

APB

Academic Publications Bulletin

Editor's note

On the heels of Emond Montgomery's publication of David Evans and Craig MacMillan's *Ethical Reasoning in Policing, Corrections and Security* (2/e), we are pleased to include in this newsletter a reprint of an article written by one of the co-authors and Paul Tinsley. An abridged version of this paper, entitled "Police Ethics Education: A Waste of Time?," was published in the August 2002 (LXIX:8) issue of *Police Chief*, pp. 92-97.

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The comments and opinions expressed in this article are solely those of the authors and do not necessarily represent the position of the Abbotsford P.D. or RCMP. The authors welcome any feedback to their statement or any comments you wish to add to this dialogue on the significance of police ethics education. — JWB ■

Making the case for police ethics education

by Deputy Chief Paul N. Tinsley, EdD (Abbotsford Police Dept.) and Sergeant Craig S. MacMillan, PhD (Royal Canadian Mounted Police)

"Ethics training . . . it's a waste of time!" — *Anonymous police officer*

During police ethics training sessions, we have often heard the above refrain. But it seems rather curious that, at the same time policing wants to be recognized as a "profession," some of its members would object to ethics education as being a waste of time. This attitude, though, is not surprising since ethics education within the public service, and particularly policing, has until recently received very little attention, not only by practitioners but

also by scholars and the general public. It is now evident, however, that ethics education in policing has become very topical (see, for example, US Dept. of Justice, 1997), and for good reasons. First, when providing service to the public, a profession must be fair and unbiased. A profession must also be accountable to its constituency and that accountability must be seen as effective individually and institutionally. Finally, and perhaps most importantly, all professions must maintain the public trust.

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Fall term 2002 update

by dave stokaluk

Now that the Fall 2002 term is in full swing, we thought that this would be an appropriate time to provide you with some supplemental reading material, in the form of our APB newsletter.

You will notice that this APB is larger than previous issues. That is because this release features a very timely article by Craig MacMillan and Paul Tinsley on police ethics education. This article was recently published in *Police Chief* magazine, and the authors have given us permission to reproduce it. As you may know, Dr.

MacMillan is also the new co-author of *Ethical Reasoning in Policing, Corrections, and Security*, 2nd edition, which has been significantly improved as a result of his contributions.

In addition to the release of the new *Ethics* text this summer, EMP's publishing program has included the publication of the following important and much-anticipated new releases (see "Arriving Just in Time" in the insert for more details):

- *Enforcing Federal Statutes*
- *Fitness and Lifestyle Management for Law Enforcement*, 2nd edition

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In the policing profession, there are four additional reasons why ethics education should be of interest. First, the police, on behalf of the state, are authorized to use force against the public. Second, the police wield broad discretionary power, including when to detain, arrest, charge and use force, which are functions extending far beyond that of any other profession. Third, there is limited public scrutiny over much of what the police actually do on an hourly or daily basis. Many officers may not feel this is so given the increase in internal and external accountability mechanisms, but upon reflection most officers will concede they can make many significant decisions during a shift that are subject to little, if any, scrutiny. If this were not so, many of the systemic corruption and abuse of power cases involving police officers would never have occurred. Last, the police must attempt to balance the need for law and order in society with the competing claims of individual rights and freedoms, which is an inescapable dilemma for the rule of law in a democracy (Alderson, 1998, p. 15).

Police organizations have responded to public concern over the conduct of its officers by introducing a variety of control mechanisms to gain and maintain behavioural compliance (Walker, 1990). These control mechanisms may be external, in that rules governing conduct are imposed upon officers by the organization, or internal in that rules governing conduct are internalized by officers. Although all such mechanisms include some educative component, it is in the attempt to control conduct through internal controls that formal ethics education (defined as that provided by the organization) finds a special emphasis. The theory, according to Crank and Caldero (2000), is that the most effective control mechanism is that which resides within the individual (p. 25). The explanation is that personal integrity (i.e., character) is an ever-present guide to right behaviour, unlike organizational attempts to control behaviour, where supervision and rules, limited in both scope and effect, serve only to prescribe minimum levels of acceptable behaviour.

This, of course, engages the question of whether formal ethics education is of

Moral philosophy attempts to understand good (vs. bad) motives and intentions, right (vs. wrong) actions and omissions, just (vs. unjust) decisions, and virtuous (vs. evil) character traits.

any value, which is the focus of this article. In response, we consider five questions that begin with philosophical questions about ethics and ethics education and end with practical questions about ethics training. First, is moral philosophy a legitimate discipline? Second, how does professional (and in particular police) ethics fit within moral philosophy? Third, what control mechanisms are used to gain behavioural compliance in policing? Fourth, how is ethics education used to promote ethics? And finally, is ethics education a waste of time? These questions are important because they raise objections to police ethics education that, if unanswered, may be accepted at face value as being valid. Through a critical analysis, however, we will show that these objections are insufficiently grounded and inadequate to dismiss ethics education as a waste of time. Rather, the analysis will show that ethics education is a worthwhile endeavor, whether for policing specifically or other professions generally.

THE QUESTIONS AND RESPONSES

Question 1: Is moral philosophy a legitimate discipline?

One of the more abstract and theoretical objections to ethics education flows from the argument that moral philosophy or ethics (the differences between them will be discussed later) is not a legitimate discipline, at least insofar as objective moral judgments are concerned. Interestingly, those who teach subjects such as science, law and accounting, do not generally need to justify their discipline, yet those who teach moral philosophy are continually challenged as to its validity. For example, two common challenges to moral philosophy are that "it's just a func-

tion of culture" or that "it's nothing more than personal opinion." While oversimplifying morality, such challenges reveal inherent difficulties that become evident when moral philosophy is compared to theoretical philosophy.

Theoretical philosophy generally concerns itself with what *is*—it is *descriptive* in that it attempts to provide objective knowledge about reality or fact. Often, it claims to enlighten us about things that are subject to empirical investigation, like physics and biology. Therefore, theoretical philosophers may be aligned with empirical scientists, although the theories of philosophers are acknowledged to be "second-order" exercises in that they critically examine the "first-order" claims of scientists (Rosenberg, 1996, pp. 5-6). Theoretical philosophy claims to provide genuine knowledge, defined as that which can be

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proven true or false, as opposed to mere opinion, which is unverifiable. For example, knowledge derived from empirical investigation is subject to “falsification by experience,” a principle developed by the eminent scientist Sir Karl Popper. Today, however, this principle is more commonly understood as the “falsifiability principle,” referring to that which can be disproved generally (Halberstam, 1993, p. 76). For example, there is also knowledge not derived from empirical investigation, such as that found in mathematics and logic, which is subject to “refutation by rational argument” (Adler, 1987, p. 104). The point here is that genuine knowledge is not limited to that which is discoverable by empirical investigation, a methodology with its own limitations.

Moral philosophy generally concerns itself with what *ought* to be—it is *prescriptive* in that it attempts to provide objective knowledge about normative values or universal standards of human conduct. Moral philosophy attempts to understand good (vs. bad) motives and intentions, right (vs. wrong) actions and omissions, just (vs. unjust) decisions, and virtuous (vs. evil) character traits. The gap between theoretical and moral philosophy is that between real *facts* and moral *values*, distinguished from values of taste or those associated with business, prudential or aesthetic points of view. Because of this gap, which is one of falsifiability, the *critical question* that moral philosophers and ethicists must answer is whether their discipline can provide genuine knowledge. In other words, “Is morality falsifiable?” If not, it is merely an expression of personal or social preference, taste or opinion; but if so, moral philosophy, along with other academic disciplines, can legitimately claim to provide genuine and objective knowledge.

Having thus framed the question, we do not intend here to offer a resolution, not because we are trying to avoid the challenge, but because we are constrained by the scope of this article. We do suggest, though, that lack of conclusive proof for moral philosophy is an insufficient reason to dismiss it as a legitimate discipline. In fact, we argue that the demand for conclusive proof is unreasonable given the nature of the subject, but we leave this discussion for another day,

If moral values are nothing but expressions of preference, taste or opinion, why is it that we will argue passionately, fight courageously and even die sacrificially for the merits of a moral position?

But, as Alasdair MacIntyre (1998) put it, this is not where we make a nervous cough to cover up the lack of justification for “ought” and move on to our more impressive ethical injunctions (p. 42). Rather, this is where the limitations of our methodologies, such as the scientific method, in yielding genuine knowledge must be admitted.

Before leaving the *critical question* facing moral philosophy, we do suggest that a *prima facie* case for the validity of the moral point of view can be made by reflecting on the following question: If moral values are nothing but expressions of preference, taste or opinion, why is it that we will argue passionately, fight courageously and even die sacrificially for the merits of a moral position? The answer is that morality, unlike expressions of preference, taste or opinion, is a matter of reason, which requires us to acknowledge that the welfare of others is equally as important as our own. We submit that this principle is self-evident and alone is sufficient to validate moral philosophy. More than social conventions and personal preferences, morality is a universal and rational search for shared values, such as honesty, integrity, justice, caring, and so on (hopefully, upon which those on either side of the theoretical gap can generally agree). As such, morality requires us to be guided by standards of conduct that are found through reason (Frankena, 1963, p. 7), whether on an individual level or, in the case of professional ethics, on a corporate or social level (Somerville, 2000, p. 5).

Given that as moral agents we are responsible for our actions, the question is: To what degree does our behaviour, whether in private or otherwise, correspond with moral values? The answer is found rationally, using basic principles of logic, and as such is a valid judgment

about moral culpability, analogous to a judicial decision about criminal culpability. Similarly, in defending our behaviour on moral grounds, we attempt “to *justify* [our] actions to others on grounds they could not *reasonably* reject [emphasis added]” (Scanlon, quoted in Jackson, 1993, p. 35). This, then, is the business of morality (and professional ethics); it is admittedly a difficult subject fraught with unresolved issues, but it is unavoidable and demands our constant attention, especially for those in public service, as will be shown next.

Question 2: How does professional ethics fit within moral philosophy?

This question is not so much an objection to ethics education, but rather how it is that professional ethics is a moral question. As indicated in our discussion so far, there is no question that morality is a personal and a public matter, but there is a question of what values, if any, are universal and absolute. Therefore, to overcome moral ambiguity for both practitioners and public, a profession will agree corporately on its values and guiding principles. As such, professional ethics demands our attention, regardless of whether “normative ethics” have been reduced to “social ethics” and regardless of our agreement with the collective consensus.

Figure 1 below illustrates how professional ethics flows from moral philosophy. Although philosophers often use the terms moral philosophy and ethics interchangeably, to clarify the discussion about professional ethics we find it useful to draw a distinction between these terms. Strictly speaking, moral philosophy directs itself to contemplating what we mean when we talk of morality; that is, what we mean when we talk of good in-

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tentions, right behaviour, virtuous character, just decisions and the like.

But moral philosophy is meta-theoretical in that it is generally concerned with understanding theories *about* morality, whereas ethics is specifically concerned with providing a coherent theory *of* morality. Ethics is therefore better understood as the subject matter of moral philosophy and directs itself to constructing a theoretical framework in which morality or goodness may be understood (e.g., Immanuel Kant's formalism, John Mill's utilitarianism, Thomas Hobbes' social contract and Aristotle's virtue ethics). As a matter of practice, and in the absence of a religious or theological framework where moral guidance is provided in part by special revelation, a theory of ethics is essential for determining what is good, right, virtuous and just. And so it is that the question of what is ethical is ultimately a question of what is moral.

Applied ethics informs practice—it attempts to apply theory to the operational complexities and ethical dilemmas of real life (Halberstam, 1993). The purpose of applied ethics is to provide guidance for making decisions about what to do and for making judgments about how it was done, whether on an individual or collective level. Professional ethics is distinguished from applied ethics only in that the focus is on ethical issues that are unique to a profession. While many such issues cut across professional boundaries and may even be universal in scope, there are certain unique ethical issues in every profession that must be addressed with some specificity and clarity (e.g., the use of force in policing, genetic experiments in science and disclosure of information in law).

Because the defining characteristic of a profession is its implied contract to provide good service to the public, and because the public has the right to expect that all professions will act with integrity, professional ethics is unavoidable. The central issue is one of *public trust*, without which a profession, especially policing, cannot survive. Therefore, because true professions exercise considerable power over their clients on matters of critical importance, where ethics is inextricably blended with practice, we argue that the



legal concept of “strict liability” applies not only to technical competence but also to ethical conduct, which practitioners ignore at their peril. In the policing profession, where the ability to interfere with personal liberties by force (i.e., the “means”) is essential to its purpose of maintaining personal safety and social order (i.e., the “ends”), ethics is critically important because the “means” by their nature require constant scrutiny and justification.

A profession is also defined by its expertise in a specialized body of knowledge; and so, to maintain the public trust, professional organizations require formal education and training to achieve and demonstrate a satisfactory level of technical competence. Similarly, if education and training are necessary to resolve the complex substantive problems that are the focus of the profession, then ethics education must also be necessary to resolve the complex ethical problems and dilemmas that necessarily arise when power is exercised by the practitioner over others on matters of critical importance. Nowhere is this more evident than in policing, which Bittner (1996) characterized in terms of its ability to use force internally on members of society in the attempt to balance individual freedom with social order. As can be expected, ethical problems and dilemmas in policing are frequent and often complex, a condition that underscores the importance of ethics education and to which, specifically, we now turn.

Question 3: What control mechanisms are used to gain behavioural compliance?

In a democracy, the public rightfully expects the police to act both legally and ethically, whether enforcing the law or otherwise exercising policing duties, an expectation that even extends to off-duty behaviour. As a result, one of the policing profession's primary goals is (and ought to be) to minimize unethical behaviour and thereby promote public trust and confidence. In pursuing this goal, police leaders have engaged a number of approaches that may be understood in terms of external control mechanisms, primarily reinforced by sanctions and internal control mechanisms, and primarily reinforced by education.

External control mechanisms are traditional attempts to control behaviour by imposing external standards of conduct *upon* police officers through legislation (e.g., criminal statutes, codes of conduct, oaths) and written rules (e.g., policies). However, the effectiveness of external controls is limited because of a legalistic orientation. Here, prohibited behaviours are itemized, an exercise that can do little more than to prescribe minimum standards of conduct that may fall short of ethical conduct. Predictably, the response to external controls is often legalistic such that compliance is to the letter (or the loophole) of the law or rule rather than to the spirit of the legislation or policy.

Internal control mechanisms are relatively recent attempts to control behaviour from *within* by appealing to the individual

officer's "internal locus of control." Formal education (pre-service education and in-service training) and modeling or leadership initiatives are used to encourage officers to align their personal values with those of the profession or organization. It is here that practical objections to ethics education (distinguished from philosophical objections, which we address in the next section) are raised. The most common practical objection, usually raised by those in policing, is that there is no need to teach police officers ethics because they already have strong moral values; otherwise they would not have been hired. However, this objection, which seems to be motivated by some level of personal indignation, results from a failure to appreciate the limitations of personal morality within the complexities and obligations of professional practice.

A well-developed sense of personal morality is a necessary but insufficient prerequisite for principled policing. For example, personal morality is oriented to friends and family rather than to the special duties that come with public service, as in the case of policing. Moreover, the personal values of individual police officers are likely to diverge on any number of issues, which would contribute to uncertainty for both the officer and the public. Compounding this problem of value conflict, there is no guarantee that individual police officers have devoted systematic study to the difficult ethical problems, issues and dilemmas that are peculiar to their profession. And finally, it must be recognized that good people with noble intentions do not always make the right decisions, professional or otherwise, for any number of reasons, such as lack of understanding, ability and objectivity. Given these issues and their likely interaction, it is not difficult to see how personal values, however well intentioned, may conflict on some level with professional values (e.g., the "rule of law," which may include a duty to provide equal protection for both abortion clinics and churches).

On a practical level, then, the argument that professional ethics education and training is unnecessary (or somehow insulting) cannot be sustained. Furthermore, to dismiss ethics education and training places police officers at a serious disadvantage when they find

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themselves facing the complex ethical dilemmas and problems that inevitably arise from policing.

Question 4: How is ethics education used to promote ethics?

As previously discussed, the necessity for external rules and administrative controls to regulate behaviour is minimized if the profession can achieve strong internalized accountability in its members—i.e., a personal commitment to accepted standards (Crank & Caldero, 2000). The assumption is that if one has a heightened knowledge, understanding and appreciation of professional ethics, then personal values will be enhanced, self-control will be strengthened, and one's sense of moral responsibility will be reinforced. This, of course, is the point at which ethics education is formally introduced into the mix (for a practical example, see McNeff, 2001), which in turn raises a philosophical question about the ethics of ethics education. Specifically, is it proper, in addition to teaching *about* ethics (the non-directive approach) to teach what *is* ethical (the directive approach) in order to guide another's behaviour (see Sommers and Sommers, 1997, Ch. 8, "Moral Education")?

As noted by Bok (1988), former Harvard University president, the main objection raised by critics is that ideological zealots will use the directive approach to indoctrinate, rather than educate, susceptible and vulnerable students (p. 5). These same critics argue that the goals of non-directive ethics education are neutral because they emphasize sensitizing the practitioner to ethical issues and developing the practitioner's problem-solving

skills rather than teaching particular ethical values (Jones, 1998, p. 17). Leaving aside the questionable and unsupported claim that such instruction can be value free, Aristotle in the *Nicomachean Ethics* recognized that to teach the process of reasoning without content and guidance has little, if any, moral educative value (and is probably impossible):

And, there being more than one kind of correctness, plainly excellence in deliberation is not any and every kind; for the incontinent man and the bad man, if he is clever, will reach as a result of his calculation what he sets before himself, so that he will have deliberated correctly, but he will have got for himself a great evil. (Ross, trans., 1925, p. 150)

There is no question that ethics education should include matters of procedure, which focus on teaching students to think critically, tolerate ambiguity, and reflect on the issues (Fleming, 1989, pp. 24-25). But, as argued by Aristotle, ethics education should also include matters of substance, which focus on teaching students to recognize the merits of various ethical systems, adopt ethical principles that underpin good decision-making, defend their decisions rationally and on moral grounds, and integrate professional ethics into practice. For example, Crank and Caldero (2000) argue that ethics training that is both critical and substantive is necessary to address the problem of "noble cause corruption," where the noble cause of policing is corrupted by a failure to recognize that the "ends" do not necessarily justify the "means" (see also, Bok, 1988; Delattre, 1996; and Rosenblum, 1989).

Nevertheless, the debate between directive and non-directive ethics education is somewhat academic in a professional context because the practitioner, by voluntarily entering a profession, policing or otherwise, has *a priori* agreed, at least implicitly, to abide by the standards and principles of the profession. These standards and principles are adopted through open discussion, they are published for the information of current and prospective members and the general public, and they are subject to debate, rendering the ideological indoctrination concern invalid.

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Custom texts

by dave stokaluk

Over the past several months, a number of instructors (particularly from outside Ontario) have asked us about producing custom versions of EMP texts. In most cases, the requests are for a collation of selected chapters and passages from several books. Our first inclination was to say: “No problem, the books are right here on our computer, what do you need?” thinking all we had to do was mix and match and – voilà – a custom text! It is not quite that simple, as we recently found out when putting together a customized package for one of our customers.

Along with selecting the relevant material and determining a viable print run, other important steps must be taken: renumbering pages; revamping the tables of contents and glossary so that only the relevant information is included; designing a new custom cover; assigning a new ISBN; applying for cataloguing information from the National Library of Canada; including a new scanner barcode; and pricing the custom version appropriately.

Now that we have ploughed our way through this inaugural model, we are more comfortable with the process and cognizant of the pitfalls, and we are now in a position to make custom texts available to you on an on-demand basis. Please allow eight weeks for delivery.

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For more details on EMP custom publishing, please contact either Kent Newell (416-975-3925, ext. 227; knewell@emp.on.ca) or Dave Stokaluk (416-975-3925, ext. 235; stokaluk@emp.on.ca).

For further details, visit our Web site (www.emp.on.ca). ■

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Question 5: Is ethics education a waste of time?

Having answered broad philosophical and educational questions about ethics education, we will now respond to more narrow practical questions, especially as they relate to professional training *vis-à-vis* the academic liberal arts curriculum. With this in mind, the following are the five most common objections that we have encountered in the literature and from police officers taking required ethics training.

1. Formal ethics training can have no real educative value because morality is primarily taught by family and culture.

This argument fails, not because we do not learn morality through family and culture, but because this fact does not necessarily lead to the conclusion that ethics training is of no educative value. Furthermore, the argument is inconsistently applied. For example, the same observation is true for language (i.e., it is primarily taught by family and culture), yet we still study English in school and university. This is also true for many other forms of knowledge, such as that found in health and nutrition, which are primarily transmitted through family and culture.

It is true that we acquire moral values at home and through various social institutions, but that does not mean that we will understand how ethics is applied to complex professional dilemmas and problems. One especially telling example in policing is that of misplaced loyalty, which has contributed to the infamous “blue wall” of silence. Misplaced loyalty by police officers results from the interaction between powerful emotions and not recognizing how legitimate claims to loyalty are mediated by professional obligations. If loyalty is a virtue, it is a contingent virtue in that it is defined by context (e.g., public service, professional relationships, family situations, etc.) and validated by a worthy object.

2. Because ethics permeates police work, it is acquired incidentally within the traditional disciplines and so needs no separate training focus.

This argument fails for the same reasons that the preceding argument fails—the facts do not necessarily lead to the conclusion and the argument is inconsis-

tently applied. For example, the law also permeates police work, yet, not willing to take the chance that important legal knowledge will be acquired incidentally, we insist that it be given a separate and distinct focus. Just because ethics is essentially inter-disciplinary and cannot be meaningfully separated from practice, it does not necessarily follow that ethics does not deserve separate attention or that it need not be analyzed on its own merits. However, we suggest that the reluctance to include ethics as a distinct subject in the curriculum is more the result of a failure to take ethics education seriously than the result of faulty reasoning.

3. Ethics is nothing more than common sense.

Common sense, as distinguished from intelligence (and there is no evidence to suggest that intelligence is in any way correlated with morality (Fleming, 1989, p. 24)), is a slippery concept that defies precise definition. It is often associated with being reasonable, or with the intuitive ability to recognize self-evident truth. It also bears some resemblance to Aristotle’s idea of practical wisdom, which is the ability to deliberate well with the view to a good end and to act accordingly (Ross, trans., 1925, p. 142). If such assumptions are true, the argument that ethics is common sense has some validity, but objecting to ethics education on the basis that there is “nothing more” is to over-simplify the subject.

For example, policing can also be described (and often is) as “nothing more” than common sense; but if so, why is it that so much time is devoted to specialized studies in law, forensics, use of force, patrol tactics, and communications? Common sense is the benchmark for all applied studies, whether ethics, policing, law or medicine, yet by itself is inadequate to guarantee professional competence. There is no question that policing and applied ethics require “common” sense, but they also require a great deal of sense that can be best described as “uncommon.”

4. Ethics is too vague and ambiguous.

That an area of knowledge is relatively vague or ambiguous does not provide adequate grounds for arguing that it is not worthy of formal study. Is there anything

more vague and ambiguous than the study of law and its application in policing (e.g., consider any number of Canadian or United States Supreme Court decisions interpreting constitutional law on search and seizure, arrest, statements, etc.)? What about accounting? Is there not considerable vagueness and ambiguity about how to define with certainty what are capital and operating expenditures, and what are liabilities and assets, when balancing the general ledger?

Admittedly, ethical decisions can be ambiguous and vague, but important decisions in life often are! Complex issues that have significant consequences require deliberate and special consideration. However, if one engages in a rigorous study of the relevant discipline, then one becomes more competent to address the issues and ambiguity is minimized. For example, how a debit can be an asset and how subjective intent can be objectively determined may be ambiguous to the layperson, but it is clear to the professionally trained accountant and lawyer. The situation is no different in applied ethics, where education and training can provide one with the requisite knowledge and skills to resolve difficult problems and dilemmas.

5. There are no generally accepted ethics models that can be taught and applied to the ethical dilemmas faced by police.

Because the policing profession has been unable to provide a unified model to facilitate ethical decision-making, this objection erroneously infers that a generalized model, which would satisfactorily address

the complexities of policing, is not possible. Without getting into specifics, we suggest that such a model is possible and that it would follow the legal model. For example, just as we apply legal principles (within a corresponding legal system) to fact patterns to decide on the best legal course of action among a number of alternatives, so can we apply ethical principles (within a corresponding ethical framework) to dilemmas and problems to decide on the best ethical course of action among a number of alternatives. Substantively, professional police ethics is already underpinned by legislation, codes of conduct, codes of ethics, and related case law, all of which provide foundational principles that are essential to good decision-making. Nevertheless, it is admitted that the challenge for the policing profession is to recommend an ethical decision-making framework that is general in its applicability and similarly acceptable to its members, the public and the courts.

Recognizing the importance of an ethical decision-making framework for policing, and responding to the need to provide a model, the Canadian Association of Chiefs of Police recently developed and adopted an Ethical Framework (2001) designed for chiefs of police and other executive police officers. Even more recently, Evans and MacMillan (2003) have developed an integrated Framework for Ethical Decision Making (FEDM) that is intended to provide a comprehensive, yet easy to understand (and apply), ethical decision-making framework for police, corrections and security officers. It is now clear that a generally accepted ethics model can be

developed, taught and applied to the ethical dilemmas faced by police.

CONCLUSION

And so, is police ethics education a waste of time? No more than law, patrol tactics, forensics and officer safety education is a waste of time. Objections to ethics education are based on weak assumptions, while arguments supporting ethics education suggest that it is potentially a powerful tool for change. As Plato observed, "education makes good men and that good men act nobly" (cited in Fleming, 1989, p. 24). Ethics education and training reinforces the affirmative side of ethics (Hatfield, 1989), which is the obligation to perform "right" actions as well as to avoid "wrong" ones. Here, the question is not just "What have you not done wrong?" (which encourages a legalistic response), but "What have you done right?" (which encourages a principled response).

We are not suggesting that ethics education is some kind of magic bullet that will cure the professions of whatever it is that ails them; for knowledge must be

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Do you teach from your own home-grown material? If you think that this material may be suitable for publication, and that other instructors may benefit from it, give us a call. We are always looking for authors for our college law and law-related texts.

To discuss a specific proposal or to contribute a feature article to a future issue of the APB, contact us at 416-975-3925 or 1-888-837-0815.

Thanks.



Paul Emond
President
Emond Montgomery
Publications Limited

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- *An Introduction to Canadian Law*, and
- *Martin's Annual Criminal Code 2003*, student edition

We have also undertaken several new initiatives in order to bring our new titles to your attention with a little more focus and rationale. Along with an annual, full-colour Police Foundations/Law and Security catalogue, we are also sending out pre-publication colour flyers featuring highlights of new texts. These flyers will help you with your fall and winter term se-

lections by providing complete descriptions, specs information, content summaries, and a complimentary instructor copy request form.

If you have not received this material (perhaps you are not on our mailing list), please call us and it will be sent promptly. We will also keep you apprised of new releases/editions, instructor guides, etc., by way of e-mail. Our commitment to providing the best possible customer service to you, your colleagues, and your students throughout the coming years is unwavering. ■

Earlier successes this year

YOUTH AND THE LAW: APPROACHES TO CRIMINAL JUSTICE AND CHILD PROTECTION

"[T]his resource covers virtually all areas of juvenile justice. Topics such as the roots of youth crime, causes, rehabilitation programs, police procedures and the trial of a young accused are all covered."

— *Saskatchewan Learning Review*,
September 2002

In the last issue of the APB, we claimed that this book was ahead of its time! Well, we were right. The new *Youth Criminal Justice Act* has now received royal assent. That makes ours the only text that fully discusses and interprets the new Act. An instructor's guide (exercise answers) is now available. To satisfy the burgeoning demand, this text has already been reprinted.

POLICE POWERS AND PROCEDURES

We promised the release of *Police Powers and Procedures* for January 2002 classes, and we did indeed deliver on that promise. The text has been positively received. Our authors, Mark Walma and Leigh West, have comprehensively integrated the themes and issues needed to cover both the Police Powers 1 and 2 course requirements. We are currently compiling real-life "use of force" scenarios for a forthcoming instructor guide. We want this guide to be a repository for best practices in this course. If you have any materials and strategies you would like to share for this resource, please contact us.

INTRODUCTION TO PSYCHOLOGY FOR LAW ENFORCEMENT

This is not one of those bulky, expensive Psychology 101 texts. The PFP/LASA instructors who have adopted Dr. Kazarian's book have commented on its effectiveness in providing the essentials, with a high-quality balance of law enforcement examples. If you have not yet reviewed this book, contact us immediately. An instructor's guide is now available. ■

Making the case continued from page 7

combined with habit and reinforced by example and encouragement (Bok, 1988; and Delattre, 1996). But if police really are serious about being a principled profession, then they will make ethics an educational priority, just as they do for law, investigative techniques, use of force training, and so on. Otherwise, we may be quietly endorsing questionable sub-cultural values, conventions and traditions that may not correspond to ethical values, and which, in the absence of good leadership, may become our only teachers and role models. In closing, given the role of the police in a democracy and the incredible power that society has entrusted to the police, the argument for ethics education in policing, in our view, is even more compelling than for any other profession. Having made the case for police ethics education, it is now incumbent on the profession to meet this new challenge. ■

References

- Adler, M. *Ten Philosophical Mistakes* (New York: Touchstone, 1987).
- Alderson, J. *Principled Policing: Protecting the Public with Integrity* (Winchester: Waterside Press, 1998).
- Aristotle (trans. by D. Ross). *Nicomachean Ethics* (Oxford: Oxford University Press, 1925).
- Bittner, E. "The Capacity to Use Force as the Core of the Police Role" in S. Brandl & D. Barlow (eds.), *Classics in Policing* (Cincinnati, Ohio: Anderson Publishing Co., 1996) at 119-129.
- Bok, D. "Can Higher Education Foster Morals?" (1988) 66 *Business and Society Review* 12.
- Canadian Association of Chiefs of Police. *Ethical Framework* (Ottawa: 2001).
- Crank, J. and Caldero, M. *Police Ethics: The Corruption of Noble Cause* (Cincinnati: Anderson Publishing Co., 2000).
- Delattre, E. *Character and Cops: Ethics in Policing* (3rd ed.) (Washington, DC: The AEI Press, 1996).
- Evans, D. and MacMillan, C. *Ethical Reasoning in Policing, Corrections and Security* (2nd ed.) (Toronto: Emond Montgomery Publications Ltd., 2003).
- Fleming, R. "Ethical Problems in the University World" in J. Stuhr and R. Cochran (eds.), *Public Morals and Private Interest: Ethics in Government and Public Service* (Oregon: University of Oregon Books, 1989) at 23-34.
- Frankena, W. *Ethics* (Englewood Cliffs, NJ: Prentice Hall Inc., 1963).
- Halberstam, J. *Everyday Ethics: Inspired Solutions to Real-life Dilemmas* (New York: Penguin Books, 1993).
- Hatfield, M. "The Affirmative Side of Government Ethics" in J. Stuhr and R. Cochran (eds.), *Public Morals and Private Interest: Ethics in Government and Public Service* (Oregon: University of Oregon Books, 1989) at 35-42.
- Jackson, M. "How Can Ethics Be Taught?" in R. Chapman (ed.), *Ethics in Public Service* (Ottawa: Carleton University Press, 1993) at 31-42.
- Jones, J. *Reputable Conduct: Ethical Issues in Policing and Corrections* (Scarborough, Ontario: Prentice Hall Canada, 1998).
- MacIntyre, A. "Notes From the Moral Wilderness" in K. Night (ed.), *The MacIntyre Reader* (Notre Dame: University of Notre Dame Press, 1998) at 31-49.
- McNeff, M. "One Agency's Effort to Reduce Liability Risk through Emphasis on Ethics" (2001) 68:8 *Police Chief* 10.
- Rosenblum, V. "On Opportunity and Obligation in Public-Service: A Place for Ethics" in J. Stuhr and R. Cochran (eds.), *Public Morals and Private Interest: Ethics in Government and Public Service* (Oregon: University of Oregon Books, 1989) at 3-18.
- Rosenberg, J. *The Practice of Philosophy: A Handbook for Beginners* (3rd ed.) (Upper Saddle River, NJ: Prentice Hall Inc., 1996).
- Scanlon, T. "Contractualism and Utilitarianism" in A. Sen and B. Williams (eds.), *Utilitarianism and Beyond* (Cambridge: Cambridge University Press, 1982) at 103-128.
- Sommers, C., & Sommers, F. *Vice and Virtue in Everyday Life: Introductory Readings in Ethics* (4th ed.) (Orlando: Harcourt Brace College Publishers, 1997).
- Sommerville, M. *The Ethical Canary: Science, Society and the Human Spirit* (Toronto: Penguin Books Canada Ltd., 2000).
- U.S. Department of Justice. *Police Integrity: Public Service with Honor. January, 1997* (Washington, DC: Office of Justice Programs, National Institute of Justice (JCJ 163811, 1997)).
- Walker, S. *The Police in America* (Lexington, MA: Lexington Books, 1990).

Arriving just in time!

ENFORCING FEDERAL STATUTES

by Nora Rock

"I will recommend it to be used as a text for the Federal Statutes Course that I will be instructing at St. Lawrence College this year. It is easy to read, and gives excellent examples of application. The review questions are very well thought out, and test the reader to remember and review."

— Constable Rob White

St. Lawrence College, Police Foundations

Enforcing Federal Statutes, by Nora Rock, is a learning resource designed to assist you and your students in mastering the intricacies of this core subject. The book provides full coverage of federal legislative jurisdiction, focusing on the constitution, the courts, and federal statutes. It delves into numerous issues in the investigation of drug offences and weapons offences under the *Criminal Code*, including the *Firearms Act* and the regulation of police firearms. Other federal statutes covered in this text include the *Copyright Act*, the *Immigration and Refugee Protection Act*, and the new *Anti-terrorism Act*. Attention is also given to the preparation of a Crown brief in a federal case.

ETHICAL REASONING IN POLICING, CORRECTIONS, AND SECURITY

2nd Edition

Ethical Reasoning in Policing, Corrections, and Security, 2nd Edition, is the work of a new writing team. Dr. David Evans — still on board to illuminate the principles of critical thinking, reasoning, and decision making as they relate to ethical issues — has been teamed up with a new co-author: Craig MacMillan, a police officer who has also earned an LLB and a PhD, and who offers practical, on-the-ground insights that draw from a wide range of law enforcement environments.

More examples and scenarios are incorporated into the text to prepare your students to face the kinds of ethical dilemmas encountered by officers in the real world. This is the first text in Canada to introduce and apply a new framework for ethical decision making adopted by the *Canadian Association of Chiefs of Police*. The second edition strengthens what has already become a standard model for teaching ethical issues to potential law enforcement officers. (See the feature article "Making the Case for Police Ethics Education" in this issue of APB, Fall 2002.)

FITNESS AND LIFESTYLE MANAGEMENT FOR LAW ENFORCEMENT

2nd Edition

Fitness and Lifestyle Management for Law Enforcement, 2nd Edition, also published this summer, fully addresses the recent changes to the Physical Readiness Evaluation for Police

(PREP) Fit to Serve model set out by the Ontario Ministry of the Solicitor General and Correctional Services Canada. The book not only deals with the physical objectives and standards necessary for a career in law enforcement but also tackles the importance of maintaining a healthy diet, lifestyle, and mind. Numerous photographs and diagrams support this edition to further enhance concepts and techniques that are outlined in the text.

A detailed instructor's guide is now available on CD-ROM, along with an electronic copy of the book, for those who have adopted the text. With an electronic copy of the student text, you can cut and paste selected passages as you require them. This will also come in handy for preparing PowerPoint presentations. The instructor's guide provides

- multiple choice answers,
- review question answers (with many possible answers),
- definitions of key terms and concepts,
- supplemental information on the heart and coronary arteries with colour graphics,
- alternative tables for fitness standards for the Ontario Police College and Peel Regional Police Force, and
- several examples of exercise and fitness plans that students are required to set up for themselves.

Let us know if you would like a copy of this important teaching resource.

Oops, we goofed!

Users, please note: In the middle of page 14 of *Fitness and Lifestyle Management for Law Enforcement*, 2nd Edition, an entry under "Physical Fitness" says that candidates need "the physical skills and abilities to pass the PREP in 263 seconds." It should read "the physical skills and abilities to pass the PREP in less than 162 seconds." This will be corrected in the second printing of the book.

MARTIN'S ANNUAL CRIMINAL CODE Student Edition 2003

Printed earlier this summer, *Martin's Annual Criminal Code*, Student Edition 2003, is once again ahead of schedule. We are now selling *Martin's* at the attractive price of \$52.00 (\$4.00 less than in previous years — and still in hardcover format!). The 2003 edition features two new acts: the *Youth Criminal Justice Act* and the *Crimes Against Humanity and War Crimes Act*. And we continue to offer the *Police Legal Access System* CD-ROM (PLAS), valued at \$525, free with orders of over 50 copies (one PLAS per department). This valuable resource offers the complete up-to-date electronic version of *Martin's* with annotations, synopsis, cross-references, index, as well as section-by-section commentary and cases, and hypertext links throughout. *Martin's Criminal Code* is the chosen criminal code of police forces across the country. ■