

**2000 Conference materials
Legal Officers Section
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[Back to List of Conference Papers](#)

**POLICE CODE OF SILENCE
FACTS REVEALED**

**Legal Officers Section
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The National Institute of Ethics has concluded the most extensive research ever conducted on the police Code of Silence. Between February, 1999 and June, 2000, 3,714 officers and academy recruits from forty-two different states were asked to participate in the study by the Institute. One aspect of the research determined the views of academy recruits, while the other identified officers who had taken part in the code, then asked why and how it occurred. These findings mark the first time law enforcement has ever been able to learn the truth about this crucial problem. The significance of this knowledge is that if we can learn how to effectively control the Code of Silence, serious corruption cannot exist because many people become aware of a scandal as it expands.

Facts About Academy Recruits

Twenty-five basic law enforcement academies from 16 states took part in the research by administering and collecting 1,016 confidential questionnaires completed by academy recruits. The findings included that:

...#9% said that a law enforcement Code of Silence exists and is fairly common throughout the nation.

...#52% said that the fact a Code of Silence exists doesn't really bother them.

...#24% said the Code of Silence is more justified when excessive force involves a citizen who's abusive.

...#6% said they would not tell on another officer for having sex on duty.

...#23% said they wouldn't tell on another cop for regularly smoking marijuana off duty.

Facts About Current Officers

The sampling of current officers was comprised of 2,698 fulltime officers from twenty-one different states. A total 1,116 of the 2,657 officers asked to complete a confidential questionnaire, did so. This equates to a response rate of 42 percent. An additional forty-one officers provided confidential interviews. The following facts were revealed.

- ... In response to “Please describe the first time you witnessed misconduct by another employee but took no action,” 46 percent (532) advised they had witnessed misconduct by another employee, but concealed what they knew.
- ... In response to the question “At the time of the incident occurred, what did you think would happen if you revealed what had taken place?” the five reasons listed most often were: I would be ostracized (177 times); the officer who committed the misconduct would be disciplined or fired (88 times); I would be fired from my job (73 times); I would be “blackballed” (59 times); the administration would not do anything even if I reported it. (54 times)
- ... 73 percent of the individuals pressuring officers to keep quiet about the misconduct were leaders.
- ... Eight percent (40) of the 509 officers who admitted to intentionally withholding the information about officer misconduct were upper administrators. The upper administrators of the average American police department comprises only five percent of the agency.
- ... The average age of an officer who covered up an incident for the first time was 31.4 years of age.
- ... The average years of experience when they first took part in the Code of Silence was 8.2 years.
- ... 449 of the 532 officers were male, while 74 were female.
- ... Of the 532 who confessed they had participated in the Code of Silence, 252 were pressured to keep quiet by the officer(s) who committed the misconduct and 118 felt pressure from uninvolved officers. The remaining 162 officers advised they covered up the incident even though they were not pressured.
- ... Excessive use of force was the most frequent situation over which the Code of Silence occurs, with 217 were excessive use of force circumstances.
- ... The five most frequently offered solutions for controlling the Code of Silence from the 532 officers who confessed to taking part in it were: Conduct good ethics training (listed 46 times); More consistent accountability (listed 20 times); Ensure open communication between officers and leaders (listed 16 times); Provide an anonymous reporting system (listed 14 times) and Protect whistleblowers (listed 10 times).

Conclusions

1. The police Code of Silence exists.
2. Some form of a Code of Silence will develop among officers in virtually any agency.
3. The American criminal justice system and in particular law enforcement, has been negligent by not attempting to resolve the negative impact the code.
4. The Code of Silence breeds, supports and nourishes other forms of unethical actions.

5. Because the code is an essentially natural occurrence, attempts to stop it all together will be futile.
6. The Code of Silence in law enforcement is more dominant and influential than most other vocations or professions.
7. It is virtually impossible for a law enforcement agency to effectively determine how extensively the Code of Silence exists within its own organization.
8. It is now possible to identify the specific assignments and units that are most at risk to the harmful aspects of the Code of Silence.
9. Whistle-blowers are generally not supported by the administration of law enforcement agencies.
10. The use of state-of-the-art ethical dilemma simulation training can be an effective way to prevent the code's injurious ramifications.
11. The Code of Silence among administrators, although better camouflaged and less well known, is more destructive than when non-ranking personnel do the same thing.
12. If administrators do not role model the moral courage to openly acknowledge and address misconduct when it occurs, it is much less likely that others will.
13. It should not be a priority of law enforcement or any other profession to mold a culture of whistle-blowers.
14. Establishing and perpetuating a culture that constantly analyzes to whom or where loyalties of workers are committed must become a widespread, high priority for administrators.
15. The Code of Silence typically conceals serious law enforcement misconduct for years before the corruption is revealed.
16. Some officers who participate in the Code of Silence rationalize their behavior by convincing themselves that what they are doing is not actually hurting anyone, while others intentionally replace the facts with a self-serving version because it is emotionally painful to admit the truth.
17. The majority of officers who have been in law enforcement for several years have directly participated in the Code of Silence.
18. The Code of Silence is prompted by excessive use of force incidents more than for any other specific circumstance.
19. People outside police organizations reveal the misconduct within an agency more often than it is divulged from employees.
20. The Code of Silence usually occurs within cultures created by the role-modeling of leaders.
21. The "Us versus them" mentality is usually present within the minds of those who participate in the Code of Silence.
22. The Code of Silence and the "Us versus them" phenomenon often bond together.
23. The belief that rookie officers across the nation are routinely told that one of the most basic rules they must abide by is that they can never "rat out" another officer, especially by testifying against them, is untrue.
24. When desired values are not sincerely embraced and role modeled by the leaders within an organization, the Code of Silence is more likely to occur.

25. Although structured role modeling will probably become the most effective corrective tool for preventing the Code of Silence, it will be necessary to begin the process of making change, through training.
26. A culture which acts as fertile ground for the destructive features of the Code of Silence to grow is one that promotes loyalty to people over integrity.
27. Field training officers have the ability to alter the Code of Silence in a positive fashion, if their commitment to do so is obtained.
28. Many police officers feel a great sense of alienation. This often acts as a catalyst for officers to rationalize that taking part in the Code of Silence is not particularly wrong.
29. One of the most powerful “root causes” of officers throughout the nation participating in a Code of Silence is that they deeply believe they have been victimized by their own workplace.
30. Scandals can be prevented. They result from an evolution of predictable and preventable circumstances.
31. Leaders themselves lie at the core of both the cause and solution to corruption and the Code of Silence.
32. The “rotten apple” theory that some administrators propose as the cause of their downfall has frequently been nothing more than a self-serving, superficial façade, intended to draw attention away from their own failures.
33. Historically, administrators have not had the courage to acknowledge they have integrity needs.
34. An administrative indifference toward the Code of Silence exists.
35. The widespread indifference toward integrity issues by administrators serves as the initial breeding ground for more serious consequences such as the negative aspects of the code.
36. The intentional ignoring of the Code of Silence by leaders is primarily caused by two problems: a lack of knowledge and self-centeredness.
37. Some leaders do not do more to improve ethical problems such as the Code of Silence because they believe bringing attention to their integrity needs could hurt them personally.
38. Hypocrisy and fear often dominate the culture of a law enforcement agency that has a substantial negative Code of Silence.
39. There are several overt indicators that a severe level of the Code of Silence exists with an organization.
40. At its worse, a destructive Code of Silence is both condoned and privately encouraged by supervisors and administrators.
41. All law enforcement officers would benefit from effective training that focuses on the Code of Silence.
42. Conducting quality background investigations of individuals applying to become officers can be an effective Code of Silence countermeasure.
43. The continual lack of accountability is very destructive to the culture of a police organization.
44. Some police agencies have shown they are incapable of policing themselves.
45. Supervisors should be held accountable for role modeling behavior that could encourage officers to take part in the Code of Silence.

46. Every effort should be taken to prevent employees from feeling victimized.
47. A culture must be established in which an allegiance to principles is a higher priority than loyalty to people.
48. The groups of people who have the most ability to create an organizational culture that could prevent a harmful Code of Silence are field training officers and line supervisors.
49. To be successful at preventing the Code of Silence, we must be able to develop cultures in which the bad officers are the ones who are alienated.
50. The fact that most officers feel more stress from their own supervision, than they do from simply doing their job must be resolved.
51. Every law enforcement agency throughout the nation should have a written policy that provides protections for whistle-blowers.
52. All law enforcement agencies should have written policies that mandate all employees immediately inform on any other employee who has committed any criminal offense.
53. Confidentiality must be ensured for any officer who supplies information about the serious misconduct and desires confidentiality.
54. Officers should be fired for not reporting officers who commit criminal acts.
55. Research on the Code of Silence must continue.

Controlling the Code of Silence

(how to make loyalty to principles a higher priority than loyalty to fellow officers)

Administrative Commitment If an organization intends to make a genuine effort to prevent the Code of Silence from placing loyalty to people ahead of loyalty toward principle, its leaders must have and communicate a sincere commitment to integrity.

Recruitment Recommendations Even though the areas of recruitment and hiring are not immediately associated with sustaining a non-destructive Code of Silence, they should be. If an organization hires employees who already place loyalty to principle above loyalty toward people, both serious misconduct and the Code of Silence are much less likely to occur than in departments that ignore these important issues.

Hiring Recommendations The background investigation should be viewed as the highest priority of the hiring process for most departments, for it is usually the best predictor of future employee behavior. Background investigation training must be provided to individuals who will be conducting background investigations. Hold background investigators accountable for performing a quality investigation.

Academy Training Recommendations There are many options for ethics training at a law enforcement academy that will help to control the Code of Silence. Contact the Institute to receive academy suggestions.

Field Training Officers Recommendations There are several ways that a field training officer program can help to improve the possibility that officers will be loyal to principles over fellow officers. They include establishing an effective FTO selection process; FTOs receiving training on the Code of Silence and then instructing new officers about the need for them to reject the us versus them

mentality; teaching the ethical perspective for every training topic; and using ethical dilemma simulation training.

Internal Training Recommendations If a department is typical of most agencies, it has never conducted ethics training. Executive development ethics training should be developed and presented first. A fundamental portion of the training ought to be about why a Code of Silence exists and what can be done to manipulate it so it is not a destructive force. Stressing both the negative and positive repercussions is crucial.

Internal ethics training can be used as a tool to help orchestrate a peer pressure that makes unethical acts undesirable. All internal training about the Code of Silence should be presented as a form of survival training.

Additional Leadership Recommendations

- ... Open, honest communication must be established and maintained.
- ... It is imperative that all supervisors role model mission statement values.
- ... Employees must receive fair and consistent discipline when deserved, along with recognition and positive reinforcement for behavior consistent with sustaining a positive culture.
- ... Administrators must hold everyone accountable for having the courage to do what is honorable.
- ... A “whistleblower” policy that adequately supports and protects employees must be established.

Employee Assistance The more that officers feel as though their agency cares about them, the less they will experience the sense of victimization. The less officers believe they have been victimized, the more unlikely it is that they will rationalize unethical behavior. As the frequency of unethical acts decreases, so will the damaging component of the Code of Silence.

Organizational Culture The most powerful means for transforming the organizational culture of a law enforcement agency into an atmosphere that is consistent with employees embracing loyalty to principle above all else is a combination of leadership, role modeling and training. Role modeling by the chief administrator must come first, for what a chief or sheriff actually does is what informal and formal leaders use to decide whether they will support any attempts to improve the culture. Other actions that help to create a positive culture includes providing in-service training on developing and maintaining an internal culture of integrity, asking for the help of “informal leaders” in developing an integrity driven internal culture, harshly disciplining any supervisor who promotes the “Us vs. them” attitude and rewarding supervisors who strive to eliminate it. The fact that controlling the code will save careers and lives must be discussed and believed.

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