

# ETHICS ROLL CALL

L I S T E N I N G T O T H E I N N E R V O I C E



## Institute for Law Enforcement Administration to Celebrate 50th Anniversary



Formerly known as the “Southwestern Law Enforcement Institute,” the ILEA is one of the divisions of the Center for American and International Law (which also provides continuing legal education and programs for students from all over the world). Based in Plano, Texas, the Institute has a long history of educational excellence in serving leaders, managers and executives across the Law Enforcement profession. In addition to the traditional wide variety of courses, conferences, and seminars offered by ILEA, online programming will be available in 2007.

The eight week Management College and four-week Schools of Police Supervision (both long-standing flagship programs at ILEA) were augmented in 1992, by the establishment of the Center for Law Enforcement Ethics. Over the fourteen years of its existence, the Ethics Center has endeavored to remain true to its mission: “To champion the nobility of policing by providing a forum to address the ethical issues of peace-keeping in a democracy.”

Today, the Ethics Center presents a week-long Ethics Train-the-Trainer program; an Advanced Ethics Train-the-Trainer program, an annual

Contemporary Issues and Ethics Conference and customized eight- to 16-hour programs for law enforcement agencies at every level. The Center also supports national and international research efforts, and publishes journals and collections of writings including this one. And speaking of the Ethics Train-the-Trainer course, to date nearly 10,000 students have completed that training, including participants from across the United States, Canada, Great Britain, Romania and Peru.

A number of special events commemorating the Institute’s 50<sup>th</sup> Anniversary will be posted throughout the year along with information about courses, department memberships and publications at <http://www.theilea.org>.

### INSIDE THIS ISSUE

Ethics Corner .....	2	Business Ethics Commentary That We All Can Learn From .....	4
Contemporary Issues and Ethics Conference Preview .....	2	Killing the Messenger .....	5
But I Didn't Know It Was Plagiarism... When Cutting and Pasting Images Can Get You in Trouble .....	3	A Unique and Lasting Gift .....	5
Trainers' Tips .....	4	Careful That “Mental Health Day” Might Just Get You Fired... ..	7

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## CORNER

## ETHICS

**Thou Shalt Not Lie... Well, Alright, Sometimes It's OK**

So say 1,000 American adults surveyed in an Associated Press-Ipsos poll conducted earlier this year (+/- 3% margin of error for those of you keeping track).

65% of those surveyed responded that telling "little white lies" was acceptable under certain circumstances, even necessary. Another interesting result of the poll was that 63% of those who participated in the study indicated that they feel they have to "lie or cheat, even just a little" either "rarely" or "sometimes" with only 39% self-responding that they **never** feel they have to.

In other words, the Associated Press said in their summary article written by Jocelyn Noveck, "Americans tell white lies but don't like it." Read these common justifications listed by survey respondents and see if they sound familiar:

Various respondents said it was OK to lie...

- To avoid hurting someone's feelings (65% of those surveyed)
- In certain "harmless" circumstances where telling the truth would have been better, but would have been a lot more time consuming (citing an example of a parent telling a child that "there are no more cartoons on TV" because she didn't want the television on all the time)
- To protect someone from serious harm
- To exaggerate a story to make it more interesting
- To hide one's actual age
- To take a day off of work by claiming to be sick (see page 7 for more)

According to the study, the groups MOST likely to say that lying was sometimes OK were those in the 18-29 age bracket, those with college degrees, and those with the highest reported household incomes—strangely, this is the same demographic group most likely to receive high lines of credit and big-dollar mortgages.

All of this might make one wonder; if placed on a voting referendum, might people vote to modify one of the Ten Commandments to "Thou Shalt Not Lie...unless it's about your age, or you want to take a 'mental health day' from work, or you want to make a story about your fishing trip more interesting...."

**Contemporary Issues and Ethics Conference Preview**

This year's Contemporary Issues and Ethics Conference, scheduled for March 26-28 in Plano, TX at the ILEA training headquarters, will focus on the topic of "**Collaborative Leadership.**"

Keynote presentations, plenary and breakout sessions will highlight the various ways in which team interaction and group decision-making—both inter-agency and among agencies—during times of crisis or to meet specific goals can determine the success or failure for a leader. Presenters will share their experiences in developing and maintaining networks of relationships that not only endure but thrive under stress. These lessons will define "collaborative leaders" as those who:

- Acknowledge that they don't "have all the answers," but know how to reach out to other sources
- Value the energy, knowledge, and input of every member of the team
- Are responsible for each other and for team results
- Utilize honest dialogue to create a vision with common language and direction, and demonstrate the drive to accomplish it
- Understand the benefits of leveraging the resources of surrounding agencies through task force model operations
- Step up to the leadership role in multi-agency projects, but can also steer extraordinary results by acting as an "informal leader" by letting others take the leader role when appropriate

Topic areas for the conference are still in development, but will likely include subjects like "Benchmarking for Success in Leadership," "Coordinating multi-agency task force operations—Making Everyone Play Well Together," "Career Succession: Preparing the Next Generation of Leaders," "Developing Agency Values: Organizational and Community Efforts," and "Creating Cohesive Groups."

Specific conference details and registration information are available and will continue to be updated on the <http://www.theilea.org> website. Register early as seating is limited.

LIVE SO THAT  
WHEN YOUR  
CHILDREN THINK  
OF FAIRNESS  
AND INTEGRITY,  
THEY THINK OF  
YOU.

H. JACKSON  
BROWN, JR.

## But I Didn't Know It Was Plagiarism...When Cutting and Pasting Images Can Get You in Trouble

by Peter M. Van Dyke

**Scenario 1:** Your agency's DARE officer is putting together handout materials for a presentation and decides to spruce up one of the fliers for grade school kids by "surfing" to Google's image search and cut-and-pasting a couple pictures she finds from sites showing a copyright onto the handout.

**Scenario 2:** In an effort to increase the number of applicants for the latest recruitment effort, the local Sheriff's Office creates a flashy, high-impact advertising campaign. Fliers, college campus handouts and even the Sheriff's Office website include an exciting graphic of a S.W.A.T. team in full "dynamic entry gear" to grab the stereotypical short attention spans of those "Generation Y" potential applicants... a graphic "borrowed" from a web page that sells high-end weapons and entry tools.

**Scenario 3:** A neighboring Police Department has a "Community Oriented Policing" web page. Among the items included is an informative section highlighting safety tips for retirees that have been targets of recent scams, carefully constructed with "clip art" found on, but not purchased from, commercial websites that sell collections of countless types of graphic art borders and images.

What do these scenarios have in common? Unless permission was obtained to use the images mentioned in the hypothetical examples above, all three are most likely violations of copyright law.

William Cook, in an article from the <http://www.techsoup.com> website titled "Borrowing images from the Web: an FAQ," says that looking at the Internet as "one giant, free photo bank" can expose an organization to costly, time-consuming lawsuits. In the article, Los Angeles-based attorney Larry Zerner adds that web-based images have the same copyright protection as printed images, although in some court cases tiny "thumbnail" versions have been ruled as exceptions under fair-use factors because they don't "have an effect on the potential market or value of the copyrighted work."

This may come as a big surprise to readers currently enrolled in college courses, and those who regularly publish written and electronic information for their communities. It may come as an even bigger surprise to those who "borrow" images from giant corporations like Coca-Cola and Harley-Davidson Motor Company who make millions of dollars a year through the process of suing those who violate trademarked and copyrighted logos, graphics, and written material.

***So, what kinds of images on the Internet CAN you "automatically" reprint without trying to determine if they are copyrighted and then going through the hassle of hunting down the artist and gaining permission?***

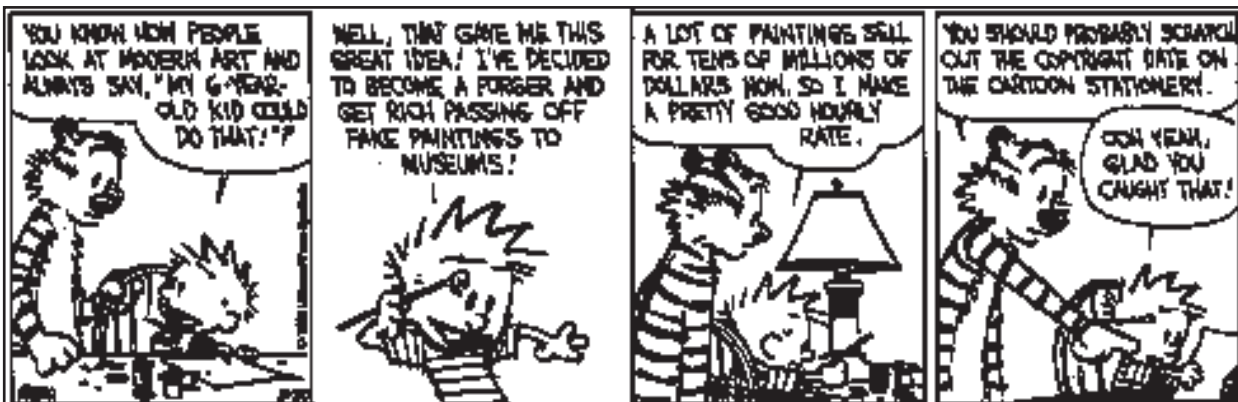
Cook's article states that generally, there are three types:

*continued on page 6*

THE BEST INDEX TO A PERSON'S CHARACTER IS (A) HOW HE TREATS PEOPLE WHO CAN'T DO HIM ANY GOOD, AND (B) HOW HE TREATS PEOPLE WHO CAN'T FIGHT BACK.

ABIGAIL VAN BUREN

### CALVIN AND HOBBS



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## Trainers' Tips

This issue's "tip" is based on a presentation made by a speaker from the Texas Engineering Extension Service at the 2006 TCLEOSE (Texas Commission on Law Enforcement Officer Standards and Education) Conference.

At the conclusion of courses presented at "TEEX," two end-of-course evaluations are distributed. The first of the two is exactly what you'd expect, a course evaluation for students to complete that evaluates the course content, instructor preparation, student materials, classroom suitability, etc.. The second is both innovative, and particularly valuable for today's trainer.

After a course has finished, instructors in their programs complete an "instructor self-evaluation." Easily adaptable and customizable to any trainer and training program, these self-evaluations can include questions like, "How well did I know my audience before the course began; were my handout and notebook materials updated, and if not, what needs to be changed before the next presentation; what questions were

asked that should be incorporated into the lesson for next time; how well do I feel I involved the participants in discussion; was there an appropriate use of various types of presentation modalities, and if not, what can I add/remove?"

Questions could even include "How nervous was I?" and "Did I make any mistakes during the class, and if so, how did I correct them and do I need to follow up with the class on any issues/unanswered questions?"

Training coordinators might want to consider incorporating their own "instructor self-evaluation form" for those who teach at their departments or academies. Trainers may also find great benefit from completing a self-evaluation that never gets submitted to anyone but themselves after a course is completed, as it forces even seasoned instructors to look for areas for improvement.

**(Trainers with tips, successes and experiences "from the field" to share are invited to submit them for future issues, please email to [pvandyke@cailaw.org](mailto:pvandyke@cailaw.org))**

## Business Ethics Commentary That We All Can Learn From...

In an October 10, 2006 *Wall Street Journal* article, Karen Richardson highlighted comments made by billionaire Warren Buffett on the recent Hewlett-Packard stock options scandal. (Buffett as you may know began donating \$37 billion of his personal \$44 billion net worth to charities in July, most of which to the Bill and Melinda Gates foundation which focuses on combating poverty and global health issues.)

In the article, Richardson discussed a memo issued by Buffet, CEO of Berkshire-Hathaway (which owns Geico insurance and dozens of other interests). In the memo, Buffet openly discussed the need to resist temptation in the face of peer pressure and industry common practice. Buffet also warned his employees that, "...the five most dangerous words in business may be **'Everyone else is doing it.'**"

Later in his annual "reminder to his managers" Buffett added another quote that is equally applicable to the arena of law enforcement. He said

that in his company, administration and employees will begin with what is legal, but then analyze decisions a step further and "...always go on to what we would feel comfortable about being printed on the front page of our local paper, and *never* proceed simply on the basis of the fact that other people are doing it."

Buffet's direction to those entrusted with the daily operations of his multi-billion-dollar corporations is an interesting take on the old "well, if your friends ALL jumped off a bridge, would you do that too?" response that every parent has given their teenager. Although in this case, he clearly states that violating what is right for the sake of profits will not be tolerated, regardless of what other competitors might be getting away with.

Perhaps Buffett's open communication of his personal ethics and expectations would make an interesting addition to departmental value and mission statement discussions, and could take some of the wind out of the sails of officers who respond to charges of bad ethical decisions with "but Sarge, everyone else is doing it..."

A LONG HABIT OF  
NOT THINKING A  
THING WRONG  
GIVES IT A  
SUPERFICIAL  
APPEARANCE OF  
BEING RIGHT.

THOMAS PAINE

# Killing the Messenger

by Dan Carlson

With his hands folded, the ethics instructor stood quietly at the front of the classroom as the torrent of invective rained down upon him. Traitor! Turncoat! Benedict Arnold! Those exact terms were not uttered, of course, but a fair number of the police officers in the room were outraged, and they let the instructor know it in no uncertain terms.

What terrible thing might this instructor - himself a retired police officer - have said that would result in such an uproar? What teaching point could have warranted this sort of response? What unpardonable sin had been committed that would cause some members of the class to rise up in virtual unison to reject the instructor's position?

Very simply, the instructor had suggested that police officers and police agencies are sometimes perceived as reluctant to accept negative feedback. In one particularly virulent response, a class member succinctly (and loudly) let his views be known by proclaiming "That's bull\*\*\*\*." And while the vehemence of this last remark brought about an uneasy quiet in the room, the person who voiced it seemed oblivious to the irony of his eruption having proved, perfectly, the instructor's central point.

The flashpoint in the room that day was the instructor's description of a traffic citation he had received more than ten years earlier, and the fact that he (remember ... a retired police officer) had written a letter to the chief of police in that community describing what he felt was the rude and unprofessional manner in which he had been treated. The instructor had, of course, paid the ticket prior to taking pen in hand, but that did little to soothe the group in the classroom ... the very fact that he had (gasp!) written to complain was, to them, evidence enough that he should no longer be considered part of "the family."

In virtually every other compartment of daily public life, when a person is dissatisfied with the treatment he or she has received and thereupon decides to register a complaint, someone in that offending entity stands ready to receive and act upon it. Customer satisfaction, after all, is often the key to survival in the highly-competitive world of business, and many organizations have

learned that treating people as valued sources of feedback rather than an irritant is key to helping a company thrive and prosper.

In some law enforcement agencies, however, this whole "customer-service" thing seems slow to catch on; one person in the unhappy class went so far as to suggest that "... the chief has a lot of better things to do with his time than trying to find out what it takes to satisfy citizens." Others, of course, would suggest that the absolute best expenditure

*continued on page 7*

## A Unique and Lasting Gift...

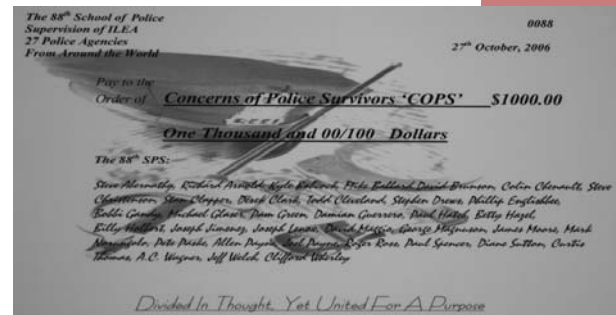
Participants of the ILEA four-week School of Police Supervision frequently present the Institute with a "gift" during graduation, something to remain in the building after the class has returned to their departments representing lessons learned, friendships forged, and contributions to be made. Often this class gift is a plaque or a framed collection of shoulder patches, but the 88th School of Police Supervision which graduated October 27, 2006 did something a little different.

Class 88 raised money and donated \$1,000 to the regional chapter of Concerns of Police Survivors (C.O.P.S.),

an organization that provides financial and emotional support to the families of fallen officers. This selfless act is an example of today's law enforcement leadership and the dedication that officers nationwide have not only to "protect and serve" those in their communities, but those in their profession as well.

Readers interested in learning more about C.O.P.S. and perhaps making a tax-deductible donation of their own can visit:

<http://www.nationalcops.org>.



TO SEE WHAT IS  
RIGHT AND NOT  
TO DO IT IS  
COWARDICE.  
CONFUCIUS

PLAGIARISM...

continued from page 3

**1. When the image is “in the public domain”**

Public Domain usually means that the copyright has expired or has no legal owner, was never renewed, was dedicated to the public domain, was published before 1923, or published before 1964 and not renewed.

**2. When the image has been designated or listed “copyright free”**

There are hundreds of online sites for “clip-art” or “photo banks” listed as shareware, freeware, royalty-free or copyright-free. Read the sites, however, as free use doesn’t necessarily mean the images are free—an example is if you were to turn around and sell the images obtained from one of these sites.

**3. When the image is openly licensed or carries a designated “automatic reprint permission” from the author**

Sometimes called a “Creative Commons License,” the copyright holder grants specific permissions for use of his or her work. Usually there will be a disclaimer somewhere on the website stating precisely this.

***Well, what about the “Fair Use Doctrine?” you ask...***

Unfortunately, U.S. Copyright law doesn’t clearly define what, exactly, fair use is, but they DO provide four factors to help you determine whether use of a work constitutes fair use (confused? You’re not alone!). “Fair Use” is determined by:

- Whether it is of a commercial nature or if it is for nonprofit educational purposes
- The nature of the copyrighted work (this one is the “litmus test” that causes the most fuzziness in the courts)
- How much of the copyrighted work is used—in other words the amount of the entire work that is used
- Does use of this copyrighted work affect the value or ability to earn money from the original work by the author? (Especially critical if one cut-and-pastes, then sells the end result without compensating the author for what was used.)

***“OK, so if the image doesn’t have a ‘©’ next to it, it’s fair game, right?”***

No, not necessarily. Cook also shares that another surprise to many may be that as of 1989, attaching a copyright notice is no longer required under U.S. law to protect a work. Often, somewhere on a website (perhaps pages away from the

image you’d really like for your newsletter) you’ll find the website’s copyright policy with language such as “Copyright and Privacy statement,” Terms of Use,” Site Info,” “who we are,” or the flashing red light of “ALL RIGHTS RESERVED.” Cook offers the best advice of, “When in doubt, double-check with the owner of the Web site about the copyright status of the image you’d like to use.”

***What if I just give the author credit for the image?***

Nope. A good idea, Cook says, but not a defensible substitute for getting permission.

***What if I’m SURE I won’t get caught using the image?***

Chances are, according to the article, if you are a small organization and don’t widely distribute your results, you won’t get sued (although copyright violation lawsuits can be HUGE—\$150,000 per violation if not corrected once notified is the “industry standard”). Likely, the worst that would likely happen is a request to remove the image from an agency website, which you should do immediately—doing so is an element of a 1998 law that reduces or eliminates liability by following specific rules including quick removal of infringing images and written material.

***The good news...***

If you get permission to use a photograph, you do not need to get permission from the actual people in the photo, if it was taken in a public place and the image is used for a non-commercial purpose.

***So what do we do?***

Copyright infringement is not much different from plagiarism, which is essentially theft of intellectual property—an ethical misstep that many make without even knowing it. When it comes to cut-and-pasting articles found on the internet, it’s a little easier to figure out “am I doing the right thing?” Right-clicking on an image to copy a graphic from a web page to put into a departmental web page is a bit less obviously “right or wrong” because there is no obvious or visible harm in doing it if you don’t know better.

If time permits, web searches for royalty-free or copyright-free graphics are a good start. Software manufacturers (Microsoft in particular) often provide thousands of free graphics through their online help sources. Contacting the website administrator—or webmaster as it is often listed—and telling them you are requesting permission to use

*continued on back page*

IT IS EASY TO  
FOOL YOURSELF.  
IT IS POSSIBLE TO  
FOOL THE PEOPLE  
YOU WORK FOR.  
IT IS MORE  
DIFFICULT TO  
FOOL THE PEOPLE  
YOU WORK WITH.  
BUT IT IS ALMOST  
IMPOSSIBLE TO  
FOOL THE PEOPLE  
WHO WORK  
UNDER YOU.

HARRY B. THAYER

## KILLING THE MESSENGER

continued from page 5

of a police chief's time would be in trying to determine exactly what it takes to satisfy citizens in the community. But, in truth, that officer may have been speaking for the chief in the agency to whom the instructor had written the letter of complaint more than ten years ago; he is still awaiting a written response.

In a democratic society, citizens vest enormous authority in the government, and this is especially the case with law enforcement. As part of the granting of this power, though, there is an absolute expectation that it used in a fair, open, equitable and responsible fashion. One important way for police agencies to garner and reinforce public support is to operate at all times in a completely ethical and transparent fashion. Meaning - in part - that when a citizen has a concern about police policies or practices, that she be given the opportunity to be heard. Further, when she does take the initiative to step forward, there should be no question that she will be treated in a respectful and professional fashion ... just as she would when interacting with any other organization.

Among the goals of any educational undertaking is that participants be given the opportunity to examine their core beliefs, and then consider the possibility that there may be more than one way of looking at things. In most cases, spending time in an ethics dialogue allows everyone - student and faculty alike - to do just that ... but some of the participants in this particular ethics class were not buying what the instructor was selling. The verbal tirade even continued in writing; one participant used his evaluation to opine that the instructor's letter of complaint was a function of his "... *failure to deal with retirement and the perceived loss of status ...*" Sigh.

As one might imagine, this had been a very long day for everyone. The instructor was left feeling disappointed though not surprised ... groups had occasionally reacted like this in the past, and would likely do so again. But in defense of those few in the class who responded in such negative fashion, it is often difficult to unpack and scrutinize beliefs and attitudes formed and honed over the course of a career, and growth can sometimes be painful. The very process itself, though, is essential, and at the end of the day the instructor can draw comfort from the words of Socrates: "*I cannot teach anybody anything. I can only make them think.*"

## Careful, That "Mental Health Day" Might Just Get You Fired...

Calling in sick when a worker isn't may not seem like a big deal. In fact, many employees find ways to justify the practice to themselves, saying things like "sick days are part of my benefit package—no different than a vacation day," "everyone does it once in a while," or the ever-favorite "it's a 'mental health day,' I feel too GOOD to go into work today!"

In September, 2006, CareerBuilder.com conducted a survey of 1,650 workers and 1,150 hiring managers and reported that 32% of workers admitted to calling in sick when they weren't in the previous 12 months.

Not offering a theory as to why, the study said that women were more likely than men (37% vs. 26%) to call in sick with false explanations. Perhaps related, the study also stated that men were more likely to terminate an employee caught lying about a sick day.

Suspicious excuses for sick leave weren't unusual. More than 40% of hiring managers surveyed reported "unusual" sick day alibis, and 62% said they did not believe them. Some of the most interesting excuses given for sick leave included:

"My mother-in-law poisoned me." "I broke my leg when I tried to snowboard off my roof after I got drunk." "I am too sick from 'sympathy pains' for my expectant wife to

come to work." "My mother was in jail." "I was hit by a bus while walking." "I was too sad to come into work today." And one that might find its way into policing, "A skunk found a way into my house and sprayed all of my uniforms."

In the private sector, calling in sick doesn't usually have the same impact on operations as it does in public safety. When a law enforcement officer cannot show up for his or her shift, the department has to either place everyone else on the shift as well as the public they serve at risk by putting one fewer officer on the street, or they have to pay overtime/"comp time" to cover the missing personnel hours. In the business world, a sick day equals 8 hours of lost productivity. In the police environment, a sick day can equal 8 hours of sick leave plus 12 hours of pay to cover the missing officer.

In the CareerBuilder.com survey, 27% of hiring managers surveyed reported that they have fired a worker for calling in sick without a legitimate reason. Almost half of the hiring managers (45%) said that they have caught an employee claiming a sick day with a fake excuse. Along the same lines, many law enforcement agencies have had to adopt random checks on employees that call in sick to make sure that they are either at a doctor's office or at home, per department policy.

No word from CareerBuilder.com on how many "mental health days" it takes to overcome the trauma of being fired for faking a sick day...

**HOW MANY  
TIMES DO YOU  
GET TO LIE  
BEFORE YOU ARE  
A LIAR?**

**MICHAEL  
JOSEPHSON**

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Editor.....Peter M. Van Dyke  
Staff Assistant.....Tracy B. Harris

PLAGIARISM...continued from page 6

information from their website for a public safety publication is successful more often than not. And there are hundreds, if not thousands of collections of graphics/clip-art that can be purchased for a nominal fee either online or on CD-ROM or DVD-ROM.

If all else fails, it's estimated that Google, the most popular "search

engine" of sites on the internet, only catalogues about 20% of all of the information currently available...and at the time of this article's draft, Google's database included a claimed 20+ BILLION web-pages. If you can't find information on how to get permission to use an image you've found, try another search engine for the same type of graphic and maybe you'll get lucky!

The Ethics Roll Call has been published since October, 1993 and is currently distributed quarterly to over 1,400 electronic mail list members, thousands of visitors to the Center's website, and hundreds more in printed copy, all free of charge.

One way to support the continued efforts and the growth of the Center for Law Enforcement Ethics is to become a Member. Organizational Memberships include a subscription to the Roll Call, one free tuition to the Annual Contemporary Issues and Ethics Conference, and Organizational Listing on the Ethics Center Website.

Individual Memberships include a subscription to the Roll Call, a 15% tuition discount for the Annual Contemporary Issues and Ethics Conference, an Ethics Center lapel pin, membership certificate and new ethical decision-making wallet card.

Most importantly, memberships help support the development of new programs, distribution of materials and information (including the Roll Call and upcoming online resources), and maintain an open forum for discussion of topics critical to career survival for law enforcement personnel. For membership information, please visit: <http://www.cailaw.org/ilea/ethics.html>.

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AMERICAN AND INTERNATIONAL LAW



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