that tolerance levels for public-order incidents were more to do with the personality of the individual officer rather than their gender. This study did not find any discernible differences in responses to the questions and vignettes by ethnicity, role or rank.

Police street-craft: a question of discretion?

The literature in Chapter 1 illustrated the vital role police discretion plays in the policing landscape. This study generated a significant amount of material on this and highlighted a number of interesting themes. An elite interviewee (Int.13) recognised the prominence of discretion as a function of police decision-making in suggesting that "...discretion is one of the greatest gifts of British policing". During the course of the interviews it was evident that there were a number of 'influencing factors' in the decision to exercise discretion. For example, a number of interviewees regarded the gravity of the offence as a key facet in the decision-making process. A significant proportion of interviewees outlined that offences such as minor road traffic infringements and public order offences would be considered appropriate to apply discretion. The commonly accepted 'line in the sand' for officers was the use of discretion for low-level offences where the community impact was perceived to be low. Therefore, discretion was situated on a risk-based approach.

An interview with a young probationer Constable (Int.16) illustrated that during her tutorship period with her assigned tutor she was not permitted to use discretion. The tutor and the competency folder that the officer is required to complete drives the officer to carry out a formal sanction rather than use discretion. This does raise the issue that, with discretion being such an important component in the art of policing, why isn't it actively encouraged as a key skill during the tutor phase of new recruit training? The same probationer (Int.16) also identified that she would use discretion sparingly even after completion of her tutor phase, when there would be nothing preventing her from using discretion, for fear of getting it wrong. This issue of the support or lack of support officers get when exercising discretion and unintended consequences was raised by several interviewees.

Earlier work from authors such as Neyroud and Beckley (2001) has identified performance culture as an issue for integrity, but this study demonstrated that it was a factor in the use of police discretion. For example, interviewees suggested that there had been an erosion of the level of discretion over recent years. This was attributed to the performance culture and the introduction of the National Crime Recording Standards (NCRS) as a mechanism to ensure the ethical recording of crime. An Inspecting rank officer (Int.10) noted the difficulties associated with the NCRS and that officers, particularly those young-in-service, were now more inclined to record a crime because the opportunity to 'write-off' an incident would be more difficult. There was an assertion that the bureaucracy around crime recording steered officers into applying formal measures, as opposed to using their discretion and

dealing with the matter by means of an informal sanction. For example, a Staff Association representative (Int.6) suggested that officers, in many cases, would prefer on occasion to use their discretion for low value criminal damage and thefts, but that they are restricted because of the pressure for detections, compounded by the ethical crime recording standards imposed through the NCRS. The majority of interviewees stated that performance culture has a negative impact on their willingness to apply discretion. An example of how the performance culture has impacted on the use of discretion was given by a Constable (Int.2) who stated that the pressure to secure detections:

> "...does have a bearing these days. I think it would be foolish of me to say that it doesn't, that we do live in a statistical world, unfortunately. You can't show statistics for walking the street and having nothing back for it. Although you might have prevented a lot, you don't get any ticks in the box for prevention, so a lot of people would have that in the back of their minds the detection..."

Interviewees also highlighted the negative impact that performance culture can have on public confidence. For example, one of the Superintending rank officers (Int.11) relayed a story of a Sergeant who instructed officers to 'book' cars for minor parking infringements in a quiet side street in order to increase the level of entries in the 'work book'. The interviewee suggested that this broke down relations with that community as residents who'd been parking in the same location for years, albeit it illegally, woke up to find that they'd been issued with a fixed penalty ticket without any advanced warning. Conversely, the majority of officers, when completing the vignettes designed to explore performance culture, stated that the pressure exerted by the Sergeant to secure detections would not influence their decision to exercise discretion. This said, a number stated that they would manage the expectation around the performance culture as well as manage the needs of the vulnerable victim involved.

In the Cultural Audit, one of the statements (statement 13 – we should have a 'zero tolerance' approach to minor offences) can be paralleled to the issue of discretion. In general terms 52% of officers either 'strongly agreed' or 'agreed' with this statement. In a similar statement (statement 29 – 'All laws should be enforced at all time otherwise people lose respect for the law') there was a different response as the percentage of those who agreed or strongly agreed was only 24%. This difference between the two statements (-29%) is difficult to rationalise other than the possibility that the second aspect of the statements may have an influence, together with the slightly different wording of each statement.

This sheds light on an interesting dichotomy; this study found that officers regarded discretion as an absolute requirement to deal with complexities not covered by rules and legislation whilst the Cultural survey shows that there is a strong preference for a zero tolerance approach. The latter would suggest that the use of discretion should be limited and that prosecution should ensue. The rationale for this divergence is difficult to explain, but might be more related to the criminal justice system rather than specifically the application of police practice on a day-to-day basis.

The Situational Nature of Discretion

This study confirms the work of Hawkins (2003), Kemp and Gelsthorpe (2003) who suggest that any previous attempts to exert control over officer decision-making (discretion) have failed to deliver consistency in the decision-making process. The literature provides compelling evidence to support the notion that situational pressures have a profound impact on the decision-making of individuals. This research provides strong evidence that police ethical decision-making, particularly as it relates to the use of discretion, is highly situated. It supports the work of Almond et al., (2008) in that it demonstrates that context and time-pressures have a significant influence in the ethical decision-making of officers. It was evident that there is a lack of consistency around decision-making and an acceptance that there is a great deal of subjectivity inherent in the use of discretion. A number of interviewees stated that discretion was down to the individual officer and an officer might decide on a course of action that another would not consider taking. On this aspect one of the Constables (Int.2) stated:

> "...you're never going to have a replica, every single officer doing exactly the same thing across the board. That's never going to be achieved. That's a nice thing to think, that it ain't ever going to happen ... there is no right or wrong but you're always going to have somebody that will do one thing and somebody else that might do something different might not be wrong but it may be different".

This notion of subjectivity and the situated nature of decision-making in a police environment are captured succinctly by an Inspecting rank officer (Int.1) stating, "I would apply it to each individual circumstance - on a case-by-case basis". This application of discretion based on the merits of the incident is a common feature throughout the interviews and an accepted part of police practice. The empirical evidence also confirmed the assertion that some police officers allow their prejudices, interest and strong personal moral convictions to influence their decision-making. This supports the work of Almond et al., (2008), referring to the work of Kruglanski and Freund (1983), who found that there is a tendency to stereotype, particularly in time constrained situations.

One of the elite interviewees (Int.7) provided an example during interview of when he had used discretion that was similar to the example in Chapter 1 of the speeding motorist on route to his sick daughter's bedside (Richards, 1985). A common sense approach to the law is what the public would expect and to have formally 'booked' this individual, although legally proper, would have a resulted in moral outrage from the public. This contrasts with Reiner (2010) where the senior officer castigated the use of discretion.

One of the Superintending rank officers (Int.11) suggested that society accepts that an officers' use of discretion is subjective and "... that they get different deals" and implied that the public accepted this *modus operandi*. Furthermore, he stated that without the ability to use discretion, the community would lose confidence in their police. To illustrate this, the interviewee recounted a conversation with a neighbouring force's Assistant Chief Constable (ACC) who had told the interviewee that he had recently attended a probationer training class in that force where the issue of discretion was discussed. It was noted that, when presented with situations where officers would normally apply discretion, young-in-service officers suggested that they would deal with the matter formally. This included booking the driver of a hearse for a minor traffic violation. This would cause public outrage and indeed, in such circumstances, the service itself would expect an officer to use discretion.

In general terms, interviewees considered the application of discretion to be aligned to securing the same objective as the more formal measures through an informal warning. The application of discretion and the impartiality of the decisions made was an interesting facet explored with officers during the course of the interviews. A Constable (Int. 2) described the power of discretion as a tool in the practical application of police practice and, where circumstances warrant it, used sparingly and appropriately in the pursuance of legitimate aims.

In contrast, there were officers that recognised the potential biases inherent in discretion and the need to apply a degree of consistency. A Sergeant (Int.12) stated:

> "... you should really be giving the same level of discretion and exercising that to a person with similar circumstances, so you shouldn't be basing it on what you think of that person... I think you've got to be consistent in your decision-making you can't just say well he's very similar to me, what I would have done when I was in my twenty's so I'll give a little bit".

In considering the impartiality of a decision, a Superintending rank officer (Int.11) suggested that whilst they did not use a specific decision-making model or matrix to ensure that their decisions were ethically correct, they did utilise their own method,

which involved writing down the pros and cons of the decision. This interviewee also suggested that they sometimes use the objective bystander; a person who they considered had "the same moral compass" as them, as a sounding board to gauge whether or not the decision is ethically sound. This, it could be argued, is their moral confidant; an individual trusted to give objective and impartial advice or observation in the face of a problematic ethical dilemma. This was supported by one of the elite interviewees (Int.7) who suggested that he carried out the same test. This 'objective bystander' is closely aligned to the 'reasonable man test' discussed by Matchett (2008) in Chapter 1. One of the Inspecting rank officers (Int.18) suggested that when making decisions she always tried to think about what the impartial bystander would consider.

During the discourse on discretion, two interesting themes emerged from the data; the concept of the 'contributing member of society' and the 'attitude test'. An elite interviewee (Int.3) used the term 'contributing member of society' to describe one of their considerations about whether or not to apply discretion for a minor misdemeanour:

> "What influences my decision? Is this a contributing member of society?.... if I use the converse then that would be someone who I knew, who was an active burglar and someone who had a negative effect on society and that person was using their mobile phone. It would take a great story not to want me on that occasion because I know that that person is generally not a good person and probably every opportunity should be taken to disrupt him, and to perhaps give him points towards putting him off the road because they actively make difficulties for others."

This suggests that officers assess the role the individual has in society and base their decision on whether the individual respects the rules of society and has a function in that society. This supports the notion of 'police property' outlined by Reiner (2010) and is similar to the issue raised by one of the Superintendents interviewed (Int.11) that their values had been challenged by individuals who wanted the protection of society, but did not want to be constrained by the rules of society. There is an association between this and the stereotyping and bias issue outlined by Almond et al., (2008) in that there is a standard conception or image of a specific group of people that might influence the judgement of officers. In a similar vein, deviation from the norms of society may result in a decision to treat an individual or group differently as a consequence. This also relates to the notion of impartiality and the challenge must be how to tackle these stereotypical views of individuals as 'less' value than others may be symptomatic of the conservative values evident in the service and as highlighted above.

The second theme was the 'attitude test', which is a term used to refer to the attitude of the person during their interaction with an officer. Loftus (2010) and Reiner (2010) identified this as a feature of police practice and it is a term to describe a situation where an individual does not display the appropriate deference to an officer and their legitimate authority. This had a detrimental impact on the decision outcome. This study confirms that finding; a number of the officers involved in this research recognised that the 'attitude test' was a significant factor in the decision-making process. In general terms, even those who do not like the term 'attitude test' acknowledged that the attitude of the individual might influence their response. One young-in-service officer suggested that when she joined she thought that she would probably use the 'attitude test' as a measure of whether or not to exercise discretion. Having been in the service for a few years, however, she avoids using it as a guide as she realises that it is an abuse of her legitimate authority. This study demonstrates that the behaviour of an individual in their interaction with an officer can have a negative influence on the outcome of that interaction and remains a significant component in police practice. A Staff Association representative (Int.7) in considering the ethics of the 'attitude test' stated,

> "yeah, there is there is such a thing and you can argue till you're blue in the face about whether it's right or wrong, but how else do you exercise discretion, what do you use as a decision-making factor to say here is someone who's receptive, I believe that they might not do it again, and in this case I can exercise my discretion because it's better".

It was interesting that one of the Inspecting rank officers (Int.9) during the interview specifically suggested that they didn't like the attitude test. However, in the vignettes one of the factors taken into consideration by these officers when considering whether or not to apply discretion listed the attitude of the person as a factor. One of the officers recognised that the 'attitude test' in the application of discretion was unethical (Int.14). There is no doubt that the interaction between the officer and individual necessarily involves a complex set of interrelated issues, but the use of the 'attitude test' as a feature in decision-making is unethical and an abuse of the legitimate authority of the police, and it is likely to have a detrimental impact on public confidence.

In discussing an abuse of discretion, interviewees suggested that some officers might rely on the power to avoid 'work'. It is also suggested that 'lazy' officers who relied on the notion of discretion to excuse their inactivity could abuse it. One of the elite interviewees (Int.7) suggested that officers may hide behind discretion and there

was a need to develop robust processes to avoid this. One of the Sergeants (Int.4) suggested that:

> "...discretion can be misused in situations where you know people and if you're dealing with someone that's a family member of a friend of a friend or an acquaintance then perhaps people will deal with people badly. They'll deal with them differently than if it was a normal member of the public".

Guiding Discretion?

The literature chapter highlighted the importance of the rule-based paradigm to the decision-making process, referring to authors such as Davis' (1969:3), Gelsthorpe and Padfield (2003:14) and Hawkins (2003). The notion that discretion can be controlled or guided was explored during the interviews and a number of interviewees discussed the possibility of creating a policy to guide discretion. There were officers who suggested that, whilst you could give some parameters for officers in relation to their use of discretion, writing a policy around discretion was not appropriate. One of the elite interviewees (Int.3) suggested that while policy may direct them to carry out an action, the availability of discretion will allow them to make a decision "...that they morally feel is right at the time", highlighting the situated nature of discretion, identified by Hawkins (2003) and Rowe (2008). The notion of discretion is interrelated with the notion of professional judgement already highlighted in the National Decision Model (NDM). It is also a fundamental element in the professionalisation of policing. Neyroud (2011), in developing the police professional agenda, recognised the importance of professional judgement in the development of police practice.

The review of the documentary sources identified that the Association of Chief Police Officers have produced in draft a 'community resolutions' guide for managers, (ACPO, 2011). This guide has been used by four pilot forces in England and Wales. The guide provides direction for officers on the use of professional judgement to find an appropriate solution. The model is predicated on officers assessing each incident based on its own merits, but recognising that their action will need to withstand public scrutiny. The model has red, amber, and green offences, which serve as a guide for officers as to when discretion is appropriate. The red zone would include issues such as domestic violence and serious crime, or where there are vulnerable victims such as children. Amber offences include those where the officer would be required to consider and justify whether discretion could be applied or not. For example, giving a community resolution for anti-social behaviour in an area plagued by ASB could be regarded as inappropriate, but in an area where ASB is rare it might

be an acceptable response. The guidance notes that officers need to consider applying discretion if: the effective 'community resolution' is achievable; has the support of the victim; the relevant risks to the community and individual have been appropriately considered; and discretion is a proportionate and common sense solution. In a discussion around the proposed use of a community resolution policy, an elite interviewee (Int.13) suggested that the use of a rating system for discretion demonstrates a misunderstanding of the concept stating:

> " I have sort of argued against that because red, amber and green indicates that there are some parts of policing where frontline staff have got full discretion and some part where it's sort of constrained discretion and some parts have got no discretion. And I think that's a misunderstanding of discretion. My argument would be it's about where discretion is exercised in the organisation. My view would be where it is green, the force has decided that individuals can use their discretion, where its amber, the force has said there; we have exercised some discretion, by putting some framework here. As to how you then exercise your discretion and where its red, it isn't a question of there's no discretion, it's the forces exercising its discretion at Chief Officer level to say, no perhaps we have got a discretion about whether we'll arrest every person for a domestic violence, we are exercising our discretion to say based on the evidence, we will arrest every offender for domestic violence, so there is no discretion for you because the force is exercising its discretion based on the criminological evidence and the research to say this the best chance of having a positive intervention if we arrest on every occasion. So, it's subtle but it's a difference. It's saying there is always discretion, the issue is where it is exercised and it might be at Chief Officer level, but it might be at frontline staff level, it's not a question of saying there are some things which have discretion and other things which have no discretion".

This study suggests that officers in general recognise that discretion is suitable for low-level offences, which do not 'harm' the individual or the wider community. This highlights the dichotomy between organisational and personal discretion, recognised by Hawkins (2003) and Alison (2008), which is the 'organisational lens' that decisions need to take account of. In concluding this section, there is no doubt that there was resounding support for the use of discretion. One of the elite interviewees (Int.13) highlighted that the trust and confidence of the public is bound with the proper and ethical application of discretion. He highlighted that there is a danger that the police/public relationship could be irreparably damaged if it is not used in an effective manner stating, "....the public do trust the police and they trust the police to use discretion and common sense. So, it's absolutely key."

The notion of public confidence is closely aligned to the expectation the public rightly have that their police service operates with the utmost integrity. The interviewees highlighted the importance of integrity and public confidence issues; one of the Inspecting rank officers (Int.10) suggested that integrity is the foundation on which

honesty is built and stated when "...you've got those foundation stones in place then it's onwards and upwards."

Policing with Integrity

The literature chapter asserted that integrity is a fundamental and underpinning element of policing and that it is almost taken for granted that officers possess this virtue. Unfortunately, history tells a different story. The extant literature provides stark evidence that this must never be taken for granted and Professional Standards departments across the country are testament to the breaches of integrity that occur frequently. This study found that interviewees across all ranks were well versed in the concept of integrity and it featured heavily in a significant number of responses. For example, one Constable (Int.19) suggested that it was about doing the right thing even when "no one is watching you", while one of the elite interviewees (Int.7) representing one of the Staff Associations, stated:

> "Integrity for me is the fact that you are honest with high morals or ethical standards in respect of everything you do, just that you observe the highest moral and ethical standards in your honesty in relation to the way you live your life, not just about being a police officer, the way you live your life the way you go about doing your daily business".

These extracts illustrate that officers in this study recognise the association between integrity and ethics. As a concept, integrity has attracted significant academic attention from theorists (Punch, 2009; Delattre, 1996; Prenzler, 2009). This study demonstrates that officers are acutely aware that integrity is an absolute requirement for policing. This is illustrated by an elite interviewee (Int.13) stating, "...it is important for police officers to be associated with integrity, because enforcement and control are not always popular things to be doing, or they are not things that are held in popular esteem", whilst one of the Superintending rank officers (Int.11) suggested "Integrity is non-negotiable, um, its whether someone believes what you say. In its basic form its how you conduct yourself at all times; it's about the standards you set yourself." This was supported by one of the elite interviewees (Int.13) who highlighted the importance that police officers in particular need to maintain integrity and stated "are we behaving in the way that is consistent with what we are saying, all those little things".

This study explored the issue of 'moral legitimacy' as opposed to legitimate authority. This was highlighted in relation to officers who carry out illegal acts, such as consuming drugs off-duty, which they then enforce whilst on duty. This dichotomy between the public and private lives of officers was highlighted by a couple of

interviewees. For example, an Inspecting rank officer (Int.10) identified the changing reaction to recreational drugs, where officers may themselves engage in recreational drug taking during their rest days. As noted earlier, this study supports the work of Reiner (2010), when he suggests that, in general, officers are drawn from relatively conventional, conservative backgrounds, but this seems to contradict with these findings. It may be more reflective of the liberalisation of attitudes towards recreational drugs in society. Interviewees recognised that their responsibilities and behaviour extended to actions and behaviour both on and off duty. A Staff Association representative (Int.7) captured succinctly the changing attitude of officers towards drugs stating:

> "We know now police officers joining us have a personal value around, you know, the social norms of recreational drugs are okay, so we get police officers joining us now, they'll take recreational drugs when they are on their rest days cycles and then they will enforce drugs legislation when they are on at work. Now that doesn't sit right with me at all, I can't get my head around that but we've got officers who think that's okay."

This study identified that interviewees were aware that the office of Constable carries with it a significant amount of power, and with power comes temptation. An elite interviewee (Int.6) suggested that this power leaves new recruits particularly vulnerable to breaches of integrity, stating:

> ".. most of all they've got a warrant card and a badge and some of them may possibly tend to think of it either as an international disco card, where they can get into nightclubs if they flash their badge, because that's what used to happen years and years ago, or you can go into McDonalds or whatever and "I'm a police officer" and have an expectation that because you're a police officer that you can have favours. That's not the case".

Temptations such as these are not unique and the opportunities and vulnerabilities of officers across the ranks are real. This presents new and regular challenges to police Professional Standards departments. There are numerous examples of officers breaching integrity standards in a number of ways, for example, disclosure of personal data or information on police activity/operations. One of the ethical dilemmas presented to interviewees (vignette 5), is an operation that is 'blown' as a result of leaking information to the target premises. Colleagues universally condemned this breach of integrity. The majority of interviewees cited the waste of effort and the frustration experienced when similar events have occurred in the past. One Constable (Int.15) highlighted a situation where a colleague disclosed to him immediately before a taxi licensing operation that he had already made contact with cab firms to alert them to the operation. The interviewee stated that he was furious with the officer and that the explanation given by the colleague was that he had a

family member working for one of the taxi companies affected. The interviewee stated that he did not take any action against the colleague on the basis that it was a local authority-led non-criminal operation, but recognised that it was an integrity issue. The willingness to 'over-look' the errant behaviour of a colleague will be discussed in greater depth in the next chapter.

There has been a significant emphasis placed on the issue of integrity and the importance of instilling integrity throughout the organisation. The majority of interviewees suggested that the organisation puts significant effort into highlighting the standards expected and the importance of integrity. One of the elite interviewees (Int.3) suggested that the organisation is placing increasing value on the issue of integrity, and, as a consequence, officers and staff were more aware of integrity issues, and the organisation deals positively with those who act without integrity.

However, there were interviewees who thought the organisation didn't openly promote integrity or certainly didn't promote the need to maintain integrity with sufficient weight. One of the Sergeants (Int.17) suggested that the organisational response might not be as robust as it should, stating that the force treats integrity and drug taking by officers as a 'taboo subject'. The interviewee also suggests that the police culture may be an issue. While the force recognised that some police officers take drugs, the interviewee suggested that the perception in the force is that it happens elsewhere. This is supported to a certain degree by one of the Superintending rank interviewees (Int.11) who suggested that while the organisation communicates the importance of integrity, officers on occasion failed to recognise that integrity was aligned to standards of behaviour for police officers. There were officers who suggested that a lot of the organisational focus on integrity is retrospective. For example, one of the elite interviewees (Int.6) suggested that the organisational approach was too reactive, dealing with breaches only after they had been identified. Another Staff Association representative (Int.7) suggested that the organisation failed to put enough emphasis on integrity, suggesting that the integrity of a number of officers and indeed the reputation of the force had been brought into question because of the behaviour of officers and the manner in which they operated.

It is evident from this study that officers did recognise the importance of integrity. It provided positive evidence that the organisation places significant focus on integrity, albeit that a number thought that there was room for improvement. However, there remain a small proportion of officers that transgress and succumb to temptation, leave themselves open to blackmail, or behave in such a manner that they leave

themselves or the organisation exposed to unnecessary risk. Criminals will continue to seek out opportunities to exploit the information and intelligence available within the police service and take advantage of officers and staff that hold the privileged position associated with membership of the police service.

Noble Cause Corruption – For the greater good?

The reputation and integrity of the police service has been brought into disrepute with several miscarriages of justice, some of which are aligned to the concept of noble cause corruption. The majority of interviewees had not previously heard this term, but one interviewee (Int.11) recognised it stating that it was about "..people breaking the rules because they think it is for the greater good, because they think it is the right thing to do". An elite interviewee (Int.3) suggested that a turning point for the service in addressing the issue of noble cause corruption was:

> "...when interviews became taped and video recorded, when officers' evidence alone became insufficient to obtain convictions, and when the PACE regime came in, which exercised a lot more control around custody arrangements you've also got a situation where quite often officers' enforcement on the street is CCTV recorded, where there's audio in some cars, people are far more aware of their rights..."

The drivers for noble cause corruption identified by Kleinig (2002), referring to the work of Delattre (1989), suggested that arrogance and cowardice were drivers for noble cause corruption. This study did not find evidence to support that assertion, but one of the Superintending rank interviewees (Int.11) discussed circumstances where an individual may be driven towards noble cause corruption. In this example the work of Klocklars (1983) in relation to the 'Dirty Harry' proposition may be closely aligned to the example provided - he suggested that officers who engaged in noble cause corruption were misguided. The interviewee understood why they had gone down that path, having been 'exposed' to the effect on the victim or their family and they will therefore do their utmost to secure justice. In a discussion around the drivers for corruption and the rationale for 'crossing the line' into corrupt practices, one of the elite interviewees (Int.7) corroborated the work of Punch (2009) who, when referring to such behaviour, suggests that officers can often rationalise doing acts of noble cause corruption for the good of society therefore it could not be wrong. He stated:

> "I suppose what some would argue is that the individual who carries out this form of corruption can rationalise it to themselves. They only need to look at, um, if you look at some of the activities that you see depicted on the likes of 'Ashes to Ashes' on the TV that claims to depict the CID from the 1980's there are large similarities with the job I Joined in the 1980s, but not to the point

> where it's depicted on TV where they make certain criminals' lives a misery just because they're criminal and just because we're going to do this and we're going to do that and we're going to do the other, um, I didn't see that and I haven't been party to that...."

The other issue, which tempts officers into noble cause corruption, is the desire to please the managers or senior officers leading the investigation. An issue raised by an Inspecting rank officer (Int.10) outlined a recent case where officers had given a juvenile prisoner alcohol as an inducement to provide detections. This is similar to the issue of 'performance corruption' outlined by Neyroud and Beckley (2001). This was also highlighted by one of the elite interviewees (Int.6) who suggested that the previous practice of prison visits, aligned to the drive to secure crime detections, could be regarded as a form of noble cause corruption. One of the Inspecting rank officers (Int.9) recognised that while it could be frustrating for officers to see 'bad guys' getting away with crime, it was imperative that officers remain within the confines of the law. Interviewees also recognised that carrying out this form of corruption had serious implications, regardless of the motive or driver. For example, a Constable (Int. 2) stated, "you're kind of like being as bad as them then really, cos you lost all your morals." This interviewee, together with another Constable (Int.20), highlight an interesting point in relation to the tipping point for those who 'cross the line' and commit themselves to acts that could be regarded as noble cause corruption. It raises the 'slippery slope' concept discussed by Punch (2010); once an officer has embarked on the path of noble cause corruption, at what point do they draw the line? Could the officers then move onto grander and more elaborate corrupt acts to secure the greater good? Have they crossed the 'psychological line' whereby they can then rationalise all acts they do? Considering this issue, a Constable (Int.15) suggested that:

> "if you've got to resort to that then you know you have sort of lost, you have certainly lost your way completely... you cannot commit criminal offences or lower your integrity just to get convictions, even though it might be for the greater good, you just can't do it".

In drawing together some of the findings in relation to noble cause corruption it is useful to return to the work of Neyroud (2006) who argued that an area of concern for the police service was the predilection with crime-fighting, which may lead to 'noble cause corruption'. This was supported by a Superintending rank officer (Int.11) who remarked that one of the causes is the issue of crime detection and solving the crime for the victim; the police organisation itself where corruption has seen significant focus aligned to the level of attention given to personal and organisational integrity; and finally, the police culture, discussed in greater detail in

the next chapter. In concluding this section, one of the Superintending rank officers (Int.11) captured the essence of what it actually means to possess integrity, its link to ethical decision-making and the expectations of officers in making decisions that are ethical: "You play by the rules, you've got moral courage, um you try to be consistent, uh you're fair and you're doing the right things for the right reasons at all times".

Conclusion

This chapter has identified the ethical issues that impact on decision-making and action but in doing so has also identified the mechanisms that have been introduced in an effort to assist in the management and development of ethical decision making. Three key issues emerge from this chapter that warrant further debate and conceptualisation. These are: (1) the ethics of police decision-making; (2) conflicting values and the notion of impartiality and (3) professionalisation of policing.

1. The ethics of police decision-making

The empirical evidence from this study supports the development of the National Decision Model as a mechanism for delivering consistency in decision-making in the service. This study was carried out in advance of the launch of the National Decision Model (NDM) in 2011, but it demonstrates that the NDM, based on the established Conflict Management Model (CMM), which has served policing well for a number of years, will be familiar to police officers as tool for decision-making. What is yet to be established is whether or not the model is the route to ethical decision-making. The danger with the introduction of the NDM is that it could be viewed as a case of 'Emperor's new clothes' by the service and as a simple revision of the CMM rather than a significant change in the ethos of the service and a substantial move toward ethical decision-making. The model and guidance is clearly trying to manoeuvre officers into thinking in a very different way about the decisions they make, but this research suggests that unless it becomes a feature in the culture, *id est*, 'the way we do things around here' (Drennan, 1992:23) then it will not change the way officers think about their decisions. Instead they will revert to the System 1, intuitive style of decision-making rather than consider the wider ethical issues derived from such underpinning documentation as the Oath of Attestation and the Statement of Mission and Values (SOMAV).

This study demonstrated that, while several officers recognised the CMM in the decision-making process; it was far from universal and certainly not explicitly

considered. This was particularly so at the lower levels, where the vast majority of operational decisions are made. The other concern for the NDM is that, aside from one of the elite interviewees who had a specific interest in this area of work, none of the interviewees discussed the Statement of Common Purpose and Values. This would suggest that, while in principle it remains a useful platform for decision-making and as reference point to garner the ethos of the service, it has not penetrated the psyche of officers.

It is clear from the evidence in this study that police officer decision-making is highly situated and is subjectively based on a number of issues. This has been recognised as a feature in the decision-making process by a number of authors including Reiner (2010), and Alison (2008). Many of these features are allied to the notion of professional judgement and discretion as opposed to the traditional view that policing is situated within the rules-based paradigm where law and policy drives the decision-making process. This study found that the police use of discretion is dependent on a range of factors; police discretion is not consistent and the same member of the public could receive different decision outcomes from very similar or exact circumstances. Hawkins (2003) suggests that a level of inconsistency in discretion is inevitable, particularly in a policing context where the complexity of the environment impacts on the decision-making process.

This study demonstrates that 'biased' decision-making occurred, including features such as 'contributing member of society', where officers arrive at their decision having considered the 'value' or contribution that individual makes to society. This study demonstrates that this feature of the decision-making process is unethical and it raises the question of whether this level of inconsistency is acceptable, particularly given the findings suggest that it can be based on negative stereotyping or an inherent dislike or holding in low esteem of a particular social class or 'criminal class'. The issue of stereotyping has been a focus in police training for many years but it remains an issue that appears to be deep-rooted in police practice.

This study has also highlighted another feature particularly prominent in the practice of discretion. The 'attitude test' is the police vernacular to describe a situation where members of the public have failed to demonstrate sufficient deference to the office of Constable and, as a result, officers choose to pursue the more formal sanction as opposed to exercising their discretion. This study demonstrated the prevalence of such an approach in police ethical decision-making. There is a tacit assumption that this forms part of the accepted practice of police officers in the day-to-day practical application of police powers. This study asserts that this practice could significantly

undermine public confidence and is an unethical base upon which to make decisions. The 'attitude test' is an established aspect of police practice but it is clearly a subjective manner in which to decide on an appropriate sanction. It appears to be directly incongruous with the notion of impartiality. This issue goes to the heart of the professionalisation of the police service, as it is inconceivable that the level of deference shown to the officer would determine part of police professional practice. This clearly needs to be subject to scrutiny as part of the professionalisation agenda currently on-going in the police service, as it is potentially an abuse of their legitimate authority.

2. Conflicting values and the notion of impartiality?

This study clearly highlights that additional focus needs to be placed on the new SOMAV so that it becomes an explicit aspect of police training, in a similar vein to how key principles of the Human Rights Act (JPLAN) have been embedded in the working practices of all officers at all levels and roles. The SOMAV, in order to be routinely considered in the ethical decision-making process of officers, needs to be so institutionalised in the way officers' exercise their duties.

The challenging of the values was an interesting outcome from this research and demonstrates that there is often clear disparity between the values of the officers, and individuals and groups within their communities. This study provides support to Reiner's (2010) work on 'police property', as it provides evidence to suggest that his typology remains a feature of police practice. A number of interviewees found their values being challenged by elements within society that exist by a set of standards that differ from the dominant majority. This was accentuated further when those same individuals who flagrantly violated the accepted norms within society also sought protection from those rules when it served their purpose. It is evident that dealing impartially with such individuals was an ethical conflict for these officers, which suggests that they are prepared to compromise their own values to ensure that their 'mission' was fulfilled. In a similar vein, this study highlights a different perspective on the notion of 'ethical conflict' outlined by Peterson (2003). Officers during the course of their service experience difficult ethical challenges where the law requires them to take action when ethically they may be empathetic to the cause of the individual concerned, for example, the issue of attempted suicide. The interviewees suggested that taking such action is contrary to what they may feel but they recognise that their 'mission' is to carry out their role. This, while positive, is important as it presents a clear conflict to the Oath of Attestation and needs to be

explicitly identified and reinforced in the training of officers and throughout their career.

The findings from this research showed that officers recognised that a changing societal approach to issues such as recreational drugs meant there may be officers within the service who were content to exert their legitimate authority to deal with drug users whilst on duty, whilst them-selves indulging in recreational drug use when off-duty. This identifies an issue with the 'moral legitimacy' of those individuals and recognises the dichotomy between the public and private lives of officers, as well as the public confidence issue. Police Officers cannot choose when they are police officers; they are morally and legally obligated to serve the Crown 24/7 when they swear their allegiance to the Queen and sign the declaration of the Constable. Policing is a mission, not a job, and the expectations are such that the behaviour of officers should be commensurate with that belief. This study recognises that it is wholly unethical and the perpetual conflict between their role as an officer and their position as a member of society. Where officers engage in criminal acts, this clearly has a profound impact on the tacit contract between the public and the police.

The service needs to consider more effective mechanisms for testing integrity where society at large has moved towards a more blasé attitude about certain forms of criminality, *ipso facto,* some officers will consider this as a green light to engage in such acts themselves. However, the implicit contract between public and police means that they expect their officers to be above such incidents. While police officers may still have legitimate authority to exercise the law over individuals carrying out similar offences, it would create a breach in their moral authority to exercise their legitimate power. This study is clear; colleagues do not want officers engaging in criminal acts, such as drug taking, and advocate that these officers should be discharged from the force.

3. Professionalisation of policing

The notion of professionalisation has been a golden thread running through this work and in the development of a professional service, authors such as Rowe (2007), demonstrate that the use of professional judgement is an occupational imperative. This study has demonstrated that, while encouraged in the NDM, it is not available in all spheres of policing practice. For example, would the use of professional judgement be condoned in the exercising of discretion at the scene of a domestic violence report where the positive arrest policy dictates that officers will make an arrest in such circumstances? The NDM offers a broad decision-making framework to

encourage ethical decision-making, but does not reconcile the use of professional judgement in politically sensitive areas. Even if fully justifiable, it is asserted from the evidence in this study that the use of professional judgement in such circumstances would be critically assessed and rebuked. This study suggests that professional judgement needs to be further explored, along with the notion of discretion, in far greater detail, not just during the initial training, but also throughout an officers' career to ensure that they are reminded of their professional responsibilities.

This research found that National Crime Recording Standards (NCRS) is a mechanism for limiting the level of control on the exercising of discretion and is a source of frustration. Such efforts to introduce the rules-based paradigm in police practice have been met with widespread resistance. This study found that officers, in general terms, were not in favour of the introduction of further policy restrictions. While officers accepted that areas of police practice had introduced policy to ensure a consistent approach, this was not a favoured approach; each situation has its own nuances and deserves a case by case approach to decision-making. Performance corruption is also allied to performance culture in that it appears to be the case that a drive to improve performance has a negative impact on the willingness of officers to use professional judgement, rather they resort to more formal sanctions in order to deliver their 'quota' of results or impress their supervisors. This in itself applies pressure on 'making the right decision for the right reason' as it suggests that sometimes officers will make the decision based on the target driven performance requirements rather than based on what's appropriate. Aligned to this is the 'nine o' clock jury', where the 'blame' culture evidenced in both the literature (Eyre et al., 2008) and this field-work impacts on the willingness of officers to make difficult decisions in certain circumstances for fear of reprisals, or else encourages officers to make the organisational rule-based decision rather than the ethical decision based on all the situational and contextual factors. In other words, officers in this situation take the path of least resistance. This must be addressed as an issue as part of the professionalisation agenda. Learning from mistakes is a feature of life and the avoidance of risk and, in certain cases, decision, in order to avoid criticism is inherently flawed.

In drawing this chapter together it is evident that this study re-affirms much of the *a priori* literature relating to ethical decision-making, discretion and integrity and corruption. It identifies that ethics does and will continue to be an impactive aspect of police practice. As such, it needs to be recognised and incorporated into the

developments occurring within the police professionalisation agenda within the UK. However, the research has also identified new issues that illustrate the continuing efforts made by the police service to deliver more ethically-based decisions. However, the notion that the delivery of a model will solve the issues is flawed. There are fundamental and recurring issues throughout the literature that suggest that any new initiative, such as the National Decision Model, would need to focus also on the cultural and leadership challenges, particularly in the police service, to deliver the necessary changes in mind-set and patterns of behaviour and attitudes. The next chapter will explore such issues.

In conclusion, there is clear relationship between the notion of impartiality and the professionalisation of the police service. This is related to the legitimacy of the service, the accountability of the service, and finally, public confidence. This study found that interviewees considered discretion to be pivotal to the application of police practice, but that balancing this against the principle of impartiality is more problematic. It is asserted that a number of the issues identified within this research require consideration of the manner in which they are addressed moving forward. The changes required are associated with a need to embed changes in the culture of the service in order to safeguard the reputation of the service and continue to uphold the confidence of the public and the notion of policing by consent.

Chapter 5

Influencing and Managing Police Ethical Decision-making

The chapter outlines that:

- **the strength of the police culture remains a key feature of the organisational reality;**
- **leaders are pivotal in setting the moral tone, but leaders do not also need to hold a 'rank';**
- **the existing ethical training provision is inadequate, but officers do recognise the importance of ethics.**

This chapter explores and seeks to explain the manner in which external factors influence ethical decision-making. It outlines why police decision-making could appear unethical and includes a discussion on the development of a code of ethics for policing, which has been periodically topical in policing literature. There have been two previous attempts to introduce a code of ethics for policing in the UK, both of which have failed (Villiers, 1997). This research identified that there was no appetite or 'warmth' towards the introduction of a code of ethics and that officers, in general terms, did not believe that such a measure was warranted. This chapter also explores the influence of organisational culture, leadership and police training on a more positive approach to ethical decision-making. The vignettes used in this research offered an opportunity to investigate nuances in responses that can assist in providing a descriptive account of the ethical environment.

A Code of Ethics for Policing: the blueprint for ethical decision-making?

The literature review highlighted the perennial debate on the value of a code of ethics for policing. The new Statement of Mission and Values (SOMAV) outlined in Chapter 4 appears to have neutralised the debate and during the course of this study there was a level of indifference on the issue. There was a sense that it would be difficult to achieve; the police service is a diverse group and capturing the values, ethics, and morals of officers would be extremely difficult. Policing in particular is noted as being a wide operating profession in society (Manning, 1977). Interviewees, in general, did not appreciate the benefit of a code of ethics for

policing, for example, an elite interviewee (Int.7) suggested that a code of ethics for police officers was not practical:

> "... well to be honest some of them are not worth the paper they're written on. It's like some people have very lengthy mission statements and some people have lots of other things. At the end of the day, we've got a code of conduct around a policing, which is enshrined in the very iterations of the Police Act and the Police Reform Act and people are expected to adhere to that. If you're then going to say we're now going to have a code of ethics as well, and this is how you're going to operate within those as well I just think it confuses things immensely and I don't think people read them if I'm really honest".

Another elite interviewee (Int.13) outlined that he was very cautious about entering a debate about the introduction of a code of ethics and noted that it was subject to debate in the 1990's that became focused on a difference of opinion around the language used. The interviewee suggested that he would prefer "...a clearer statement of our mission and values...", but that he didn't want to procrastinate for the next couple of years while a debate around semantics took place. He stated that a re-draft of the Statement of Common Purpose and Values (SCPV) was in the process of being carried out to bring it up-to-date. This has now been achieved, has been significantly re-drafted and re-branded as the ACPO Statement of Mission and Values (SOMAV) and integrated into a National Decision Model for policing, see Chapter 4. This interviewee (Int.13) summarised and echoed the thoughts of the majority of interviewees when he stated:

> "So, does it really matter whether it's that set of words or that set of words, because I think most people understand what the values of British policing are and you got things like the attestation, the Peelian principles, statement of common purpose as is or revised; there's enough there for people to know what our values are".

In contrast, a couple of officers did profess an interest in the development of a code of ethics as a useful barometer to use for new officers who may join with values that do not correspond to organisational values. A Staff Association representative (Int.3) suggested that a code of ethics would be useful as individuals join the service with values that may not always correspond with the values required of a police officer. A code of ethics would also serve as a reminder to officers of their moral obligations. This was supported by a Sergeant (Int. 8) who suggested that it would be useful to introduce one as it would clear up some grey areas and offer guidance on the most appropriate and ethical course of action. In sum, the evidence from this research would not substantiate another attempt to introduce a code of ethics for policing in the UK, particularly given the introduction of the `SOMAV'. It was also evident that a number of other factors were impactive in the ethical decision-making of officers.

An examination of Police Occupational Culture

Authors such as Chan (1997), Reiner (2010), Rowe (2008) and Loftus (2010) have recognised the influence of the police occupational culture on normative practice. Rowe (2008), referring to the work of Walklate (1995), suggests that understanding police culture is important in order to interpret police practice. A number of interviewees recognised the importance of the organisational culture in stimulating an environment where making ethical decisions was the norm. They made frequent reference to the 'old culture' in their responses to the specific questions around the influence of culture on ethical decision-making. The vignettes provided a rich insight into the culture and its strength and the influence the culture has on the behaviour, attitude and approach of officers when making ethical decisions.

Upholding the Mission of Policing

In considering the ethical dilemmas presented during the interviews, it was clear that interviewees valued their mission and their sense of mission outweighed their own personal values, supporting the work of authors such as Reiner (2010), Loftus (2010) and Punch (2009). For example, a number of interviewees raised the ethical and moral dilemma presented by the Miners' strike in the 80's, where family were directly affected. Here their loyalties were divided but they were also expected to carry out their duty. This sense of mission or 'vocation' was highlighted as a specific concept by one of the elite interviewees (Int.13). He said that a sense of vocation was important in policing and that the service needed to encourage individuals who shared that sense of vocation to join the police. A Sergeant (Int.12) agreed with this view arguing that officers joining the service historically viewed the police as a vocation, whereas officers joining in more recent times did not view the police service as a long-term career and therefore did not join with "...the same values, morals and ethics that is expected of them because they don't see it as their long term career". Similarly, Punch (2009) argues that policing is seen as a vocation and that it is intertwined with the officer's sense of mission and the notion that officers are engaged in 'noble work', which those outside the service do not recognise or appreciate fully. The empirical evidence was overwhelmingly positive and identified that officers understood their role and the expectations of them as public servants and officers of the Crown. If confronted with a decision that conflicted with their own moral position, they unequivocally stated that they would carry out their role. This commitment to the mission of policing was captured by an elite interviewee (Int.3):

> "...if you hold a value which isn't um a value or belief that isn't in sync with what you're doing then you must explore as to whether you can put that aside and behave in a way that fits with the role you're doing. Even if it isn't your true value you can behave in a way which is commensurate with the role that you're charged to do".

Socialisation

It was noted earlier that socialisation is the vehicle for ethical behaviour and authors such as Prenzler (2009), Ford (2003) and Fielding (1988) regard socialisation as a key feature in transmitting the occupational culture. This study found that interviewees understand that their values are an integral part of who they were and the way they behave. They recognise that their values were instilled in them through the process of socialisation. For example, an Inspecting rank officer interviewed (Int.18) stated:

> "Core beliefs, how you make judgements; it is very difficult to define what a value is, but you know it's something you're brought up with, part of your socialisation process and what you glean from as you go through life. What your moral code and what your values are".

An elite interviewee (Int.11) suggested that their parents had taught them to know the difference between "... what's right and what's wrong...it's your inner compass". This is aligned to virtue ethics noted in Chapter 1 (Driver, 2009). The person who has been brought up well by their parents will develop the perceptual capacity to make relevant, ethical judgements. The empirical evidence suggests that the socialisation process assists in the development of an officer's internalisation of the behaviour and attitudes that they consider to be right or wrong in society.

As a feature of this study, a number of interviewees accepted that senior colleagues such as Tutor Constables were highly influential individuals that shape the ethical approach of more junior colleagues. For example, one of the Superintending rank interviewees (Int.11) suggested that during his career he had taken a steer from colleagues who he considered made "the right decisions in the right circumstances". Furthermore, he stated that some of these decisions hadn't necessarily complied with the policy as written down, but that the individual officer had made the 'right' decision based on the best interests of all parties involved. This study supports the work of Punch (2009) who suggested that the influence of more experienced colleagues make a significant contribution to the socialisation of officers. Neyroud (2011:92) has identified that those who mentor new recruits should be role models and demonstrate positive professional leadership attributes, thus clarifying the

pivotal role such individuals have on those who are arguably at their most vulnerable point in their police career. He states:

> "It should be the responsibility of the Police service to ensure that the mentoring and supervision of new recruits is provided by officers who themselves have demonstrated excellence in their practice; these are to be our champions. This requires the implementation of new approaches which encourage those with experience and high potential to take these crucial leadership roles."

There was evidence during the interviews to suggest that the level of indoctrination occurs early. For example, one of the Sergeants (Int.12) stated that he did things that he knew were wrong when he first joined the service but that he just went along with it. This study highlighted that there have been continuing pressures on officers to 'toe the line' and a fear of being ostracised by their peer group. Aligned to this issue is the fear of being labelled a 'grass' in the organisation, which was a term used by an Inspecting rank officer (Int.1) and a Constable (Int. 19).

Solidarity and the Strength of the 'esprit de corps'

This study highlighted the importance of the team bond. This 'esprit de corps' was a common theme for officers. The 'police family' develop a strong bond, which may be attributable to the dangers officers face and the level to which they rely on colleagues to back them up (Int.19). This supports the work of Holdaway and Barron (1997), Chan (1997) and Reiner (1992) who highlighted the culture of the service and that the bonds developed are necessary to cope with the potential dangers inherent in policing. It was clear from discussion with one interviewee (Int.19) that the team was absolutely critical to her enjoyment at work; she stated that without the team her enjoyment of her job would be significantly diminished. This corroborates the work of Reiner (1992) who outlined that camaraderie and support mechanisms help to build team cohesion and solidarity, *ergo*, esprit de corps.

The strength of this bond does raise the question as to whether or not it creates an environment in which officers are prepared to overlook breaches of integrity or unethical behaviour. Richards (1985) suggests that loyalty is linked to this and this was touched upon by a Constable (Int.19) who suggested that the team was of such importance that, if a colleague pushed a detainee, she would remain quiet in order to avoid giving evidence against them. This 'covering up' of deviant behaviour was discussed in Chapter 2 as a feature of police practice by Rowe (2008), Neyroud (2003), Loftus (2010), and Punch (2009). This code of silence was also identified by a Sergeant (Int.17) who confirms that the 'blue wall' or 'code of silence' remains a feature, particularly when critical scrutiny from an 'outsider' can result in the team

'closing ranks', a concept discussed by Kleinig (1996) and Reiner (1992) in Chapter 2.

This study has shown that the trust and confidence of colleagues is an important aspect of police culture. Several officers expressed concerns that the disclosure of possible wrongdoing by a team member or colleague may have consequences for the wider team. The 'whistle-blower' themselves may lose the trust and confidence of their team because they've breached the team ethos. Reiner (1992) has noted this as a facet of team loyalty, where breaching 'the code of silence' has a significant impact on individual officers who often face strong team sanctions. The interviewees in this study had concerns about being over-zealous and disproportionate in reporting what could be perceived as a minor infringement, such as the pushing of a detainee. Such reports may introduce mistrust and conflict into the group and impact on the overall morale of the team (Int. 5 – Sergeant). This sense of 'belonging' to the team was also highlighted by an elite interviewee representing one of the Staff Associations (Int.6) who stated "...the pariah, you could be seen as a 'non team player'; nobody's going to talk to you, they'll want you out so it could have an impact on your career..." A breach of trust could turn into a legacy issue with the label of 'grass', 'snitch' or being considered 'holier than thou' (Int.19); this reputational damage would follow the officer around.

A fear of exclusion was evident amongst the vast majority of interviewees. For example, one of the Inspecting rank officers (Int.10) highlighted the risk of being labelled a 'Judas' as a result of speaking up against a colleague. However, he said that it would not influence or alter their decision to deal with the issue. Other interviewees stated that arresting or reporting their colleagues would have a huge impact. A Constable (Int.15) suggested that he might be ostracised if the officer is well liked, conversely an officer may be supported if the person concerned was an unpopular colleague. This fascinating insight suggests that certain colleagues could be dealt with differently depending on their popularity.

The fear of exclusion should not be underestimated. It was clear during the interviews, particularly with young in service officers, that it was a pivotal factor. However, even the most ardent and experienced officers feel the effect of isolation when dealing with colleagues. One of the Staff Association representatives (Int.3) had been put in a position where, as an Inspector, he had to deal with a colleague thus:

> "...one of the most tangibly uncomfortable experiences. Even though I was an Inspector and I worked with a Sergeant and I did arrest a popular DC it was

> probably the thing which was some of the most uncomfortable moments of my service...didn't really feel good about what I did, and also there was an amount of disdain for what had happened amongst other colleagues, so you knew that what you'd done wasn't popular and it affected relationships with a few people to this day. But I was of the view that if the, a member of the public would have viewed it, they would have approved of it. So the issues are, there may be some illegal behaviour going on which you need to intervene, but on the other hand it's your colleagues. You will be seen as good old boys and you might be generating actions here that will be unpopular with other colleagues and I'm going to potentially marginalise you because the actions you've just generated. So what you'd ultimately hope is colleagues would never put you in that sort of position, but they do".

This trust in each other was highlighted by a Constable (Int.18) who stated; "I find it difficult to think badly of my colleagues". This was aligned to another aspect of police culture highlighted by one of the Inspecting rank officers (Int.9) who described how they would "rescue" a situation where they discovered a colleague apparently revealing the details of a drugs operation. He stated that he would highlight the issue to the supervisor, but would 'play down' the seriousness in order to avoid severe consequences, then carry out pre-emptive 'damage limitation' for the officer concerned. This study also found that, such was the trust and confidence of officers in their colleagues, that the concept of self-doubt was a feature. To a certain degree, this confirms the work of Badaracco (1997) who refers to 'ethical myopia', where people assume that everyone else in the group views issues as they do, therefore are 'blind' to the possibility that a colleague could be corrupt. Officers appeared to doubt themselves rather than consider a trusted colleague corrupt. In considering the breach of confidence of colleagues, one Constable (Int.19) suggested that by 'whistle-blowing' on an errant colleague "...that they think that you're scum probably that they think that you're... think aw, you know they hate me, you know". This is aligned to the notion of the 'esprit de corps' noted above.

A Constable (Int.19) highlighted the concerns she would have in addressing another colleague's behaviour:

> "Well you would have the fact that somebody could potentially be uh suspended, potentially lose their job, um, also massive impact on what the rest of the station thinks of you, or what other divisions think of you because bad reputations carry a hell of a lot of weight and if people think you're a grass so to speak, no-one wants to double crew you in case they do something and you got and reported it, um and I think a lot of the time, as much as its wrong, when it comes to your team, I think when you're out here on night shifts and pubic order situations, they are the only people you can rely on; and I think I would always try and do it between us rather than report it somewhere else as much. That's probably wrong, that's probably the wrong thing to do, totally but for me, my team is the most important people, you know".

Weighing up the Consequences

In the literature there is evidence that officers are cognisant of the potential consequences for them in making decisions. During the vignettes, officers carefully considered the consequences of their actions when making decisions. For example, the majority of the officers found the drink-drive scenario particularly difficult as the impact of inaction could have dire consequences. A failure to intervene could cause the death of a pedestrian or another vehicle to crash, causing injury or death to the occupants of either vehicle. One of the Constables (Int.15) stated:

> "..the fear of that person, if you let them go and they crash and kill somebody or cause a serious accident somewhere, so sometimes the easiest decision might be hard at the time, just do your job and there'll be no comeback on anyone, and you've safeguarded that person from killing somebody and obviously not getting yourself in trouble which are the two main things in my mind, but it's not as easy as that".

The principle of self-preservation, mentioned by officers when considering the impact on them personally and the potential consequences of implication and complicity, has already been briefly mentioned in the previous chapter, but was also a key feature in the culture of the organisation. For example, many suggested during the vignettes that 'turning a blind-eye' if they were present during potentially unethical actions was not an option, as it would implicate them personally. The consequences of the situation, if potentially damaging for them personally, would influence their reaction. A number of officers specifically suggested that they would not be prepared to jeopardise their job and their family to protect a colleague.

A Staff Association representative (Int.6) highlighted some of the factors considered when thinking through their decision making for ethical dilemmas:

> "..the impact factors for me are in this day and age people have got mobile phones, CCTV everywhere and ultimately I haven't put my colleague in that car they've put themselves in the car, I've got a wife, kids, mortgage. I'm not going to lose my job for somebody else.... So the factors I suppose you're talking about, it's all about the factors, the bottom line is I wouldn't put my job at risk for another police officer."

Interviewees, while loyal to their colleagues, in general terms presented a view that self-preservation trumped loyalty to brethren. One Sergeant (Int.8) was slightly contradictory in her response in that she realised most town centres are covered by CCTV and she would be mindful that any incident could have been caught on camera. Later the same individual stated that she would deal with an errant officer "even if I was out in the middle of the countryside...where there was no CCTV, so I'd apply the

same principles". The fact that this officer considered the location of CCTV in her reasoning does suggest it has potential to be complicit in the decision-making process.

This study supports the position of Lee (2007) who suggests that the notion of 'right and wrong' is not sufficient when dealing with the ethical dilemmas. The interviewees demonstrated throughout that sometimes doing 'the right thing' seems to be related with the concept of 'the conditional right thing'. Officers will weigh carefully their decision, considering the possibility of implication by inaction. This, while a positive in one sense, is also a negative as the decision may result in an immoral act if the circumstances are such that there is no direct consequence for the officer personally.

The Hierarchical Imperative - challenging unethical behaviour

The literature from authors such as Owens and Pfeifer (2003) has suggested that organisations, which are acutely hierarchical in structure and nature, may be disadvantaged in relation to the moral reasoning of their officers. The police service is defined by its rank structure and deference to higher ranks. This study has shown that the nature of the hierarchy in the police service has an impact on willingness to address unethical behaviour. It was evident, particularly from the vignettes that the focus of their challenge in relation to unethical behaviour would initially have been towards the errant officers themselves. However, there were officers who did not want to challenge directly and felt that responsibility rests with the supervisors not themselves. One of the elite interviewees (Int.13) highlighted that the hierarchical nature of the police service has an impact on the propensity of the officer to challenge behaviour or even consider that the behaviour of a colleague is unethical. He stated:

> "I think in a hierarchical organisation like policing, one of the issues is people try to avoid ethical dilemmas because they are frightened of the consequences of challenging them and because they don't want to challenge, they start to convince themselves that actually people are behaving ethically when actually the reality is that they are not, and actually people know they're not, but it's too difficult to challenge. You know, if you're a PC and the Sergeant thumps a prisoner, you're very conscious of the implications of you arresting the Sergeant".

Several interviewees suggested that direct challenging depends on whether you accept unquestioningly the existing culture or have a strong enough personality to rebuke the culture. In dealing with some of the ethical dilemmas, it was clear that officers would need moral courage to challenge those who strayed beyond the line.

In a number of cases it came down to having the confidence to challenge the behaviour of a colleague, which may be more difficult for junior colleagues. There is strong evidence from the interviews that the moral dilemmas, particularly when involving colleagues, proved very difficult for the officers to deal with. It was recognised that the decisions made could have a significant impact on the team and the individual themselves. Nevertheless, the vast majority of officers would deal with the issue, although one of the elite interviewees (Int.3) stated "Oh it doesn't rest easy with you does it?" It appears that many thought that this form of ethical dilemma would be their worst nightmare. For example, one of the Staff Association interviewees (Int. 6) stated that having to arrest, or potentially arrest, another colleague is "..your nightmare scenario", while a Constable (Int.19) suggested that to accuse a colleague of blowing a drugs operation was "...a hell of an accusation to make...".

Finally, it is testament to the strength of the culture that one of the elite interviewees (Int.3), reflecting upon an incident he dealt with as an Inspector, felt that as a supervisor individuals may be reticent to openly confront the officer in relation to their decision to arrest a colleague:

> "...you get a vibe that people are not really happy about it and its one of those things that on occasions you go through the service you get a monkey for your locker, which is something that always going to just be in the locker but you've just got to be good at shutting the door on those really and it would probably be a bigger monkey really if you hadn't done anything about it".

The issue becomes more complex where the errant officer is a supervisor or manager. A Constable (Int.20) discussed their fears that challenging officers with rank could damage their career. It was evident that strong leaders are required to create an environment where individuals feel able and comfortable to challenge unacceptable behaviour and are assured that their challenge is supported.

Leaders: setting the ethical tone?

The literature in Chapter 2 demonstrated the value of leaders and recognised that police managers and supervisors need a thorough understanding of the practical application of policing to support ethical decision-making (Prenzler, 2009). An elite interviewee (Int.7) highlighted the impact leadership and culture has on the development of a positive ethical environment:

> "Um, I think it has a huge effect on the ethical performance of the organisation. I just think that the culture of the organisation is something that grows in certain ways. It can be influenced by leaders and if it's not influencing in the right way it

can grow in a very unhealthy way. The challenge for the organisation is to recruit individuals who are 'right' for the organisation and the communities".

The interviewees recognised the role leaders play in creating a climate where ethical decisions are encouraged. Supporting the work of authors such as Owens and Pfeifer (2003), who argue that leaders are pivotal in developing the moral benchmark in the workplace, a Sergeant (Int.12) suggested that leaders play a fundamental role and "...whatever they do we take the lead from them as well. Because they set the standards that they expect". This was also discussed by one of the Superintending rank officers (Int.14) and an Inspecting rank officer (Int.17) who suggested that they themselves set the tone and standard that other officers take the lead from the way that leaders appear and behave themselves; therefore it is important that they demonstrate their ethical values throughout the organisation. This supports Berry (2010), who recognised that leaders were important in reinforcing the behaviour required.

It was identified from the data that rank alone is not the sole determinant of whether or not a person is a leader in the organisation. Quite often, the most 'powerful leaders' in the organisation are those who do not hold a rank. One of the Superintending officers (Int.11) suggests that there are individuals within the organisation who do not hold rank but have a very powerful influence and can steer the group or team towards, or away, from an ethical environment. Outlining the influence of such individuals within the organisation he states, "Huge impact because people follow don't they, they follow the ethical tone. People are looking for guidance on how they set their compass". It is suggested that officers look to people they value, or aspire to be, in the organisation. As a young Detective Constable, one officer (Int.11) engaged in behaviour that, on reflection, was inappropriate, but was the norm for that group. It was only when he moved away from the influence of that group that he realised that he had been caught up in an unprofessional environment that he went along with, not because he thought it was right but because he admired the senior Detective who was a 'thief taker' and who he aspired to emulate. This could quite easily have resulted in behaviour commensurate with noble cause corruption. A less experienced Constable (Int.19) stated that leaders were important in setting the tone as she respected people with rank and that they lead by example. The ACPO guidance (2011:6) in relation to the National Decision Model identifies the importance of supervision and leadership and the need for leaders to support staff where decisions taken may not have concluded as expected; "... if the decision taken by your staff was reasonable given the circumstances, they deserve your support and that of the organisation." This seems to contradict the findings from the previous

chapter where the scrutiny of the 'nine o'clock jury' had an adverse impact on the decision-making of officers.

In concluding this section, the empirical evidence suggests that interviewees recognised the powerful relationship between leadership and culture. One of the Superintending rank interviewees (Int.14) stated when asked about leaders setting the ethical tone, "It's a lot down to culture. For me a lot of it is down to how the individuals mesh together, who are the stronger characters and what is their influence. The leaders can have an influence on the culture...because you know they can set the tone..."

Recruitment and Training for the future

The first opportunity to prevent, or at least reduce corruption and a lack of integrity is the recruitment process. One of the elite officers (Int.13) suggested that the challenge for the service was to recruit officers with the right values, and added, "I think we should recruit people who can articulate a sense of vocation, but I do think we ought to do more about saying, you know, when you join this organisation, these are our values, and you have to sign up to them." This interviewee (Int.13) also suggested that there should be more focus on training people in the values of the organisation and how to apply those values in a practical way. This does highlight the dichotomy between wanting to recruit those who possess values commensurate with those of a conservative, predominantly white male organisation, whilst trying to attract individuals from a diverse population where conservative values may not be the norm. There are also clear links with the perceived occupational culture of the service that may attract some sections of the population more than others. All are significant issues for the service as it seeks to become more representative of the communities it serves. Another elite interviewee (Int.3) suggested that to get the selection process right we should seek to find a way of testing it in potential recruits and find a way of reinforcing it with new recruits. There would also need to be a system to measure if the process has worked as officers' progressed in their careers.

One interviewee provided an example of the Police Service of Northern Ireland where officers who join have to sign an ethical contract to say that they share the values of the organisation, agree to abide by them, and put them into practice in the decisions they make. The question is, does this process make the PSNI officer any more ethical in the manner in which they make their decisions?

This was supported by another Staff Association representative (Int. 7) who stated:

> "I think we should be inducting people who should be acting ethically and have high morals as part of our induction process, and then as part of all of our training we give them and if they don't pass the test by the end of their probation then they leave us and we've got lots of time to ascertain whether people are acting morally, ethically, and properly. I think that's another debate to be had about how do we recruit people who we believe fit our, have our values, fit our ethical profile, so that we're not getting people in who...the reason we've got a Professional Standards Department is because some of us - the vast majority of our staff will fulfil their obligations as a Constable. However, there will also be individuals who fall through that net now the challenge for us in recruiting individuals, how do we ensure that we recruit those who are right for the organisation and the communities of (names location)?"

The issue of training in relation to ethics and ethical decision-making was discussed during the course of the interviews. Interestingly many interviewees stated that they had not received any specific training in relation to ethics or ethical decision-making. In general terms, ethical training was focused on either probationer training (although it has to be said that interviewees were unable to provide the detail), or command-level training. There appeared to be little or no training in between. A number of officers seemed to recall, or assumed, that they had received some form of training in relation to ethical decision-making. All the interviewees at Superintendent level and above had received some form of input in relation to ethics while on command-level training.

The vast majority of officers will not reach 'command level', which it could be argued is above the rank of Chief Inspector, therefore they would not have received any form of input from the time they first joined up to when they retire. This means that significant swathes of officers will either not have received any training in ethics or ethical decision-making, or if they have received a short input, will have forgotten about it. This has implications for the service because officers must understand the philosophical basis for their legitimate authority, as well as their legal powers. This is fundamental in the development of a professional approach to police practice; the application of police powers has been demonstrated throughout this study to be just one element in the development of the police professional practice. This study demonstrates that officers are struggling on a daily basis with ethical dilemmas that they have been ill equipped to deal with effectively.

Several interviewees thought that instruction for probationers in their initial training would be useful. Officers just out of probation thought it would be useful to have an input early in their career as some officers could join and remain oblivious to the potential ethical dilemmas their role carries. A number of interviewees discussed the concept of challenging unethical behaviour and that the provision of training in this area may give individual officers the confidence to challenge the behaviour of

colleagues if ethical misdemeanours occur. One of the Staff Association representatives (Int.6) suggested that the mandatory annual Officer Safety Training could be a useful way to deliver such an input. Some interviewees advocated training for all officers, while others suggested that input at probationer level was the most appropriate time. One interviewee added, "...they should have an awareness of basically doing what's right" (Int.1). Other interviewees felt that ethics training for probationers may not be the optimum time because it may be too much for them during their initial training and they may not have been sufficiently exposed to the influence of the police culture. One Sergeant (Int.5) suggested that an input at the end of their probation might have more benefit because they would have their own experiences and dilemmas to refer to, an example which supports the use of ethical dilemmas (vignettes) as a tool in ethical training.

This study supported the work of Prenzler (2009) and Conti and Nolan (2005) in that one of the Staff Association representatives (Int.7) suggested that it currently operated on a 'golden thread' basis, running through the student officer programme. He suggested that ethics and ethical decision-making might be better placed as a stand-alone module that would serve to introduce student Constables to moral dilemmas in a safe environment, offering them the opportunity to exercise discretion. Debriefs would capture the learning "...either on a one-to-one or in front of the rest of the class or in groups can actually talk about what factors they were considering and then the rest of the people get the vicarious learning."

Since 2007, police forces in Scotland have developed a Police Service Leadership and Management Professional Ethics in Policing. This training is designed provide a theoretical foundation across a range of topics, the vast majority of which have been the subject of this research study, including police culture, ethics and a cultural analysis of the police organisation. The Scottish qualification considers the context in which policing in the UK operates and provides the academic grounding in relation to applied ethics. Students are taught about the principle of discretion, issues of ethics and law and ethical decision-making. The qualification also covers the code of ethics, the history and development of a code of ethics across the service (including the United Nations Code of Conduct for Law Enforcement, the International Association of Chiefs of Police Law Enforcement code of ethics), and outlines the 2007 draft code of ethics for the UK. In a similar move towards developing a management qualification for supervisors and managers, Neyroud (2011:100) has suggested that the new Police Professional Body (College of Policing) would include a new management qualification in policing to qualify "...for promotion to a first line

manager, which incorporates a national qualification incorporating an assessment of management understanding, legal knowledge and what works in policing". It will be interesting, given the focus authors such as Neyroud (2011) have given to the status of ethics in the professionalisation agenda, to see whether or not it becomes a more prominent feature of police training and education. This study supports the argument that more emphasis must be given to ethics in order to deal with the ethical complexities and decisions inherent in 21st century policing.

Conclusion

This chapter has provided evidence to suggest that external factors such as leadership and occupational culture have a significant influence on the ethical decision-making of officers. It is recognised that, in the management and development of ethical decision-making, there is a real need to impose a regime that includes training for officers. Responsibility for the on-going work of embedding ethics within the prevailing culture lies with the leadership in an organisation.

This study has demonstrated that officers are indifferent to the introduction of a code of ethics for policing. The ACPO Professional Ethics website (http://acpoprofessionalethics.org) suggests that the Peelian principles are one of the first 'code of ethics' established for the police service. The Statement of Mission and Values (SOMAV) focuses on the use of discretion and professional judgement and captures the essence of the Peelian principles, as well as the Oath of Attestation and Human Rights Act. Although not explicit, an inference can be drawn that the SOMAV negates the need for a formal code of ethics. The evidence from this research supports this and indicates that there is no appetite among officers for a code of ethics for policing.

In drawing together the key issues, there are two overarching concepts that emerge: first, developing an ethical climate; and second, the dominance of the 'esprit de corps'. Both are external variables to the ethical decision-making process that can have a profound influence on the actual decisions made. For each of these concepts, three critical issues emerged from the findings:

1. Developing an ethical climate

The literature in Chapter two provided evidence to support the strength of the police culture and the importance attributed to leadership in developing an ethical environment and setting the ethical tone (Bennis and Nanus, 2007). Evidence from authors such as Conti and Nolan (2005) and Prenzler (2009) also identified that

training has a part to play in developing the individual's core understanding of how ethics and ethical principles underpin normative practice. This study highlighted that officers were inclined to make ethical decisions, but that these were sometimes challenged by the culture and the nature of the ethical dilemma. The vignettes strongly indicated that officers find dealing with colleagues far more challenging than the public. Most interviewees have highlighted the difficulties inherent in day-to-day policing. One comment from an Inspecting rank officer (Int.10) illustrated the general approach to ethical decision-making, "...I still think it's important, so when I look back on my 30 years, not that anyone else cares, and I know I did the best I could." Another officer (Int.20) stated, "It's down to the officers themselves and their ethical decision-making. They're the ones on the front line". This highlighted the individual liability for decisions made. The interviewee stated that the culture of the organisation was pushing in the right direction, but the organisation still had a way to go before it had a culture that promoted ethical decision-making.

In considering the influence of the occupational culture, a number of elements emerging deserve further discussion. The principle of self- preservation was a consistent theme emerging from the interviews and there is substantial evidence that the desire to avoid 'trouble' is a powerful driver in the maintenance of ethical behaviour, rather than the decision being intrinsically ethical in nature. In ethical terms, from a Kantian perspective, this is *de facto* unethical, as an act that is based on self-interest is immoral. In this sense, an ethical act is an altruistic act. In practice, it could be argued that this is not necessarily a significant issue as the outcome is the same. That said, the decision outcome might not be the same if the threat of being 'caught' is present. For example, the drink drive vignette was based in a city centre where the spectre of CCTV and potential witnesses concentrated the officer to make the 'right decision'. The decision, based on the responses of a number of officers, may have been different if the driver was in the open-country with no CCTV and witnesses. This suggests that there is the potential for an unethical outcome based on a different social surround.

The hierarchical imperative for officers in many of the vignettes was to defer the decision upwards to a supervisor or manager. The ability to challenge unethical behaviour was therefore invariably deferred to a supervisor, particularly where there was an element of doubt. This said, the majority of officers did state that they would take that positive step to challenge errant or potentially errant behaviour. The dilemma was amplified if the situation involved a more senior officer, as the officers were mindful of the fact that an unproven allegation against any officer, let alone a

senior officer, could have a profound impact on their career. In contrast, throughout this study, the influence of leadership on constructing an appropriate environment is persuasive, but the interviewees suggested that this is not necessarily based on rank and may be more attributable to powerful characters on the team, or individuals that are well respected. The socialisation of young recruits is identified by a number of authors as a persuasive period and Tutor Constables can at this time have a profound impact on shaping the officer for the future. It is therefore critical that the service selects those with the highest moral standing to ensure that officers have a solid foundation for the remainder of their career.

This study identified that officers have received little or no training in ethics and ethical decision-making and discretion received only a brief input. The exercise of professional judgement is a central feature in the National Decision Model (NDM) and it therefore needs to feature as a prominent aspect of the police probationer syllabus. The evidence from this study is that police recruit training and the continued professional development of officers is predominantly focused on the provision of policy, process and legislation. It does not at this time adequately provide for the underpinning features of police practice such as ethics, professional judgement and culture, all of which impact substantially on the actual decision-making of officers on the front line. This is not acceptable, particularly for a service striving for acceptance as a Profession. It is asserted here that the development of ethical training is paramount and is indeed the golden thread running through, not only the initial probationer training course, but also part of a regular refresher programme designed to remind officers of their moral obligations as part of their office. The provision of a stand-alone course to provide the initial underpinning theoretical knowledge is vital. It is a conclusion of this study that both should be provided.

A positive feature of the organisational culture is the sense of mission associated with being a police officer. Interviewees were unequivocal in their understanding and sense of duty to the office of Constable. Without hesitation they recognised that their priority, regardless of their views, was to their office. Interviewees recognised that on occasion this may result in delivering an action that is contrary to their own values, but would pursue their mission regardless. However, in a similar manner to work on 'police property' by Reiner (2010), where officers considered the 'them' versus 'us' situation it is suggested that their heightened sense of solidarity and sense of belonging could result in an unhealthy sense of loyalty to the team.

2. The dominance of the 'esprit de corps'

The evidence from this research has demonstrated that the power of the team bond is supreme and can result in unethical decisions in order to maintain the trust and confidence of team members. The willingness of colleagues to overlook action and behaviour that breaches the integrity of the organisation has a direct impact on public confidence. Maintaining a culture that promotes team loyalty has its benefits, but the loyalty to the team must not override the obligations to the organisation and indeed the public they serve. At the core of every decision must be the principles contained within the Oath of Attestation, which recognises the very principles upon which the police service was founded upon, namely the nine Peelian principles. The SOMAV extends the oath and captures the essence of the original principles and the Human Rights Act, but there is evidence in this study that the fear of being isolated, shunned by colleagues and cast into the proverbial social wilderness, is an overriding anxiety that appears to dictate whether unethical behaviour or actions are tolerated or ignored. This study tends to support the work of Punch (2009) in that officers who ignore corrupt practices could be described as 'birds', wilfully disregarding unethical behaviour in favour of their desire to 'belong' in the team.

This study has demonstrated that the thought of 'whistle-blowing' in the police service remains a complex conundrum for many officers and that it represents, to a number of officers, their 'worst nightmare'. This has a notable practical implication for the service in general because 'informing' against a colleague requires significant moral fortitude. While this study found that officers would be prepared to confront perceived or suspect behaviour that would compromise the service and thereby impact on public confidence, they remain hesitant to report their concerns unless 100% confident in their information and find it difficult to 'think badly' of a colleague.

In concluding, the data provides compelling evidence that the strength of the police culture is such that trust and confidence in colleagues is an absolute necessity. Such is its strength interviewees would rather doubt themselves than consider one of their colleagues corrupt or unethical. Their decision-making in this situation therefore errs on the side of caution. This could be viewed in two different ways; as a positive, because in general terms the vast majority of officers are ethical and possess integrity, but also as a negative if trust betrays a sense of misplaced loyalty or refusal to recognise signs of corrupt or unethical behaviour. Ultimately this will serve to undermine the work of the majority. A change in culture and a proactive sense of leadership, which includes a robust training and awareness regime, is the only way that the service can start to move forward.

Chapter 6

Conclusions: The Journey from Theory to Practice

The summer of 2011 marked another turbulent period for the police service. The furore from the News International scandal once again placed the spotlight on police integrity and ethical decision-making. The consequences for the service and the inquiries that resulted demonstrate the high expectations members of the public have about the ethics of those involved in delivering policing services. The police are granted legitimate authority to interfere and engage with the human rights of the citizens it polices. This authority necessarily involves making decisions, frequently in challenging circumstances. However, it is a fundamental feature of policing in the UK that it relies on the doctrine of policing by consent, which *ipso facto*, necessitates operating with the highest ethical standards. The infamous quote by Robert Peel, 'the Police are the public and the public are the police', captured his philosophical stance on the introduction of the police service in the UK. It epitomises the nature of the relationship between the police and the communities it serves and demonstrates that public confidence in its police service is an absolute right.

The Filkin report (2012) recognised the unique position of police officers; they have access to significant quantities of privileged information. Disclosure of such information, particularly in lieu of some form of financial or other incentive, would cause a significant dent in public confidence. The nature of ethical decision-making by police officers is central to this debate. Aligned to the notion of public confidence and the legitimacy of the police is the professionalisation agenda. Police Professionalism is a developing feature of the policing landscape; in a few months there will be a College of Policing. The test is whether it (College of Policing) can transform the police into a profession similar to the medical or legal professions. It is absolutely imperative that the ethical underpinning associated with the profession of policing is demonstrable through the ethical actions of police officers on a day-to-day basis.

This study explored the ethical decision-making of officers. In doing so it considered three principal research questions:

1. How do ethics influence police decision-making in practice?
2. Why do police decisions and actions occasionally appear unethical?
3. What implications do the empirical findings on police ethical decision-making have for police training and the practice of policing?

There were a number of considerations on police decision-making and these include: the case for the introduction of a code of ethics; the exercising of police discretion; an examination of the issue of noble cause corruption; police occupational culture and leadership.

The evidence from this study showed that police officers operate in a complex environment. Three key themes that will prove valuable to the wider police research community are:

- Police ethical decision-making is highly situated.
- It is strongly influenced by police occupational culture.
- The existing model of police training does not adequately prepare officers for ethical decision-making.

The situated nature of police ethical decision-making

This theme refers to the first research question in that it identifies the influence ethics has on police decision-making in practice. This study found that decision-making, particularly in relation to discretion, is highly situated and grounded in the subjective perspective of the individual officer. This supports the virtue ethicist, who argues that the virtuous person arrives at a decision based on what is morally relevant in the context of making the judgement (Driver, 2009). While this is labelled 'professional judgement', it is clear that on occasion the decisions made are based on the values of the individual officer and are not necessarily consistent with organisational values. The application of professional judgement, particularly in relation to discretion, is a fundamental element of police practice, without which the application of the law would be unsustainable. Influencing factors relating to the extent and nature of police discretion from this study, a number of which were not a feature of *a priori* empirical evidence, are:

- 'The contributing member of society' - There was a degree of bias among officers centred on the background of the individual. For example, one interviewee used the term "contributing member of society", or an individual who was considered to be "less deserving" of a reprieve from police. Conversely, there was evidence that one of the officers used discretion positively, based on their own values, as the barometer of expected behaviour.

- 'The attitude test' - Loftus (2010) discussed in brief the notion of the "attitude test", while Reiner (2010) and Waddington (1992) have called this

phenomenon 'contempt of cop'. It is essentially where the demeanour of the 'offender' does not demonstrate sufficient 'respect' for the position of Constable. This study provided considerable evidence that this remains a significant determinant in the decision-making of police officers. In such scenarios, the attitude of the individual towards the officer is an important factor in their final decision. If the individual was contrite they may receive a caution. However, if they challenge the officer or are rude or disrespectful, then the officer is more likely to decide on a tougher sanction against the individual. Although the Oath of Attestation and the Statement of Mission and Values (SOMAV) require impartiality, human nature is clearly a factor in decision-making. The evidence suggests that true impartiality is difficult to achieve and that the ethical environment must be right in order to develop a culture where impartiality is a fundamental requirement of the decision-making process.

- 'The nine o'clock jury' - A prevailing facet in the decision-making of police officers, which is also aligned to the culture of the police service, is the so-called 'nine o'clock jury'. The examination of decisions made the following day by a group of officers, based on the written evidence available, does not take into account any other factors at play in making a decision. Officers identified that the 'nine o'clock jury' may influence their decision to use discretion on the basis that the decision may be criticised when examined. Although not an official term, 'nine o'clock jury' describes the scrutiny applied by more senior officers who were not present at the incident. This feature of police practice was regarded by a number of interviewees as a negative feature. As a consequence, officers are wary of making decisions that may not fit within the performance culture or be regarded as the 'correct' course of action. This blame culture, where officers are subjected to criticism *in absentia*, is universally regarded negatively and there may be some evidence that officers would rather not make a decision at all if it were later to be criticised. This supports the work of Berry (2010) who highlighted the need to change the culture from one that is blame orientated to one that focuses on learning and professional judgement. Also highlighted were the role senior leaders at ACPO level must play in supporting officers who make decisions based on the information and situation at the time, irrespective of the outcome achieved. This recognises the situational nature of decision-making in the police service and that, very often, officers feel abandoned by their Chief Officers who, instead of supporting the officer, leave them 'out to dry'.

- National Decision Model – The professionalisation agenda is being progressed apace and the College of Policing will be in place in the near future. In an effort to deliver an element of consistency, the ACPO National Decision Model (NDM) is clearly a normative model aimed at delivering a framework on which officers can rely on during the decision-making process. The model guidance suggests that the pentagon at the core of the model is central to the decision-making process. However, as noted in Chapter 4, this is predicated on the need to embed the model in the culture of the service. It is therefore not only necessary to implant it into the training of all officers and staff involved in the delivery of front line policing services, it is imperative that this becomes entrenched within the culture of the police and become de facto, 'the way we do things around here' (Drennan, 1992:23). This study found that officers will be familiar with the rudiments of the NDM because it builds on the proven Conflict Management Model (CMM). However, even in this relatively small scale study, while officers referred to the CMM in a small number of cases the consideration of organisational values and more currently the Statement of Mission and Values may be less well received. It is imperative that this model is not simply viewed as another feature in the policing landscape that officers will rely on only in times of crisis or scrutiny, not as part of their taken-for-granted decision-making and *de facto* their ethical decision-making. Professional judgement could become another hollow term for biased decision-making. The real test for the NDM is whether it can become embedded in normative practice across the service. Integration into the service will be a challenge. There is significant empirical evidence in this study that point towards a radical re-alignment of existing practices and processes, which are in many cases driven by the interests of self-preservation rather than 'doing the right thing'. This shift will take some considerable time and effort and will necessarily involve a change in police occupational culture.

Ethical decision-making: the influence of police occupational culture

This theme addresses the second key research question in that it identifies why police decision-making and actions occasionally appear unethical. It also examines the extraneous issues that impinge on police ethical decision-making. The data delivered a powerful insight into the commanding influence police culture has over officers; it is a critical component in creating the ethical environment. Authors such as Loftus (2010) and Chan (1997) have illustrated that culture remains a pre-eminent feature in police practice. One thing is clear, despite the scrutiny and

negativity the police culture has been subjected to over a number of years, it remains resilient to change. The development of the National Decision Model (NDM) as the panacea of ethical decision-making in policing is a flawed proposition. While it provides a platform for informed decision-making, the introduction of another policy to influence what happens *in actu*, on the ground, together with an element of training will not deliver the institutional change required to embed this into normative practice. It has been noted by a number of authors that police are ingenious at finding ways of circumventing the policy to deliver police practice on the ground. Reiner (2010), Chan (1997) and Waddington (1999) have all discussed the mechanisms officers use to navigate through the rules to deliver police practice on the ground. For example, Reiner (2010) has discussed the 'ways and means' act' and suggested that even the courts recognise that officers navigate or extend the rules in order to deliver practice. It is therefore imperative that the NDM is embedded into the normative practice of officers otherwise it becomes little more than 'window dressing' which officers will revert back to at times of crisis or intense scrutiny but will not form part of their routine decision-making.

A more fundamental and concerted effort is required to change to the cultural paradigm. This study suggests that unless the organisation/service develops the right culture, any model will fail to deliver more ethical decisions on the ground. Neyroud (2011:99) has noted that leadership from the top of the organisation is the key to changing the culture of the organisation and that the development of the leadership model is clearly a key role for the professional body for policing. Furthermore, Neyroud (2011:113/114) states that: "The importance of placing values and ethics at the heart of any leadership model in policing is paramount. Our research on leadership has emphasised the critical importance of role modelling behaviours and integrity amongst managers and leaders in defining standards from frontline staff."

- 'The challenge of values' - Values are of such importance that the organisation needs to promote its values from the onset of an individuals' police career through the socialisation processes. This research demonstrates that a police officer's values are a powerful driver in their day-to-day application of policing; values featured strongly in all discussions across the study. One of the most influential issues that emerged, and has not been identified by other authors, is the notion of 'challenging values'. An officer's values quite often appear to conflict with the values of some individuals and communities. The way in which officers then deal with said individuals, and the quality of service they give, will be determined by their ability to manage

this internal conflict. The organisation expects them to deal with all sections of the community in a professional, equitable and fair manner. If personal values influence their decision-making then this may adversely prejudice the service delivered. There is no doubt that officers throughout the course of their career will experience uncomfortable situations that challenge their values and beliefs, and they will have to deal with individuals who have carried out abhorrent acts. The challenge is to ensure that the organisational values are maintained and that personal values are put aside. Officers accepted that their own value system and their concept of 'right and wrong' could influence their decisions and actions. This is an important first step in creating a consistent, non-judgmental and ethical police service. In order to achieve consistency across the service, each force should publish the core values of the service. The new Statement of Mission and Values (SOMAV) is therefore an important step on that journey.

- 'Socialisation: the early years' – This research established that socialisation is a powerful influence on officers during the early stages of their career. Officers need to possess appropriate values and this study provides evidence that it is most timely to ensure that the SOMAV is incorporated into the recruitment process. In a link to the issue of socialisation, Neyroud (2011:92) recognised the importance that mentoring and supervision has on the development of new recruits and suggested that those chosen for this responsibility must have demonstrated excellence in their own practice and are therefore champions in the organisation. In essence, the empirical evidence supports the Neyroud report that identifies the 'Tutor Constable' as having a significant role to play in the development of new recruits. Therefore, those who do not encapsulate the vision and values of the organisation, and do not promote the transmission of a positive police culture should not be selected for this key role.

- 'The moral confidant' - One of the key issues to emerge was the idea of a 'moral confidant', someone an officer uses to discuss emerging ethical dilemmas and to ensure that their own moral compass is pointing in an ethical direction. This confidant provided some interviewees with the reassurance they sought. The officers used individuals outside the service as a moral confidant, or a trusted colleague in the service as their ethical 'sounding board' to discuss the ethical dilemma and to 'test' their decision. This notion of 'moral confidant' is clearly useful for officers to ensure that

their own values or the organisational culture has not influenced the decision. Since any confidant from within the organisation is likely to be familiar with the culture, it may be more useful to have an external confidant who would be more objective. In practice, the practical application of this 'moral confidant' for day-to-day policing may be difficult, and more appropriate to slow-time decision-making rather than spontaneous decisions that officers on the front-line regularly have to make.

- 'Self-Preservation' - One of the most interesting concepts derived from this research was the concept of self-preservation. Anxieties and fears affect officers' decisions and are a strong driver in ethical decision-making, meaning interviewees were more concerned with the consequences of the decision than ensuring it was ethical. The potential to be regarded as complicit in the errant act or behaviour appeared to have a significant bearing on their decision. This principle supports the work of Schafer (2002) who argued that officers, seeking to maintain 'equilibrium', will drive towards a decision that ensures that balance continues. As noted in Chapter 4, this study expands the notion of threat, risk and harm from a normative interpretation around the threat posed by an event or individual, to the risks involved in taking an action and the harm to the individual or organisation. In a conventional sense, it could be argued that this focuses on reputational or physical harm, but in this study the notion of self-preservation is important to officers and influences their decision-making. From a Kantian perspective this is unethical, but may be ethical from a utilitarian perspective if the outcome achieved is superior to the harm done. Normatively, this self-serving approach would not be regarded as ethical, but this research has shown it is nevertheless an important feature in the officer response.

- 'Esprit de Corps: Maintaining the team ethos' - A notable characteristic of the service is the 'esprit de corps', the sense of a strong bond between police colleagues, borne out of the need to trust and rely on each other. This research confirmed that whilst the police culture has undoubtedly seen a shift over the last 10 years or so, the positive camaraderie between officers continues. This seems to be experienced most keenly by Constables and Sergeants where the dangers are greater and the individuals on such teams are invariably close-knit. This study finds that this level of trust can cause issues when a member of the team steps over the ethical boundary and breaches the values, rules, and indeed the law. Interviewees clearly felt torn

between having to break the 'code of silence' to whistle-blow on a colleague or even breathalyse a colleague. Interviewees who had arrested a colleague identified that it caused them real internal conflict and had been a source of long-lasting harm. It was clear that the ethical dilemmas caused internal conflict for the officers between loyalty to their colleagues and the knowledge that the behaviour of their colleague was 'wrong'.

The inadequacy of existing police training in ethical decision-making

The study sought to explicate the manner in which the organisation manages and develops police ethical decision-making. To this end, it necessarily focused on the manner in which officers received their initial grounding in the development of ethical behaviour and decision-making. This theme addresses research question three in that it identifies the implications of the empirical findings on police training in ethical decision-making.

- Ethical training - The level of training in ethics and ethical decision-making is woefully inadequate for a 21st Century police service. With the majority of front line officers demonstrating that there is limited or no training for officers in relation to the ethical dilemmas they are likely to face throughout their career. A glimmer of hope for the leadership of the service is that a number of the senior officers had received an input in relation to ethics as part of a wider course. The data showed that that there is a 'burning platform' requirement to provide officers with more training in the area of values and discretion, particularly given advances led by the police service in Scotland. The development of the College of Policing will consider the manner in which training develops and nurtures officers into leadership in a professional 21st century police service. Whilst it is imperative that ethics and ethical decision-making features as part of that development process, a main issue is the time commitment required from officers. One elite interviewee suggested that ethical training, and more specifically ethical dilemmas, could be presented alongside the annual Officer Safety Training requirement. On the face of it this seems sensible, but again there is little time to spare for any new modules. Throughout the interviews, officers found it beneficial to have ethical dilemmas presented to them as it probed their inner compass and challenged their assumptions about their decisions, and why they make them. Offering officers the opportunity to carry out a little introspection served to remind them that policing can present complex problems on a daily basis, and the decisions they make have an enormous impact on the lives of individuals and

communities they serve. This study finds that the ethics of police work is not a feature during the formative years in an officers' career. There is evidence in this study that the argument of Prenzler (2009) for a 'stand-alone approach' is a necessary one to highlight the importance of ethics and ethical decision-making. The provision of a specific input, as well as a 'golden thread' approach to reinforce to officers that the relevant statements, principles and oaths are not ancillary or an adjunct to policing, but are at the core of everything a police officer does and how the public expect them to work and behave.

- Vignettes: a powerful device for police practice – The method of this study provided positive evidence that carefully crafted vignettes will prove effective in the training of officers to inculcate discourse around the ethical dilemmas they are likely to face during the course of their duties. This supports the work of Helsen and Starkes (1999) that during police ethical training officers must engage in dilemmas that provide the same stresses and strains that real life situations do. This research highlights that the vignette is a valuable tool in elucidating the day-to-day realities of policing. This methodology is transferable to other areas of activity where ethical dilemmas feature as part of their *modus operandi*. The use of vignettes as a research tool elicits a rich, deep understanding of the phenomenon under investigation. The empirical data from this study showed the influence of cultural and other extraneous factors, the nuanced, complex and situated nature of police officer decision-making. The research community therefore needs a method that is able to effectively capture and reflect this. Engaging with the vignettes proved extremely fruitful and illuminating in terms of the responses given by participants. Overall, it was refreshing to note how honest the officers' responses were to the dilemmas posed. To experience the practical decision-making of police officers during the course of their duties is very difficult, especially when considering the nature of the ethical dilemmas that this study examined. Observing such practices and exploring the processes the officers go through may necessarily take months or even years to observe. Chapter 2 drew attention to the value of stories in the transference of culture from one generation to the next. Stories illuminate and bring to life the way that officers behave. It is clear from this study that officers use storytelling to relate their experiences and vignettes capitalise on this predication and allow researchers to capture the essence of an experience in a short time period.

The vignettes also proved useful in cross-referencing the evidence presented during the interview.

Practical implications for the police service:

In sum, there are six practical recommendations arising from this analysis:

1. The notion of impartiality around discretion is blurred. It is an area that the service will need to concentrate on to ensure that the notion of fairness, consistency and proportionality applies to all sections of our community and not just those that are viewed as law abiding.

2. The service need to specifically address the issue of impartiality when developing the professionalisation agenda. This task is not to be underestimated as human nature is such that the interaction between individuals influences decision-making.

3. The service needs to reflect on the 'post-mortem' technique of the nine o'clock jury, as it may be inhibiting the development and encouragement of professional judgement.

4. In conjunction with the introduction of the National Decision-making Model (NDM) and in parallel with the Statement of Mission and Values (SOMAV), the new College of Policing should focus on embedding the Model and its underpinning principles into the culture of the service. This study suggests that the NDM will stand a good chance of acceptance by the rank and file, but that success hinges on positive leadership at all levels and a challenging of the existing culture to ensure that the SOMAV is an integral facet of the decision-making, not an after-thought if the decision made is later criticised or scrutinised.

5. The SOMAV needs to be a key part of officers' training so that at the core of their mission lies the Oath of Attestation and the SOMAV. This would provide a firm foundation for new recruits as they move through the early stages of their career and will strengthen the notion that policing is a vocation rather than a job.

6. It is proposed that the use of vignettes in other police-based research is an effective tool to explore an individuals' response to complex and challenging

situations. This study demonstrates that it is a highly effective technique in elucidating the processes officers' use in making ethical decisions.

Policy implications

The most important policy implications are that external factors such as leadership and occupational culture have a remarkable bearing on the development of policy. The National Decision Model as the successor to the Conflict Management Model was not referred to frequently during the interviews and it is asserted that while the model is a recognised mechanism for delivering decisions on paper, the reality is that instinct and experience are stronger determinants of the final decision. The themes identified here can inform the development of further policy, recognising that very often written policies are not necessarily driving practice. Whilst there are exceptions, such as the positive arrest policy for domestic violence, in general terms front line cops want to get on with the business of policing and not be restricted by a rule-bound bureaucracy. The development of ethical training for police officers needs to be reviewed. This research has demonstrated that ethical decision-making is a significant gap in training, but that it might provide the underlying theoretical cognisance of the value of ethics, with implications extending to both practitioners and researchers.

In considering the implications of this research for police practitioners, it remains useful to return to Sir Robert Peel's nine fundamental principles upon which policing in the UK formed. These principles highlight that the relationship with the public is formed on the basis of a positive relationship with the public, built on a solid foundation of trust and confidence, which is achieved through "...demonstrating absolute impartial service to the law". Peel's nine principles, set out nearly two centuries ago serve as a reminder that "the police are the public and the public are the police". It identifies the interactive relationship between the police service and the communities it serves; we forget that at our peril. "With these principles, Peel laid the framework for one of the most important creations in law enforcement history" (Williams 2003:100).

Peel recognised the ethical dilemmas and tensions involved in the delivery of policing. Explicit in Peel's principles is the recognition that there are dangers inherent in police powers that go to the core of the police and the decisions that they take. While it is clear that Peel's nine key principles are as applicable today as they were in 1829, it is also important to recognise that society has altered dramatically in that period. One of the most important developments is the proliferation of technology,

particularly over the last 20 years or so, from the introduction of tape recorded interviews following the introduction of the Police and Criminal Evidence Act 1984, right up to the present day where the digital age has significantly altered the manner in which society holds to account police officers and its police service. The service is under scrutiny 24/7, 365 days a year. The development of mobile technology through smart-phones allows individuals to record video images and upload them onto social networking sites within minutes. It is changing the face of accountability in police terms. The civil unrest in the Summer of 2011 highlights how social media influence public behaviour and that the reactions and decisions of police officers are subject to intense scrutiny from both social and mainstream media. The question is, does this proliferation of media hide, suppress and thereby reduce misconduct, through necessity rather than choice? This, as Rowe (2008) noted in relation to the Secret Policeman exposé, illustrates how a focus on certain elements of police practice and behaviour can have a positive effect in terms of manifestly observed behaviour. However, it can also drive such behaviour 'underground' so that it becomes part of the latent behaviour of a segment of the police culture. It is therefore imperative that officers make the right decisions for the right reasons.

This study has demonstrated that the principles set out by Peel have relevance in today's police service. If the service does not demonstrate the highest moral and ethical standards then this will undoubtedly have an adverse impact on the tacit contract between the citizen and the police service as a whole. By exploring the ethical decision-making of a small group of officers, it has discovered that while there are undoubtedly good officers wanting to do a good job to serve their communities, the reality is there remains a gap in terms of knowledge around ethics and ethical decision-making which needs to be addressed in order to safeguard the continuing reputation of the service.

Future research

There are two key issues that merit further research: (1) an evaluation of ethical models and guidelines and (2) ethical decision-making within the wider 'police family'.

The National Decision-making Model (NDM) has the potential to deliver ethical decisions, but the key determinant of success will be whether or not it can be utilised by officers carrying out routine front-line policing. Further research is needed to evaluate the NDM. This research highlights that the success of ethical training is heavily dependent on the indoctrination of new officers into the police culture. It has

been demonstrated during the course of this study that the culture has been a strong influence in the process of ethical decision-making. It would be worthwhile conducting a longitudinal study following the introduction of the NDM to ascertain how, if at all, it changes the culture of the organisation. It would also be beneficial to carry out research following the introduction of the new Statement of Mission and Values (SOMAV) to ascertain its impact and how well embedded the values of the service are with individual and discrete organisations that make up the police service in the UK. The test will be whether the stated values of the organisation reflect the SOMAV, or whether forces have chosen to 'localise' their values. To what extent are the stated values purely rhetoric or have meaning to the officers and communities they serve?

This study focused on the ethical decision-making of police officers; however, over recent years the diversification of the police family has resulted in growing numbers of practitioners with access to information and who interact with the public. Ethical decision-making and integrity are as much a feature of the landscape for police specials, police community support officers and police staff. All have access to police systems and data. Ethical decision-making for those staff is just as important. It is therefore suggested that a wider piece of police research is conducted that builds upon some of the issues emerging from this study. This would serve as a check and balance into the influence of police culture on police employees and show the relative impact of that culture on those that, whilst operational, do not have the power and legitimate authority and mandate afforded to the office of Constable.

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Appendix A – Letter to Organisation

Deputy Chief Constable.

XXXX

XXXX

December 2009.

Sir,

Subject: Professional Doctorate in Policing, Security and Community Safety.

I write in relation to the above mentioned qualification and respectfully request that I am given consent to carry out a short-term piece of research in the organisation.

Since 2007 I have been studying for this taught degree through funding derived from my status as a High Potential Development Scheme member. I have successfully completed two of the three years. In order to secure my Doctorate I need to complete the thesis element of the qualification this year.

The topic I intend to research as part of this thesis is ethical decision-making and more specifically the processes that our staffs utilise in making their decision. Therefore, with your consent, I would like to interview a relatively small sample of our police officers across the ranks to provide an insight into their views on issues such as values, discretion and integrity. In addition, I intend to talk through some hypothetical ethical dilemmas and the processes they would apply in making their decisions.

I believe that this will provide some useful information that would align well with our recent cultural audit and offer an insight into the views of a range of staff on issues that are fundamental to the delivery of a service that the public can have confidence in.

I envisage that the requirement on those staff involved would be relatively low and would anticipate that participants would be engaged in this research for approximately 1 hour. I would of course send you a copy of the interview schedule in advance. I would also make available my final report to the organisation.

I would also, if you were happy to agree the research, like to interview you or a member of your executive team and go through the same process as our staff. I would not envisage that I would commit more than 15 - 20 staff for this research and the vast majority (10-14) would be below the rank of Superintendent.

If you agree to this research, I will also write to the relevant Staff Associations to ensure that all interested parties are involved in the process and content with the research and in particular the confidentiality of those involved.

If approved I would be looking to carry out this research in the first few months of the New Year. If you have any further queries in relation to the detail I would be happy to answer them.

Respectfully submitted for your consideration,

Jonathan Edwards

Appendix B – Sample letter to Staff Association

Federation office

XXXX

December 2009.

Subject: Professional Doctorate in Policing, Security and Community Safety.

I write in relation to the above-mentioned qualification and wish to inform you that I have been granted permission by DCC XXXX to carry out a short piece of research in the organisation.

Since 2007 I have been studying for this taught degree through funding derived from my status as a High Potential Development Scheme member. I have successfully completed two of the three years. In order to secure my Doctorate I need to complete the thesis element of the qualification this year.

The topic I intend to research as part of this thesis is ethical decision-making and more specifically the processes that our staffs utilise in making their decision. Therefore, I would like to interview a relatively small sample of our police officers across the ranks to provide an insight into their views on issues such as values, discretion and integrity. In addition, I intend to talk through some hypothetical ethical dilemmas and the processes they would apply in making their decisions.

I believe that this will provide some useful information that would align well with our recent cultural audit and offer an insight into the views of a range of staff on issues that are fundamental to the delivery of a service that the public can have confidence in. I envisage that the requirement on those staff involved would be relatively low and would anticipate that participants would be engaged in this research for approximately 1 hour. I would of course send you a copy of the interview schedule in advance. I would also make available my final report to you.

I would not envisage that I would commit more than 15 – 20 staff for this research and the vast majority (10-14) would be below the rank of Superintendent and

therefore be, in the majority of cases, members of the police federation. I would also like to invite you or the secretary to be involved in the research from the federation perspective.

I would like to assure you that those involved would have their confidentiality guaranteed and that all efforts would be made to ensure that the findings are sanitised to avoid identification. I would of course fully explain to those interviewed the process and ensure that they are happy to be interviewed before the commencement of the interview itself. They will also be offered an opportunity to receive a copy of the final document for their reference.

I will be looking to carry out this research in the first few months of the New Year. If you have any further queries in relation to the detail I would be happy to answer them.

Yours sincerely,

Jonathan Edwards

Appendix C – Sanitised Letter to participants

Dear colleague,

Subject: Ethical decision-making research.

I write to invite you to be a participant in an interview discussing the above-mentioned topic. This research is being conducted as part of a Professional Doctorate in Policing, Security and Community Safety carried out via the London Metropolitan University. I have consulted with all the Staff Associations in preparation for this research and I have elicited their support to carry out the research project.

You have been selected to be involved in this research on the basis of the rank and role you currently perform. I am selecting participants across the organisation and with a proportionate representation of both male and female officers in order to try to identify whether there are any significant differences or nuances between male and female colleagues in relation to the subject.

The interview will cover some key areas such as your values, your knowledge of the organisational values, the issue of integrity, discretion and ethical decision-making. It may therefore be useful if you could think through some of these issues in preparation for the interview. The interview will also take you through some scenarios, which will be familiar to all of you as operational police officers, and you will be able to associate with the scenario presented. The key objective of the scenarios is to discuss the actual processes you use in order to make your decision when considering ethical dilemmas.

The main aim of the research is to identify the issues that impact on the police officers' ability to make real life decisions that can have a profound impact on the communities we serve but also recognise that in many situations these decisions have to be made very quickly and under difficult circumstances.

I'm grateful for your assistance in carrying out this research and of course this is purely voluntary and you are under no obligation be involved and can withdraw your consent at any stage. I give you my personal assurance that confidentiality will be guaranteed and that I will make every effort to ensure that your anonymity is safeguarded. There will a digest of key findings available at the end of the research, which you will be offered.

I intend to digitally record each interview purely for research purposes and accuracy of the data collected and each recording will be deleted on completion of the doctorate examination process. If you have any issues in relation to this I would be grateful for notification in advance of the planned date of the interview.

I look forward to working with you on this research and if you have any questions in advance then please do not hesitate to contact me on 07980XXXXXX.

Kind regards,

Jonathan Edwards

Appendix D – Semi- Structured Interview Schedule

Semi-structured interview schedule

Introduction

I am Jonathan Edwards and this interview is being conducted as part of a doctoral study supported by the London Metropolitan University. The topic under investigation for this study is ethical decision-making. As part of this study I will be asking you a number of questions relevant to this topic and will also be exploring your decision-making and what ethical considerations are implicit in your decision-making.

As part of this process I will also be asking you to talk through your thought processes in considering a number of scenarios. Each of these scenarios will be familiar to you as they are based on common policing situations. The purpose of talking through these scenarios is to consider what you consider to be the key issues for you in reaching the decision.

I would be grateful if you would confirm that you have given your consent to be part of this research and that you consent to this interview being digitally recorded for the sole purpose of this research. As a participant in this research my commitment to you is that I guarantee your confidentiality and I will anonymise any findings so that every effort will be made to ensure that your involvement in this research is not disclosed.

I also would like to offer you a digest of the key findings derived from this research. Would you like a copy of a digest of findings?

I envisage that this research will take approximately 1 hour.

Section 1 – Background & Contextual information

1.1 How long have you been a police officer?

1.2 What is your current rank and role?

1.3 What training / input, if any, have you received on ethics or ethical decision-making?

Section 2 – Personal and organisational values

2.1 What do you understand by the term values?

2.2 Have your personal values changed since joining the police service?

If so,

2.2.1 How have your values changed since joining the police service?

2.3 What do you understand the organisational values to be?

2.3.1 Do they differ from your personal values?

If so,

2.3.2 How do they differ?

Section 3 – Police use of discretion

3.1 What do you understand by the term discretion, when considering your role as a police officer?

3.2 How do you / did you exercise discretion as a front-line police officer?

3.3 What influences your decision to utilise discretion during your duties?

3.4 How much discretion would you consider appropriate in exercising your duties?

Section 4 – Integrity

4.1 What do you understand by the term integrity?

4.2 What do understand by the term 'noble cause corruption'? (Noble cause corruption is said to refer to situations in which convictions are falsely obtained in order to secure a greater good – Kleinig 2002)

4.2.1 What are your thoughts on such activities?

Section 5 – Ethical Decision-making

5.1 What do you understand by the term ethical decision-making?

5.2 How do you ensure that the decisions you make are morally sound?

5.3 What are your thoughts on the law and morality? For example, do you think that all decisions made solely on the basis of the law are morally sound?

5.3.1 What would you do, if you were asked to make a decision that you were ethically opposed to, but that was lawful and in fact one of your duties as a police officer?

5.4 There is a lot of discussion over recent years about the introduction of a code of ethics for policing, what are your thoughts on a code of ethics for policing?

5.5 What role do you think your leaders have in setting the ethical tone of the organisation?

5.6 What impact does the organisational culture of the police have on being able to behave in an ethical manner?

Section 6 – Vignettes / Scenarios

Explanation – I'm going to outline a selection of scenarios during this section of the interview. What I want to do is to discuss the actual process you would normally go through to arrive at your decision. There is no right or wrong answer and the scenario is merely a prompt to talk through the process you adopt and some of the considerations you may have in making a decision.

Scenario 1

You are on patrol on your own in the early evening. Whilst on patrol you notice that a few colleagues from another shift are out socializing. You stop and talk to the colleagues and whilst they seem sober you can clearly smell alcohol on their breath. A short while later you see the same group of officers in a vehicle with one of these officers driving.

What are your immediate thoughts?

How would you deal with this scenario?

What issues would you be considering when deciding on the most appropriate course of action?

What factors are at play in arriving at your decision?

Scenario 2

You are working night patrol with a colleague when a report comes in via the radio that there is a disturbance on going outside a local pub. On arrival it is clear that there are a number of persons involved. In addressing the disturbance your colleague makes the decision to arrest one of the males for public order. All the others calm down and are moved from the area. Whilst awaiting the arrival of the van the male becomes abusive and threatening towards your colleague indicating that he knew who your colleague was and that he was going to get him at a later date. On arrival of the van the colleague, whilst placing the male in the rear of the van, pushes the male and he hits his head causing a slight cut and bruising to the head. You suspect that this has been done deliberately as there was no reason why this would have occurred.

What are your initial thoughts?

How would you deal with this issue?

What processes would you employ to get to this decision?

What other factors are at play when making this decision?

Scenario 3

You are single crewed and receive a report of an elderly shoplifter being detained by security staff at a local national store. On arrival it is clear that the female they have detained is in her seventies and is upset. The sum total of the goods stolen, which involves a small packet of biscuits, is 89p. The security staff are insistent that this person is arrested and prosecuted as they state that this isn't the first time they have caught this lady stealing from their store. You have also been given a lecture by your supervisor earlier today about the lack of detections on the shift.

What are your considerations in dealing with this incident?

How would you deal with this scenario?

What issues do you think will be relevant in deciding what to do?

Scenario 4

You are working on an operation which involves executing a warrant at the premises of a renowned local drug dealer who has evaded apprehension for some time. During the course of the search you notice a colleague entering a room you'd already been

in. A short time later the officer comes out claiming to have found prohibited substances in that room. On challenging the officer with this fact, the officer becomes defensive and states that you must have been too clumsy in your search.

What are your initial considerations?

What issues would this raise?

What would you do in these circumstances?

What process would you employ to arrive at that decision?

Scenario 5

You are asked to work on an operation to 'raid' a local pub where it is widely known that drugs are being openly taken. A local CHIS has informed the Handler that there is a party there on Saturday where drugs will be freely available. An operation is called and all those involved are provided with scant information about the job as previous jobs have been blown by people talking. The nature of the operation is disclosed just before the operation and, in the interest of security, all officers are asked to hand in their mobile phone. Just before the team leave you go to the toilet and find a colleague on the phone in the cubicle. When challenged about the phone they state that it is their personal phone, which they need as, they are expecting an urgent call from their partner. The warrant is executed and no drugs are found. The CHIS reports that the landlord was aware of the impending raid just before and disposed of the drugs prior to police arrival.

What are your initial considerations?

What issues would this raise?

What would you do in these circumstances?

What process would you employ to arrive at that decision?

What impact do you think your decision would have?

Section 7 – Concluding remarks /comments

7.1 Having discussed ethics and decision-making during the course of this interview what are your thoughts on delivering training on this subject for:

i. Probationers during their initial training?

ii. For all officers?

Thank you for participating in this study; before we complete the interview do you have any other comments in relation to the subject under investigation?

Appendix E –Semi-Structured Interview Schedule – Elite Interviewee

Semi-structured interview schedule - Elite Interviewee

Introduction

I am Jonathan Edwards and this interview is being conducted as part of a doctoral study supported by the London Metropolitan University. The topic under investigation for this study is ethical decision-making. I would be grateful if you would confirm that you have given your consent to be part of this research and that you consent to this interview being digitally recorded for this purpose. As a participant my commitment to you is that I guarantee your confidentiality and I will anonymise any findings so that every effort will be made to ensure that your involvement is not disclosed.

I would like to offer you a digest of the key findings derived from this research. Would you like a copy of a digest of findings?

I envisage that this interview will take no more than 1 hour.

1. You're the ACPO lead for Professional Ethics, where does your interest in ethics originate?

2. Your previous force was involved in values based decision-making - can you explain what was involved in this model?

2.a How do you get the buy-in from staff?

2.b What were the outcomes from the model?

3. This study considers the influence values have in making ethical decisions - How much influence do you think i) personal values have? ii) organisational values have?

4. The use of discretion is a fundamental part of being a 'cop'. What impact does discretion have on your ability to adhere to organisational ethical standards?

4a. What level of discretion would you regard as acceptable in 21st century policing?

5. A theme emerging from the literature is the alignment of ethical decision-making and integrity. How do you think the service should approach the issue of integrity in the service?

5a. Over the last 30 years the concept of 'noble cause corruption' has been introduced, what are your thoughts on such activities?

5b. In your opinion do you think Noble cause corruption still exists?

5c. There has been a great deal of discussion, from high profile police leaders such as Peter Neyroud at the NPIA, about the police performance culture. What are your thoughts on the performance culture and its relevance to the issue of noble cause corruption and integrity in general?

6. In a presentation you gave last year you discussed morality and the law? What are your thought on the law and how it relates to morality? - for example, in my interviews so far I've discussed whether individuals feel that by acting solely within the parameters of the law they feel that they are in a morally strong position.

7. There has been significant debate over the years in relation to the whether the UK should introduce a code of ethics for policing. In your role as a Chief Constable and with your ethics portfolio responsibilities - what are your thoughts?

8. The police culture has come under quite intense scrutiny since the MacPherson inquiry in 1999, what influence do think the police culture has on the ability to foster a positive ethical climate for an officer to make decisions?

9. There has been significant discourse over recent years in relation to the art of leadership. What role do you think leaders have in creating a positive platform for ethical decisions?

10. As the ACPO lead on the Ethics portfolio, what do you think the ethical future looks like for the service?

11. In all the interviews conducted thus far, a constant theme is the lack of training officers receive in relation to ethics and moreover practical ethics. What is your view on the provision of specific ethics training for officers?

12. In terms of ACPO Professional Ethics portfolio - what is its terms of reference?

12a. What difference do you think the existence of this portfolio will have on creating a more ethical service?

Appendix F – Interviewee Consent Form

CONSENT FORM

Interview

Ethical decision-making in the police service

Name of Researcher: Jonathan Edwards

Please initial each of the boxes below:

1. I confirm that I have read and understand the information sheet dated 1st February 2010 for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.
2. I understand that my participation is voluntary and that I am free to withdraw at any time, without giving any reason.
3. I agree to anonymised quotations being used in reports and other publications.
4. I agree to an audio recording
5. I agree to take part in the above study.

Name of Participant	Date	Signature
Researcher	Date	Signature

Appendix G – Transciber Confidentiality Agreement

Transcriber Confidentiality Agreement

This study is being undertaken by Jonathan Edwards in partial fulfilment of a Professional Doctorate in Policing, Security and Community Safety conducted through the London Metropolitan University.

Ethical Decision-making

"A treatise into the role of ethics in 21st Century policing".

I, _____, the *Transcriber*, agree to:

1. Keep all the research information shared with me confidential by not discussing or sharing the research information in any form or format (e.g. disks, tapes, transcripts) with anyone other than the *Researcher(s)*.

2. Keep all research information in any form or format (e.g. disks, tapes, transcripts) secure while it is in my possession.

3. Return all research information in any form or format (e.g., audio files transcripts) to the *Researcher* when I have completed the research tasks.

4. After consulting with the *Researcher,* erase or destroy all research information in any form or format regarding this research project that is not returnable to the *Researcher* (e.g. information stored on computer hard drive).

Transcriber

_____ _____ _____

(Print name) (Signature) (Date)

Researcher

(Print name)	(Signature)	(Date)

If you have any questions or concerns about this study please contact:

Jonathan Edwards.

Researcher – London Metropolitan University

Phone: 07896XXXXX

Email: Jonathan.edwards@xxxxxxx.pnn.police.uk

This study has been reviewed and approved by the Research Ethics Review Panel of the London Metropolitan University.

Appendix H – Sample theme from Thematic Matrix – Values

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Analytical Query: The overall importance of values: 25 September 2011

			2.1.1 - Socialisation
White Male Inspecting 10-20	interviewees	Interview 1	
White Male Inspecting 20 - 30 years		Interviewee 10	The interviewee suggested that their values were in a person's make-up (vis-a-vis the way they've been socialised). [] .... your parents hopefully teach you right from wrong, I was lucky, I had, my parents were married for all of my life so I had a steady and stable background and upbringing....basic values that are sort of passed down from generation to generation and it's those simple values that can extend to a whole host of things on the issue of honesty and integrity but you build on those values and perhaps other things that that your parent's haven't taught you or shown, because they haven't been appropriate because they haven't been appropriate or they weren't about at the time, but you build on it as a person. []
White Male Superintending 20 - 30 years		Interviewee 11	I really think a huge part of your values are what you start from a very young age, it's what you get from your parents from your grandparents, going back to basics what's right what's wrong, what's decent, how polite you are and the biggest compass for it is how you're left feeling in the situation, does something sit well with you or does something not sit well with you and I'm not sure, and I suppose people can change their values but I think most people struggle in environment all your life where good wholesome some solid values haven't been embedded in you and then you have to kinds of learning then by default later on in life learning from other people's experiences, I'm fortunate enough that in, um, I come from a law-abiding family I come from a family that's got a good idea of what's right and what's wrong.... it's your inner compass, it's what sits comfortably with you when you make a decision and when you don't. Sometimes you make a decision and you know that it's a wrong decision because you've got certain values.... []
White Male Sergeant 10-20		Interviewee 12	Values can be sort of part of your background, how you have been brought up, what's right and wrong... values, to me, ah, do the right thing and doing it for the right reasons". []

Analytical Query: The overall importance of values: 25 September 2011

2.1.2 - Understanding	2.1.3 - Changing values
values is what I consider to be correct. My personal values are always doing things that are right based on all the information I have. Honesty, integrity, especially in this role, to be professional. Truth, being factual and honest at all times. []	The interviewee suggested that their values had changed in that they were now more what is legal and furthermore what is right and wrong and ensuring their decision is right and wityhin the confines of the law. []
N/A - cross reference to the socialisation theme []	The interviewee when asked about whether his values had changed suggested that he didn't remember what his values were as he joined at the age of 19 and had spent almost 30 years in the service. He suggested that life events may have changed his values. This said he did think that his values had changed over the course of his carrer albeit that he attributed that to life changes such as having a family rather than the influence of the service. []
See socialisation []	The interviewee came up with an interesting comment when he was asked whether his values have changed since the joining the service in that he stated, "I think my values have been challenged since I joined the police service definitely, and I've found situations, where you know, where perhaps I think perhaps I should have been more sympathetic, um, um but, so I found challenging situations, where I've struggled at times to apply my values of impartiality, of fairness for everyone or supporting people who need support, I've struggled sometimes to apply those across people, who perhaps personally, I don't think play their in society for example, so I have found my values tested definitely, and I've found my values tested as well sometimes when you're dealing with people who I've got a lot of time for and I like but for various reasons who have done something which goes completely against my values and that really test you doesn't it, so I've found my values being bashed and bullied around the place". The interviewee does however, stated that his values haven't changed from joining the service in his 25 year career and that his basic values were aligned to "what was right and what was wrong". []
see socialisation []	This interviewee didn't think their values had changed at all since joining and remained around issues such as honesty, integrity and transparency. []

Analytical Query: The overall importance of values: 25 September 2011

2.2 - Organisational values	2.3 - Values harmonised?
The main organisational values is what we betray to our customers, we always need to be honest. Integrity is paramount otherwise we lose trust and confidence and that all coupled together into professionalism, which is what we are here to do - to provide a professional service to the community, members of the public etc. It is expected that we do what is right and in the right way. []	My personal values do not differ in any way to the organisational values. I would always strive to work to those guidelines in my personal way. []
So the organisational values are...dealing with people in a professional way. & the interviewee sugested that it was around serving the communities. []	Definitely..... over the years this organisation has hopefully taught me how to be a professional individual. []
Well the organisational stated values around honesty and integrity are the values which have to go with an organisation like policing, caring, openness um, impartial ...organisation are based on what the public want from us as value's, so they want us to be impartial they want us to be patient they want us to be tolerant, they want us to be honest, they want us to act without any fear or favour to any group or organisation um and they want us to do things as best as we can and learn from the things we don't do right, um, I think people can over complicate it. []	
	Yes. []
	it was I suppose because it's wanting to help, it's wanting to do your best by the communities you police, ah, and to make a difference, and the police service allows you to do that []

Analytical Query: The overall importance of values: 25 September 2011

3.1.1 - Values	4.1.4 - Values	5.2 - Values
What I think is right and what I think is right within the law at the time of dealing with a particular incident or an issue. []		
		The interviewee when asked about key factors in decision making and whether values feature in that process. The interviewee stated that they "probably subconsciously if I'm brutally honest". []
My values are... the way I have been brought up by my parents, and what I expect people to behave, and how I expect them to conduct themselves, so if I see someone, say for example, in a public order situation, that I feel is unacceptable, because may be there will be families around in the area, another police officer may think it's just high spirits. []		I suppose it would go back to what my values are really. You obviously, it's quite, it's black and white what your statutory obligations are in law, but

Analytical Query: The overall importance of values: 25 September 2011

		2.1.1 - Socialisation
White Male Superintending 20 - 30 years	Interviewee 14	The interviewee suggested that the values they have are mainly from their parents, but also from other infleuntial people in their upbringing such as teachers and peers. The interviewee did howver sugest that they thought that values were changeable based on significant events ina person's life. []
BME Male Constable 10-20	Interviewee 15	The interviewee suggested that their values were derived from their parents and consisted of 'traditional values' such as respect, courtesy, and also mentioned treating others as they wished to be treated. [] The interviewee suggested that their values can be significantly different from some of the people he comes across in his role as an officer []
White Female Constable less than 2 yrs	Interviewee 16	

2.1.2 - Understanding	2.1.3 - Changing values
The interviewee suggested that the notion of values as far as they were concerned were about the way people act and behave. []	The interviewee suggested that their values had changed as a consequence of their life experiences and that he'd adapted as a consequence. The interviewee also highlighted the impact that family life has had on him. []
The interviewee suggested that values were about what they perceive to be right and wrong and good and bad. []	The interviewee with the shortest service suggested that their values in that the interviewee stated, "I can't let my, my opinions I suppose and the way I live my life have an affect on how I do my job because I'm paid to do a job and in a way I should keep my, my, you know my values, my opinions to myself and that is my job to do". []

Analytical Query: The overall importance of values: 25 September 2011

2.2 - Organisational values	2.3 - Values harmonised?
	allows you to do that. []
	The interviewee thought that his own values were aligned to the organisational values. []
The interviewee suggested that the organisational values were around courtesy, respect treating people as they wish to be treated and to be fair. []	The interviewee suggested that they had changed their values early on in their career to fit in with the police culture and furthermore suggested that their values 'degraded a little bit', but satated that as he moved througout his career he had become stronger and therefore his personal values were now back to what they were before he joined the police. The interviewee in providing some context to that statement staed "whether it's police culture or just because its a large organisation, of mix and match with people from all different sectors, my personal values, things that I wouldn't accept before, I had begun to, probably as a result of mixing with a wide range of people". []
I suppose for a police officer to be honest and have integrity, um to treat everybody fairly, um, to not pre-judge people.. []	I think they are very similar to be honest with you. []

Analytical Query: The overall importance of values: 25 September 2011

3.1.1 - Values	4.1.4 - Values	5.2 - Values
		morally, it will go back to what my values are, and what I perceive to be the morally correct decision, may differ to someone else in the office that may have different values, but I can only police on what my moral values are, not others. []
Described discretion to "be about making a decision based on your values potentially, but it could also be, which is based on operational necessity". This infers to that while your values may lead you down a certain path that operational necessity may cause the interviewee to act in a slightly different way because of the requirements of the job. "The allegation will always be potentially that you have made that decision based on some values which aren't appropriate and understanding why you've made decisions is really important". []	I think you know integrity is obviously, it's linked to your core values. If you've got integrity, you would be, you know, do you stand up for your values, do you live by your values and do you and even under, even under some pressure, are you able to still live and work by the values that you've got, you know that would be the issue of integrity for me. Is it, you know, is it bluff and bluster, or in times of difficulty, do you stand up under pressure and still adhere to the core values that you've got. []	
"I think as you are brought up and the way you conduct yourself that discretion will run alongside that, you certainly won't be using your discretion on anything that will jeopardise, jeopardise yourself, or I certainly, I mean, to me discretion means if it's a minor incident um, and I can deal with it differently, without getting that person into trouble, but as long as I achieve the outcome of that person learnt his lesson and won't do it again, or it stops whatever problem is occurring in that area, I certainly, you know, I certainly wouldn't be using it to do somebody a favour, uh, I wouldn't apply discretion to that sort of, discretion would be job related if that makes sense". []		
In discussing the inflence of values the interviewee suggested that their values would come into play when identifying whether the person was remorseful. []		

Analytical Query: The overall importance of values: 25 September 2011

		2.1.1 - Socialisation
White Female Sergeant 2 - 10 years	Interviewee 17	
White Female Inspecting 10-20	Interviewee 18	
White Female Constable 2 - 10 years	Interviewee 19	I think values is something you don't necessarily get taught from this stage in your life, I think you grow up getting values from your parents, from schools, from family, friends and stuff like that so, kind of like what you think is right, I think I see my values and not necessarily beliefs, but you know, faith and uh doing the right thing, like because some people, I mean for example, if I use an example, I go into houses in Barry and I'm sure it's the same with a lot of places we work, and my values is that you keep your house nice, you, you know you respect what you've worked hard for, and for what other people work hard for, and sometimes I go to houses and they clearly don't have those values, because you know the dog has messed on the carpet and I think I have very different values to some people who I meet and they not necessarily, I don't think you can come to a classroom and say you've got to have these values, I don't think you can teach that, I think its something that you inherit when you grow up with a family sort of thing. []
White Male Constable 10-20	Interviewee 2	I think that is probably my own personal view on that topic is that your values are instilled in you from an age. []
White	Interviewee	This interviewee suggested that values are a consequence of the individuals life

Analytical Query: The overall importance of values: 25 September 2011

2.1.2 - Understanding	2.1.3 - Changing values
The interviewee suggested that values were their standards. []	Absolutely, 100% []
The interviewee stated that values were their "core beliefs, how you make judgments, its very difficult to define what a value is, but you know its something your brought up with, part of your socialisation process and what you glean from as you go through life, what your moral code and what your values are. []	The interviewee suggested that their values had changed since joining the force in that prior to joining the police she may have been more liberal around issues such as drugs because of their time in University, but having joined the police and seen the consequences of drug abuse they had changed their own values. []
...I see my values and not necessarily beliefs, but you know, faith and doing the right thing. []	The interviewee suggested that they didn't think they'd changed that much since joining the service and that they thought that their values were fundamentally the same as they were previously. The only issue they were cognisant very quickly was the need to avoid decisions based on their own values. []
I think the easiest way to put it without going into too much depth is to treat everybody as fairly as you would wish to be treated - that is the sort of core I would hope. If you treat people fairly, no matter what they are doing or where they are in the social spectrum, you normally have some positive feedback with 95% of people. I think that is really the easiest value I would put on things. []	
N/A see socialisation []	
	The interviewee suggested that their values had probably changed, but they were not sure

Analytical Query: The overall importance of values: 25 September 2011

2.2 - Organisational values	2.3 - Values harmonised?
	Um, I would say that my values are heavily influenced now by the organisational values, um, my kind of opinions and beliefs in relation to communities and discipline within communities and policing has changed my core values and the way I run my life really, unfortunately, but you kind of you have to, I think you have to kind of live and breathe them to a certain extent otherwise they're false ands obviously that becomes transparent at some stage in either your life or within the organisational you work with, I think they do become inbuilt. []
	I think they're, they're synonymous. []
Um, to have integrity, um to basically, I personally think its to lead by example, um basically I think, I don't think anyone ever expects you to be perfect, um, but as long as you can kind of like maintain your values, in your job, I think that's what they ask of you really. []	The interviewee suggested that their values were in alignment with the personal values. []
Basically what I have just said, treat people with fairness, equality, integrity, politeness, making every contact count - those are all sorts of things that I would suggest are all core values. []	
Um, basic personal values, honesty and integrity, uh, your	I think you have to have quite good and strong values to be a police officer, otherwise

Analytical Query: The overall importance of values: 25 September 2011

3.1.1 - Values	4.1.4 - Values	5.2 - Values
The interviewee confirmed that their values did feature in their decision making and used the example of their views on traffic to illustrate the point. However, they do state that "I would make my decision process but I wouldn't overtly kind of think about my values at the time". []		
This interviewee discussed values in the sense of leading them away from using their discretion, in that their values would steer them away from discretion if there was an injured party involved. This interviewee also discussed discretion around minor offences such as traffic infringements. []		I think that's decisions that are fitting with the value of the organisation and your own personal values which do not form any discrimination to any parties, that's what I understand as ethical decision making. []
I think so, um, because something I've always been taught is treat people like you want to be treated. []		
"They could have an impact I don't know how much your values would cross over to discretion there is a lot of things I think that will influence that" the interviewee also goes into discussing the influence of a persons personality. []		
The interview suggested that their core values were influential in exercising discretion. []		
		What I understand by the terms ethical

Analytical Query: The overall importance of values: 25 September 2011

		2.1.1 - Socialisation
Male Constable 2 - 10 years	20	experiences. []
White Female Sergeant 10-20	Interviewee 4	Values for me are the things that my parents instilled in me from a young age about how I live my life. The interviewee also emphasised that she had strong family values and instilled those values into her own children. []
White Female Sergeant 10-20	Interviewee 5	
White Female Sergeant 20 - 30 years	interviewee 8	

2.1.2 - Understanding	2.1.3 - Changing values
	whether that was a consequence of joining the police or the reality of getting olde and having life experience. []
My understanding of the term values would be, it's almost sort of a rule book by now, I live my life and some of those will be instilled by my parenting and my background, upbringing and some of the I've learnt through sort of life experiences and job experience, so it's basically almost like a rule book, but its other things that are extremely important to me that I would say are very important and other things I wouldn't deem as so important. []	"I'd say yes definitely. A lot of things, over the sort of 12 years I've sort of, I've with numerous incidents, numerous situations and people from different backgrounds, different cultures and that's sort of thing and that's obviously widened my perspective and widened my horizon on how things can be done and differences to my own background and I think that's helped me sort of have a much wider perspective..." []
Values for me would be family and I put a lot of emphasis on family and how I bring my children up. Almost sort of how I deem things to be right or wrong and installing good values to be right or wrong and installing good values into my children and obviously making sure that we live our lives by those values, obviously a huge thing for us is law, making sure that we're lawful that I'm lawful. (see also socialisation) []	
Values are how I live my life and how I conduct my working life, I have my own personal values that I adhere to. []	The interviewee suggested that he values hadn't changed at all since joining, but that she may have been more cyncial with life in general. []
My values honesty, openness, so this is in home life, work life, I'm trying to think of whether I can give you an example, I have a daughter being open and honest with her, being open and honest in the workplace Um , loyal those are my values. []	

2.2 - Organisational values	2.3 - Values harmonised?
appearance, treating everyone in a fairly, and equally. []	you wouldn't be recruited in the first place. []
The main thing for me for the police service to servicing the public that a huge value and making sure that that service is a quality service []	I may empathise or sympathise with an officer that's done something wrong but I understand as a supervisor that I will instil the values of the service, even if it is uncomfortable to me. []
"...integrity is a massive part of this job". []	
think it's important to maintain a professional image at all times. []	I wouldn't say my personal values have changed but I can see the benefit of having high standards and values, particularly with the professionalism side of things within the annual plan but also when you're dealing with members of the public and things like that I think it's important to maintain a professional image at all times. []
I don't think they are stressed enough, things like honesty and integrity, I think they could be stressed a little more firmly. The interviewee used the example of Facebook where officers leave themselves open to breaches of integrity. []	The interviewee suggested that their values were in harmony with the organisational values. []
... to be seen to be open and honest, judging by the public, it wants to achieve the best it wants to improve, it wants to improve its performance. []	The interviewee indicated that there was congruence between their views and the organisational values. []

Analytical Query: The overall importance of values: 25 September 2011

3.1.1 - Values	4.1.4 - Values	5.2 - Values
		decision making is that you come to a decision um for your own values and so on. []
There's been so many occasions when I've used discretion to deal with an incident and then perhaps another officer wouldn't have done it that way, but I will apply my values, my ethics when doing it. []		Draw on my own set of values, I draw on what I believe to be ethical and what I believe to be right or wrong, and obviously I take on board the organisational requirements of me and the law and then go from there. []
This interviewee, whilst not specifically mentioning values, an inference could be drawn from the response that her own values come into play, for example she stated, "I looked at what this person, future prospects were and was a huge influence for me and being a mother I looked at would I want my son to be treated the same in those circumstances and that was a huge factor for me in making the decision". []		
It'll be my values, it's what I've been brought up with and obviously the values I've grained whilst doing this job. []		
The interviewee when asked about the infleuntial factors in exercising discretion stated "It'll be my values, it's what I've been brought up with and obviously the values I've grained whilst doing this job" []		
N/A []		
The interviewee suggested that valued have a role to play in her decision making around discretion as she treated people as she would wish to be treated. []		
N/A []		

Analytical Query: The overall importance of values: 25 September 2011

		2.1.1 - Socialisation
BME Male Superintending 20 - 30 years	interviewee 9	

Analytical Query: The overall importance of values: 25 September 2011

2.1.2 - Understanding	2.1.3 - Changing values
[illegible]	
The things that are important to me, that go to the core of who I am that then affect how I act and decide on things. []	The individual suggested that their values had not changed as they were a university graduate who didn't join until they were in their twenties. []
Yes, values would be you're honest, professional, polite, tolerant, impartial - things like that to me are values. []	No, I think generally my values are what they are now and they are co-terminus with the organisation's values. []

Analytical Query: The overall importance of values: 25 September 2011

2.2 - Organisational values	2.3 - Values harmonised?
Nothing added []	No, I think generally my values are what they are now and they are co-terminus with the organisation's values. [] The interviewee stated that the values of the organisation were in harmony with their own and they stated "I had to make a decision when I joined the police which was it the right organisation and part of that was based on would I fit in and part of that is the values of the organisation and what are my values and would I fit. I can't tell you that that was a conscious decision around values"."I wouldn't want to be divergent to it - that would just cause me unnecessary stress that I would not want or exit. You think therefore perhaps, unconsciously, you've looked at the organisation, you've looked at what it stands for, what it does and you think that that is an organisation you want to be part of?" []

Analytical Query: The overall importance of values: 25 September 2011

3.1.1 - Values	4.1.4 - Values	5.2 - Values
The interviewee suggested that their values were a significant feature of their decision making when considering the use of discretion. [] The interviewee also argued that values were a key infleunce when making decisions as to whether exercise discretion but that this was dependent on the strength of those values on entering the service and whether they were capable of being influenced or corrupted, which he suggested was down to age and experience. He also suggested that your values would be tested at critical points in the early years of service as influential officers and the culture may impact on the personal values. []	I think integrity is a sort of umbrella word that covers a set of values that I mean I won't be corrupt, I'm not a thief I won't blackmail somebody. It means a lot of things in one word it means you're okay, it means your confidential when you need to be, I can't think of other things but the word conjures up those sorts of things for me. []	um, I'm tempted to say that one, it's easy cos I've describe that my own values and up bringing make it easy, []