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THE ETHICS OF THE “UNPROFESSIONAL PROFESSION”

Gerald Caplan*

CHARACTER AND COPS: ETHICS IN POLICING. By *Edwin J. Delattre*. Lanham, Md.: University Press of America. 1989. Pp. xviii, 246. \$15.25.

Provoked by the soaring crime rates and urban disorders of the 1960s, and lured by the sudden abundance of federal research support, behavioral scientists over the past two decades turned in numbers to the study of policing. The fruit of their labors has been impressive: a rich, empirically rooted literature that has both improved our understanding of policing and fostered change.¹ Edwin Delattre,² a philosopher with a longstanding interest in law enforcement,³ draws heavily on this literature; yet *Character and Cops* remains a contribution from another tradition. Its inquiry is a moral one, an examination of ethics in the “unprofessional profession,”⁴ and the questions posed differ from social science inquiry: “What is excellence of character? . . . [What] are wisdom and integrity, and how are they related to specific aspects of character, such as justice, courage, temperance, and compassion? How does personal virtue figure in the fulfillment of the mission of police?” (p. 2).

Delattre’s book is unusual in another way. *Character and Cops* is both about the police and for the police. Those in law enforcement can read it, draw comfort, and be reassured that theirs is a meaningful pursuit. Delattre recaptures policing as a noble adventure, as a calling. Thus, G.K. Chesterton’s epigraph resonates throughout the text: [C]ivilization itself is the most sensational of departures and the most

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1. See, e.g., M. BANTON, *THE POLICEMAN IN THE COMMUNITY* (1964); E. BITTNER, *THE FUNCTIONS OF THE POLICE IN MODERN SOCIETY* (1970); H. GOLDSTEIN, *POLICING A FREE SOCIETY* (1977); W. MUIR, *POLICE: STREETCORNER POLITICIANS* (1977); J. RUBINSTEIN, *CITY POLICE* (1973); J. SKOLNICK, *JUSTICE WITHOUT TRIAL* (2d ed. 1975); J. WILSON, *THINKING ABOUT CRIME* (rev. ed. 1983); J. WILSON, *VARIETIES OF POLICE BEHAVIOR* (1978).

2. Delattre is the Lynde and Harry Bradley Fellow in Applied Ethics at the American Enterprise Institute.

3. Delattre has worked extensively with police departments and academies, and has accompanied numerous police officers, undercover agents, and detectives on their rounds. He has been a lecturer at the FBI Academy since 1980, and is the author of many articles concerning law enforcement and ethics.

4. P. xv. The phrase is Patrick V. Murphy’s, the reform police commissioner of New York City in the 1970s, and the author of the foreword.

romantic of rebellions. [The police are] the unsleeping sentinels who guard the outposts of society . . . [and] remind us that we live in an armed camp, making war with a chaotic world. . . . The romance of the police force is thus the whole romance of man.⁵

Given prevailing textbook and popular characterizations of the police as cynical, alienated, and disaffected, this prelude is both risky and daring. Yet it feels right. It identifies recognizable individuals within policing who understand “that civilization does not come into existence or survive by accident, and [who] take seriously their place in sustaining it” (p. 1). For such persons, the exposure to suffering, violence, and avarice is not only chastening, but also beneficial; it promotes a crafted, personal sense of justice, and, with it, an ability to accommodate, if not resolve, the tension between rectitude and the use of coercion to achieve it. What Holmes said about the law applies as well to law enforcement: one can live greatly in it.⁶ To do so, however, means struggling with striking contradictions, accepting legal restraints that do not appear sensible, acknowledging one’s own substantial shortcomings, and adjusting to a “chaotic world” where dangerous persons are allowed to roam free. “That we cannot entirely accomplish our purposes — that the mission of the police cannot be fully realized” is, to Delattre, but an added reason for doing “the best we can with what we have for as long as we have it. Doing so, becoming wise and forging habits of fine character, *is* success in the conduct of a life” (p. 225).

Most police, like most individuals, never achieve this level of maturity. The “higher standard of honesty and care for the public good” that Delattre posits for “[t]hose who serve the public” (p. 68) may be well beyond the reach or aspiration of most. Neither scoundrels nor saints, many police officers yield to the pressures of the day — from

5. P. vii. Like Chesterton, Professor Delattre views policing as not merely a job, but a calling. Being a peace officer means holding oneself to a higher standard, acting justly — in and out of uniform. To Delattre, a police officer is never entirely off duty. Given the authorization “to make decisions about the lives of others . . . [t]he public cannot allow . . . [officers] to indulge in excesses,” even when the excesses are legal. P. 156. For example, “[a] person who is hung over or weakened by other intemperance is more prone to errors of poor concentration, inattention to detail, and so on.” P. 156.

This is an old-fashioned view, one that boasts a long tradition. In the past, officials encouraged officers to act virtuously. Married men were “ordered” to stop seeing their mistresses and young officers were urged to attend to religious obligations, date within their faith, and give more to charity. Times have changed. Today, as a veteran police official told Delattre, “More and more we are being told by others that a police officer is no longer different from any other worker.” P. 156; cf. p. 179 (suggesting a command officer should address a police officer’s marital problems which affect job performance).

6. O.W. HOLMES, *The Profession of the Law: Conclusion of a Lecture Delivered to Undergraduates of Harvard University, On February 17, 1886*, in COLLECTED LEGAL PAPERS 29, 30 (1920):

I say no longer with any doubt — that a man may live greatly in the law as well as elsewhere; that there as well as elsewhere his thought may find its unity in an infinite perspective; that there as well as elsewhere he may wreak himself upon life, may drink the bitter cup of heroism, may wear his heart out after the unattainable.

peers, superiors, and consumers of police services. They will not seize upon Delattre's prescriptions for excellence of character because they accept themselves and the world they inhabit and view change skeptically. These officers pose a challenge to police administrators: How to provide them with the "support and leadership to foster admirable behavior in the face of temptation and discouragement"? (p. 9).

Delattre's response may be divided into two parts: first, a generalized statement of how to inculcate and maintain ethical behavior in police officers; and second, a close-up examination of police behavior in the context of drug enforcement. For this review, I focus on drug enforcement because it is the engine currently driving the criminal justice system — influencing prosecutors and judges as well as police — and because I wish to present a competing analysis of current enforcement practices and the consequences that flow from them.

I. FOSTERING INTEGRITY IN LAW ENFORCEMENT

Delattre's initial response to the problem of motivating the rank and file disdains the conventional administrative solutions. Delattre believes that the only reliable protection against wrongdoing is personal integrity and virtue.⁷ He dismisses the impact of a graft-ridden political culture on policing: "Not even great disappointment in the citizenry in itself can make police corrupt; to become corrupt, police officers must give up on themselves" (p. 76). Similarly, he attributes little force to the influence of one's peers: "No matter how great the pressure," wrongdoing is the officers' choice, "and they are responsible for making it" (p. 83). Beyond this, "efforts to prevent corruption that rest on changes in environment, external inducements to honesty, and sanctions against dishonesty are poor substitutes for personal character" (p. 71). In short, when cops go wrong, it is their own fault.

Still, the effects of organization and milieu on behavior remain important. They help explain why corruption survives in some cities despite continuous, determined efforts by sophisticated police officials to reduce it, and, conversely, why it seldom arises in other places that pay it little attention.

In cities where police corruption has long existed, it is broadly tolerated and embedded in a culture of accommodation, favoritism, and dishonesty. Partisan politics and policing do not mix, but they are not strange bedfellows. Police conduct largely mirrors the ethical standards of the larger political community. Because these standards congeal over time, few departments have been successful in moving from a

7. Behaving properly "is not a matter of painful deliberation but of character and therefore of habit. I do not mean to deny that we must learn to reason conscientiously in hard moral cases. But moral seriousness in daily life requires a firmer foundation than the habit of reasoning." P. 151. Delattre asserts that "no one can achieve good character entirely alone"; good training helps make officers "worthy to bear the public trust." Pp. 147-48.

culture of corruption to one largely free of it. When officers believe that "nothing is on the level," some will still be able to exhibit that "excellence of character" which Delattre extols, but most will not.⁸

Delattre (and others)⁹ have dubbed this contribution to the culture of corruption the "conspiracy of silence" (p. 93): the extraordinary tolerance by honest officers of corrupt behavior in fellow officers. This tolerance reflects more than the ordinary desire to avoid involvement or testifying in a public proceeding. It has a "moral" predicate: police officers should not inform on fellow officers. Covering up is, in this culture, standing up, even when it involves lying to internal affairs investigators.

Delattre expresses puzzlement as to why police studies "address the [problem of the] curtain of silence [so] frequently and extensively" (p. 93). Something of a mystery does exist—a mystery that cannot be solved entirely by noting that police work creates a special solidarity among officers. The "conspiracy" probably arises out of two conditions of policing not often discussed: first, police work cannot be performed effectively "by the book"; and second, officers cannot admit this to outsiders. The problems, pleasures, temptations, and techniques of policing can safely be confided only to a fellow police officer.

When officers graduate from the training academy and begin their field assignments, they are likely to envision their duties as clear and straightforward — "enforcing the law without fear or favor," or some similar prescription taught them as recruits. Only a novel training experience would expose recruits to the broad array of discretionary powers they will possess on patrol, or coach them on how to exercise judgment in deciding when (and how thoroughly) to investigate and when to arrest or take other coercive action.¹⁰

Once on the street, the inadequacies of their training will become

8. P. 4. Delattre does not really disagree with this analysis. In a subsequent chapter (ch. 6) he acknowledges the explanatory power of conventional theories on the causes of corruption: "No remedies are likely to be effective unless they face . . . how to avoid rotten apples [persons of bad character] and rotten structures [institutional arrangements conducive to corruption] in policing." P. 87. Delattre's synopsis of the steps in the "hypothesis of structural deviance" is a splendid distillation:

(1) If a young person of high ideals but little exposure to realities that challenge naive expectations of human decency (2) enters a world that exposes the worst in people and (3) is trained and influenced by senior colleagues who have lost faith in police work, and (4) if the young person must establish some mutual trust and reliance with colleagues who use their work to line their own pockets and to get their share of what all others are grabbing as fast as they can, and (5) if their superiors are unlikely to support efforts to behave honorably, and (6) the likelihood of sanction for corruption is negligible, (7) *then* the young person will probably accept the status quo and join in corrupt practices, perhaps with initial feelings of shame, but ultimately without remorse.

P. 76.

9. See, e.g., M. PUNCH, *CONDUCT UNBECOMING* (1985) (detailing the difficulties experienced by two reform commissioners in the 1970s, Patrick Murphy of New York City and Robert Mark of Scotland Yard, in enlisting internal cooperation in corruption investigations).

10. The best essay on this point still is McNamara, *Uncertainties in Police Work: The Relevance of Police Recruits' Backgrounds and Training*, in *THE POLICE: SIX SOCIOLOGICAL ESSAYS*

apparent to the new officers. They will rapidly grasp that they are on their own. Those rookies who continue to search "the book" for answers or seek counsel from supervisors will commonly find the former imprecise and abstract, and the latter indifferent or overly pragmatic. If they look to their partners for instruction, they may discover that greater experience is not equivalent to improved judgment.¹¹

Eventually, officers learn how to intervene in the host of situations where policies are vague, obsolete, nonexistent, or seemingly contrary to equity or common sense. The absence of more definitive sources upon which to rely at strategic moments remains nonetheless frustrating, and produces in many officers a subtle, but persistent, sense of uneasiness about their performance. Worse, it leads to covering up, even when the officer has done the right thing. In vice enforcement, these dilemmas exist in exaggerated form.

Drug or gambling enforcement probably cannot succeed without a consistent cutting of legal (or ethical) corners that cannot be explained or justified to outsiders. Vice enforcement is dependent upon informants — persons who know about wrongdoing because they know wrongdoers or because they are themselves criminals. And detectives, in order to maintain relationships with these sources, must overlook much illicit conduct. When trying to solve a homicide or burglary, they will not ordinarily investigate suspected narcotics usage or fencing by an informant who is providing useful tips. Similarly, undercover officers must routinely turn their back on or even participate in wrongdoing in order to do their job effectively.¹²

Corrupt officers, once detected, behave much like honest officers in refusing to implicate other police officers. They too observe the "curtain of silence." They forbear not only out of fear of retaliation but also out of loyalty. Informing is betrayal. To many, the most serious aspersion that can be cast upon a fellow officer is that he or she breached the code of silence and talked to internal affairs investigators.¹³

(D. Bordua ed. 1967). Cf. POLICE PERSONNEL ADMINISTRATION (O. Stahl & R. Stauffenberger eds. 1974); C. SAUNDERS, UPGRADING THE AMERICAN POLICE (1970).

11. See H. GOLDSTEIN, *supra* note 1, at 272-79.

12. See, e.g., R. DALEY, PRINCE OF THE CITY (1978) (discussing corruption in New York City narcotics division); J. SKOLNICK, *supra* note 1, at 127-30 (discussing how burglary and vice detectives function). United States v. Owens, 228 F. Supp. 300 (D.D.C. 1964), is one of those rare cases where the criminal involvement of the undercover narcotics officer is documented:

[I]n order to obtain evidence of a sale of narcotics, the undercover agent . . . participated with others at [fifty or sixty] "after-hours parties" [over a five-month period] in open and conceded violation of the local laws against gambling, the illegal sale of liquor, and the illegal possession and use of cocaine.

228 F. Supp. at 304.

13. See, e.g., L. SCHECTER & W. PHILLIPS, ON THE PAD: THE UNDERWORLD AND ITS CORRUPT POLICE, CONFESSIONS OF A COP ON THE TAKE (1973); Skogan, *Policy-making and Police Taking: Controlling Behavior on the Beat*, 9 URBAN AFF. Q. 520, 522 (1974).

II. DRUG ENFORCEMENT'S CHALLENGE TO POLICE INTEGRITY

Delattre's discussion of the "moral issues" associated with narcotic trafficking (ch. 8) warrants extended discussion. It addresses the special challenge to police integrity posed by the "war" on drugs. Delattre opens strongly, quoting from James Madison ("Every reflecting man becomes daily more alarmed at our situation" (p. 123)), then summarizes the debate over creating some type of free market in drugs, before finally, and alas, sliding into a sea of wishful thinking—the recommendation that we hold the present course.

Delattre is influenced by law enforcement views: "Most law enforcement executives have remained convinced that narcotics should not be legalized; many are developing more and better ways of combating the problems, using high technology to gather and use information and establishing procedures for greater accountability of their own personnel" (p. 123).

On a complex social issue of this sort, the police should not be considered a reliable source. The police have no special ability to predict the behavioral consequences of a legal market in drugs. Like the U.S. military in the Vietnam war, law enforcement has a deep investment in continued aggressive action; it cannot favor retrenchment, however modest, that results in reduced resources or appears to be an admission of failure. The police are the hapless infantry in a losing battle.

In arguing for improved strategies (but against a change of basic policy), Delattre stresses the desirability of heightened agency coordination. "Since we have never had a comprehensive and cooperative supply-side program that included all appropriate agencies[,] . . . how much it could accomplish remains to be seen. The conclusion that we cannot control the supply of drugs is therefore untimely" (p. 130). Among bureaucrats, this argument is deathless. At the federal level especially, it can be marched out most any time. Coordination has few active opponents, but is rarely successful. Actually, the "war" against drugs seems to have produced more intergovernmental cooperation (perhaps as much as can be expected, given the self-centered, quasi-paranoid nature of bureaucracy).

With respect to the pressure that drug enforcement is placing on the protection of civil rights, Delattre misses the mark: "To suppose that vigilant pursuit of narcotics traffickers must erode civil liberties implies a distrust of police, prosecutors, and judges, and of the criminal justice system" (p. 131). Not at all. The concern over slippage only implies that during a perceived crisis, values are reassessed and sometimes a new hierarchy is forged.

Drug traffic has become increasingly less amenable to constitutional solutions as it has gained dimension. Constitutional guarantees—the protections against unreasonable searches and seizures in par-

ticular — work best in a stable society where crime remains at tolerable levels. Citizens will risk victimization when the risk is small enough. Occasional instances of criminals escaping justice are accepted in exchange for the bounties of a free society. But when the incidence of violence and disorder appears to transcend the capacity of civilian authorities, then fidelity to traditional values wanes.

It is no accident that those places most beleaguered are considering military-type measures — curfews for teenagers, preventive detention for drug dealers, deployment of the National Guard. Because the police cannot meet public expectations for curbing drug traffic without relaxing constitutional restraints on searches, detentions, use of informants, and interrogation — or violating them — we must be especially attentive to how much latitude we allow law enforcement.

Recent Supreme Court decisions expanding police powers are most easily explained against the backdrop of rising drug trafficking. How else could the Court conclude that police helicopter surveillance 400 feet above a private home is not a search,¹⁴ or that one who fences in property and conspicuously posts “no trespassing” signs lacks a reasonable expectation of privacy, so that the police may enter freely?¹⁵ Similarly, decisions allowing the police to detain travelers at airports who meet an abstract of general characteristics — the so-called “drug courier profile” — make sense as a response to drug trafficking, more than as a generalized expansion of government power.¹⁶ Yet our Constitution is not an accordion that can easily be expanded and contracted. Nor can decisions interpreting it have an expiration date like a railroad ticket, “good for this year only.” Thus, caution is warranted in developing new rules and principles.

Enforcement, no matter how well-targeted, seems to gravitate inevitably to the easiest target, the small, unsophisticated dealers, and allow the more efficient and effective operations to grow stronger.¹⁷ Such was the enforcement pattern of the 1920s which resulted in the creation of the highly durable and successful La Cosa Nostra crime families.¹⁸ Moreover, because much drug usage and attendant violence is in the inner city, enforcement can arouse community resentment no matter how law-abiding and sensitive officers are. Drug enforcement poses a danger to whatever uneasy amity in community relations has been earned by professionalized police departments since

14. *Florida v. Riley*, 109 S. Ct. 693 (1989).

15. *United States v. Dunn*, 480 U.S. 294 (1987).

16. *Florida v. Royer*, 460 U.S. 491 (1983).

17. *See, e.g.*, PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE: THE CHALLENGE OF CRIME IN A FREE SOCIETY 216-19 (1967); J. TOMPKINS & R. SALERNO, *THE CRIME CONFEDERATION: COSA NOSTRA AND ALLIED OPERATIONS IN ORGANIZED CRIME* (1969).

18. D. CRESSEY, *THEFT OF THE NATION: THE STRUCTURE AND OPERATIONS OF ORGANIZED CRIME IN AMERICA* (1969).

the urban riots of the 1960s. Many in the black community see the federal government's failure to stop the importation of drugs as the source of the problem. To them, the youths in the neighborhood — sellers and users alike — are more victims than offenders. To a few leaders, anti-drug war rhetoric by whites is not only paternalistic but sinister. It camouflages a subtle campaign for reestablishing white hegemony, for taking back dearly won rights.

Delattre asserts that the “[c]orruption of public officials by narcotics traffickers has become a subject of widespread concern among law enforcement agencies” (p. 123). If only this were so. The truth, however, is that the corruption problem lies not so much with “public officials” as with police and, with few exceptions, chiefs of police treat corruption as they have in the past, as a subject to be avoided.¹⁹ Even in the relative privacy of professional journals and law enforcement conferences, scant discussion of corruption is found. Not all officials treat it as a serious problem, even in those departments with a well-documented history of corruption.

Paradoxically, the deeper the corruption, the more likely it seems to achieve public acceptance. Citizens become indifferent to reports of most kinds of police wrongdoing. To the extent they think about it, they consider corruption the price they must pay for otherwise effective law enforcement — and not too high a price at that. In Philadelphia, for example, a recent opinion survey revealed that residents, blacks as well as whites, view the police favorably, even though most believe that the police engage extensively in wide-ranging misbehavior. For example, roughly one half of the respondents thought the police took bribes “often” (eleven percent) or “sometimes” (thirty-eight percent). Only twelve percent thought they never did.²⁰

Historically, police corruption has been closely related to vice enforcement — prostitution, gambling, narcotics, and other organized crime enterprises — and has been most virulent in the large cities.²¹ Today, it is prominently linked to drug enforcement, and apparent in rural as well as suburban departments.²² The drug business calls for large interlocking networks of producers, importers, and distributors. Each link in the chain creates prospects for bribes. A rural sheriff who directs the county's only two patrol cars away from the field where a

19. A notable exception is INTL. ASSN. OF CHIEFS OF POLICE, *BUILDING INTEGRITY AND REDUCING DRUG CORRUPTION IN POLICE DEPARTMENTS* (1989), funded by the U.S. Department of Justice.

20. PHILADELPHIA POLICE STUDY TASK FORCE, *PHILADELPHIA AND ITS POLICE: TOWARD A NEW PARTNERSHIP* app. A (1987).

21. See Caplan & Murphy, *Fostering Integrity in Police Agencies*, in *LOCAL GOVERNMENT POLICE MANAGEMENT* (3d ed. forthcoming). Cf. Dombrink, *The Touchables: Vice and Police Corruption in the 1980's*, 51 *LAW & CONTEMP. PROBS.* 201, 207-26 (1988) (listing narcotics and gambling investigations of the 1980s in several cities).

22. See Dombrink, *supra* note 21, at 227-28.

small aircraft will be landing, loaded with marijuana, can earn a few thousand dollars or more for his efforts. Narcotics officers making arrests can withhold part or all of the drugs and money seized. "Informants and undercover operations — so essential to effective drug enforcement — inevitably draw police officers into close, potentially corrupting relationships with the offenders they are pledged to control."²³

Although it is unusual for drug dealers to file complaints against arresting officers with department officials, complaints are made, most often by residents of the neighborhood where the drugs are sold. In 1985, the largest percentage of official complaints regarding police misbehavior in New York City concerned narcotics.²⁴ Most complaints alleged drug use or protection of drug dealers by members of the force.

Police involvement in the drug traffic, one can speculate, is greater than news accounts to date indicate. Given the casual supervision of many detective bureaus and the largely passive role of internal affairs and inspection units,²⁵ the absence of reports of drug-related misconduct in a large urban department is not encouraging. This gap in reporting suggests a failure to investigate by police administrators more than the presence of honest officers. Because drug dealers over time will win at least a few allies within the ranks of large police departments, it is alarming when a chief of police reports that his department is as "clean as a whistle." In some departments, corruption may be so extensive that the force can be said to be in the drug business as well as the anti-drug business.²⁶

A few departments have responded aggressively to the temptations of involvement in the drug commerce. In New York City, for example, police officials publicly identified drug use as their foremost corruption problem, and established a special twelve-person undercover squad to investigate its prevalence among officers.²⁷ Most departments, however, have taken a business-as-usual approach. Thus, it is hard to estimate to what extent the free line of cocaine has replaced the free cup of coffee.²⁸ But officers clearly find it harder to resist involvement in what, until recently, was broadly condemned as

23. M. MOORE & M. KLEIMAN, *THE POLICE AND DRUGS* 2 (1989).

24. Dombrink, *supra* note 21, at 216 & n.153 (citing NEW YORK CITY MAYOR'S ADVISORY COMMITTEE ON POLICE MANAGEMENT AND PERSONNEL POLICY (1987)).

25. Swan, *Internal Controls*, in LOCAL GOVERNMENT POLICE MANAGEMENT 334, 334-44 (B. Garmire ed. 1977); Hastings, *Criminal Investigation*, in *id.* at 211, 227-28.

26. Dombrink, *supra* note 21, at 216 & n.153 (citing NEW YORK CITY MAYOR'S ADVISORY COMMITTEE ON POLICE MANAGEMENT AND PERSONNEL POLICY (1987)); Thompson, *Miami Vice: Police Trafficking in Drugs*, Wash. Post, Feb. 7, 1988, at A3, col. 1.

27. Pitt, *New Drug Unit Checks Police on Corruption*, N.Y. Times, Sept. 30, 1988, at B1.

28. Dombrink, *supra* note 21, at 227-28 (drug use by police identified as "foremost corruption problem" by New York police officials).

“dirty” graft, even by those detectives who solicited money from gamblers.

III. CONCLUSION

It may be impossible to write about applied ethics without sounding like a Sunday school teacher. Delattre, at times, does appear sanctimonious. Moreover, he draws so freely on divergent viewpoints that it is sometimes difficult to tell where he stands, obscuring what is fresh and useful about his book.

For example, Delattre’s attitude toward corrupt police officers ranges from clichés to compassion. In characterizing dishonest officers, Delattre can sound like a caricature of Kojak: “[T]hey were a disgrace to the badge, and their explanations are a fake. Public officials occupy a station of trust, which entails incorruptibility. Nothing like greed is compatible with the trust of other people” (p. 70). Yet only a few pages later, he writes with insight about how ordinary officers lose their way:

Some [officers] . . . tell the truth when they say they “just didn’t know how to say no” to partners who led them to corruption. Others had no idea what to do when they discovered corruption in their command structure. Part of their moral decline may be a matter of practical ignorance. In a few cases . . . they knew too little about how to acquire power within institutions to combat abuses by supervisors, not because they were predisposed to corruption. For the clean members to join together to reverse peer pressure and to constrain others from corruption is a sophisticated political art, never learned by many police, especially at the patrol level. [p. 78]

On another subject — the prosecution and conviction of suspects — Delattre proposes a high ethical standard for police officers. He asserts that

[a]ll trustworthy command and patrol personnel grasp the difference between [their role] and [that of] the criminal justice system. . . . [Whether] suspects they arrest are prosecuted or receive only a nominal penalty is absolutely irrelevant. Emotional involvement in cases is dangerous because it encourages bitterness when they do not turn out as desired. [p. 70]

Delattre correctly identifies “emotional detachment” as signifying maturity and professionalism. Some officers can observe with equanimity the good case they made on the street being botched by the district attorney, or bargained away under pressure from the court. But such a response is unusual. Anger and resentment are more common. Many officers will see prosecutors and judges as self-interested, rather than principled, and this perception will affect adversely their attitudes and performance. When cases are inexplicably rejected by the prosecutor or dismissed by the court, officers may suspect not only laziness or ineptness, but corruption, and some will be tempted to pre-

vent these officials from profiting by getting there first.²⁹

Approaching *Character and Cops* through a critical analysis of some of its parts may convey the impression that the book is insubstantial. Delattre's tendency to oversimplify and to moralize stems in part from his enterprise—addressing police ethics in a practical way, being relevant as well as scholarly. Writing about character and corruption involves talking about familiar things in our selves and institutions more than investigating esoteric issues of justice. As a serious examination of important aspects of police behavior and decisionmaking, enriched by its reliance on the literature of moral philosophy, *Character and Cops* has practical utility.

Beyond this, in those moments of despondency that afflict police perhaps more than those in other pursuits, *Character and Cops* has special value. It is an antidote; one feels better for having read it. It demonstrates that the conviction that nothing can be done to improve one's circumstances or self is ordinarily untrue.

29. See, e.g., R. DALEY, *supra* note 12.