

Truth about Police Code of Silence Revealed

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Between February, 1999 and June of 2000, the National Institute of Ethics asked 3,714 police officers and recruits from across the nation to provide insight about the most secretive element of any profession; direct participation in the code of silence. Confidential surveys were administered and interviews were conducted with eighty-one different groups of officers and twenty-five separate basic academy classes from forty-two different states.

Officers asked to participate were receiving ethics instruction from the Institute. The sampling was comprised of 2,657 fulltime officers. A total 1,116 of the 2,657 officers requested to participate, did so. This equates to a response rate of 42 percent. In response to the statement, "Please describe the first time you witnessed misconduct by another employee but took no action," 532 or 46 percent of the 1,116 who completed a survey stated they had witnessed misconduct by another employee, but took no action. The facts presented in this article come from the admissions of these 532 officers

Goals

The goals of this research were:

1. Determine if the code of silence exists in law enforcement,
2. Determine what factors within the organizational culture of law enforcement agencies influence officers to conceal the misconduct of other officers,
3. Develop conclusions and recommendations from which effective recommendations can be made, and
4. Serve as a needs assessment to permit effective training may be developed.

The Profile of Those who Concealed Misconduct

States Represented

The 532 officers who admitted they had concealed the misconduct of other officers worked in forty-two different states.

Type of Agencies

Of the 532 officers 70% worked at a police department, 16% were employed at a sheriff's office, 8% were federal law enforcement officers and 6% worked in a state agency. Four were employed within other types of agencies.

Law Enforcement Experience

The average length of time in law enforcement when they first participated in the code of silence was 7.2 years.

Sex

84% were male, 14% were female and 2% did not answer this question.

Race

85% were Caucasian, 8% were African American, 5% were Hispanic and 5% were of other races.

Rank

70% were non-supervisory patrol officers or deputies, 22% were line supervisors, 3% were lieutenants and 5% from upper administrators.

Assignment

66% were assigned to patrol division, 9% were corrections officers, 9% were administrators, 5% were investigators and the remaining 11% had other assignments.

Age

Their average age at the time the incident occurred was 32.

Pressures They Experienced

Pressures from Those who Committed the Misconduct

47% advised they had felt pressure to take part in the code of silence from the officers who committed the misconduct. The remaining 53% were not pressured from the concerned officers.

Pressure From Others

Only 23% stated they felt pressure not to report the misconduct from people other than those who were directly involved in the misconduct. A total of 30% advised they did not feel pressure from anyone.

Rank of Those who Applied Pressure

73% of those who pressured the officers to keep quiet about the misconduct were leaders.

Extent of Code of Silence by Work Group

On a scale of 1-10 (*1 being non-existent, 10 being severe*) officers rated their organization's level of the code of silence by separate work groups.

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| 1. Patrol division | 4.3 |
| 2. All supervisors | 3.9 |
| 3. Investigations division | 3.7 |
| 4. Administrators | 3.6 |
| 5. Civilians | 2.2 |

Types of Incidents that Prompted Dishonest

The types of incidents that prompted officers to take part in the code of silence have been divided into five separate categories: anger, lust, greed, peer pressure and other. The frequency of each category, ranked from most to least common, is:

Anger

Anger was the most frequent incident over which the code of silence occurs. Of the 532 code of silence incidents, 41% were excessive use of force circumstances.

Peer Pressure

Peer pressure was the second most common motivation, with 20% of the incidents.

Greed

16% of the circumstances were motivated by greed.

Lust

8% of the situations were related to lust.

Other

The remaining 15% were other situations. This group is comprised of twenty-five different types of incidents that prompted officers to withhold information. The most frequently named were:

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| 1. Drinking on duty/not arresting off-duty officers who are driving while intoxicated | 13 |
| 2. Illegal searches | 9 |
| 3. Hostile or defensive narrative which included comments indicating misconduct | 6 |
| 4. Field training officers doing personal business on duty while with trainee | 5 |
| 5. Perjury | 5 |

What They Thought Would Happen If They Told

Responses to the question "At the time of the incident occurred, what did you think would happen if you revealed what had taken place?" have been separated into groups of anger, lust, greed, peer pressure and other. The replies within each group are presented by order of the most frequent responses to least frequent ones.

Most Frequent Perceived Consequences for Informing on Another Officer

Of all responses to the question “At the time of the incident occurred, what did you think would happen if you revealed what had taken place?” the most frequent reason was the belief that they would be an outcast, having been listed 177 times. In descending order the next four reasons were:

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| 1. The officer who committed the misconduct would be disciplined or fired. | 88 times. |
| 2. I would be fired from my job. | 73 times. |
| 3. I would be “blackballed.” | 59 times. |
| 4. Administration would not do anything even if I reported it. | 54 times. |

Suggestions For Controlling Code of Silence From Those Who Took Part In It

Most Frequent Suggestions for Controlling the Code of Silence

The 532 officers who took part in the code of silence the five most frequent suggestions for controlling the code of silence. In descending order the five most frequently offered were:

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|---|-----------------|
| 1. Conduct good ethics training | Stated 46 times |
| 2. More consistent accountability | Stated 20 times |
| 3. Ensure open communication between officers and leaders | Stated 16 times |
| 4. Provide an anonymous reporting system | Stated 14 times |
| 5. Protect whistleblowers | Stated 10 times |

Officers Who Had Not Concealed Information

Of the 1,116 officers who participated in the confidential survey, there were 584 officers who advised that they had never participated in the code of silence. The following is a list of the five most frequently named suggestions of their eighty-six different ideas for how the code can be controlled. They include:

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| 1. Teach officers to make good ethical and moral direction (ethics training) | 28 |
| 2. Hire officers with integrity. | 14 |
| 3. Hold people accountable for their actions. | 11 |
| 4. Give individuals a confidential way to report misconduct. | 9 |
| 5. Consistent enforcement of the rules. | 9 |

Conclusions

- One:** The Police Code of Silence Exists.
- Two:** Some Form of a Code of Silence will Develop Among Officers in Virtually any Agency.
- Three:** The American Criminal Justice System and in Particular Law Enforcement, has been Negligent by not Attempting to Resolve the Negative Impact the Code has Within the Criminal Judicial System.
- Four:** The Code of Silence Breeds, Supports and Nourishes other Forms of Unethical Actions.
- Five:** Because the Code is an Essentially Natural Occurrence, Attempts to Stop it all Together will be Futile.
- Six:** The Code of Silence in Law Enforcement is more Dominant and Influential than most other Vocations or Professions.
- Seven:** It is Virtually Impossible for a Law Enforcement Agency to Effectively Determine how Extensively the Code of Silence Exists Within its Own Organization.
- Eight:** 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.

- Nine:** Whistle-blowers are Generally not Supported by the Administration of Law Enforcement Agencies.
- Ten:** The Use of State-of-the-Art Ethical Dilemma Simulation Training can be an Effective Way to Prevent the Code's Injurious Ramifications.
- Eleven:** 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.
- Twelve:** 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.
- Thirteen:** It Should not be a Priority of Law Enforcement or Any Other Profession to Mold a Culture of Whistle-Blowers.
- Fourteen:** Establishing and Perpetuating a Culture that Constantly Analyzes to Whom or Where the Loyalties of Workers are Committed must Become a Widespread, High Priority for Law Enforcement Administrators.
- Fifteen:** The Code of Silence Typically Conceals Serious Law Enforcement Misconduct for Years Before the Corruption is Revealed.
- Sixteen:** 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.
- Seventeen:** The Majority of Officers who have been in Law Enforcement for Several Years have Directly Participated in the Code of Silence.
- Eighteen:** The Code of Silence is Prompted by Excessive Use of Force Incidents more than for any Other Specific Circumstance.
- Nineteen:** People Outside Police Organizations Reveal the Misconduct Within an Agency more often than it is Divulged from Employees.
- Twenty:** The Code of Silence usually occurs within Cultures Created by the Role-modeling of Leaders.
- Twenty-one:** The "Us Versus Them" Mentality is Usually Present Within the Minds of Those who Participate in the Code of Silence.
- Twenty-two:** The Code of Silence and the "Us Versus Them" Phenomenon often Bond Together.
- Twenty-three:** 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.
- Twenty-four:** 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.
- Twenty-five:** 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.
- Twenty-six:** 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.
- Twenty-seven:** Field Training Officers have the Ability to Alter the Code of Silence in a Positive Fashion, if Their Commitment to do so is Obtained.
- Twenty-eight:** 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.
- Twenty-nine:** 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.

- Thirty:** Scandals can be Prevented. They Result From an Evolution of Predictable and Preventable Circumstances.
- Thirty-one:** Leaders Themselves Lie at the Core of Both the Cause and Solution to Corruption and the Code of Silence.
- Thirty-two:** 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.
- Thirty-three:** Historically, Administrators have not had the Courage to Acknowledge they have Integrity Needs.
- Thirty-four:** An Administrative Indifference Toward the Code of Silence Exists.
- Thirty-five:** The Widespread Indifference Toward Integrity Issues by Administrators Serves as the Initial Breeding Ground for more Serious Consequences such as the Damaging Aspects of the Code of Silence to Begin.
- Thirty-six:** The Intentional Ignoring of the Code of Silence by Leaders is Primarily Caused by Two Problems: a Lack of Knowledge and Self-Centeredness.
- Thirty-seven:** 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.
- Thirty-eight:** Hypocrisy and Fear often Dominate the Culture of a Law Enforcement Agency that has a Substantial Negative Code of Silence.
- Thirty-nine:** There are Several Overt Indicators that a Severe Level of the Code of Silence Exists With an Organization.
- Forty:** At its Worst, a Destructive Code of Silence is Both Condoned and Privately Encouraged by Supervisors and Administrators.
- Forty-one:** All law enforcement officers would Benefit from Effective Training that Focuses on the Code of Silence.
- Forty-two:** Conducting Quality Background Investigations of Individuals Applying to Become Officers can be an Effective Code of Silence Countermeasure.
- Forty-three:** The Continual Lack of Accountability is very Destructive to the Culture of a Police Organization.
- Forty-four:** Some Police Agencies have Shown they are Incapable of Policing Themselves.
- Forty-five:** Supervisors should be Held Accountable for Role Modeling Behavior that could Encourage Officers to Take Part in the Code of Silence.
- Forty-six:** Every Effort should be Taken to Prevent Employees from Feeling Victimized.
- Forty-seven:** A Culture must be Established in which an Allegiance to Principles is a Higher Priority than Loyalty to People.
- Forty-eight:** 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.
- Forty-nine:** 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.
- Fifty:** The Fact that most Officers feel more Stress from their own Supervision, than They do from simply doing their Job must be Resolved.
- Fifty-one:** Every Law Enforcement Agency Throughout the Nation should have a Written Policy that Provides Protections for Whistle-Blowers.
- Fifty-two:** All Law Enforcement Agencies should have Written Policies that Mandate all Employees Immediately Inform on any other Employee who has Committed any Criminal Offense.

- Fifty-three:** Confidentiality must be Ensured for any Officer who Supplies Information about the Serious Misconduct and Desires Confidentiality.
- Fifty-four:** Officers should be Fired for not Reporting Officers who Commit Criminal Acts.
- Fifty-five:** Research on the Code of Silence must Continue.
- Fifty-six:** All Police Chiefs and Sheriffs should Receive Training on how to Prevent the Code of Silence.
- Fifty-seven:** Chief Administrators should be Trained in how to Conduct an Integrity Needs Assessment that Includes the Code of Silence.
- Fifty-eight:** It is Unlikely that Research on the Code of Silence could be Effective Through any Research Means other than what was Used in this Study.
- Fifty-nine:** Controlling the Code of Silence will have more Impact on the Excessive Use of Force than other Forms of Misconduct.
- Sixty:** Appointing some Officers on each Shift, Squad, Division or Unit with the Specific Responsibility to Intervene and Provide Positive Assistance when those they Work with Display Detrimental Behavior has Great Potential.
- Sixty-one:** Maslow's Hierarchy of Needs is Directly Applicable as a Way to Thoroughly Understand the Workplace Code of Silence.
- Sixty-two:** Addressing Maslow's Hierarchy of Needs can yield Strong Solutions to the Effective Control of the Code of Silence.
- Sixty-three:** Factors Within the Culture of Law Enforcement Agencies that Influence Law Enforcement Officers to Conceal the Misconduct of Fellow Employees are Predictable.

How to Control the Code of Silence

It is imperative that administrators within any organization clarify the core principles they want to guide the daily activities of every unit, squad and division. Although many strategies and policies come and go, core values such as honor, integrity, fairness, equality, respect and honesty is what will determine what type of cultures those various divisions will have. When leaders consistently, sincerely display such values, the only way the "us versus them" form of culture should logically be able to take hold is when a department has hired recruits with a firmly established negative mindset.

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. There are several effective ways for leaders to openly demonstrate their dedication to improving the ethical needs of an organization. One way is to see that the agency conducts an integrity needs assessment. Another is to be the first in the department to attend ethics training. In addition to the knowledge they will acquire about preventing misconduct, everyone will benefit from this obvious demonstration of their commitment. A third method that convinces employees that administrators are serious about integrity is to establish goals to resolve the needs identified in the assessment.

Code of Silence Needs Assessment

The initial stage for gathering useful information through a confidential survey is to develop a credible survey instrument. A primary concern is to ensure the survey measures what it is intended to do. Thus, the questions must be clear, pertinent and focused.

The second manner of assessing the factors that could manipulate the code of silence is to analyze the documentation of the internal affairs or professional standards unit. An analysis of records for the past two to three years is recommended for small agencies.

Code of Silence Goals and Objectives

Organizational goals should be directed toward satisfying the needs of the workplace. Likewise, goals should be established to resolve the code related needs that were identified by the needs assessment.

Objectives are merely the steps required to achieve a specific goal. Therefore, a logical objective for developing a culture in which loyalty to principles is a higher priority than loyalty toward individuals would be to present effective training that includes instruction that emphasizes the necessity to remain loyal to integrity above all else.

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. One of the most productive investments that chief administrators can make with their resources is to ensure they have a high quality recruitment process. 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. Download the nation-wide research the National Institute of Ethics recently completed on the views of academy recruits about the code of silence for recommendations (www.ethicsinstitute.com).

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. The first way is to establish a solid, challenging field training officer selection process. A few of the other suggestions include:

1. For field training officers receive training on how the code of silence develops, the devastation it causes, its loyalty aspects and the role they should play in preventing it,
2. That field training officers are required to instruct each new officer they train about the need for them to not buy in to the us versus them mentality,
3. All field trainers teach the ethical perspective for every training topic,
4. They develop or acquire the ability to use ethical simulation training, customized for new officers,
5. They are trained regarding the power of their position as a role model.

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. Have meetings with instructors and line supervisors to obtain their sincere “buy in” to assist you. Orchestrating the changes in a culture so that it will have a positive influence on the culture of a workplace will need the total support of the chief administrator. Contact the NIE for a complete code of silence lesson plan

Additional Leadership Recommendations

- Empowering officers to make a difference. When officers feel ownership instead of victimization, the probability of them remaining loyal to principles is vastly improved.
- It is imperative that all supervisors role model mission statement values. Achieving this is easier said than done, as it must be sincere.
- Closely associated with positive role modeling is the need for employees to receive fair and consistent discipline when deserved, along with recognition and positive reinforcement for behavior consistent with sustaining a positive culture.
- Administrators must hold themselves and others accountable for having the courage to do the right thing.”
- The upper administration should hold all levels of leadership accountable for being a positive role model for integrity, the ethical actions of their subordinates and orchestrating a positive culture
- The area of written policies associated with the code of silence should not be overlooked. A “whistleblower” policy that adequately supports and protects employees who may desire to become whistleblowers is established. A policy that makes the consequences for lying about any fact pertinent to employment, probable termination, can also be established.

Employee Assistance

A department can offer many stress related employee assistance programs. From the perspective of the code of silence, starting and maintaining a quality stress management program will be valuable.

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. In addition to the fact that a chief administrator must regularly state and demonstrate expectations of the highest level of integrity from all employees, they must hold other leaders accountable to do the same. Respectful role modeling has to be consistently exhibited "from the top, down." Other actions that help to create a positive culture are providing in-service training on developing and maintaining an internal culture of integrity, identifying the organization's "informal leaders" and ask for their help in developing an integrity driven internal culture, harshly discipline any supervisor who promotes the "us vs. them" attitude and reward supervisors who confront and eliminate the "us vs. them" attitude.

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