

The Bill Blackwood Law Enforcement Management Institute of Texas



The Ethics of Police Discounts: Are Gratuities Graft?



**An Administrative Research Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**



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ABSTRACT

The ethics of police discounts and the acceptance of gratuities by police officers are relevant to contemporary law enforcement because these practices are common occurrences in agencies throughout the country. The practice spans all agency sizes, types, and locations. Most, if not all, law enforcement officers have participated in this activity in one form or another, and many continue to do so today. This tradition is a very public, very observable practice with unavoidable consequences.

The purpose of this research is to examine the tradition of law enforcement accepting free or discounted meals and drinks as a normal course of doing business. The researcher attempted to identify the prevailing attitude towards this issue amongst Texas law enforcement agencies including: the existence and enforcement of policies regarding gratuities, line level officers' opinions, command staff level officers' opinions, and whether officers believe that there is a clearly defined line regarding what types of gratuities are acceptable and which are not.

The method of inquiry used by the researcher included a review of the literature regarding this topic from sources such as articles, journals, and periodicals that spanned several decades. A survey instrument was created that polled a sampling of 50 law enforcement agencies of varying sizes from across the State of Texas. The results of this survey instrument were broken down into responses from line level officers and command staff officers.

The researcher discovered that there was very little difference in opinions regarding this issue between line and command level officers. The researcher also discovered that departments were nearly equally divided between those that did and

those that did not have policies regarding this issue and the enforcement of those policies.

TABLE OF CONTENTS

	Page
Abstract	
Introduction.	1
Review of Literature	4
Methodology	8
Findings	11
Discussions/Conclusions	13
References	17
Appendix	

INTRODUCTION

The problem or issue to be examined by this research considers whether or not the acceptance of gratuities by law enforcement officers in the form of discounted or free meals and drinks constitutes an ethical violation of professional standards. This examination will also evaluate the underlying foundations for arguments on both sides of the issue, as well as the prevailing policies, practices, and attitudes found in the Texas law enforcement community today. There are strong arguments for and against this long-accepted practice. Law enforcement officers across the country must face this issue on a daily basis. The support of the public in the form of gaining their trust is an absolute necessity for law enforcement officers to be effective in completing their mission; without it, officers will only be marginally successful, if at all. The acceptance of gratuities by police officers is often a very public act that is frequently perceived by the community as a breach of this public trust. Violations of the public trust are extremely hard to overcome and have long lasting effects. There are a number of popular arguments for and against the issue of police officers accepting gratuities. These arguments range from the practical to the philosophical. The intent of the author is to examine these arguments with an emphasis on the practical discussions of both sides of the issue.

The relevance of the acceptance of gratuities by law enforcement officers to the profession of law enforcement proposes that this is a widespread tradition in agencies throughout the country. It occurs in all types and sizes of law enforcement agencies in all areas of the nation. Most, if not all, law enforcement officers have participated in this

activity in one form or another, and many continue to do so today. This tradition is a very public, very observable practice with unavoidable consequences.

The purpose of this research is to examine the acceptance of discounted meals and drinks by police officers as a benefit of their employment. The prevailing attitude of Texas law enforcement agencies will also be examined to include the existence and enforcement of policies regarding gratuities, line level officers' opinions, command staff level officers' opinions, and whether officers believe that there is a clearly defined line regarding what types of gratuities are acceptable and which are not. Lastly, the research should yield a good indication of the effects of this tradition on the law enforcement profession as a whole.

The research question to be examined focuses on whether the acceptance of free or discounted meals and drinks by law enforcement officers constitutes a violation of professional ethical standards. A direct correlation to this question is the effect that this tradition has on the law enforcement community as a whole, such as loss of the public trust, complication of certain enforcement activities, the creation of biases towards people and businesses that offer these gratuities and those that do not, and the image and opinion the general public has of officers participating in this activity. Further research will be conducted to determine the general opinions of officers of various ranks regarding this tradition, the existence of departmental policies on this issue, the opinion of officers of various ranks as to the enforcement level of existing policies, the opinion of officers of various ranks as to the ethical correctness of this tradition, and officers' opinions on whether or not there is a clearly defined line between acceptable gratuities and unacceptable gratuities.

The intended method of inquiry for this research will include a review of the literature regarding this topic from various sources such as articles, journals, and periodicals that spans several decades. A survey instrument will be created in order to poll a sampling of 50 law enforcement agencies of varying sizes from across the State of Texas. The results of this survey instrument will be broken down into responses from line level officers and command staff officers.

The intended outcome of this research is to establish the ethical correctness of accepting free or discounted meals and drinks by law enforcement officers and to identify the costs of this tradition to the law enforcement profession. There are multiple anticipated findings of this research. First, the author believes the research will show that there will be a difference of opinion between line level personnel and command staff officers on the ethical correctness of engaging in this practice with command staff officers generally believing this practice to be ethically questionable and line level personnel generally believing this practice to be acceptable. Second, the author believes the research will show a division amongst law enforcement agencies on the existence of formal policy pertaining to this issue, the prediction being a near 50% split between policies that allow and policies that prohibit the acceptance of free or discounted meals and drinks, with many agencies having no policy at all on this matter. In addition, the author believes there will be a finding of a significant lack of enforcement for policies that prohibit this practice.

The field of law enforcement will benefit from the research or be influenced by the conclusions because this is a significant issue in law enforcement. This issue has been vigorously debated for decades, and there is no clear resolution in sight. There

are strong vocal supporters for both sides of the issue and this tradition has become entrenched in the daily activities of veteran and young officers alike.

REVIEW OF LITERATURE

The issue of police officers accepting gratuities is not a recent phenomenon. Kooken (1957) observed that law enforcement officers are in the unique position of being constantly tempted to use their perceived authority for personal gain. Kooken (1957) went on to note that even officers that had completely harmless intentions, but because of the subtleties of the situation, have found themselves in awkward and difficult positions because of the acceptance of an otherwise innocent gratuity. The generosity of the American people is no secret, nor is the fact that this generosity is often displayed in very public and significant ways. Kooken (1957) recognized this characteristic of American society but was also aware that allowing officers of the law to accept these tokens of appreciation can lead to these same officers coming to expect extra compensation for the duties they are already performing in the normal course of carrying out their duties. It is believed that “to succumb to such temptation is a most reprehensible breach of the public trust” (Kooken, 1957, p. 38). This point was supported by Corley (2005) in the following statement: “Nothing is free; everything comes with a price, which, for free and half-price meals, is an officers dignity” (p. 11).

Another point that Kooken (1957) made regarding this issue is that, unfortunately, the practice of police officers accepting gratuities had become so pervasive that the public considered police officers akin to beggars. This public attitude was as prevalent in 1957 as some would argue it is in modern times. Couple this concept with the tradition of law enforcement executives allowing the practice to

continue over a long time frame and an additional problem arises: the issue of officers soliciting gratuities. As Kooken (1957) noted, from that point, it is only a short step to the point where officers abuse their authority to ensure the collection of a gratuity.

In more recent times, police from across the nation have expressed the desire for the occupation to rise to the level of a profession. Great strides have been made to assist in this endeavor; however, Ruiz and Bono (2004) discussed the police practice of accepting gratuities as being a major impediment to the rising of law enforcement to the status of a classical profession. Ruiz and Bono (2004) noted that the traditional professions such as education, jurisprudence, and medicine are theoretically motivated by service to the community rather than monetary gain. This is diametrically opposed to the acceptance of gratuities which are typically associated with service occupations such as table servers, valets, and bartenders, thus denigrating law enforcement's attempts at elevating its status.

Ruiz and Bono (2004) continued the discussion of gratuities past the professionalism debate and moved to the issue of corruption and its link, real or perceived, to the acceptance of gratuities. A number of arguments for and against gratuity acceptance have been made regarding its relation to police corruption. Ruiz and Bono (2004) quoted Cohen and Feldberg's classic statement that "what makes a gift a gratuity is the reason it is given; what makes it corruption is the reason it is taken" (p. 45). Ruiz and Bono (2004) took this line of thinking a step further, noting that the acceptance of gratuities, regardless of whether the provider or the beneficiary possess the malevolence, created an opportunity for corrupt intent. Taking this argument another step forward, the authors related that the acceptance of gratuities by police is

an opportunity to participate in increasingly greater levels of police corruption. Ruiz and Bono (2004) did note that this opportunity or access to increased corruption is not a certainty but rather an increased risk.

Anyone examining this issue can hardly ignore the one obvious concern that immediately comes to mind; the concern regards whether businesses that participate in the practice of discounting police meals and drinks expect something in return. White (2002) wrote "Police service cannot be perceived as going to the highest bidder; decisions must be based upon need" (p. 22). White (2002) goes on to describe two situations where business owners and police officers in several jurisdictions had engaged in the practice of police discounts for many years. Inevitably the owners of both businesses later encountered these same law enforcement agencies in adversarial situations; one was arrested for drunken driving and the other incurred a large fee for false alarms. In both situations the business owners sought special treatment from the law enforcement agencies. When the special treatment wasn't received these business owners went to the media with records they had kept of the discounts provided to law enforcement officers from both agencies throughout the years. Regardless of the legality of the gratuities, offered and accepted, these incidents created avoidable public relations disasters.

A significant argument regarding the acceptance of gratuities has traditionally been that the vast majority of the traditionally accepted gifts are of negligible monetary value and, therefore, not a cause for concern. Items such as free drinks and free or discounted meals are the most commonly accepted gratuities and are typically low dollar items. A problem with this argument arises when these seemingly insignificant

dollar amounts are aggregated over the span of months, years, and entire careers. Another perspective is that when “Viewed in this light, it is difficult to understand how the acceptance of gratuities by police can be classed as a minor and inconsequential infraction of rules best left unenforced or ignored” (Ruiz & Bono, 2004, p. 50).

Ruiz and Bono (2004) used the example of a law enforcement officer earning \$34,556.00 a year, which, at the time of their article, was the national average police salary. Ruiz and Bono (2004) added the estimates of 494 free coffees or sodas, 247 doughnuts, 247 lunches, 520 packs of cigarettes, alcohol, dry cleaning, and movie theater admissions and arrived at an annual amount of \$8,713.10. They then added the correlating tax benefits of not reporting this income and arrived at a figure of \$11,327.03. This figure represents a 33% increase in the officer’s gross annual salary. The author contends that any officer that accepted a one time cash gift of \$11,000 would be summarily terminated and prosecuted to the fullest extent of the law. Yet, it is common practice for law enforcement agencies to allow the gradual accumulation of monetary gain in this amount, by an untold number of individual officers, and never challenge the practice. Consider this amount aggregated over a 20 year career, by nearly every serving officer, and the seemingly inconsequential free cup of coffee represents a small fortune.

Closely parallel to the line of thinking that gratuities represent a significant increase of an officer’s income is the fact that these gratuities are nearly always accepted while the officer is on-duty and, therefore, being paid by whatever department the officer is employed with. Ruiz and Bono (2004) pointed out that this creates a

situation where the officers are being paid by two separate entities during the same time period. Not only is this unethical but, in most jurisdictions, it is illegal as well.

Proponents of police officers accepting gratuities without consequence have argued that it is a minor infraction, if it is an infraction at all. Basing the right-wrong issue on the International Association of Chiefs of Police Law Enforcement Code of Ethics it can be found that the Code states that officers will conduct their professional lives “accepting no gratuities.” There are many who would say that police officers’ acceptance of small gratuities is not a significant breach of ethics. Coleman (2004) noted:

Another way of applying the logical slippery slope is to suggest that though the acceptance of a gratuity by a police officer is not a serious wrong, it is nonetheless wrong. Thus the only difference between a police officer who accepts a cup of coffee and a police officer who accepts a thousand-dollar bribe is the degree of wrongness involved. p. 35

In other words, it is established that an officer is corrupt, now it is just the price that is being negotiated.

METHODOLOGY

The research question to be examined considers whether the acceptance of free or discounted meals and drinks by law enforcement officers constitutes a violation of professional ethical standards. Further research will be conducted to determine the general opinions of officers of various ranks regarding this tradition, the existence of departmental policies on this issue, the opinion of officers of various ranks as to the enforcement level of existing policies, the opinion of officers of various ranks as to the

ethical correctness of this tradition, and officers' opinions on whether or not there is a clearly defined line between acceptable gratuities and unacceptable gratuities.

The researcher hypothesizes that most police officers have strong opinions for or against the practice of accepting gratuities in the form of free or discounted meals and drinks, and these practices create bias amongst officers during enforcement situations. The researcher further hypothesizes that command staff personnel will predominantly be against this practice, and line personnel will be predominantly unopposed to this practice, with a similar split on the issue of creating bias. The researcher also hypothesizes that law enforcement agencies are generally split, with 50% having policies regarding this issue and 50% not having a specific policy regarding this issue. Furthermore, the researcher hypothesizes that for the agencies that do have policy regarding this issue, 50% will allow the practice, and 50% will forbid or restrict the practice, but the incidence of enforcement of the policy for those agencies forbidding the practice will be low. Finally, the researcher hypothesizes that most officers, command and line level, will believe that there is a clear line distinguishing ethically acceptable gratuities and ethically unacceptable gratuities. The method of inquiry will include a review of articles, periodicals, journals, and books addressing this issue. In addition, a survey instrument will be distributed to 50 law enforcement agencies across the State of Texas.

The instrument that will be used to measure the researcher's findings regarding the ethics of law enforcement officers accepting gratuities in the form of free or discounted meals and drinks will include one question to determine the officer's general position within the agency, which will be defined as either command staff, lieutenant,

and above; or line personnel, sergeant, and below. The instrument will also question whether the agency has a policy regarding this issue, and, if so, whether the policy generally allows or generally forbids or restricts the acceptance of gratuities. If the policy forbids or restricts the acceptance of gratuities, then the instrument will attempt to determine to what degree the officer believes the policy is enforced. The instrument will also include questions designed to determine the officer's personal beliefs as to the ethical correctness or incorrectness of accepting gratuities, the officer's personal beliefs as to whether the acceptance of gratuities by officers creates bias in certain enforcement situations, and the officer's personal belief of whether there is a clear line dividing acceptable and inappropriate gratuities.

The size of the survey will consist of seven questions, distributed to 100 survey participants from 50 law enforcement agencies of various sizes across the State of Texas. Surveys included instructions as to how to return the completed instrument and information regarding the effort to keep participants and their respective agencies anonymous. The response rate to the survey instrument resulted in 52 surveys being returned for a rate of 52%. The responses were equally divided among command staff and line personnel, with a return rate of 26 each.

The information obtained from the survey will be analyzed by calculating the percentage of agencies with and without gratuity policies. In addition, the responses will be analyzed to determine the percentage of agencies with gratuity policies that allow and those that restrict or forbid the acceptance of gratuities. Further analysis will be made by calculating the average responses of officers indicating the differing of opinions regarding the acceptability of gratuities, the degree of opinions regarding the

creation of biases because of gratuity acceptance, and the degree of opinions regarding the existence of a clear line between acceptable and inappropriate gratuities.

FINDINGS

After reviewing and analyzing the 52 survey instruments returned during the research, the author was able to identify predominant beliefs and feelings amongst a random sampling of Texas Peace Officers regarding the issue of gratuity acceptance. The first question asked officers what level of officer they are within their departments. As previously noted, 52 surveys were received with an equal number of command level and line level responses. Therefore, the answers to the remaining questions are based upon 26 command level officers (lieutenant and above) and 26 line level (sergeant or below) officer responses.

Another question on the survey asked whether the agency employing the officer has a policy regarding the acceptance of discounted meals or drinks. Among the command level officers, 17 (65.4%) indicated that their agency does have a policy regarding the acceptance of gratuities, whereas 21 (80.8%) of line officers indicated their agencies had a policy regarding the issue. The discrepancy between line and command staff officer responses likely comes from two sources: responses from the two groups were not equal from all agencies or the responding officers were not familiar with their departmental policies.

If a policy did exist, the survey inquired if the policy forbade, allowed, or allowed this practice with restrictions. In response to this question, command level officers indicated that two (11.8%) allowed, seven (41.2%) forbade, and eight (47.1%) allowed, with restrictions, the acceptance of gratuities. Line officers indicated that three (14.3%)

allowed, nine (42.9%) forbade, and nine (42.9%) allowed, with restrictions, the acceptance of gratuities.

Officers were then asked whether their agency has a policy in effect and to what extent they felt the policy was enforced. Officers were provided with a scale of one to seven, with one being no enforcement and seven being strong enforcement. The average response by command level officers was 4.8, with a median of five and a mode of four. Line officer responses averaged 3.9, with a median of four and a mode of four. This indicated to the author that command officers believe that the policies were more strictly enforced than line officers, but both groups believe the policy is moderately enforced.

Next, the issue of the ethics of police discounts was researched. The officers were asked their personal opinions regarding the rightness or wrongness of accepting gratuities. Once again, the officers were given a seven point scale, with one being ethically right and seven being ethically wrong. Command officers had an average response of 3.7, with a median and mode of four, while line officers had an average response of 3.6, with a median and mode of four. The author understood this to indicate that, generally, officers of all ranks found the practice of accepting gratuities as ethically neutral, with a slight leaning towards being ethically acceptable.

The issue of bias created by gratuities was then explored. The research question asked the respondent to use the provided one to seven scale to indicate their personal opinion as to whether the acceptance of police discounts creates bias in certain enforcement situations. The scale used one as no bias and seven as strong bias. Command level officers had an average response of 3.7, with a median of four

and a mode of five. Line officers responded with an average of 3.6, with a median of four and a mode of four. These results indicated that command level officers believe slightly more strongly than line officers that gratuities can create bias in some enforcement situations; however, both groups are very close to believing that this is an area of neutrality.

The final question asked the respondents to provide their personal opinion as to the extent they believed that there is a clear dividing line between acceptable and inappropriate gratuities. Once again, the seven point scale mentioned earlier was used, with one being clearly defined and seven being very unclear. Command level officers answered with an average response of 2.3, with a median of two and a mode of one. Line officers responded with an average response of 2.7, with a median of three and a mode of three. Interestingly, these results indicated to the author that command level officers clearly believe there are demarcations of what to accept and what not accept while line officers see much more gray area in the decision making process.

DISCUSSION/CONCLUSIONS

The issue examined by the researcher considered whether or not the acceptance of gratuities by law enforcement officers in the form of discounted or free meals and drinks constitutes an ethical violation of professional standards. This examination also evaluated the underlying foundations for arguments on both sides of the issue, as well as the prevailing policies, practices, and attitudes found in the Texas law enforcement community today.

The purpose of this research was to examine the tradition of law enforcement accepting meal and drink discounts as a privilege of their position. The author also

intended to discover the dominant viewpoint of Texas police officers towards this issue. As a component of this attitude, the researcher attempted to document the existence and enforcement of policies regarding gratuities, line level officers' opinions, command staff level officers' opinions, and whether officers believe there is a clearly defined line regarding what types of gratuities are acceptable and which are not. Lastly, the research provided an insight to the effects of this practice on the law enforcement profession in general.

The research question examined concentrated on whether this custom constitutes a violation of professional ethical standards. A close association to this inquiry is the effect that this custom has on the law enforcement profession, such as violating the public trust, the convolution of certain enforcement activities, the creation of preferential treatment towards people and businesses that cater to police and those that do not, and the image and opinion the general public has of officers participating in this activity. Further research was conducted to determine the prevailing attitude of officers across the rank structure regarding this tradition, the details of agency policies on this issue, the estimation of officers of various ranks as to the enforcement level of existing policies, the judgment of officers of various ranks as to the ethical appropriateness of this practice, and officers' viewpoints on whether or not there exists a clearly definable line between acceptable gratuities and unacceptable gratuities.

The researcher hypothesized that there would be three significant findings from the research. First, the author believed that the research would show that there is a difference of opinion between line level personnel and command staff officers on the ethical correctness of engaging in this practice, with command staff officers generally

believing this practice to be ethically questionable and line level personnel generally believing this practice to be acceptable. Second, the author believed that the research would show a division amongst law enforcement agencies on the existence of formal policy pertaining to this issue, the prediction being a near 50% split between policies that allow and policies that prohibit the acceptance of free or discounted meals and drinks, with many agencies having no policy at all on this matter. Lastly, the author believed there would be a finding of a significant lack of enforcement for policies that prohibit this practice.

The researcher concluded from the findings that the majority of his hypotheses were incorrect. According to the research, there was little measurable difference of opinion between line and command level officers on the ethical correctness of the acceptance of gratuities. Both groups responded in the neutral range for this question. On the second question regarding the existence of policy, the author found that his hypothesis was very close to reality. There was some discrepancy between the line and command staff officers on what the policies were, but the general range was very close to an even split between policies that allow and those that forbid gratuities. Lastly, the author discovered that, at best, the enforcement of gratuity policies is indicated to be moderate according to the research.

The reason why the findings were mixed in support and non-support of the hypothesis is likely due to the culture of law enforcement in the State of Texas. There exist extremes on both ends of the scale but the research identified a clear majority in the neutral range. The author believes that further research with a breakdown of the results by respondent, factoring in educational background, whether the respondent

worked in an urban or metropolitan area, whether the respondent worked for a municipal or county agency, and the pay scale of the respondent's agency, would produce more significant results. The author believes that these factors could greatly affect the response of the officer participant.

Limitations that might have hindered this study resulted because of a number of reasons. First, response was likely lower than expected because the author failed to include a self-addressed and pre-stamped envelope with the survey instrument to encourage the respondent to return the instrument. Second, rather than a random sampling of agencies, the author should have identified agencies likely to have differing responses by demographics along with a random sampling. Third, the survey instrument should have been sent to specific positions within the agency to gain a better understanding of the difference, if any, between command staff and line level officers.

The study of police gratuities is relevant to contemporary law enforcement because this is a widespread tradition in agencies throughout the country. It occurs in all types and sizes of law enforcement agencies in all areas of the nation. The vast majority of Texas peace officers have accepted some form of free or discounted meals and many continue to do so today. This practice is a very public, highly noticeable activity with the high potential for negative public perceptions.

The field of law enforcement will benefit from the research or be influenced by the conclusions because this is a significant issue in law enforcement. This issue has been vigorously debated for decades, and there is no clear resolution in sight. Support for both sides of this issue is strong and vocal. This custom is ingrained in the culture of many police agencies and in the daily activities of young and veteran officers alike.

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APPENDIX



SHENANDOAH POLICE DEPARTMENT

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<p style="text-align: center;">Law Enforcement Officer Survey The Ethics of Police Discounts For Research Related to Administrative Research Paper Law Enforcement Management Institute of Texas Leadership Command College</p>

This survey is being distributed to 50 law enforcement agencies throughout the State of Texas. All sizes of agencies are represented. I respectfully ask that two people from each agency complete the survey, one from the command level officers and one from line level personnel. This survey is a portion of my research for an administrative research paper being completed for the LEMIT Leadership Command College. The identity of all persons completing the survey should remain anonymous. The survey instrument may be returned to Commander Thomas Kiefer via regular mail or fax using the above listed information. I thank you in advance for taking the time to complete the survey.

1. *What level of officer are you within your organization?*
 - A. Command – Lieutenant and above
 - B. Line Personnel – Sergeant and below

2. *Does your agency currently have a policy regarding the acceptance of gratuities in the form of free or discounted meals and drinks?*
 - A. Yes
 - B. No

3. *If yes, does the policy:*

A. Allow

B. Forbid

C. Allow with restrictions

4. *If your agency has a policy in effect indicate using the scale below to what extent you believe the policy is followed.*

1	2	3	4	5	6	7
No enforcement			Moderate enforcement			Strict enforcement

5. *In your personal opinion using the scale below, indicate your personal opinion regarding the ethics of accepting free or discounted meals and drinks for police officers.*

1	2	3	4	5	6	7
Ethically alright			Ethically neutral			Ethically wrong

6. *In your personal opinion using the scale below, indicate your personal opinion as to whether the acceptance of police discounts creates bias in certain enforcement situations.*

1	2	3	4	5	6	7
No bias			Neutral			Strong bias

7. *In your personal opinion using the scale below, indicate the extent to which you believe that there is a clear line dividing acceptable gratuities and inappropriate gratuities.*

1	2	3	4	5	6	7
Clearly defined			Gray area			Very unclear