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**BRIDGING THE GAP: INSTILLING MORAL  
COURAGE AND IMPELLING MORAL ACTION IN  
THE PUBLIC SAFETY SPHERE**

Luedtke, Alvin P.

Monterey, CA; Naval Postgraduate School

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**NAVAL  
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**MONTEREY, CALIFORNIA**

**THESIS**

**BRIDGING THE GAP: INSTILLING MORAL COURAGE  
AND IMPELLING MORAL ACTION IN THE  
PUBLIC SAFETY SPHERE**

by

Alvin P. Luedtke

December 2022

Co-Advisors:

Lauren Wollman (contractor)  
Shannon A. Brown

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**BRIDGING THE GAP: INSTILLING MORAL COURAGE AND IMPELLING  
MORAL ACTION IN THE PUBLIC SAFETY SPHERE**

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Submitted in partial fulfillment of the  
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES  
(HOMELAND SECURITY AND DEFENSE)**

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## ABSTRACT

The credibility and legitimacy of law enforcement agencies are largely contingent on the moral behavior of their workforces. Recent and historical instances of moral failure have reduced public trust in law enforcement organizations and undermined their missions. A better understanding of the determinants of moral behavior and drivers of moral failure in policing is needed to craft meaningful strategies that enhance the moral competence of individual officers. Using a relational developmental systems (RDS) approach, this thesis investigates the individual, team, organizational, and situational dimensions of law enforcement to identify conditions that influence moral behavior. The Los Angeles Police Department's Rampart CRASH scandal, Baltimore Police Department's Gun Trace Task Force scandal, and death of George Floyd at the hands of Minneapolis police are used as case studies to test theoretical assertions and provide consistency. This research affirms the linkage between the individual and context, as posited by RDS. Findings of this work include the importance of value congruence, a multidimensional preference for disengagement, and the power exercised by salience, socialization, and self-efficacy in manifesting moral action. From these conclusions, this thesis recommends integrating ethical considerations throughout law enforcement training, reimaging the field training program as a moral apprenticeship, and adopting a just-culture approach to ethical accountability.



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## LIST OF ACRONYMS AND ABBREVIATIONS

BOI	Board of Inquiry
BPD	Baltimore Police Department
COP	community-oriented policing
CRASH	Community Resources against Street Hoodlums
DOJ	Department of Justice
DTI	duty to intervene
FCM	four-component model
FTO	field training officer
FTP	field training program
GAIN	Global Aviation Information Network
GTTF	Gun Trace Task Force
LAPD	Los Angeles Police Department
MFT	moral foundations theory
MPD	Minneapolis Police Department
RDS	relational developmental systems
RIRP	Rampart Independent Review Panel
SWAT	special weapons and tactics
USMA	United States Military Academy



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## EXECUTIVE SUMMARY

Foundational to the credibility and legitimacy of law enforcement agencies is the moral behavior of their workforces. Despite efforts to enhance the moral competence of police officers, instances of moral failure continue to occur with unfortunate regularity. Such events undermine public trust and impair fulfillment of the law enforcement mission.<sup>1</sup> Police agencies' recent efforts to address moral failure primarily target individual-level ethical beliefs and fail to address structural and contextual influences that impel or impede behavior. A better understanding of the multidimensional determinants of moral behavior and drivers of moral failure within policing is needed to craft meaningful strategies aimed at enhancing the moral competence of individual officers.

Using a relational developmental systems (RDS) approach, this thesis examines the individual, team, organizational, and situational determinants of moral behavior in law enforcement. The RDS metatheory asserts a fixed, mutually defining relationship between individual and context and offers a multidisciplinary analytical template through which the multiple interrelated dimensions of law enforcement may effectively be examined.<sup>2</sup> It consists of three “moments” of analysis—the identity of opposites, the opposites of identity, and a synthesis of wholes—which comprise the framework used in this project.<sup>3</sup> To test theoretical assertions and ensure consistency, this thesis draws on three notable cases of moral failure in the law enforcement enterprise: the Los Angeles Police Department's Rampart Community Resources against Street Hoodlums scandal, the Baltimore Police Department's Gun Trace Task Force scandal, and the death of George Floyd at the hands of Minneapolis police officers.

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<sup>1</sup> Organisation for Economic Co-operation and Development, *Trust and Public Policy: How Better Governance Can Help Rebuild Public Trust* (Paris: Organisation for Economic Co-operation and Development, 2017), <https://doi.org/10.1787/9789264268920-en>.

<sup>2</sup> Richard M. Lerner and Kristina S. Callina, “The Study of Character Development: Towards Tests of a Relational Developmental Systems Model,” *Human Development* 57, no. 6 (2014): 325–26, <https://doi.org/10.1159/000368784>.

<sup>3</sup> Willis F. Overton, “A New Paradigm for Developmental Science: Relationism and Relational-Developmental Systems,” *Applied Developmental Science* 17, no. 2 (2013): 98–103, <https://doi.org/10.1080/10888691.2013.778717>; Lerner and Callina, “The Study of Character Development,” 326–28.

At the individual level, officers possess agentic, dispositional, and conditional qualities that substantially influence their response to moral challenges. Officers must view themselves as moral actors with the obligation and capability to act in advancement of ethical principles. Officers also form dispositions that are heavily influenced by the normative environment. These dispositions determine how officers approach issues and tend to gravitate toward enforcement and indifference at the expense of caregiving and empathy.<sup>4</sup> Police officers are also impacted by conditional factors such as emotion and burnout, which further influence their behavioral choices. Situations exercise notable power over the emotional state of individual law enforcement officers, especially when they evoke feelings of anger or fear.

The team context occupies a central place in developing the normative culture of a law enforcement agency. Field training officers and seasoned personnel act as referent others for more junior officers. These referents exercise normative and informational influences that guide the values adopted and policies followed. Referents and other team members use systems of rewards and sanctions to regulate the conduct of officers within the team. Informal rewards and sanctions, such as acceptance and ostracism, exercise a greater effect than those of a formal nature.<sup>5</sup> Because of the proximity of relationships and the *in extremis* contexts in which they form, strong loyalty affiliations define the team environment.<sup>6</sup> This loyalty can compete with the ethical and moral imperatives placed on officers, resulting in a value conflict. Given its ability to legitimize organizational expectations and aid in situational decision-making, the team dimension is foundationally important in developing morally competent officers and their subsequent engagement in ethical conduct.

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<sup>4</sup> Bernardo Zacka, *When the State Meets the Street: Public Service and Moral Agency* (Cambridge, MA: Belknap Press, 2017), 66–110.

<sup>5</sup> Richard C. Hollinger and John P. Clark, “Formal and Informal Social Controls of Employee Deviance,” *Sociological Quarterly* 23, no. 3 (1982): 339, <https://www.jstor.org/stable/4106074>.

<sup>6</sup> Patrick J. Sweeney, Michael D. Matthews, and Paul B. Lester, “Leading in Dangerous Situations: An Overview of the Unique Challenges,” in *Leadership in Dangerous Situations: A Handbook for the Armed Forces, Emergency Services, and First Responders*, ed. Patrick J. Sweeney, Michael D. Matthews, and Paul B. Lester (Annapolis, MD: Naval Institute Press, 2011), 7–9, ProQuest Ebook Central.

A law enforcement organization provides the framework for guiding and regulating the moral behavior of its workforce. It communicates explicit values describing the idealized behavior and outcomes associated with the agency's operations.<sup>7</sup> More impactful, however, are the implicit values derived from the organization's processes and priorities. In many instances, such as community-oriented policing, implicit values conflict or compete with explicit ones, leading to poor instillation of the latter. Training serves a multifaceted role in the moral development of police officers. Beyond providing a vector to communicate organizational values, effective ethics training enhances officer self-efficacy and moral agency. Generally, law enforcement organizations poorly integrate moral considerations into training and use policy to compel behaviors. However, a policy is only effective if officers are competently trained and encouraged to abide by it. When instances of moral failure occur, law enforcement organizations often turn to accountability processes to assign blame and dispense punishment.<sup>8</sup> Such an approach, however, impairs a holistic examination of the conditions surrounding the failure, thereby impeding meaningful change.

Situational factors profoundly affect moral behavior through issue salience and vividness, temporal pressure, and situational appraisal. The salience and vividness of a moral problem directly affect the extent to which it is perceived as such. The clearer and more emotionally resonant an issue, the more an officer feels compelled to act in response.<sup>9</sup> High temporal pressure results in heuristic decision-making and greater deference to peers and teammates, thereby diffusing responsibility and diminishing individual moral agency.<sup>10</sup> Issue and outcome appraisals represent the interface between the individual and

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<sup>7</sup> Wade Engelson, "The Organizational Values of Law Enforcement Agencies: The Impact of Field Training Officers in the Socialization of Police Recruits to Law Enforcement Organizations," *Journal of Police and Criminal Psychology* 14, no. 2 (1999): 12, <https://doi.org/10.1007/BF02830064>.

<sup>8</sup> David H. Bayley, *Police for the Future* (New York: Oxford University Press, 1996), 65, ProQuest Ebook Central.

<sup>9</sup> Thomas M. Jones, "Ethical Decision Making by Individuals in Organizations: An Issue-Contingent Model," *Academy of Management Review* 16, no. 2 (1991): 380–82, <https://doi.org/10.2307/258867>.

<sup>10</sup> M. Deutsch and H. B. Gerard, "A Study of Normative and Informational Social Influences upon Individual Judgment," *Journal of Abnormal and Social Psychology* 51, no. 3 (1955): 630, ProQuest.

situation. An officer's disposition toward an event and perception of its potential consequences influence whether and how the officer chooses to engage.

From the research conducted, this thesis makes three distinct conclusions relevant to moral behavior in law enforcement. The analysis reveals that value consistency promotes moral competency among police officers. The explicit values of the organization must be reflected in the normative team environment and in the implicit values communicated by organizational processes to meaningfully encourage their adoption and expression by individual officers. This thesis also notes a preference for disengagement and an elusiveness of ownership across the individual, team, and organizational dimensions of law enforcement resulting from conventional accountability processes that emphasize blame and punishment. Last, this work notes the power of salience, socialization, and self-efficacy in manifesting moral behavior. These three elements crucially fulfill respective roles in developing officers' moral knowing, feeling, and action, which comprise their moral character and competence.<sup>11</sup>

From these findings, this thesis recommends three strategic initiatives to enhance the moral competence of police officers. Current training efforts inadequately represent the ethical dimension inherent to various topics and situations. As such, ethical considerations and moral dilemmas should be integrated throughout law enforcement training and reflect the nuance and realism of the contexts encountered. Recognizing the power of the normative environment, law enforcement agencies should also reimagine their field training programs as moral apprenticeships to acculturate newer officers into the moral values and behaviors expected of the profession and demanded by the organization. Last, this thesis recommends a just-culture approach to ethical accountability to promote a holistic assessment of and response to moral failures. The adoption and implementation of a just ethical culture could increase trust and participation in law enforcement

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<sup>11</sup> Thomas Lickona, *Educating for Character: How Our Schools Can Teach Respect and Responsibility* (New York: Bantam Books, 1992), 53; Thomas Lickona, "Chapter IV: Educating for Character: A Comprehensive Approach," *Teachers College Record* 98, no. 6 (1997): 46, <https://doi.org/10.1177/016146819709800604>.

accountability efforts, thereby lessening moral disengagement and providing a vector for multidimensional reform.

Due to the scope of this study, a number of limitations and opportunities for future research exist. Beyond the individual, team, organizational, and situational dimensions, other areas remain unexplored, including the societal and familial contexts. These additional domains could significantly impact the moral behavior of law enforcement officers, and an examination of their influence could alter or better inform the findings of this work. Future human subject research can and should be used to empirically study the conditions influencing moral behavior identified in this thesis. These same conditions should also be investigated in other public safety professions to determine whether these findings have wider application or are specific to the law enforcement enterprise. Finally, future research should evaluate the barriers and results of recommendations made in this project. These include analyzing legal challenges to their enactment and evaluating their effects once implemented.

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## I. INTRODUCTION

When video footage of George Floyd’s death emerged in late May 2020, collective outrage swept the United States.<sup>1</sup> While the moral contempt of Minneapolis Police Officer Derek Chauvin’s kneeling on Floyd’s neck is self-evident, another equally disturbing aspect is the absence of intervention by three of his peers. As tragic as this event was, such incidents are far from unique. Examples of reprehensible conduct exist across the homeland security spectrum.<sup>2</sup> Equally available are instances of coworkers ignoring, accommodating, or accepting such behavior and lacking the competence and courage to morally act in moments that demand it.

The consequences of moral failure are both far-reaching and long-lasting. Members of the public have experienced physical harm and wrongful incarceration.<sup>3</sup> Police organizations can suffer reduced morale and an impaired ability to accomplish their missions.<sup>4</sup> Teams within law enforcement agencies can endure a crisis of loyalty that tests

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<sup>1</sup> “How George Floyd Died, and What Happened Next,” *New York Times*, July 29, 2022, <https://www.nytimes.com/article/george-floyd.html>.

<sup>2</sup> House Committee on Oversight and Reform, *Border Patrol Agents in Secret Facebook Group Faced Few Consequences for Misconduct* (Washington, DC: House of Representatives, 2021), <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/COR%20CBP%20Facebook%20Group%20Report%20-%20October%202021.pdf>; James Queally, “Torrance Police Traded Racist, Homophobic Texts. It Could Jeopardize Hundreds of Cases,” *Los Angeles Times*, December 8, 2021, <https://www.latimes.com/california/story/2021-12-08/torrance-police-traded-racist-homophobic-texts-it-could-jeopardize-hundreds-of-cases>; “Fifth Firefighter Fired in Fire Station 8 Scandal,” KSLA News 12, November 26, 2013, <https://www.ksla.com/story/23568468/sfd-captain-pleads-not-guilty-to-cruelty-charge/>.

<sup>3</sup> Richard Drooyan, *Report of the Rampart Independent Review Panel* (Los Angeles: Rampart Independent Review Panel, 2000), <https://law.stanford.edu/wp-content/uploads/sites/default/files/publication/665057/doc/slspublic/2000%20Report%20of%20Rampart%20Independent%20review%20panel.pdf>; Alexander Williams Jr. et al., *Final Report of the Commission to Restore Trust in Policing* (Baltimore: Commission to Restore Trust in Policing, 2020), <https://htv-prod-media.s3.amazonaws.com/files/commission-to-restore-trust-in-policing-final-report-1606967709.pdf>.

<sup>4</sup> Bernard C. Parks, *Board of Inquiry into the Rampart Area Corruption Incident* (Los Angeles: Los Angeles Police Department, 2000), 266, [http://lapd-assets.lapdonline.org/assets/pdf/boi\\_pub.pdf](http://lapd-assets.lapdonline.org/assets/pdf/boi_pub.pdf); House Committee on Oversight and Reform, *Border Patrol Agents in Secret Facebook Group*.

members' ethical obligations and allegiance to their peers.<sup>5</sup> Individual officers can sustain moral injury from participation in or tolerance of misconduct.<sup>6</sup> More broadly, the jurisdiction can experience a loss of public trust foundational to its legitimacy and authority.<sup>7</sup> Such was the case in the Baltimore Police Department (BPD) following a corruption scandal involving its elite Gun Trace Task Force (GTTF). The commission assigned to investigate the scandal succinctly summarized the stakes:

The criminal acts of the GTTF officers confirmed the pre-existing view, in the minds of many in Baltimore, that the police are the “enemy” and cannot be trusted. The broken trust in law enforcement will likely reverberate for many years to come. Citizens may choose to interfere with police activities, refuse to report crimes, hesitate to assist the police in investigating crimes, or when serving as jurors decline to convict criminal defendants despite strong evidence of guilt, because they mistrust the police and feel the police are corrupt.<sup>8</sup>

The commission identified the centrality and importance of public trust in criminal justice institutions. Unethical conduct and moral inaction by law enforcement reduce public cooperation and collaboration, thereby jeopardizing public safety.<sup>9</sup>

Despite the grave consequences associated with unethical conduct, it remains a perennial challenge for law enforcement agencies. At the individual level, the decision–action gap—a divide between the cognitive-oriented perception, interpretation, and

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<sup>5</sup> Jayanth Narayanan, Sarah Ronson, and Madan M. Pillutla, “Groups as Enablers of Unethical Behavior: The Role of Cohesion on Group Member Actions,” in *Research on Managing Groups and Teams*, ed. Ann E. Tenbrunsel, vol. 8 (Bingley, UK: Emerald, 2006), 127–47, [https://doi.org/10.1016/S1534-0856\(06\)08007-8](https://doi.org/10.1016/S1534-0856(06)08007-8); Amanda D. Johnson, “Police Subcultural Traits and Police Organizational Failure,” *International Journal of Criminal Justice Sciences* 14, no. 2 (December 2019): 123, <http://dx.doi.org/10.5281/zenodo.3712069>.

<sup>6</sup> Daniel M. Blumberg, Konstantinos Papazoglou, and Sarah Creighton, “Bruised Badges: The Moral Risks of Police Work and a Call for Officer Wellness,” *International Journal of Emergency Mental Health and Human Resilience* 20, no. 2 (2018): 5, <https://doi.org/10.4172/1522-4821.1000394>; Liana M. Lentz et al., “Compromised Conscience: A Scoping Review of Moral Injury among Firefighters, Paramedics, and Police Officers,” *Frontiers in Psychology* 12 (2021): 681, <https://doi.org/10.3389/fpsyg.2021.639781>.

<sup>7</sup> Organisation for Economic Co-operation and Development, *Trust and Public Policy: How Better Governance Can Help Rebuild Public Trust* (Paris: Organisation for Economic Co-operation and Development, 2017), <https://doi.org/10.1787/9789264268920-en>.

<sup>8</sup> Williams et al., *Final Report of the Commission to Restore Trust in Policing*, 3.

<sup>9</sup> Ronald Weitzer, “Incidents of Police Misconduct and Public Opinion,” *Journal of Criminal Justice* 30, no. 5 (September 2002): 397–408, [https://doi.org/10.1016/S0047-2352\(02\)00150-2](https://doi.org/10.1016/S0047-2352(02)00150-2).

judgment of a moral dilemma and the action-oriented behavioral response—accounts for such failure.<sup>10</sup> These reflect the constituent elements of James Rest’s four-component model of ethical decision-making, a foundational heuristic describing the cognitive processes leading to moral behavior.<sup>11</sup> Within the model, the decision–action gap is a central aspect of moral failure. Subsequent research has built on Rest’s framework and recognized external factors influencing individual moral behavior.<sup>12</sup>

Law enforcement agencies’ recent efforts to address moral failure primarily target individual-level ethical beliefs and fail to address structural and contextual influences that impel or impede behavior. Johnson asserts that law enforcement organizations’ self-protective “decoupling” from the misconduct of their workforce inhibits a holistic approach to drive moral behavior.<sup>13</sup> Beyond solely addressing individual ethical decision-making, efforts to promote moral competence must consider team, organizational, and situational factors that mediate behavior.<sup>14</sup> These include the interwoven—and sometimes competing—concepts of individual moral agency and reasoning, organizational culture, group identity, team cohesion, and contextual influences. Although programs such as Active Bystandership for Law Enforcement training address the issue beyond the

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<sup>10</sup> James R. Rest, “A Psychologist Looks at the Teaching of Ethics,” *Hastings Center Report* 12, no. 1 (February 1982): 29–36, <https://doi.org/10.2307/3560621>.

<sup>11</sup> Rest, “A Psychologist Looks at the Teaching of Ethics”; Elizabeth C. Vozzola, “The Case for the Four Component Model vs. Moral Foundations Theory: A Perspective from Moral Psychology,” *Mercer Law Review* 68, no. 3 (May 2017): 640–43, [https://digitalcommons.law.mercer.edu/jour\\_mlr/vol68/iss3/6](https://digitalcommons.law.mercer.edu/jour_mlr/vol68/iss3/6); Center for Character and Leadership Development, *Developing Leaders of Character at the United States Air Force Academy: A Conceptual Framework* (Colorado Springs: United States Air Force Academy, 2011), <https://caccapl.blob.core.usgovcloudapi.net/web/character-development-project/repository/developing-leaders-of-character-conceptual-framework.pdf>.

<sup>12</sup> Linda K. Trevino, “Ethical Decision Making in Organizations: A Person-Situation Interactionist Model,” *Academy of Management Review* 11, no. 3 (1986): 601–17, <https://doi.org/10.2307/258313>; Thomas M. Jones, “Ethical Decision Making by Individuals in Organizations: An Issue-Contingent Model,” *Academy of Management Review* 16, no. 2 (1991), <https://doi.org/10.2307/258867>; Thomas M. Jones and Lori Versteegen Ryan, “The Link between Ethical Judgment and Action in Organizations: A Moral Approval Approach,” *Organization Science* 8, no. 6 (December 1997): 663–80, <https://doi.org/10.1287/orsc.8.6.663>.

<sup>13</sup> Johnson, “Police Subcultural Traits and Police Organizational Failure,” 129.

<sup>14</sup> Johnson, 129.

individual level, additional strategic initiatives are needed to enhance moral competence holistically.<sup>15</sup>

A better understanding of moral behavior in the public safety context is imperative to strengthen ethical performance. Specifically, the individual, team, organizational, and situational determinants warrant an examination within the law enforcement domain. This thesis describes these constituent and interactive elements. It further identifies and analyzes the barriers to moral action specific to police agencies. From this research, I propose functional strategies to bridge the decision–action gap and enhance moral competence among public safety practitioners.

## **A. RESEARCH QUESTIONS**

1. How do individual, team, organizational, and situational factors impel or impede moral behavior among public safety personnel?
2. What are the barriers to moral action within the law enforcement domain?
3. How can moral competence be enhanced among public safety practitioners?

## **B. LITERATURE REVIEW**

An in-depth exploration of ethical conduct in law enforcement requires a multidimensional understanding of moral behavior. This literature review begins by describing what constitutes morality and providing a singular definition for use in this thesis. Then, the review examines the origins and causes of moral conduct, as well as compares models of ethical decision-making. The review concludes with an overview of literature describing the cognition–behavior mismatch.

### **1. Defining Morality**

Given the focus of this research, a foundational definition of morality must be established. Whole schools of philosophical thought endeavor to define or, at a minimum,

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<sup>15</sup> “Active Bystandership for Law Enforcement (ABLE) Project,” Georgetown Center for Innovations in Community Safety, accessed December 23, 2021, <https://www.law.georgetown.edu/cics/able/>.

describe morality. Nonetheless, little agreement exists. Kohlberg and Hersh describe morality at its highest stage, stating, “Right is defined by the decision of conscience in accord with self-chosen ethical principles appealing to logical comprehensiveness, universality, and consistency.”<sup>16</sup> Their definition describes a universality of what Rest et al. subsequently describe as a “foundational principle” of morality.<sup>17</sup> Kohlberg and Hersh suggest what such a principle might be—including Kant’s categorical imperative and consequentialism’s greatest good for the greatest number—but stop short of specifying a singular prevailing one.<sup>18</sup> Rest et al. notably dispute Kohlberg’s suggestion of a foundational principle:

The Kohlbergian view of Six Stages is criticised as assuming Foundational Principlism, as deductivistic rather than inductivistic, as too individually orientated rather than community-orientated, as assuming consensus for deontic principles where there is no consensus, for criticising relativism when the assumption of universality is unwarranted, and for assuming that abstract principles provide sufficient guidance for making specific moral decisions.<sup>19</sup>

Rebuffing the universalist approach, Rest et al. point to the variation of morality across the sociocultural spectrum. Invoking Walzer, they note that morality is the construct of individual communities and varies across societies and cultures.<sup>20</sup> What is considered moral in Zimbabwe differs from that in Myanmar, which in turn differs from the United States. This truth advances the theory of moral relativism offered by Harman in which he describes morality as an understanding among members of a social system, reached through implicit bargaining, outlining values, norms, and standards of behavior.<sup>21</sup>

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<sup>16</sup> Lawrence Kohlberg and Richard H. Hersh, “Moral Development: A Review of the Theory,” *Theory into Practice* 16, no. 2 (1977): 55, <http://www.jstor.org/stable/1475172>.

<sup>17</sup> James R. Rest et al., “A Neo-Kohlbergian Approach to Morality Research,” *Journal of Moral Education* 29, no. 4 (2000): 383, <https://doi.org/10.1080/713679390>.

<sup>18</sup> Kohlberg and Hersh, “Moral Development,” 55.

<sup>19</sup> Rest et al., “A Neo-Kohlbergian Approach to Morality Research,” 384.

<sup>20</sup> Rest et al., “A Neo-Kohlbergian Approach to Morality Research,” 383–84; Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (Basic Books, 2008).

<sup>21</sup> Gilbert Harman, “Moral Relativism Defended,” *Philosophical Review* 84, no. 1 (1975): 3–22, <https://doi.org/10.2307/2184078>.

Continuing the relativist argument, Wong asserts that—because of its social nexus—definitions of morality vary from group to group and culture to culture.<sup>22</sup> He notes that these differences arise from the dominance or opposition of values across cultures as opposed to their outright difference. More importantly, Wong notes that Western conceptions of morality describe global traits that present across all contexts while Asian cultures consider context-specific behaviors to have moral implications.<sup>23</sup> In other words, Asian cultures examine the behavior in context to determine its morality whereas Western cultures emphasize the expression of certain values irrespective of the context. This distinction demonstrates fundamental differences in how cultures determine the morality of a behavior.

Despite strong support for the relativist case, various philosophers and theorists have nonetheless attempted to identify common values across societies, cultures, and groups to conceptualize morality more accurately. Gert and Gert note that the only consistent theme across cultures and societies is the minimization of harm.<sup>24</sup> They note that other commonly conceived moral subjects like loyalty, sanctity, and purity lack this quality. Harman observes that the moral emphasis on preventing harm greatly supersedes that of helping others.<sup>25</sup> Thus, most humans, across sociocultural groups, place the highest moral imperative on their duty not to contribute to the harm of others. While other ideals are expressed in each group as morally correct, none exercise the consistency that the minimization of harm does.

While Kohlberg and Hersh’s assertion of a foundational principle offers a simpler approach to defining morality, prevailing research and philosophical thought refute this notion. Counterintuitively, Western conceptions of morality gravitate toward universality and global traits instead of accepting that the morality of an action depends on its context.

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<sup>22</sup> Harman.

<sup>23</sup> David B. Wong, “Integrating Philosophy with Anthropology in an Approach to Morality,” *Anthropological Theory* 14, no. 3 (2014): 341, <https://doi.org/10.1177/1463499614534554>.

<sup>24</sup> Bernard Gert and Joshua Gert, “The Definition of Morality,” in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Stanford: Stanford University, 2020), <https://plato.stanford.edu/archives/fall2020/entries/morality-definition/>.

<sup>25</sup> Harman, “Moral Relativism Defended,” 12.

Contrary to Kohlberg and Hersh’s suggestion, definitions and conceptions of morality differ across sociocultural groups. These differing groups can have substantial variations in how they judge morality, with Western cultures applying expectations globally and Asian cultures applying them in context.<sup>26</sup> The one consistent component across nearly all groups is the minimization of harm. Accordingly, this thesis defines morality as follows: *a behavioral template guided by the values, ideals, and standards of a sociocultural group that minimizes harm and promotes cooperation and well-being*. Because this thesis focuses on American law enforcement institutions, Western ideals such as honesty, integrity, and justice are considered aspects of a police officer’s moral architecture. However, the minimization of harm remains the primary imperative underpinning morality in this thesis.

## 2. Geneses of Moral Conduct

Contemporary Western moral philosophy began in ancient Greece with the musings of Socrates, Plato, and Aristotle. Collectively, they developed the notion of virtue ethics or a belief that goodness and human fulfillment derive from the praxis of identified virtues such as courage, truthfulness, and modesty.<sup>27</sup> Aristotle’s definition of virtue—“a state of character concerned with choice . . . by which the man of practical wisdom would determine it”—yields two critical insights.<sup>28</sup> First, virtue ethics asserts that moral conduct results from individual character and choice and is thus agent-centered.<sup>29</sup> Second, it demonstrates Aristotle’s belief that foundational determinants of virtuous behavior are knowledge, reasoning, and wisdom.

Like Aristotle, Lawrence Kohlberg asserts that reasoning occupies a central place in the production of moral behavior. His stage theory of moral development emphasizes advancing moral reasoning through linear, non-regressive stages to produce associated

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<sup>26</sup> Wong, “Integrating Philosophy with Anthropology,” 341.

<sup>27</sup> Richard Parry and Harald Thorsrud, “Ancient Ethical Theory,” in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Stanford: Stanford University, 2021), <https://plato.stanford.edu/archives/fall2021/entries/ethics-ancient/>.

<sup>28</sup> Aristotle, *Nicomachean Ethics* (South Bend, IN: Infomotions, 2000), 19, ProQuest Ebook Central.

<sup>29</sup> Parry and Thorsrud, “Ancient Ethical Theory.”



moral behaviors.<sup>30</sup> However, Kohlberg’s view strongly assumes a correlation between the cognitive process of moral reasoning and action-oriented behavioral outcomes. Although Kohlberg’s theory bears relevance to developmental cognition, it invites scrutiny when contrasted with behavioral outcomes that follow a moral judgment.

Responding to Kohlberg, social psychologist Albert Bandura proposes a social cognitive theory of moral thought and action. Bandura contests the notion of sequential development and the monotypic behavioral determinant of reasoning in Kohlberg’s construct.<sup>31</sup> Foundational to Bandura’s theory is triadic reciprocal determinism, the assertion that the bidirectional interaction of behavior, cognition and other individual factors, and the environment determines moral conduct.<sup>32</sup> Bandura cautions that the three determinants are not necessarily equal in influence, nor does their interplay occur immediately. The closeness of relationships, individual moral self-efficacy, positions of power and influence, and reinforced behaviors all impel or impede moral conduct.<sup>33</sup> Bandura’s position offers an interactionist approach reflective of the many variables influencing moral cognition and conduct.

Philip Zimbardo proposes a situationist approach to moral behavior. Using his controversial Stanford Prison Experiment as a basis, Zimbardo contends that situational and environmental factors decidedly influence behavioral outcomes.<sup>34</sup> He further points to Stanley Milgram’s obedience study as evidence of the extrapersonal determination of moral behavior. Unlike Bandura’s assertion of individual moral agency influenced by the environment, Zimbardo contends that the situation is the primary driver of behavior.

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<sup>30</sup> Kohlberg and Hersh, “Moral Development.”

<sup>31</sup> Albert Bandura, “Social Cognitive Theory of Moral Thought and Action,” in *Handbook of Moral Behavior and Development*, ed. William M. Kurtines, Jacob Gewirtz, and Jacob L. Lamb, vol. 1 (New York: Psychology Press, 1991), 46–47, <https://doi.org/10.4324/9781315807294>.

<sup>32</sup> Alexander Newman et al., “Moral Disengagement at Work: A Review and Research Agenda,” *Journal of Business Ethics* 167, no. 3 (December 2020): 538–39, <https://doi.org/10.1007/s10551-019-04173-0>; Bandura, “Social Cognitive Theory of Moral Thought and Action,” 70–71.

<sup>33</sup> Albert Bandura, “Social Cognitive Theory,” in *Annals of Child Development: Six Theories of Child Development*, ed. Ross Vasta, vol. 6 (Greenwich, CT: JAI Press, 1989), 2–5.

<sup>34</sup> Philip G. Zimbardo, *The Lucifer Effect: Understanding How Good People Turn Evil* (New York: Random House, 2008).

Zimbardo maintains there are no “bad apples” but rather organizational “bad barrels.”<sup>35</sup> Notably, Zimbardo’s approach provokes significant criticism, ranging from ethical and scientific process questions surrounding the Stanford Prison Experiment to his exclusion of personal responsibility from moral behavior.<sup>36</sup> Though subject to criticism, Zimbardo’s situationist approach postulates that environmental and circumstantial factors primarily shape moral conduct.

George Mastroianni distills the ends of academic discourse in *Focus on the Locus*. On one end of the spectrum, he discusses character-based approaches through which individual traits manifest moral behavior.<sup>37</sup> On the other end, he identifies the situationist school whereby environmental demands, such as organizational culture, determine moral conduct. Mastroianni concludes with an assertion that the driver of moral behavior is a mix of individual characteristics and environmental factors. Mastroianni’s position resembles Bandura’s in recognizing an interactive paradigm between personal and situational factors that lead to moral behavior.

The RDS metatheory, which emphasizes the individual–context unit of analysis, further supports the person–situation interaction. Lerner and Callina eschew the term interactionist, contending that “an interaction connotes that the entities involved in the relation are separate and independent (as in a statistical interaction) and that, as such, their association involves a linear combination of discrete and separate variables.”<sup>38</sup> RDS holds that the individual–context relationship is an inseparable unit of analysis.<sup>39</sup> Aside from

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<sup>35</sup> Zimbardo, 10.

<sup>36</sup> George R. Mastroianni et al., “Obedience and Personal Responsibility,” in *Leadership in Dangerous Situations: A Handbook for the Armed Forces, Emergency Services, and First Responders*, ed. Patrick J. Sweeney, Michael D. Matthews, and Paul B. Lester (Annapolis, MD: Naval Institute Press, 2011), 109.

<sup>37</sup> George R. Mastroianni, “Focus on the Locus: A Response to ‘The Rhetoric of Character and Implications for Leadership’ by George Reed,” *Journal of Character & Leadership Development* 6, no. 1 (Winter 2019): 52–67, [https://www.usafa.edu/app/uploads/JCLD\\_Winter\\_2019.pdf](https://www.usafa.edu/app/uploads/JCLD_Winter_2019.pdf).

<sup>38</sup> Richard M. Lerner and Kristina S. Callina, “The Study of Character Development: Towards Tests of a Relational Developmental Systems Model,” *Human Development* 57, no. 6 (2014): 325, <https://doi.org/10.1159/000368784>.

<sup>39</sup> Kristina Schmid Callina et al., “Developing Leaders of Character at the United States Military Academy: A Relational Developmental Systems Analysis,” *Journal of College and Character* 18, no. 1 (2017): 9–27, <https://doi.org/10.1080/2194587X.2016.1260475>.

debating the nature of the relationship, RDS proponents, Bandura, and Mastroianni concur that individual and situational factors form mutual determinants of moral behavior.

Theories on the genesis of moral behavior have been distilled into three distinct categories: individualist, situationist, and interactionist. Individualist theories such as virtue ethics and Kohlberg's stage theory emphasize personal responsibility and hold that moral behavior derives from cognitive reason, moral character, and fortitude of will. Situationists like Zimbardo stress an event's contextual moderators in explaining moral behavior. Interactionists regard moral behavior as mutually influenced by individual and situational factors. The preponderance of present research supports the interactionist argument, noting that both individual and context combine to influence judgment and determine behavior.

### **3. Models of Ethical Decision-Making**

Several models attempt to explain the process of ethical decision-making culminating in behavior. Foundational to many is James Rest's four-component model (FCM) of ethical decision-making.<sup>40</sup> Rest's model builds on Lawrence Kohlberg's stages of moral development, so his work is considered neo-Kohlbergian. Rest recognizes that the stage of moral reasoning does not directly translate into moral behavior.<sup>41</sup> In short, recognizing the morally appropriate course of action does not necessarily generate corresponding behavior. Rest's FCM reflects the path from detecting a moral issue to ultimately engaging in moral behavior.<sup>42</sup> Component 1, or *moral sensitivity*, describes recognizing the presence and nature of a moral issue.<sup>43</sup> Component 2, or *moral judgment*, involves discerning moral and immoral courses of action based on the available facts and circumstances. Component 3, or *moral intent*, describes synthesizing established values with moral judgment to motivate moral behavior. Component 4, or *moral character*,

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<sup>40</sup> James R. Rest, *Moral Development: Advances in Research and Theory* (New York: Praeger, 1986), 3–18; Vedat Kargin, *Peer Reporting of Unethical Police Behavior* (El Paso: LFB Scholarly Publishing, 2010), 21, ProQuest Ebook Central.

<sup>41</sup> Vozzola, "The Case for the Four Component Model," 640.

<sup>42</sup> Rest, *Moral Development*, 3; Kargin, *Peer Reporting of Unethical Police Behavior*, 21–22.

<sup>43</sup> Rest, *Moral Development*, 3–18; Vozzola, "The Case for the Four Component Model," 641.

involves the individual confidence, courage, and self-efficacy necessary to exhibit moral behavior. Rest notes that the components are not necessarily sequential nor dependent on each other.<sup>44</sup>

Although Rest's FCM provides an essential foundation for the study of ethical decision-making, it lacks specific characteristics, including circumstantial, situational, and social factors that shape behavior (see Figure 1).<sup>45</sup> Subsequent research identifies and describes these, building on the FCM. Linda Trevino proposes a person–situation interactionist model to describe the intersection of individual and situational moderators that influence and determine behavior.<sup>46</sup> She describes ego strength, field dependence, and locus of control as determinants of behavior at the individual level.<sup>47</sup> Situationally, immediate job context, organizational culture, and characteristics of the work influence moral action.<sup>48</sup> Jones's modified FCM reflects the saliency of the moral issue in determining behavior. His issue-contingent model incorporates the central concept of moral intensity into the FCM, in addition to the effects of organizational factors.<sup>49</sup> Moral intensity involves the urgency, clarity, and gravity of the moral issue, with Jones asserting it exercises profound influence on the ethical decision-making process (see Figure 2).<sup>50</sup> Sekerka and Bagozzi offer a path model of moral decision-making that emphasizes moral courage as a defining element of moral action.<sup>51</sup> Their model invokes the decision-making paradigm asserted by Rest while combining it with socioemotional considerations like affective response and appraisal of social consequences.<sup>52</sup> Rest's FCM is a foundational

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<sup>44</sup> Rest, *Moral Development*, 17–18; Kargin, *Peer Reporting of Unethical Police Behavior*, 22–23.

<sup>45</sup> Kargin, *Peer Reporting of Unethical Police Behavior*, 24–25.

<sup>46</sup> Trevino, "Ethical Decision Making in Organizations," 603.

<sup>47</sup> Trevino, 609–10.

<sup>48</sup> Trevino, 610–15.

<sup>49</sup> Jones, "Ethical Decision Making by Individuals in Organizations," 379.

<sup>50</sup> Jones.

<sup>51</sup> Leslie E. Sekerka and Richard P. Bagozzi, "Moral Courage in the Workplace: Moving to and from the Desire and Decision to Act," *Business Ethics: A European Review* 16, no. 2 (2007): 132–49, <https://doi.org/10.1111/j.1467-8608.2007.00484.x>.

<sup>52</sup> Sekerka and Bagozzi.

framework, with Trevino, James, and Sekerka and Bagozzi adapting it to describe various aspects of ethical decision-making.

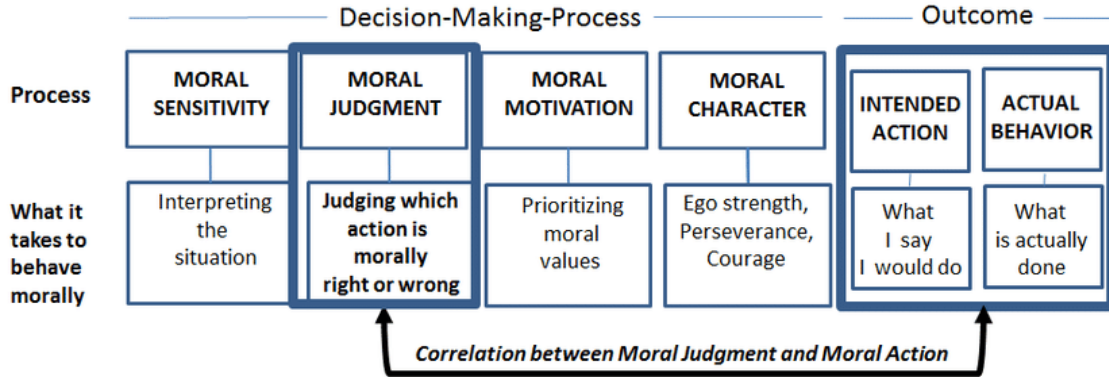


Figure 1. Rest’s FCM with Judgment–Action Gap.<sup>53</sup>

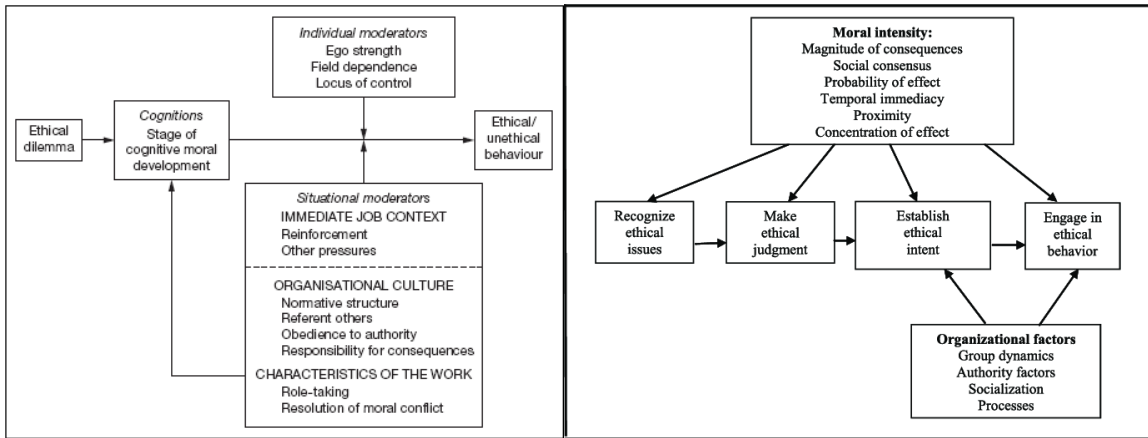


Figure 2. Trevino’s Person–Situation Interactionist (left) and Jones’s Issue-Contingent (right) Models.<sup>54</sup>

Not all ethical decision-making models, however, are based on the FCM. Jonathan Haidt’s moral foundations theory (MFT) asserts that reason is inferior to intuition in ethical

<sup>53</sup> Source: David Bazzetta, “Whistle-Blowers and Post-Conventional Moral Development: Toward Identifying Ethical & Moral Leadership” (PhD diss., Walsh College, 2015), 82.

<sup>54</sup> Source: Trevino, “Ethical Decision Making in Organizations,” 603; Jones, “Ethical Decision Making by Individuals in Organizations,” 379.

decision-making.<sup>55</sup> Haidt claims that six foundations—care/harm, liberty/oppression, loyalty/betrayal, authority/subversion, and sanctity/degradation—drive moral behavior.<sup>56</sup> Haidt’s MFT blends social psychology with evolutionary theory to support his argument. Elizabeth Vozzola criticizes Haidt’s MFT: “It does a fine job describing System 1 thinking, but fails to acknowledge that education and maturity, as well as the demands of professional ethics, call for the cultivation of System 2 reasoning.”<sup>57</sup> As Vozzola observes, Haidt’s argument resonates when assessing reactionary behavioral responses but fails to consider more deliberative moral choices. Haidt’s MFT represents the most significant academic alternative to Rest’s model, though its deference to intuition invites substantial criticism.

Wortel and Bosch criticize the use of ethical decision-making models. They contend that “the strongly solution-oriented approach . . . should be avoided. The disadvantage of such models is that they generally do not take the person who is confronted with the dilemma into account.”<sup>58</sup> Wortel and Bosch propose an individualized effort that enhances moral competence or the understanding *and* commitment to act on moral imperatives.<sup>59</sup>

The literature addressing ethical decision-making is far from uniform. Although Rest’s FCM provides a foundation for many models, other assertions explain moral behavior. The FCM and its many derivatives point to cognition and reasoning influenced by various situational factors. Haidt, conversely, asserts intuition as a driver of moral behavior. Wortel and Bosch eschew the model concept as a whole and propose that moral behavior is an individualized function and ill-served by the generation of a model heuristic.

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<sup>55</sup> Jonathan Haidt, *The Righteous Mind: Why Good People Are Divided by Politics and Religion* (New York: Pantheon Books, 2012).

<sup>56</sup> Haidt.

<sup>57</sup> Vozzola, “The Case for the Four Component Model,” 646.

<sup>58</sup> Eva Wortel and Jolanda Bosch, “Strengthening Moral Competence: A ‘Train the Trainer’ Course on Military Ethics,” *Journal of Military Ethics* 10, no. 1 (2011): 20, <https://doi.org/10.1080/15027570.2011.562372>.

<sup>59</sup> Wortel and Bosch.

#### 4. Cognitive–Behavioral Mismatch

The judgment–action gap identified by Rest has sparked significant academic discourse around the various barriers to moral action. Jones and Ryan maintain that the concept of moral approbation—defined as “moral approval from oneself or others,” or referent groups—is a determining component of moral behavior.<sup>60</sup> Kundu and Cummins further support this idea by applying Solomon Asch’s conformity theory to moral decision-making. Kundu and Cummins empirically demonstrate the presence of social consensus in moral decision-making.<sup>61</sup> Emser et al. test and validate Jones’s inhibitory effect of temporal immediacy, further supporting the issue-contingent model.<sup>62</sup> Jordan, Mullen, and Murnighan note the importance of memory and the recall of past moral or immoral behaviors in motivating future behavioral choices.<sup>63</sup> Their findings demonstrate the impact of moral self-image in informing prospective behavior. They propose that individuals who reflect on their immoral behavior may morally cleanse or aspire to act morally in the future. In contrast, individuals who reflect on their moral behavior engage in moral licensing or complacency of moral effort.<sup>64</sup> Collectively, these studies demonstrate that the judgment–action gap has many diverse and complex moderators that may inhibit moral behavior.

Albert Bandura theorizes that individuals morally disengage to rationalize immoral behavior or moral inaction.<sup>65</sup> He posits that humans use eight mechanisms within four domains to make unethical behavior cognitively acceptable (see Table 1). Complementary

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<sup>60</sup> Jones and Ryan, “The Link between Ethical Judgment and Action in Organizations,” 663.

<sup>61</sup> Payel Kundu and Denise D. Cummins, “Morality and Conformity: The Asch Paradigm Applied to Moral Decisions,” *Social Influence* 8, no. 4 (October 2013): 268–79, <https://doi.org/10.1080/15534510.2012.727767>.

<sup>62</sup> Ann-Kathrin Emser et al., “Higher, Faster, Further: Occupational Ethical Decision-Making under Time Pressure in Type A versus Type B Personalities,” *Psychology* 12, no. 10 (2021): 1678–710, <https://doi.org/10.4236/psych.2021.1210102>.

<sup>63</sup> Jennifer Jordan, Elizabeth Mullen, and J. Keith Murnighan, “Striving for the Moral Self: The Effects of Recalling Past Moral Actions on Future Moral Behavior,” *Personality and Social Psychology Bulletin* 37, no. 5 (2011): 701–13, <https://doi.org/10.1177/0146167211400208>.

<sup>64</sup> Jordan, Mullen, and Murnighan.

<sup>65</sup> Albert Bandura, “Selective Moral Disengagement in the Exercise of Moral Agency,” *Journal of Moral Education* 31, no. 2 (June 2002): 102, <https://doi.org/10.1080/0305724022014322>; Albert Bandura, “Selective Activation and Disengagement of Moral Control,” *Journal of Social Issues* 46, no. 1 (1990): 28, <https://doi.org/10.1111/j.1540-4560.1990.tb00270.x>.

to Bandura, Diener et al. propose a theory of deindividuation—whereby “persons in groups with certain characteristics may be less self-conscious or self-aware because their attention is directed to the groups in which they are immersed”—as a significant inhibitor of individually manifested moral action.<sup>66</sup> Diener et al. argue that increased group size leads to diminished self-awareness, increasing the potential for moral failure.<sup>67</sup> Zimbardo and other situationists cite deindividuation as evidence that context supersedes individual factors in determining ethical behavior. Moral disengagement and deindividuation enable individuals to rationalize or cognitively disassociate from the failure to act morally, thus contributing to the judgment–action gap.

Table 1. Domains of Moral Disengagement.<sup>68</sup>

<b>Domain</b>	<b>Mechanism</b>
Reframing Conduct	Moral Justification
	Euphemistic Labeling
	Advantageous Comparison
Obfuscating Accountability	Displacement of Responsibility
	Diffusion of Responsibility
Minimizing Detrimental Effects	Disregard/Distortion of Consequences
Maligning the Victim	Dehumanization
	Attribution of Blame

Few studies explore the cognitive–behavioral mismatch within law enforcement. In assessing the willingness of Philadelphia police officers to report unethical conduct of coworkers, Vedat Kargin finds that moral salience, the magnitude of consequences, and

<sup>66</sup> Ed Diener et al., “Deindividuation: Effects of Group Size, Density, Number of Observers, and Group Member Similarity on Self-Consciousness and Disinhibited Behavior,” *Journal of Personality and Social Psychology* 39, no. 3 (September 1980): 449, <http://dx.doi.org/10.1037/0022-3514.39.3.449>.

<sup>67</sup> Diener et al., 458.

<sup>68</sup> Adapted from Bandura, “Social Cognitive Theory of Moral Thought and Action,” 71–93; Bandura, “Selective Activation and Disengagement of Moral Control,” 28–42.



acts of reinforcement determine ethical behavior.<sup>69</sup> Kargin’s findings do not support the social consensus determinant proposed by Jones and Ryan as well as Kundu and Cummins.<sup>70</sup> Verhage et al. evaluate the impact of stress on Belgian police officers’ decision-making. Though not focused on the moral dimension, their study reveals fear, anxiety, and uncertainty manifesting in high-stress situations, leading to suboptimal performance.<sup>71</sup> Similarly, Mastroianni et al. reflect on ethical decision-making within an *in extremis* context and posit that “soldiers, firefighters, emergency medical personnel, and police officers may . . . be subjected to a wide range of intense stressors that often result in moral disengagement.”<sup>72</sup> Mastroianni et al. correlate environmental and situational stressors with moral disengagement and diminished cognitive functioning while claiming that police officers face disproportionately high amounts of moral ambiguity.<sup>73</sup> Blumberg, Papazoglou, and Creighton cite moral compromise, moral injury, moral distress, and moral licensing as causative agents of unethical conduct or moral inaction in law enforcement.<sup>74</sup> Though a range of literature exploring unethical conduct within law enforcement exists, it lacks a comprehensive exploration of the judgment–action gap and its causes.

## 5. Conclusion

The exploration of ethical conduct within law enforcement appropriately warrants a foundational understanding of theories surrounding moral behavior and discourse. A unifying definition of morality remains elusive, largely due to the primacy of the moral relativist position over that of universalists. For this thesis, morality is *a behavioral template guided by the values, ideals, and standards of a sociocultural group that minimizes harm and promotes cooperation and well-being*. Three primary camps—

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<sup>69</sup> Kargin, *Peer Reporting of Unethical Police Behavior*, 131–38.

<sup>70</sup> Kargin, 132.

<sup>71</sup> Antoinette Verhage et al., “Force, Stress, and Decision-Making within the Belgian Police: The Impact of Stressful Situations on Police Decision-Making,” *Journal of Police and Criminal Psychology* 33, no. 4 (2018): 345–57, <https://doi.org/10.1007/s11896-018-9262-4>.

<sup>72</sup> Mastroianni et al., “Obedience and Personal Responsibility,” 112–13.

<sup>73</sup> Mastroianni et al.

<sup>74</sup> Blumberg, Papazoglou, and Creighton, “Bruised Badges,” 4–6.

individualist, situationist, and interactionist—comprise the debate over the genesis of moral behavior. The interactionist argument presently demonstrates the greatest empirical support and is a foundational assertion of this thesis. Most ethical decision-making models are derived from Rest’s FCM, though social intuitionists and others criticize it and propose alternative models of moral cognition. Finally, the cognitive–behavioral mismatch at the core of moral failure arises from various theorized and empirically demonstrated variables but lacks an overarching and comprehensive exploration.

### C. RESEARCH DESIGN

This thesis explores the failure of moral action within law enforcement, identifies its contributive elements, and describes their interactions. To achieve this, it employs qualitative methods of analysis drawn from the RDS metatheory to assess moral behavior. RDS emphasizes holism and the interrelationships of a given system’s constituent parts. Traditional reductionist analysis of behavior often attempts to discern cause and effect through isolation and independent experimentation of variables.<sup>75</sup> Contrary to this, RDS recognizes the complexity of behavior and uses contextualized analysis to distill interdependent “conditions” and “mechanisms” that influence—but do not necessarily manifest—a behavioral outcome.<sup>76</sup> Notably, an RDS approach allows for a multidimensional and interdisciplinary study of moral behavior within law enforcement.

The RDS metatheory prescribes three moments of analysis: the identity of opposites, the opposites of identity, and the synthesis of wholes.<sup>77</sup> The identity of opposites establishes the individual–context relationship as both inseparable and mutually reciprocal.<sup>78</sup> The opposites of identity allow for analysis of each system component while

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<sup>75</sup> Peter C. M. Molenaar, Richard M. Lerner, and Karl M. Newell, *Handbook of Developmental Systems Theory and Methodology* (New York: Guilford Publications, 2013), 34–43, ProQuest Ebook Central.

<sup>76</sup> Molenaar, Lerner, and Newell, 45–46.

<sup>77</sup> Lerner and Callina, “The Study of Character Development,” 327.

<sup>78</sup> Lerner and Callina, “The Study of Character Development,” 327; Molenaar, Lerner, and Newell, *Handbook of Developmental Systems Theory*, 28–30.

suspending the interactive constant between them.<sup>79</sup> The synthesis of wholes reconstitutes the system, describing how components interact to form an action or outcome.<sup>80</sup>

This thesis begins with a foundational assertion of an identity of opposites regarding moral action in law enforcement. Specifically, I contend that although moral behavior manifests individually, context mediates it. As described in the literature review, various contemporary theories demonstrate the relationship between individual and contextual factors in impelling or impeding moral conduct.<sup>81</sup> However, traditional scientific methods approach each element as an independent variable separate from other components and individually modifiable. The RDS metatheory offers an analytical lens to explore multidimensional and interdisciplinary variables separately while retaining their significance, impact, and fixed relationship with each other.<sup>82</sup>

This thesis critically examines the opposites of identity that interact to produce moral behavior within law enforcement. Such analysis explores the individual, team, organizational, and situational conditions that influence ethical conduct. I qualitatively derived these factors from a review of secondary source material across various academic disciplines and fields of research. Where appropriate, I interweave relevant examples of moral action and inaction to illustrate concepts. To ensure consistency, I draw practical evidence from three noteworthy cases demonstrating moral failure: the Los Angeles Police Department (LAPD)'s Rampart Community Resources against Street Hoodlums (CRASH) scandal, the BPD's GTTF scandal, and the death of George Floyd.

This work concludes with a synthesis of wholes describing the interaction and interdependence between the individual, team, organizational, and situational dimensions. Interrelationships between components are identified using inductive methods and then used to propose strategies that strengthen moral conduct within the law enforcement

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<sup>79</sup> Lerner and Callina, "The Study of Character Development," 327–28; Molenaar, Lerner, and Newell, *Handbook of Developmental Systems Theory*, 30–31.

<sup>80</sup> Lerner and Callina, "The Study of Character Development," 328.

<sup>81</sup> Bandura, "Social Cognitive Theory of Moral Thought and Action"; Jones, "Ethical Decision Making by Individuals in Organizations"; Jones and Ryan, "The Link between Ethical Judgment and Action in Organizations"; Trevino, "Ethical Decision Making in Organizations."

<sup>82</sup> Molenaar, Lerner, and Newell, *Handbook of Developmental Systems Theory*, 95–96.

system. This thesis should enhance decision-makers' understanding of the complex nature of moral behavior. Consequently, it could inform future initiatives to promote moral action among police officers.

#### **D. CASE STUDIES**

To augment the theoretical analysis in this thesis, I draw examples from relevant historical events. Such evidence primarily originates from three notable cases possessing distinctly moral components. Cases were selected based on the following four criteria:

1. *Moral relevance*: The selected cases possess a distinctively moral dimension. This may present as unethical conduct, moral inaction, or any other morally relevant characteristic that significantly defines the case.
2. *Multidimensional characteristics*: The selected cases exhibit multidimensional characteristics that include individual, team, organizational, and situational components.
3. *Data availability*: The selected cases have adequate data that support comprehensive academic analysis. These include court documents, commission reports, and other obtainable material vital to objective analysis.
4. *Recency*: The selected cases possess a degree of recency that ensures their relevance to contemporary law enforcement. The cases occurred within the last 25 years preceding the research efforts of this thesis.

Using these criteria, the following cases were selected for use in this study: 1) the LAPD's Rampart CRASH corruption scandal, 2) the BPD's GTTF corruption scandal, and 3) the death of George Floyd at the hands of Minneapolis Police Department (MPD) officers. Other cases were evaluated for use in this thesis, but they were subsequently removed from consideration for not meeting one or more of the specified criteria. The following subsections summarize the three selected cases.

## 1. LAPD's Rampart CRASH Case

Long an agency tasked with confronting gang violence, the LAPD formed specialized units to counter the growing threat in the 1970s. These CRASH units were established to provide an unconventional response to gang violence and narcotics distribution. Assigned to each of the LAPD's 18 areas and four bureaus, these units had broad mandates, minimal supervision, and significant autonomy of operations.<sup>83</sup> Over the years, CRASH developed an "independent subculture" within the LAPD and prided itself in its asymmetrical effectiveness in dealing with the epidemic of gang criminality.<sup>84</sup> However, the narcotics trade and gang activity in Los Angeles increased dramatically with the introduction of crack-cocaine in the mid-1980s.

Racial strife and conflict with law enforcement were omnipresent challenges in the city well before the CRASH scandal. The questionable shooting of Eula Love by LAPD officers in 1979, the beating of Rodney King by white LAPD officers in 1992, and the O. J. Simpson murder trial from 1994–1995 exacerbated racial tensions and increased scrutiny and distrust of the LAPD.<sup>85</sup> These events led to an often antagonistic and distrustful relationship between law enforcement and the diverse community it served. In addition, these events resulted in significant self-reflection, investigation, and policy changes in the LAPD. Against this backdrop, the Rampart CRASH scandal poured gasoline on the smoldering fire of public distrust in LAPD's ability to protect and serve the citizens of Los Angeles.

Over the course of 1997–1998, a pattern of criminal conduct emerged from the Rampart Division's CRASH unit. In March 1997, CRASH officer Kevin Gaines was shot and killed in self-defense by undercover LAPD officer Frank Lyga as the former had

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<sup>83</sup> Drooyan, *Report of the Rampart Independent Review Panel*, 1–2; Parks, *Board of Inquiry into the Rampart Area Corruption Incident*, 36.

<sup>84</sup> Drooyan, *Report of the Rampart Independent Review Panel*, 2.

<sup>85</sup> Parks, *Board of Inquiry into the Rampart Area Corruption Incident*; Weitzer, "Incidents of Police Misconduct and Public Opinion," 398.

threatened the latter with a gun in an act of road rage.<sup>86</sup> This incident was followed nine months later by the arrest of Rampart CRASH officer David Mack for an armed robbery of a Bank of America branch.<sup>87</sup> Credible allegations of the beating of a suspect during an interrogation surfaced in late February 1998.<sup>88</sup> Finally, one month after the interrogation beating, three kilograms of cocaine went missing from the evidence room of the Rampart Division.<sup>89</sup> The missing narcotics were traced to Officer Rafael Perez, who was subsequently charged with possession, theft, and forgery in August 1998.<sup>90</sup> By May 1998, the LAPD knew that these combined incidents were not independent events but the product of systemic and deep-rooted problems originating from the Rampart CRASH unit.<sup>91</sup> These discoveries resulted in the formation of a specialized task force investigation of Rampart's CRASH unit.<sup>92</sup> When through its investigation the task force discovered further criminal activity and charged Officer Perez with additional offenses, his attorney negotiated a plea agreement in exchange for Perez's full cooperation.<sup>93</sup> His revelations were shocking in both scale and distribution.

In over 4,000 pages of sworn testimony, Perez alleged widespread misconduct by Rampart CRASH officers.<sup>94</sup> Among other offenses, he cited the planting of evidence on suspects, falsified probable cause, the cover-up of unjustified shootings, drug dealing, and

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<sup>86</sup> Peter J. Boyer, "Bad Cops," *New Yorker*, May 13, 2001, <https://www.newyorker.com/magazine/2001/05/21/bad-cops>; "Rampart Scandal Timeline," PBS Frontline, accessed July 18, 2021, <https://www.pbs.org/wgbh/pages/frontline/shows/lapd/scandal/cron.html>.

<sup>87</sup> Boyer, "Bad Cops"; PBS Frontline, "Rampart Scandal Timeline"; Parks, *Board of Inquiry into the Rampart Area Corruption Incident*, 1–2.

<sup>88</sup> PBS Frontline, "Rampart Scandal Timeline"; Parks, *Board of Inquiry into the Rampart Area Corruption Incident*, 2.

<sup>89</sup> PBS Frontline, "Rampart Scandal Timeline."

<sup>90</sup> Boyer, "Bad Cops"; PBS Frontline, "Rampart Scandal Timeline"; Parks, *Board of Inquiry into the Rampart Area Corruption Incident*, 3.

<sup>91</sup> Parks, *Board of Inquiry into the Rampart Area Corruption Incident*; PBS Frontline, "Rampart Scandal Timeline," 3–4.

<sup>92</sup> Boyer, "Bad Cops."

<sup>93</sup> Boyer, "Bad Cops"; PBS Frontline, "Rampart Scandal Timeline."

<sup>94</sup> PBS Frontline, "Rampart Scandal Timeline."

the routine use of excessive force.<sup>95</sup> Perez also revealed team-held beliefs that celebrated shooting or killing suspects and in which the ends justified the means.<sup>96</sup> His testimony and allegations of large-scale misconduct resulted in Police Chief Bernard Parks's appointing a Board of Inquiry to identify the issues that had allowed the Rampart CRASH scandal to occur.<sup>97</sup> When this report placed the blame at the individual and team level of the CRASH unit, the police union hired Erwin Chemerinsky to analyze and respond to the Board of Inquiry's report.<sup>98</sup> His analysis served as a sharp rebuke to the LAPD's Board of Inquiry report and resulted in the formation of the Rampart Independent Review Panel (RIRP) to provide an analysis focusing on the structural and systemic problems facing the LAPD as an organization.<sup>99</sup>

The effects of the various investigations were widespread: multiple officers were criminally charged, many more faced discipline or termination, and CRASH units were disbanded department-wide.<sup>100</sup> Nearly 100 convictions were overturned, and the department paid over \$100 million to settle the numerous civil claims arising from the misconduct.<sup>101</sup> In 2000, the LAPD consented to Department of Justice (DOJ) oversight for five years to avoid a civil rights lawsuit from the federal government.<sup>102</sup> Renewed ethics training, unit oversight policies, and changes to internal investigations were some of the many departmental changes in the wake of the scandal.<sup>103</sup> In terms of legacy, the Rampart CRASH scandal is regularly regarded as an archetype of unethical police conduct

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<sup>95</sup> Drooyan, *Report of the Rampart Independent Review Panel*, 5.

<sup>96</sup> Perez Aff., *People v. Perez*, No. BA109900 (C.D. Cal. September 17, 1999), <http://www.pcaclaw.org/PEREZ002.html>.

<sup>97</sup> Parks, *Board of Inquiry into the Rampart Area Corruption Incident*.

<sup>98</sup> Paul J. Kaplan, "Looking through the Gaps: A Critical Approach to the LAPD's Rampart Scandal," *Social Justice* 36, no. 1 (2009): 66, ProQuest.

<sup>99</sup> Kaplan.

<sup>100</sup> Drooyan, *Report of the Rampart Independent Review Panel*.

<sup>101</sup> PBS Frontline, "Rampart Scandal Timeline."

<sup>102</sup> PBS Frontline.

<sup>103</sup> Parks, *Board of Inquiry into the Rampart Area Corruption Incident*; Drooyan, *Report of the Rampart Independent Review Panel*; Erwin Chemerinsky, "An Independent Analysis of the Los Angeles Police Department's Board of Inquiry Report on the Rampart Scandal," *Loyola of Los Angeles Law Review* 34, no. 2 (2001), <https://digitalcommons.lmu.edu/llr/vol34/iss2/4>.

and failure of organizational control. As such, it provides a suitable case study for the multidimensional examination of moral failure in the law enforcement domain.

## 2. BPD's GTTF Case

The City of Baltimore and its police department experienced a range of significant challenges in the first two decades of the 21st century. During this period, the agency had a revolving door of police commissioners with only one serving for more than three years.<sup>104</sup> In addition to a leadership vacuum, the city faced rising crime rates, drug and gang activity, and racial tension. To address these challenges, the city entered a collaborative reform effort with the DOJ designed to advance its community-oriented policing efforts.<sup>105</sup> After Freddie Gray died in BPD custody in April 2015, the DOJ determined that the agency should undergo a comprehensive civil rights investigation. In its findings report issued 16 months later, the DOJ reported widespread institutional failures at the BPD. These included unconstitutional practices, excessive force, racial discrimination, and other violations that critically undermined the BPD's standing with the community it served. The DOJ report culminated in a consent decree with the BPD that highlighted multiple areas requiring reform and appointed an independent monitor.<sup>106</sup> It is within this context that officers assigned to the GTTF actively engaged in egregious acts of corruption and unethical conduct.

Like CRASH units with the LAPD, the GTTF formed in response to growing criminal activity that conventional policing methods had proven unable to curtail. As a result of a large influx of firearms into the city, the BPD established the GTTF in 2007 at the direction of Commissioner Frederick H. Bealefeld III.<sup>107</sup> The GTTF mandate centered on reducing violent crime by interrupting and interdicting illegal firearm sales and firearm-related crimes. At its inception, the mission of the GTTF included the following: "(1)

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<sup>104</sup> Williams et al., *Final Report of the Commission to Restore Trust in Policing*, 30–31.

<sup>105</sup> Department of Justice, *Investigation of the Baltimore City Police Department* (Washington, DC: Department of Justice, 2016), 19–20, <https://www.justice.gov/opa/pr/justice-department-announces-findings-investigation-baltimore-police-department>.

<sup>106</sup> Williams et al., *Final Report of the Commission to Restore Trust in Policing*, 52–53.

<sup>107</sup> Williams et al., 55–56.



Gather [ing] intelligence to advance firearms-trafficking investigations; (2) work [ing] with gun dealers and pawn shops to investigate straw purchaser cases; and (3) partner [ing] with state and federal prosecutors to bring such cases.”<sup>108</sup> While the GTTF mission was envisioned as one of analysis and investigation, it rapidly transformed into street-level enforcement.<sup>109</sup>

As the GTTF became involved in greater street-level enforcement, ethical expectations became secondary to productivity as measured by statistics. Arrests along with seizures of weapons and drugs became the metric of success. Choosing to focus on these figures, the leadership of the BPD overlooked questionable probable cause and concerning circumstances that made the GTTF and other special units “effective.”<sup>110</sup> As in the Rampart CRASH case, this professional productivity eventually morphed into personal enrichment. In addition to exaggerating or falsifying probable cause, several GTTF officers stole from suspects, planted evidence, perjured themselves, fraudulently claimed overtime, and coordinated their criminal actions with each other.

As the DOJ and other investigative bodies described in subsequent reports, the BPD’s internal investigative processes were wholly insufficient to detect and interdict the criminal conduct of members of the GTTF. Ultimately, an unrelated investigation by Baltimore County and Harford County Police Departments discovered an illegal tracking device tied to the GTTF. These agencies referred this incident to the FBI, which subsequently uncovered the profound extent of the GTTF’s criminal conduct. Charges soon followed in early 2017. Over a dozen BPD officers were charged in connection with the scandal, and various others were implicated.<sup>111</sup> To date, over 800 cases and convictions

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<sup>108</sup> Michael R. Bromwich et al., *Anatomy of the Gun Trace Task Force Scandal: Its Origins, Causes, and Consequences* (Washington, DC: Steptoe, 2022), xiii, <https://www.steptoel.com/en/news-publications/steptoel-releases-investigative-report-on-the-gun-trace-task-force-scandal.html>.

<sup>109</sup> Williams et al., *Final Report of the Commission to Restore Trust in Policing*, 57.

<sup>110</sup> Williams et al., 79.

<sup>111</sup> Williams et al., 58.

have been dropped and over \$13 million disbursed to victims of the corrupt acts.<sup>112</sup> Several cases remain active as of this writing.

Recognizing the profound nature of the GTTF scandal, the State of Maryland and City of Baltimore each initiated its own independent investigations. The Maryland General Assembly established the Commission to Restore Trust in Policing, which issued its final report in December 2020.<sup>113</sup> Meanwhile, the City of Baltimore retained Steptoe & Johnson LLP to provide a comprehensive analysis of the scandal and its contributive elements.<sup>114</sup> Combined with the DOJ findings report issued in 2016, substantial investigative data exist for the events surrounding the GTTF and the BPD as a whole. These sources provide valuable insight into the individual, team, organizational, and situational elements that contributed to the breakdown of moral behavior within the BPD. As it meets the four outlined criteria, the GTTF case study warrants inclusion and analysis in this thesis.

### **3. MPD's George Floyd Case**

Few, if any, law enforcement contacts match the social significance of the MPD's encounter with George Floyd on May 25, 2020. On that day, Minneapolis police officers were summoned to a convenience store, Cup Foods, to investigate a forgery in progress.<sup>115</sup> Further information revealed that a suspect reportedly attempted to pass a fake \$20 bill. Officers Alexander Kueng and Thomas Lane—who had both completed their field training program (FTP) in the week prior—responded as the primary unit.<sup>116</sup> Backing them up were veteran officers Derek Chauvin and Tou Thao, nineteen- and eight-year veterans, respectively.

Officers contacted George Floyd—the primary suspect in the reported incident—in the driver seat of a vehicle. After removing Mr. Floyd from the vehicle and seating him

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<sup>112</sup> Bromwich et al., *Anatomy of the Gun Trace Task Force Scandal*, 515.

<sup>113</sup> Williams et al., *Final Report of the Commission to Restore Trust in Policing*, 27–28.

<sup>114</sup> Bromwich et al., *Anatomy of the Gun Trace Task Force Scandal*, 8.

<sup>115</sup> Transcript of Record at \*3782–83, *United States v. Thao*, Crim. No. 21–108 (PAM/TNL) (D. Minn. filed April 4, 2022) (PACER).

<sup>116</sup> Transcript of Record at \*3266–914, *Thao*.

along an exterior wall of Cup Foods, they conducted a brief investigation before determining that an arrest was warranted. As officers attempted to place Mr. Floyd in the back of a patrol vehicle, he became anxious and described severe claustrophobia as a reason for not wanting to be placed in the vehicle. The involved officers described some degree of passive resistance as they tried to place him in the patrol vehicle. Then, they forced Mr. Floyd to the ground and placed him in a prone position. Officers had already handcuffed Mr. Floyd, and by most accounts, he did not present an ongoing threat to their safety. Officers Chauvin, Kueng, and Lane controlled Mr. Floyd by applying downward pressure and weight on his person.<sup>117</sup> Infamously, Officer Chauvin kneeled directly on Mr. Floyd's neck for nearly the entire encounter. He further directed the continued actions of Officers Lane and Kueng.

Meanwhile, Officer Thao attempted to control a crowd that had been increasing in both size and activity.<sup>118</sup> Passersby and members of the crowd filming and observing the event became increasingly concerned for Mr. Floyd's well-being.<sup>119</sup> As Mr. Floyd pleaded for help and repeatedly noted he could not breathe, the crowd implored the involved officers to discontinue their actions and check on him. While officers did summon an ambulance, they largely ignored the appeals of the crowd. After arriving, an ambulance crew determined that Mr. Floyd was in cardiac arrest and began resuscitative efforts that ultimately proved unsuccessful.<sup>120</sup> The Hennepin County Medical Center declared him dead nearly an hour later. Autopsies later specified his cause of death as homicide arising from restraint and neck compression.

Shortly after the incident, video footage depicting the events was disseminated on social media, resulting in outrage across the United States. The involved officers were quickly fired and charged in connection with Floyd's murder. Protests and riots occurred

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<sup>117</sup> "How George Floyd Died, and What Happened Next."

<sup>118</sup> Transcript of Record at \*3009–510, *Thao*.

<sup>119</sup> "How George Floyd Died, and What Happened Next."

<sup>120</sup> "Three Former Minneapolis Police Officers Convicted of Federal Civil Rights Violations for Death of George Floyd," Department of Justice, February 24, 2022, <https://www.justice.gov/opa/pr/three-former-minneapolis-police-officers-convicted-federal-civil-rights-violations-death>.

throughout the nation, leading to a national reckoning for police on use-of-force practices and their engagement with the black community. By and large, law enforcement agencies amended practices to include de-escalatory approaches and require officers to intervene in or report the misconduct of peers. Derek Chauvin was found guilty of second- and third-degree murder as well as second-degree manslaughter.<sup>121</sup> Kueng and Lane pleaded guilty to state charges of aiding and abetting second-degree manslaughter. Thao currently awaits the verdict in his state trial for a charge of aiding and abetting second-degree manslaughter.<sup>122</sup> All four officers were found guilty of civil rights violations in federal court.

While the beating of Rodney King in 1991 and the death of Michael Brown in 2014 at the hands of police constituted landmark cases, neither galvanized the nation like the George Floyd incident. The event and its aftermath elevated the Black Lives Matter movement and focused attention on systemic injustices in the American justice system. Moreover, it demonstrated the vulnerability of public trust in law enforcement institutions. Agencies far away from Minneapolis contended with efforts to “defund the police” and calls for urgent, comprehensive reform to enhance police accountability. The fallout from the George Floyd case is relatively unmatched in the modern era.

Like the Rampart CRASH and GTTF cases, the George Floyd case demonstrates the combined effects of multidimensional factors of moral behavior. Court testimonies and body camera footage provide important insight into the way in which these factors coalesced in a dynamic situation. Provided this data availability, the relevance and significance of the case, and its recency, the George Floyd case yields valuable insight into moral failure within law enforcement.

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<sup>121</sup> Department of Justice.

<sup>122</sup> Steve Karnowski, “2 Ex-Cops Charged in George Floyd Killing Reject Plea Deals,” AP News, August 15, 2022, <https://apnews.com/article/death-of-george-floyd-minneapolis-thomas-lane-tou-thao-d6d9189c7e4a2fb363935a9d3ee8e449>; Laurel Wamsley, “Just before a Trial Concerning George Floyd’s Murder, an Ex-Officer Pleads Guilty,” NPR, October 24, 2022, <https://www.npr.org/2022/10/24/1129993078/george-floyd-tou-thao-j-alexander-kueng-trial>.

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## II. INDIVIDUAL DETERMINANTS

While team, organizational, and situational factors inextricably influence the conduct of law enforcement officers, analysis of the dilemma and behavioral choices that follow ultimately manifest at the individual level. This domain acts as the point of synthesis where moral issues, contextual influence, and personal characteristics combine to produce behavioral outcomes. As such, it represents the vector most often targeted by law enforcement organizations to address the moral behavior of officers and to assign blame for moral failures. Variations in individual composition can yield vastly different responses to decidedly similar issues and contexts.

Three factors largely constitute the individual determinants of moral behavior: agency, disposition, and condition. Moral agency describes the self-belief in the officer's duty and capacity to influence a moral outcome. Even with a developed sense of moral agency, an officer must possess the appropriate disposition to correctly perceive, judge, and respond to moral dilemmas. As with disposition, conditional traits influence an officer's ethical decision-making processes. A comprehensive understanding of individual determinants is necessary to conceptualize moral behavior in law enforcement and craft impactful solutions for enduring moral challenges.

### A. AGENCY

*Merriam-Webster* defines agency as “the capacity, condition, or state of acting or of exerting power.”<sup>123</sup> Moral agency, then, describes an individual's ability to see oneself as a moral actor with the capability and obligation to act in advancement of moral principles. If officers lack adequate moral agency, then their capacity to act in response to a moral imperative is impaired. Talbert asserts that moral agency is tied to moral responsibility and proposes that an agent's mere ability to judge and determine a moral

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<sup>123</sup> *Merriam-Webster*, s.v. “agency,” accessed October 2, 2022, <https://www.merriam-webster.com/dictionary/agency>.

dilemma obligates an ethical response.<sup>124</sup> Just as officers have a legal duty to interdict criminal behaviors, they have a moral duty to respond to unethical ones. Considering this, moral agency reflects two vital individual functions: 1) the capacity to perceive, judge, and act on a moral imperative and 2) the responsibility to act in advancement of moral principles. Essential to exercising moral agency are officers' locus of control and self-efficacy competencies. The locus of control describes an individual's beliefs about who or what determines situational outcomes.<sup>125</sup> Self-efficacy describes an officer's belief in his or her capability to successfully carry out an action to achieve an intended end. Taken together, these qualities indicate officers' ability to view themselves as capable moral actors beholden to moral imperatives.

### **1. Locus of Control**

Trevino describes the locus of control as “an individual's perception of how much control he or she exerts over the events in life.”<sup>126</sup> Those with an internal locus of control believe that consequences are associated with their choices and actions. Conversely, those with an external locus believe that fate, circumstance, and outside entities determine outcomes. Trevino theorizes that an internal locus results in increased personal responsibility, which promotes behaviors that align with an individual's moral judgments.<sup>127</sup> Trevino and Youngblood provide empirical support of this dynamic, noting that the locus of control “exhibit [s] the single strongest direct effect on ethical decision making, nearly double that of all the other effects.”<sup>128</sup> Thus, the locus of control of individual police officers is highly determinative of their likelihood to engage in moral behavior.

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<sup>124</sup> Matthew Talbert, “Moral Responsibility,” in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Stanford: Stanford University, 2019), <https://plato.stanford.edu/archives/win2019/entries/moral-responsibility/>.

<sup>125</sup> Trevino, “Ethical Decision Making in Organizations,” 610.

<sup>126</sup> Trevino, 610.

<sup>127</sup> Trevino, 610.

<sup>128</sup> Linda K. Trevino and Stuart A. Youngblood, “Bad Apples in Bad Barrels: A Causal Analysis of Ethical Decision-Making Behavior,” *Journal of Applied Psychology* 75, no. 4 (1990): 382, <https://doi.org/10.1037/0021-9010.75.4.378>.

Assessing the locus of control of individual officers is beyond the scope of this thesis. Nonetheless, Zacka notes how organizational structures can influence an individual's locus of control:

By institutionalizing a rigid hierarchal chain through which a unidirectional flow of information trickles, bureaucracies place low-level bureaucrats at an epistemic disadvantage. They create situations like those studied by Stanley Milgram, in which such bureaucrats, not fully informed of the aims of the organization or of the rationale behind established procedures, are systematically driven to impute more knowledge and expertise to their superiors and to defer to their authority without being able to assess its merits. . . . They are effectively encouraged to entrust this process to someone else.<sup>129</sup>

Zacka contends that the mere structure of an agency can externalize an individual's locus of control, thereby undermining moral agency. Because of their often-domineering command-and-control systems, law enforcement organizations are vulnerable to such a shift among their personnel. Chemerinsky describes how the organizational culture of the LAPD undermined the development of an internal locus in the Rampart CRASH case:

LAPD management seeks mistake prevention and accountability from the rank and file through a highly stratified, elaborate discipline system that enforces voluminous rules and regulations, some of them very petty. Such systems attempt to keep officers in line by asserting control over every aspect of their lives and imposing a constant threat of discipline. The theory may be good on paper, but in practice the results are questionable and the costs of such systems are high. . . . Officers experience the LAPD's discipline system as an arbitrary, demeaning system of entrapments that burns whistleblowers, fails to stop the big abuses like Rampart, and yet assiduously prosecutes officers for "micro-infractions."<sup>130</sup>

The system described by Chemerinsky stripped officers of their autonomy and the empowerment to make impactful decisions, causing officers to view events as outside their control and outcomes as resulting from organizational dictate. Thus, LAPD officers involved in or adjacent to the Rampart CRASH scandal lacked belief in their individual responsibility and capacity to interdict behaviors of the Rampart CRASH unit

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<sup>129</sup> Bernardo Zacka, *When the State Meets the Street: Public Service and Moral Agency* (Cambridge, MA: Belknap Press, 2017), 116–17.

<sup>130</sup> Chemerinsky, "Report on the Rampart Scandal," 565–66.



meaningfully. Instead, officers conditioned to the LAPD culture viewed the events as both organizationally manifested and mediated. Thus, the authoritarian culture of the LAPD undermined and counteracted the development of an internal locus of control among its officers.

To promote an internal locus of control among officers, organizations must develop and empower personnel to make affirmative decisions in response to moral stimuli. While policies and procedures must exist to guide behavior, they should not eclipse an officer's moral agency. Rather, organizational initiatives should promote an internal locus of control among officers through empowerment, development, and guidance. This requires law enforcement agencies to reexamine current approaches to behavioral regulation. Contemporary efforts to regulate conduct through precise, top-down control of individual officers are both ineffective and misguided. Instead, law enforcement organizations should emphasize the development of an officer's moral identity through integrated ethics training. Such training emphasizes the power and obligation each officer possesses when faced with a moral dilemma. It further infuses these lessons through various occupational contexts, reaffirming officers' individual ability to determine outcomes and reinforcing their responsibility to do so—thereby fostering moral agency in individual officers and, potentially, their willingness to act.

## **2. Self-Efficacy**

Whereas moral agency and the locus of control establish an officer's moral responsibility to act, self-efficacy describes one's cognitive belief in the ability to successfully undertake action to bring about a moral outcome. Bandura describes self-efficacy's importance: "Among the types of thoughts that affect action, none is more central or pervasive than people's judgments of their capabilities to exercise control over events that affect their lives."<sup>131</sup> Sekerka and Bagozzi apply this concept to moral behavior, proposing that "the greater the felt self-efficacy towards acts of moral courage, the stronger . . . the person's desire to act with moral courage."<sup>132</sup> Considering Bandura

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<sup>131</sup> Bandura, "Social Cognitive Theory," 59.

<sup>132</sup> Sekerka and Bagozzi, "Moral Courage in the Workplace," 137.

and Sekerka and Bagozzi's findings, self-efficacy acts as an elemental mediator to connect moral judgment to action. Without adequate self-efficacy, officers may fail to meaningfully act on a moral imperative.

After Alexander Keung and Thomas Lane failed to intervene in Derek Chauvin's blatant use of excessive force while arresting George Floyd, they were personally vilified, professionally terminated, and criminally charged. Yet, few of these outcomes accounted for their junior status and inexperience. Both officers completed their FTP in the week before their encounter with George Floyd. While court testimony shows that they were cognitively aware of their duty to intervene, it also indicates that they received wholly inadequate training to effect that action.<sup>133</sup> The insufficiency of training for a complex and high-demand event meant that Kueng and Lane lacked sufficient self-confidence in their abilities to intervene meaningfully in a situation that necessitated it.

Given its centrality in facilitating action, law enforcement agencies must examine how they can promote officer self-efficacy. Bandura describes the following four elements as influential determinants of self-efficacy:

1. *Performance accomplishments*: The agent successfully performs the task or action, gaining experience and confidence to do so in the future.
2. *Vicarious experience*: The agent gains belief in one's ability to successfully complete the action by observing another individual or model perform the task or action successfully.
3. *Verbal persuasion*: External expressions of encouragement or discouragement that inform a moral agent's perspective on one's ability.
4. *Emotional arousal*: Desensitized agents exercise greater self-efficacy than those with high emotional arousal (fear).<sup>134</sup>

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<sup>133</sup> Transcript of Record at \*3634–38, *Thao*.

<sup>134</sup> Albert Bandura, "Self-Efficacy: Toward a Unifying Theory of Behavioral Change," *Psychological Review* 84, no. 2 (1977): 191–215, <https://doi.org/10.1037/0033-295X.84.2.191>.

Law enforcement agencies should evaluate their ethics training and moral development practices to ensure they incorporate each vector identified by Bandura. Taking an integrated approach to ethics training entrains Bandura’s determinants in relevant and realistic contexts, thereby enhancing the moral self-efficacy of individual officers. Such an approach better prepares officers to respond to moral imperatives experienced in their working environment. A detailed discussion of integrated ethics training appears in Chapter IV.

## **B. DISPOSITION**

When officers fail to meet the ethical expectations of their profession, overwhelming attention is given to their choices and decisions. All too often, however, organizations fail to consider the broader disposition of the involved officer and how it manifested. Dispositions exercise significant influence over the decisions that law enforcement officers make, thereby warranting further examination, as noted by Zacka:

We need to look, more broadly, at the moral dispositions that street-level bureaucrats develop while on the job, because these dispositions are antecedent to, and in part determinative of, the decisions they take. Moral dispositions shape how bureaucrats perceive and frame the cases they encounter and what considerations they are inclined to prioritize when responding to them.<sup>135</sup>

Zacka describes three primary dispositions inherent to street-level bureaucrats: caregiving, enforcement, and indifference.<sup>136</sup> These three dispositions readily apply to the law enforcement enterprise. Officers can exhibit a caregiving disposition toward victims of a crime, an enforcement disposition toward those suspected of breaking the law, and an indifferent disposition so they may psychologically endure long-standing societal challenges such as homelessness and drug addiction. Ideally, an officer is well-balanced in all three dispositions and applies them as situationally appropriate. However, organizational and normative team cultures influence an individual’s disposition and can generate imbalance. Such was the case in the Baltimore GTTF controversy, where an

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<sup>135</sup> Zacka, *When the State Meets the Street*, 66.

<sup>136</sup> Zacka, 66–110.

emphasis on statistical stops, arrests, and seizures promoted an enforcement disposition among officers. According to the DOJ,

One of the reasons that the intended move away from zero tolerance policing has not sufficiently curbed BPD's practice of unconstitutional street-level enforcement is a persistent perception among officers that their performance continues to be measured by the raw numbers of stops and arrests they make, particularly for gun and drug offenses. Many officers believe that the path to promotions and favorable treatment, as well as the best way to avoid discipline, is to increase their number of stops and make arrests for these offenses. By frequently stopping and searching people they believe might possess contraband, with or without requisite reasonable suspicion, officers aim to improve their statistical output, which will in turn reflect favorably in their performance reviews.<sup>137</sup>

The overwhelming organizational and team emphasis on enforcement at the BPD created definitively enforcement-oriented dispositions among officers. Its focus on statistically driven enforcement resulted in a distancing from the other two dispositions and deviation from moral obligations. Officers within the GTTF justified their unethical and illegal approaches as necessary to meet the professional expectations of the organization. Within the Rampart CRASH case, the LAPD similarly prioritized statistical enforcement; however, its discipline system also manifested strong indifference among officers. The RIRP noted the following:

Officers further believe that the 1.28 [disciplinary] system undermines law enforcement, because it discourages officers from addressing problems and responding to crimes they may observe on the street. Fearing that any interaction with a member of the public may generate a complaint, officers say they are reluctant to initiate contact, even when they see what they believe to be criminal activity. Indeed, many officers say they will only act in response to radio calls to avoid having to justify why they approached an individual. Absent a radio call, we have been told repeatedly, officers often choose to "smile and wave."<sup>138</sup>

In addition to emphasizing an enforcement disposition, the LAPD generated an indifferent disposition through its disciplinary process. Officers focused more on avoiding discipline than proactively and cooperatively ensuring the safety and welfare of the public.

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<sup>137</sup> Department of Justice, *Investigation of the Baltimore City Police Department*, 42.

<sup>138</sup> Drooyan, *Report of the Rampart Independent Review Panel*, 55.

The combination of enforcement and indifferent dispositions with the absence of caregiving fostered cynicism among the rank and file. Detert, Treviño, and Sweitzer assert that cynicism has negative implications for moral behavior:

Trait cynicism facilitates moral disengagement. Rather than heightening sensitivity to the plight of others as empathy does, such thoughts appear to be suppressed in trait cynics. We theorized that this is because of trait cynics' distrust of others, which should allow them to more easily distance themselves from and diffuse responsibility to others as well as blame or dehumanize victims.<sup>139</sup>

As cynicism emerges in the absence of adequate caregiving inclinations, workforces become devoid of empathy and are at greater risk of moral failure.

Law enforcement agencies should endeavor to enhance empathy and caregiving among their personnel. Such an aim requires both direct and indirect efforts. Directly, law enforcement organizations must adequately train and enculturate personnel into well-balanced organizational and team environments that consider human dignity and reinforce a service-oriented ethos. Both integrated ethics training and an apprenticeship approach to FTPs can reinforce the importance of empathy to officers. Indirectly, organizations must examine structural processes to ensure that their effects promote balanced dispositions. Such realignment may involve reforming evaluation criteria or reevaluating disciplinary processes so that they do not cultivate one disposition at the expense of others.

### C. CONDITION

Whereas officers' moral agency and disposition flow from their broader personal and moral identity, their condition directly results from the context encountered or immediately preceding the event. Wide variability exists in the human condition and such characteristics are vast. An exhaustive list of the conditional factors influencing individual moral behavior is beyond the scope of this thesis. Within the law enforcement enterprise,

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<sup>139</sup> James R. Detert, Linda Klebe Treviño, and Vicki L. Sweitzer, "Moral Disengagement in Ethical Decision Making: A Study of Antecedents and Outcomes," *Journal of Applied Psychology* 93, no. 2 (2008): 384, <https://doi.org/10.1037/0021-9010.93.2.374>.

however, emotion and burnout specifically warrant further investigation. These elements have recurring and impactful effects on the ethical decision-making of officers.

## 1. Emotion

Officers' emotional states have profound implications for their moral behavior. How and where emotions impact ethical decision-making remain largely debated, though Huebner, Dwyer, and Hauser argue that the most powerful effect of emotions is in motivating action.<sup>140</sup> Such action can include ethical and unethical behaviors, depending on the particular emotion and context. The Rampart CRASH case demonstrates how fear can result in misconduct. Rafael Perez described planting a gun on an unarmed suspect to justify a questionable shooting.<sup>141</sup> This action was followed by the team of Rampart CRASH officers coordinating a falsified account of what transpired. Implicit in these actions is a fear of consequences and accountability. Rampart CRASH officers feared professional disgrace and criminal prosecution, leading them to engage in further unethical acts. Adjacent officers also feared ostracism from their peers should they report the misdeeds of the involved individuals.<sup>142</sup>

The Rampart CRASH experience reflects Strojny's description of emotional fear, which she further divides into the domains of social well-being and close relationships.<sup>143</sup> This fear is motivated by potential for personal or professional disgrace and the erosion of relationships. Both concerns existed within the Rampart CRASH case. The concern for social well-being also arose within the George Floyd case when Officers Kueng and Lane feared the consequences of disobeying the direction of a senior officer.<sup>144</sup> This fear inhibited their willingness to act and intervene in the same officer's use of excessive force.

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<sup>140</sup> Bryce Huebner, Susan Dwyer, and Marc Hauser, "The Role of Emotion in Moral Psychology," *Trends in Cognitive Sciences* 13, no. 1 (2009): 1–6, <https://doi.org/10.1016/j.tics.2008.09.006>.

<sup>141</sup> Perez Aff.

<sup>142</sup> Chemerinsky, "Report on the Rampart Scandal," 583.

<sup>143</sup> Sophia Strojny, "Fear Deciding Fate: How Fear Influences Moral Decision-Making" (master's thesis, Victoria University of Wellington, 2020), 54–55, <http://researcharchive.vuw.ac.nz/handle/10063/8852>.

<sup>144</sup> Transcript of Record at \*3607, 3866–67, *Thao*.

Bandura, Reese, and Adams note that self-efficacy exercises an inverse relationship with fear.<sup>145</sup> Higher self-efficacy diminishes the level of experienced fear due to perceived control over the situation. In the George Floyd case, Officers Kueng and Lane lacked adequate belief in their own capacity to intervene, which allowed for greater fear arousal to manifest. Enhanced moral self-efficacy can diminish the fear officers experience when they face a moral dilemma. Therefore, law enforcement organizations should prioritize integrated ethics training and a moral apprenticeship approach to the FTP. If implemented correctly, such efforts could provide officers with the necessary self-belief to counter fear arousal in morally intense contexts.

Anger is another emotional state relevant to the law enforcement enterprise. Officers must often contend with belligerent, uncooperative, or violent members of the public. Such engagements can generate feelings of anger and animosity that officers carry into future interactions. By and large, anger negatively affects moral judgment and behavior. Quigley and Tedeschi positively correlate increasing amounts of anger to increased certainty and attribution of blame on the perceived perpetrator.<sup>146</sup> As one of Bandura's mechanisms of moral disengagement, attribution of blame enables individuals to rationalize or disassociate cognitively from unethical behavior.<sup>147</sup> Law enforcement officers experiencing anger are, therefore, more likely to blame someone else for causing their negative affect, and this blame increases as the degree of anger increases. Such an emotional change primes a situation for moral failure by creating a mechanism for moral disengagement.

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<sup>145</sup> Albert Bandura, Linda Reese, and Nancy E. Adams, "Microanalysis of Action and Fear Arousal as a Function of Differential Levels of Perceived Self-Efficacy," *Journal of Personality and Social Psychology* 43, no. 1 (1982): 14–15, <https://doi.org/10.1037/0022-3514.43.1.5>.

<sup>146</sup> Brian M. Quigley and James T. Tedeschi, "Mediating Effects of Blame Attributions on Feelings of Anger," *Personality and Social Psychology Bulletin* 22, no. 12 (1996): 1285, <https://doi.org/10.1177/01461672962212008>.

<sup>147</sup> Bandura, "Social Cognitive Theory of Moral Thought and Action," 92–93.

Anger is also associated with a tendency to minimize potential risk and overestimate probabilities of success in a given situation.<sup>148</sup> Tsai and Young note that this tendency is not confined to an initial appraisal as these perceptions continue even after adverse consequences are experienced.<sup>149</sup> The minimization of risk is closely related to another mechanism of moral disengagement: distortion or disregard of consequences.<sup>150</sup> Anger suppresses one's awareness of risk and consequence, thus undermining self-regulatory processes. Like the attribution of blame, distortion or disregard of consequences enables a law enforcement officer to disassociate cognitively and rationalize participation in unethical conduct, thus inhibiting moral behavior.

Another negative consequence of anger for moral behavior involves its impact on decision-making. Bodenhausen, Sheppard, and Kramer find that anger causes an individual to reference pre-held social stereotypes in formulating judgments.<sup>151</sup> Research by DeSteno et al. supports this finding, concluding that "incidental feelings of anger can create automatic prejudice against outgroups," thus impairing objectivity and a foundation of equity elemental to moral decision-making.<sup>152</sup> Anger diminishes officers' moral judgment by making stereotypes and biases more prevalent in their decision-making process. In addition, it hardens group dynamics with adverse appraisals of out-group individuals. Such behavior can manifest in angry officers' assigning greater blame and suspicion to members of the public while omitting the same treatment toward their fellow officers.

Individual and organizational anger contributed to the unethical behaviors in the GTTF case. Bromwich et al. note that the BPD's hiring process lacked adequate

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<sup>148</sup> Jennifer S. Lerner and Larissa Z. Tiedens, "Portrait of the Angry Decision Maker: How Appraisal Tendencies Shape Anger's Influence on Cognition," *Journal of Behavioral Decision Making* 19, no. 2 (2006): 115–37, <https://doi.org/10.1002/bdm.515>.

<sup>149</sup> Ming-Hong Tsai and Maia J. Young, "Anger, Fear, and Escalation of Commitment," *Cognition and Emotion* 24, no. 6 (2010): 968–69, <https://doi.org/10.1080/02699930903050631>.

<sup>150</sup> Bandura, "Social Cognitive Theory of Moral Thought and Action," 86–87.

<sup>151</sup> Galen V. Bodenhausen, Lori A. Sheppard, and Geoffrey P. Kramer, "Negative Affect and Social Judgment: The Differential Impact of Anger and Sadness," *European Journal of Social Psychology* 24, no. 1 (1994): 51–53, <https://doi.org/10.1002/ejsp.2420240104>.

<sup>152</sup> David DeSteno et al., "Prejudice from Thin Air: The Effect of Emotion on Automatic Intergroup Attitudes," *Psychological Science* 15, no. 5 (2004): 323, <https://doi.org/10.1111/j.0956-7976.2004.00676.x>.



evaluations of candidates' anger management and impulse controls.<sup>153</sup> Individual anger and impulsiveness, combined with team and organizational dynamics, created an environment that cultivated the unethical behaviors of the GTTF. At the organizational level, according to Bromwich et al., fallout from the Freddie Gray case created fear and anger among the rank and file:

The impact of the demonstrations sparked by Gray's death had profound and enduring consequences. One of those consequences was a major surge in violent crime. Baltimore recorded 43 homicides in May 2015, its second deadliest month on record. At the same time, arrests declined by 50%, allegedly because of a deliberate "pullback" by BPD personnel following the charges filed against the six officers—a combination of fear of the consequences of taking police action and anger at the treatment of their colleagues.<sup>154</sup>

The Baltimore case demonstrates how the combination of fear and anger eroded morale and cultivated rampant cynicism, which shaped the organizational context preceding the GTTF scandal. The combination of fear and anger initially resulted in dispositional indifference as officers minimized the extent to which they actively policed. This indifference gave way to a reactionary desire for effective enforcement. The GTTF's perceived effectiveness at that moment and in that context raised its profile and prevented peers and supervisors from detecting and intervening in alarming behaviors.

While other emotions certainly affect ethical decision-making, fear and anger are prevalent and impactful within the law enforcement enterprise. These emotions exercise a notable effect on the moral behavior of law enforcement officers. Fear of consequences can motivate officers to engage in unethical behavior while anger can increase officers' attribution of blame, minimization of risk, and use of stereotypes. Law enforcement agencies should evaluate prospective candidates' anger management and impulsivity. In addition, integrated ethics training and a moral apprenticeship approach to the FTP offer unique vectors to develop the affective regulatory skills necessary to police ethically.

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<sup>153</sup> Bromwich et al., *Anatomy of the Gun Trace Task Force Scandal*, 490.

<sup>154</sup> Bromwich et al., 186.

## 2. Burnout

In addition to an officer's emotional state, burnout undermines the moral competence of law enforcement officers. Burnout describes a state of psychological depletion characterized by apathy, disinterest, and irritability arising from chronically stressful work demands.<sup>155</sup> Burnout disproportionately affects public service professions, particularly law enforcement. Adams and Mastracci identify burnout as arising from the combination of emotional exhaustion and cynicism-induced depersonalization.<sup>156</sup> Burnout fundamentally undermines empathy while promoting cynicism. Crucially, burnout demonstrates how organizational and situational contexts interact with the individual to produce a conditional response.

The DOJ notes the excessive demands that existed at the BPD before the GTTF case:

Baltimore's legacy of government-sanctioned discrimination, serious health hazards, and high rates of violent crime have persisted and compounded for years—making Baltimore a challenging city to police fairly and effectively. Indeed, officers convey that working in Baltimore affords a uniquely intense and demanding experience. One member of BPD recently asserted, “a five-year cop in the city has the equivalent experience of a ten-year cop anywhere else.” These challenges are amplified by long-simmering distrust of law enforcement from segments of the Baltimore community. Indeed, when asked when community distrust of Baltimore law enforcement began, a former top city official deadpanned to Justice Department officials, “1729”—the year of the City's founding.<sup>157</sup>

Based on the arduous environment and high operational tempo, officers within the BPD were highly susceptible to developing burnout. The condition is associated with a cascade of negative performance outcomes, including the desire to quit the profession, preference

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<sup>155</sup> William P. McCarty et al., “Burnout in Blue: An Analysis of the Extent and Primary Predictors of Burnout among Law Enforcement Officers in the United States,” *Police Quarterly* 22, no. 3 (2019): 280, <https://doi.org/10.1177/1098611119828038>; Ian T. Adams and Sharon H. Mastracci, “Contrasting Emotional Labor and Burnout in Civilian and Sworn Law Enforcement Personnel,” *Policing: An International Journal* 43, no. 2 (2020): 318, <https://doi.org/10.1108/PIJPSM-06-2019-0094>.

<sup>156</sup> Adams and Mastracci, “Contrasting Emotional Labor and Burnout,” 318–19.

<sup>157</sup> Department of Justice, *Investigation of the Baltimore City Police Department*, 16–17.

for violence, and disengagement.<sup>158</sup> All three behaviors were reflected in the activities of the BPD, where attrition, use of excessive force, and depersonalization of the public were commonplace.<sup>159</sup> It is unsurprising, then, that the GTTF scandal flowed from a high-burnout environment.

Addressing law enforcement burnout requires a multidimensional approach. Committing to resourcing and staffing a department adequately as well as developing a collaborative relationship with the public are critical steps to ensuring that the agency manages the structural pressures experienced by officers. Such efforts are vital to ensuring that police officers humanize members of the public and act with care and regard. Agencies should also consider enacting a just-culture approach to accountability that recognizes the pressures that contribute to burnout. Instead of current approaches centered on individual fault-finding, a just-culture approach examines the entire structural context to ensure the appropriate division of accountability and identify areas in need of reform or improvement. A just-culture approach to accountability would importantly illuminate the causative factors of burnout and motivate structural changes to lessen the burnout of individual officers. Just cultures are discussed in further detail in Chapter IV.

#### **D. CONCLUSION**

The ultimate decision-making process to judge and act on moral dilemmas occurs at the individual level. Nonetheless, individual characteristics are influenced greatly by contextual factors. Three important domains reflect the individual determinants of moral behavior: agency, disposition, and condition.

Moral agency refers to officers' self-perceived responsibility and capacity to act in response to moral imperatives. The locus of control reflects officers' belief that they exercise control over moral outcomes. Self-efficacy describes the officers' belief in their ability to competently and capably execute behaviors necessary to achieve a morally

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<sup>158</sup> McCarty et al., "Burnout in Blue," 282.

<sup>159</sup> Department of Justice, *Investigation of the Baltimore City Police Department*, 88; Bromwich et al., *Anatomy of the Gun Trace Task Force Scandal*, 422.

desirable end. These qualities are vital to officers seeing themselves as responsible and capable moral actors.

Disposition refers to officers' orientation toward a situation or person. Dispositions guide how an officer views and interprets an event. Three dispositions—enforcement, caregiving, and indifference—constitute the basis of a street-level bureaucrat's identity.<sup>160</sup> Officers tend to deviate away from caregiving in favor of enforcement and indifference, resulting in diminished empathy and high levels of cynicism. The ensuing effect is a reduced capacity to humanize members of the public, thereby distorting officers' perceptions of moral responsibility.

Condition refers to the variable state of an officer, with emotions and burnout constituting notable factors. Emotions play a role in behavioral regulation, including both inhibition and motivation. Fear of consequences can lead an officer to participate in or perpetuate unethical conduct. Anger, meanwhile, can result in moral disengagement, stereotypical decision-making, and other adverse appraisals that result in misconduct. As the BPD case demonstrated, the combination of fear and anger produces high levels of cynicism. Burnout also promotes cynicism among law enforcement officers and results from increased structural pressures like inadequate staffing and contentious relationships with the community.

An officer's agency, disposition, and condition interact with one another to form the *individual* side of the individual–context relationship prescribed by the RDS metatheory. The team, organizational, and situational determinants interact to form the *context* side. These two dimensions define and are defined by each other. Chapters III, IV, and V explore the context dimension in law enforcement and its influence on individual officers.

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<sup>160</sup> Zacka, *When the State Meets the Street*, 66–110.

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### III. TEAM DETERMINANTS

The law enforcement profession relies heavily on officers' teamwork and unit orientation to work collaboratively in furtherance of organizational goals and missions. Such team dynamics can range from the partnership between officers assigned to a particular patrol beat to the cohesion of specialized groups like narcotics and gang units. The nature and influence of these social relationships play a vital role in determining the perspectives, choices, and behaviors of individual officers. Officers may refer to teammates' cues, words, or actions to inform individual decision-making and behavior. Social rewards and sanctions within these groups can further solidify this influence and provide boundaries for expected behavior. In addition, group dynamics can create loyalty among officers that results in a value conflict undermining their willingness to act on moral judgments.

Invoking the example of a bell curve, the preface of the Board of Inquiry (BOI) report into the Rampart CRASH scandal described the centrality of peers in mediating work behaviors:

At the high end of the bell curve are those officers who practice all the core values: prudence, truth, courage, justice, honesty and responsibility. At the other end, are the officers with few of those values. In the large middle are those officers who have some or most of the core values. The extent of moral influence in a police department depends on the extent to which the lower and upper portions influence those in the middle. The men and women who control that influence are sergeants, lieutenants and captains. The irony is that everyone within a work place knows full well which of the three categories their co-workers fall into. When officers in the middle see that officers at the bottom end are not dealt with, they sometimes begin to imitate their behavior. Similarly, when those at the top end are recognized and rewarded, they become the workplace standard. The principal, though not exclusive, agents in encouraging top-end or allowing bottom-end behaviors are supervisors and middle managers. It is our sergeants, lieutenants and captains who have the daily and ongoing responsibility to ensure that the appropriate workplace standards are maintained.<sup>161</sup>

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<sup>161</sup> Parks, *Board of Inquiry into the Rampart Area Corruption Incident*, i.

The BOI report recognizes that the realization of organizational values depends on normative adoption at the team and peer level. As a result, the team context is highly determinative of moral behavior among law enforcement officers. In many ways, it acts as a filter for organizational values and expectations. Teams and groups of officers who abide, uphold, and prioritize the value set espoused by the organization are more likely to act ethically. Meanwhile, those who subvert or otherwise reject organizational values are more likely to engage in or tolerate unethical behaviors. The influence exercised by referent relationships, rewards and sanctions, and loyalty determines to what extent team and organizational values align or conflict.

#### **A. REFERENT OTHERS**

The words, behaviors, and cues of teammates can profoundly influence the moral behavior of officers. Respected peers, senior field officers, and friends within a department can act as referent others, defined by Bamberger and Biron as “those with whom individuals report having supportive and expressive or self-revealing relationships grounded on a sense of intimacy and trust, the sharing of trust and feelings, and the sense that one is able to seek help from the other.”<sup>162</sup> Zey-Ferrell and Ferrell attest to the significance of referent others, arguing that “attempts to change the employee’s behavior patterns will be unsuccessful unless they are directed at changing the behaviors and attitudes of the employee’s referent other.”<sup>163</sup> Referent others exercise normative and informational influences that shape the judgment, beliefs, and actions of an individual. Normative influence describes the exerted pressure to meet the referent group’s expectations and established standards.<sup>164</sup> Informational influence is a referent other’s ability to provide information to the individual that is received as factually insightful. These

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<sup>162</sup> Peter Bamberger and Michal Biron, “Group Norms and Excessive Absenteeism: The Role of Peer Referent Others,” *Organizational Behavior and Human Decision Processes* 103, no. 2 (2007): 179, <https://doi.org/10.1016/j.obhdp.2007.03.003>.

<sup>163</sup> Mary Zey-Ferrell and O. C. Ferrell, “Role-Set Configuration and Opportunity as Predictors of Unethical Behavior in Organizations,” *Human Relations* 35, no. 7 (1982): 603, <https://doi.org/10.1177/001872678203500707>.

<sup>164</sup> M. Deutsch and H. B. Gerard, “A Study of Normative and Informational Social Influences upon Individual Judgment,” *Journal of Abnormal and Social Psychology* 51, no. 3 (1955): 629, ProQuest.

two forms of influence are typically exercised in tandem but can emerge independently in certain circumstances.

The paramilitaristic structure and risks inherent to the law enforcement profession further solidify social relationships among team members that heighten the development and effects of referent relationships. Sweeney, Matthews, and Lester note, “Serving in dangerous contexts requires group members to form stronger psychological bonds with each other compared to members whose organizations do not operate in such situations.”<sup>165</sup> As such, referent relationships are more prevalent and exercise greater influence in the law enforcement context. This is readily observable in special weapons and tactics (SWAT) teams, where team leaders and veteran members exercise more significant influence in defining the team culture and expectations for newer or less senior teammates. Such influence is important in establishing good order, discipline, and operational cohesion, but it also has implications for moral judgment and behavior. An exploration of the normative and informational influences on individual ethical decision-making reveals a bipolar effect of referent relationships. On one end, referents may enhance moral judgment and impel moral action with positive influence. On the other, they may undermine and constrain moral behavior with negative influence.

### **1. Normative Influence**

As normative influence centers on pressure to conform to established group norms, it has the potential to redefine an individual’s moral identity in a way that reflects the group’s values. The influence of referent others can reinforce the value set espoused by the organization, or it can undermine and contradict it. The latter was exemplified in the LAPD’s Rampart CRASH scandal, where the values of team loyalty and toughness superseded organizational values like community service, reverence for the law, integrity,

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<sup>165</sup> Patrick J. Sweeney, Michael D. Matthews, and Paul B. Lester, “Leading in Dangerous Situations: An Overview of the Unique Challenges,” in *Leadership in Dangerous Situations: A Handbook for the Armed Forces, Emergency Services, and First Responders*, ed. Patrick J. Sweeney, Michael D. Matthews, and Paul B. Lester (Annapolis, MD: Naval Institute Press, 2011), 7, ProQuest Ebook Central.



and respect.<sup>166</sup> A central party to the scandal, disgraced former Officer Rafael Perez, revealed the profound effects of normative influence exercised by tenured officers in an investigatory interview:

Q [BY SGT. SEGURA:] Richardson was already in the loop?

A [BY PEREZ:] Long before I got there. The Rampart C.R.A.S.H. unit motto—the current motto was “We intimidate those who intimidate others.” That was our—our motto. The motto before I got there, and I don’t know if you can check the books or whatever, when a third—three-strikes thing came up, their goal and their motto was that they will—they will have a record for putting more third-strikers in jail than any other unit.

No matter how they did it. They—their forte and what, you know—we always—when you get into a unit, they always tell you the history of the unit. You know, we have roll call meetings. And here’s where this unit came from. You know, here’s what we stand for. And this is what we do. And this is Rampart C.R.A.S.H. And it’s been a long history of Rampart C.R.A.S.H.

And their motto and their forte back then, was that they’re gonna put more third-strikers in jail than anybody. Bottom line. And that’s what they bragged about. You know, the Richardsons, the Lujans, the, uh, all the officers that were there from, you know, ‘93, ‘94, you know. That’s what they were doing.

That was their thing. They put a lot of people in jail.

Q BY DET. HOHAN: And when you say “by any means” does that mean by planting evidence, perjured testimony, uh, falsifying probable cause, those types of things?

A [BY PEREZ:] All of the above, yes.<sup>167</sup>

Perez described a subculture within the Rampart CRASH unit that normalized excessive force, falsification of evidence, theft, drug dealing, and a code of silence protecting members of the team. This subculture directly impacted the moral judgment of

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<sup>166</sup> “Motto, Mission & Values,” Los Angeles Police Department, accessed July 27, 2021, <https://mydpd.joinlapd.com/MOTTOMISSIONVALUES/>; Parks, *Board of Inquiry into the Rampart Area Corruption Incident*, 162.

<sup>167</sup> Perez Aff.

the involved officers and led to the immoral and criminal conduct that pervaded the unit. Veteran officers acted as referents in conveying and reinforcing the norms of the team while collectively eschewing the organizational values consistent with moral behavior. Alternatively, had the same members of the team demonstrated, reinforced, and upheld the organizational values, it likely would have yielded better moral judgment and encouraged moral action. While the Rampart case may demonstrate an extreme outcome of normative influence, the underlying mechanism is readily applicable throughout law enforcement. Field training officers (FTOs), sergeants, and tenured officers create and mediate the normative culture that influences the judgments and actions of unit members.

## **2. Informational Influence**

Informational influence involves a referent conveying information that clarifies or otherwise defines the reality of a situation and is more tangible than normative social influence. Deutsch and Gerard note that uncertainty can make an individual more reliant on informational influence from others to judge a situation and decide on a course of action.<sup>168</sup> Situational intensity exacerbates the effects of uncertainty and can further heighten the reliance on referent others to provide information. This has particular application to the law enforcement domain where officers nearly always face a degree of situational uncertainty. In such instances (particularly those involving high pressure), they look to other officers—especially those with rank or tenure—to clarify and judge the situation. This dynamic was highlighted in the death of George Floyd when two junior officers, Alexander Kueng and Thomas Lane, responded to the informational influence exercised by an FTO and referent other, Derek Chauvin. A body camera transcript revealed the exchange between Chauvin and Lane:

Lane: Should we roll him on his side?

Chauvin: No, he's staying put where we got him.

Lane: Okay. I just worry about the excited delirium or whatever.

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<sup>168</sup> Deutsch and Gerard, "A Study of Normative and Informational Social Influences," 630.

Chauvin: Well that’s why we got the ambulance coming.

Lane: Okay, I suppose.<sup>169</sup>

Additionally, while describing the power of Chauvin’s influence, Keung testified that “he was my senior officer and I trusted his advice.”<sup>170</sup> In a highly intense and uncertain situation, both Keung and Lane deferred to Chauvin’s perspective and judgment to inform their own decisions, reflecting a broader trend in which officers refer to the informational influence of referent peers to clarify context and aid decision-making in ambiguous circumstances. When exercised responsibly, informational influence enhances situational awareness and upholds organizational policies and values, promoting ethical conduct. However, it can just as easily undermine moral behavior when it misleads or further obfuscates the moral dimension of a situation.

## **B. REWARDS AND SANCTIONS**

Rewards and sanctions often mediate the influence exercised by referent officers. Mulder describes sanctions and moral norms as mutually defining.<sup>171</sup> Sanctions convey the boundaries and normative culture of a group while moral norms define the necessity and magnitude of sanctions and rewards. This “boundary-setting” shapes the moral judgment of individual officers by communicating group values and establishing the moral permissibility of the team environment. Rewards and sanctions are formal or informal in nature. The formality describes the tangible or abstract nature of the reward or sanction and determines the manner and degree of its influence over members of the team.

The organization typically confers formal rewards and sanctions though the team may influence their provision through recommendations and evaluations.<sup>172</sup> These may

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<sup>169</sup> Def.’s Ex. 2, *Minnesota v. Lane*, No. 27-CR-20-12951 (Minn. Dist. Ct. filed July 7, 2020), <https://www.mncourts.gov/Media/StateofMinnesotavThomasLane.aspx>

<sup>170</sup> Bill Hutchinson and Janel Klein, “Key Takeaways from George Floyd Fatal-Arrest Trial: Former Cops Shift Blame to Derek Chauvin,” ABC News, February 16, 2022, <https://abcnews.go.com/US/key-takeaways-george-floyd-fatal-arrest-trial-cops/story?id=82927105>.

<sup>171</sup> Laetitia B. Mulder, “When Sanctions Convey Moral Norms,” *European Journal of Law and Economics* 46, no. 3 (December 2018): 332, <http://dx.doi.org/10.1007/s10657-016-9532-5>.

<sup>172</sup> Richard C. Hollinger and John P. Clark, “Formal and Informal Social Controls of Employee Deviance,” *Sociological Quarterly* 23, no. 3 (1982): 334, <https://www.jstor.org/stable/4106074>.

include letters of recognition or reprimand, promotion or demotion, and financial reward or penalty. Beyond their financial or professional impact, the greater value of formal rewards and sanctions exists in their capacity to evoke internal and social states guiding behavior.<sup>173</sup> In other words, the material loss or gain of rewards and sanctions is less significant than its ability to cause the individual to feel honor, shame, or social embarrassment. Formal sanctions act as a vector to impose such feelings to motivate behavior that complies with organizational standards and expectations.

Formal sanctions mediated by a referent other were an active component in the George Floyd case. As a probationary police officer with the MPD, Alexander Kueng relayed that disregarding or acting against the direction of a senior officer or FTO could have resulted in termination of employment.<sup>174</sup> Kueng testified that Chauvin's power to wield formal sanctions along with the former's deference to Chauvin's experienced judgment influenced the new officer's interpretation of the event and inhibited him from acting. Moreover, the Floyd case demonstrated that underpinning formal sanctions are informal social controls. To avoid termination or other disciplinary action, Kueng acted in a way that he believed would result in approval and acceptance from Chauvin. Thus, formal rewards and sanctions wielded by team members provide a degree of power that can induce compliance from individual officers.

Informal rewards and sanctions are those resulting in abstract and social consequences.<sup>175</sup> These include expressions of social approval or disapproval that lack professional or material impact. In the law enforcement context, compliance with team expectations and norms is rewarded with inclusion while non-conformity is sanctioned with ostracism. Reputational consequences also act as powerful informal sanctions, with officers who meet group expectations considered competent, dependable, and tough.

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<sup>173</sup> Richard G. Salem and William J. Bowers, "Severity of Formal Sanctions as a Deterrent to Deviant Behavior," *Law & Society Review* 5, no. 1 (1970): 37, <https://doi.org/10.2307/3053071>.

<sup>174</sup> Jon Collins, "Floyd Killing: Ex-Cop Says He Feared Angering Chauvin Might Lead to Firing," MPR News, February 17, 2022, <https://www.mprnews.org/story/2022/02/17/floyd-killing-excop-trusted-chauvins-advice-decision-on-scene>.

<sup>175</sup> Hollinger and Clark, "Formal and Informal Social Controls of Employee Deviance," 334.

Conversely, officers who deviate from team norms are labeled untrustworthy, incompetent, and weak.

In the Rampart scandal, officers were considered “solid” or “squared-away” if they were willing to engage in or cover for the criminal behavior accepted and promoted by the group. Former Officer Perez testified to this team environment: “He’s solid and squared-away because not only does he do things right as a patrol officer, he also does everything right in the eyes of the C.R.A.S.H. officer.”<sup>176</sup> Perez described that those with positive reputations within the CRASH unit were willing to perjure themselves, falsify probable cause, and engage in other acts of criminality. The unit leveraged reputational reward to influence other officers to tolerate and participate in unethical criminal conduct. Furthermore, Perez described those engaging in criminality as “in the loop.”<sup>177</sup> Officers deemed untrustworthy in concealing or participating in the group’s activities were either not accepted into the CRASH unit or actively excluded from the core of the group’s activities. Thus, such groups use ostracism and acceptance to regulate and control behaviors. Inclusion, ostracism, and reputational impacts act as informal sanctions that signal group norms and determine individual behavior.

Hollinger and Clark find that informal sanctions are two and a half times stronger than formal mechanisms in influencing behavior.<sup>178</sup> This finding clarifies why team and group norms exercise greater influence than organizational controls on individual behavior. Salem and Bowers further support this idea: “We find little evidence of a direct deterrent effect of severe formal sanctions. More substantial is their role in anchoring and buttressing the normative climate.”<sup>179</sup> This observation is further supported by Andenaes, who argues that the normative culture of a group can offset the intent of formal penalties.<sup>180</sup> Considering these perspectives, formal sanctions and organizational controls are only

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<sup>176</sup> Perez Aff.

<sup>177</sup> Perez.

<sup>178</sup> Hollinger and Clark, “Formal and Informal Social Controls of Employee Deviance,” 339.

<sup>179</sup> Salem and Bowers, “Severity of Formal Sanctions as a Deterrent to Deviant Behavior,” 37.

<sup>180</sup> Johannes Andenaes, “The General Preventive Effects of Punishment,” *University of Pennsylvania Law Review* 114, no. 7 (1966): 959, <https://doi.org/10.2307/3310845>.

effective if they align with the normative culture perpetuated by team members and subgroups. When they conflict with a team’s values and norms, formal sanctions and organizational expectations are diminished, if not completely disregarded.

For moral behavior to manifest among law enforcement officers, rewards and sanctions at the team level must align with and reflect the values and expectations of the organization. When these are in opposition, the normative culture of the team emerges as the dominant influence, and organizational controls are effectively muted. The same principle applies to the influence exercised by referent others within the team. Efforts to promote moral behavior within the law enforcement enterprise must target the team environment to adequately resonate with and impact officers on an individual level.

### C. LOYALTY

Loyalty serves as another team determinant of moral behavior within law enforcement. The normative influence exercised by referent others, the reward and sanctioning power of team members, and the *in extremis* context of the profession create bonds of loyalty among law enforcement professionals that shape how they view the moral dimension of a situation.<sup>181</sup> This group loyalty directly impacts individual officers’ fidelity to professional and organizational values. Research reveals that context and competition mediate the effects of loyalty and determine how individual officers may respond to moral dilemmas involving team members.<sup>182</sup>

Berry, Lewis, and Sowden describe loyalty as a dualistic factor in moral behavior in that it can manifest both ethical and unethical outcomes.<sup>183</sup> They assert that contextual factors influence the degree to which loyalty influences an individual’s behavior. For example, a recently promoted officer may have more organizational loyalty than one who

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<sup>181</sup> Sweeney, Matthews, and Lester, “Leading in Dangerous Situations,” 7; John Angus D. Hildreth, Francesca Gino, and Max Bazerman, “Blind Loyalty? When Group Loyalty Makes Us See Evil or Engage in It,” *Organizational Behavior and Human Decision Processes* 132 (2016): 16–36, <https://doi.org/10.1016/j.obhdp.2015.10.001>.

<sup>182</sup> Zachariah Berry, Neil A. Lewis, and Walter J. Sowden, “The Double-Edged Sword of Loyalty,” *Current Directions in Psychological Science* 30, no. 4 (2021): 323, <https://doi.org/10.1177/09637214211010759>.

<sup>183</sup> Berry, Lewis, and Sowden, 321.

was denied promotion. Additionally, an officer's reliance on peers for safety and mission fulfillment manifests a strong team affinity that guides the officer's moral perception and judgment of a situation. Such dependence on other members of the team increases an officer's identification with the group and willingness to go to greater lengths to fulfill the team's expectations.<sup>184</sup> The more an officer relies on team members, the more loyalty the same officer will demonstrate to the team.

While context determines the placement and extent of loyalty, competition influences officers' willingness to engage in unethical behavior on account of loyalty. In a study of college fraternities, Hildreth, Gino, and Bazerman note that high-loyalty groups in low-competition situations were less likely to cheat while the same groups were significantly more likely to cheat in high-competition situations. Thus, the degree of perceived competition dictates whether highly loyal group members behave ethically or unethically. Applying this principle to the law enforcement context, competition can manifest from organizational performance demands or external threats to the group. Organizational performance demands include pressures to achieve a particular number of arrests, solve a certain number of cases, or recover a certain quantity of drugs or weapons. External threats include physical threats from individuals or groups as well as societal vilification of the law enforcement enterprise. The results of these forms of competition are a hardening of team loyalty and a willingness to place group values above the ethics and mores of the organization and society.<sup>185</sup>

Team loyalty within the law enforcement enterprise is often conceived as a "blue wall of silence," or the group norm that officers protect one another from investigation, discipline, and prosecution.<sup>186</sup> The notion of an institutional pattern of protection has been the subject of significant debate but remains a defining subcultural trait that determines moral behavior within law enforcement. In fact, multiple commission reports describe the

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<sup>184</sup> Berry, Lewis, and Sowden, 323.

<sup>185</sup> Louise Westmarland, "Police Ethics and Integrity: Breaking the Blue Code of Silence," *Policing and Society* 15, no. 2 (2005): 161–62, <https://doi.org/10.1080/10439460500071721>.

<sup>186</sup> John Kleinig, "The Blue Wall of Silence: An Ethical Analysis," *International Journal of Applied Philosophy* 15, no. 1 (2001): 1, <https://repository.library.georgetown.edu/handle/10822/944471>.

permissive and protective subculture existing within law enforcement and relate it to the misconduct or unethical behavior under investigation.<sup>187</sup> Empirical research by Westmarland demonstrates that a majority of officers feel compelled to peer-report only in the face of blatant and self-serving unethical behaviors such as outright theft.<sup>188</sup> Situational ambiguity or a potential team benefit greatly diminishes officers' willingness and inclination to peer-report.

Kargin notes that individual cynicism is closely linked with officers' tolerance of unethical conduct and a diminished willingness to peer-report.<sup>189</sup> A cynical disposition toward the organization or society enhances individual officers' team orientation while normative influence exercised by the team as a whole can project and develop cynical attitudes of individual members. In this way, cynicism and team loyalty form mutually influential, defining factors that act synergistically to develop a subculture highly reflective of the blue wall that Kleinig describes.<sup>190</sup> Strong team affiliations combined with high levels of cynicism are conditional precursors to participation in or tolerance of unethical behavior. Police organizations should pay particular attention to the extent and degree of cynicism within their ranks and prioritize efforts to counteract it.

While the entirety of the law enforcement enterprise must contend with the effects of team loyalty, nowhere is it more acute than in specialized units. The RIRP noted the presence and impact of team loyalty on these groups:

Specialized units . . . pose special risks for corruption. They have traditionally operated independently from the ordinary chain of command, target offenders who are perceived as "bad or dangerous," often engage in dangerous operations, and may work together as a small very coherent group for many years, resulting in the development of strong loyalties. Because of these factors, specialized units risk the development of subcultures, with their own values separate and apart from those of

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<sup>187</sup> Jerome Skolnick, "Corruption and the Blue Code of Silence," *Police Practice and Research* 3, no. 1 (2002): 7, <https://doi.org/10.1080/15614260290011309>.

<sup>188</sup> Westmarland, "Police Ethics and Integrity," 162.

<sup>189</sup> Kargin, *Peer Reporting of Unethical Police Behavior*, 129.

<sup>190</sup> Kleinig, "The Blue Wall of Silence."



the Department, that will resist oversight and supervision by the Department.<sup>191</sup>

The RIRP and other commissions have found that specialized units such as SWAT, vice, and gang units are at particular risk for deviance.<sup>192</sup> The combination of stronger social influence, increased detachment from the parent organization, increased external danger, and perceived team exceptionalism results in devout team allegiance that impedes individual officers' abilities to judge and act on morally compelling issues. Moreover, this combination can redefine what officers perceive as moral behavior as they prioritize the protection of teammates and the advancement of group goals over other moral imperatives. The notable susceptibility of specialized units exemplifies how the environmental and situational context in which an officer exists directly influences the manifestation and placement of loyalty.

Loyalty acts as a strong team determinant of moral behavior in law enforcement. In many instances, allegiance to peers can conflict with fidelity to organizational values and professional ethos. This allegiance is exemplified by officers' reluctance to report or intervene in unethical behavior due to the perceived consequences for teammates. Reporting or intervening violates a team-mediated virtue of peer loyalty while the absence of such actions violates the organizational and societal expectations of service and integrity. Both context and competition determine the location and extent of an officer's loyalty. External threats, performance demands, cynicism, and greater detachment from the parent organization can strengthen team orientation and impair moral behavior. Collectively, these elements create the blue wall subculture that favors protecting fellow officers over upholding professional and organizational values.

#### **D. CONCLUSION**

The social influence exercised by referent others, rewards and sanctions, and loyalty are highly determinative of moral behavior. This influence shapes how moral issues

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<sup>191</sup> Drooyan, *Report of the Rampart Independent Review Panel*, 177.

<sup>192</sup> Drooyan, *Report of the Rampart Independent Review Panel*, 177; Williams et al., *Final Report of the Commission to Restore Trust in Policing*.

are perceived, judged, and acted on. Referent others contextualize organizational expectations through normative and informational influence. Rewards and sanctions further delineate the boundaries and expectations of both the team and organization. Notably, the organizational influence exercised by formal rewards and sanctions is only effective if it aligns with the informal rewards and sanctions assigned by teammates and peers. Team loyalty presents another component that may conflict with organizational, professional, and personal ethical obligations. Moral behavior in the law enforcement enterprise is substantially affected by the extent to which the team and normative environment aligns or conflicts with organizational and societal expectations and values. In this way, the former acts as a filter for the latter. The BOI report illustrates this process when describing an unnamed sergeant whose leadership influenced the Rampart CRASH unit before the scandal:

He was a no-nonsense, tactically-oriented, military veteran, who had the unique ability to gain the unquestioned allegiance of peers, subordinates and even superiors. With Rampart's gang problem virtually out of control, he was seen as the man needed to lead an aggressive CRASH unit and deal with the violent gang problem. While he inspired esprit de corps and cohesiveness within the unit, he consistently undermined management and set an inappropriate tone for young officers. Many of his peers acknowledged that he directly challenged management and encouraged others to do so. Many supervisors, including lieutenants, sought his approval before taking action. He and several of his cohorts often challenged directives and policy in supervisors' meetings and they would ostracize anyone who disagreed with or challenged their philosophy and approach to police work. . . . There was no evidence that this sergeant was aware of or would ever condone illegal activities. In fact, his reputation is such that it is highly unlikely any of his subordinates would attempt illegal activities while he was around. Nevertheless, his influence and philosophy of strict loyalty to the unit and its members coupled with his vehement disdain for management certainly helped to establish a climate in which some officers felt safe bending or ignoring the rules.<sup>193</sup>

The BOI report illustrates the inherent power of social influence wielded by a referent other through informal sanctions and the creation of strong team loyalty. It affirms and further evidences the notion that organizational values are only as effective as the

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<sup>193</sup> Parks, *Board of Inquiry into the Rampart Area Corruption Incident*, 56.

team's embrace of them. While the report places the primary onus on field-level supervisors to regulate this influence, it recognizes that they are not alone in determining normative culture. Regardless of rank, police agencies must recognize and reconcile the profound manner in which peers and teammates contextualize organizational expectations. While adequate supervision, command, and control are crucial aspects of regulating team values and influence, equally important is the informal buy-in of every officer. Values must resonate and appeal at the individual level to be adequately embraced and acted on. Top-down efforts to project and enforce expectations must be accompanied by initiatives to address the normative beliefs held by officers.

This chapter has demonstrated that the team determinants of moral behavior act as a filter for organizational values. Fundamentally, value alignment or conflict determines whether team influences impel or impede moral behavior. If normative culture and team influence reflect the organization's values and ethos, moral behavior is more likely to occur. If these are in opposition, a greater risk of unethical behavior exists. The team determinants thus occupy a moderating position between the organization and the individual. Furthermore, the situation has a direct effect on team behavior. External threats, uncertainty, and urgency render the individual more dependent on the team for information, influence, and decision-making. Situational determinants act on both the individual and the team, resulting in the former's reliance on and deference to the latter.

While this chapter has proposed the supremacy of team determinants and normative culture over organizational values and expectations, a further examination of organizational determinants is essential. The next chapter investigates these with a particular emphasis on values, training, policy, and accountability. As these elements are explored, it is imperative to acknowledge their interactive nature with the normative team environment.

## IV. ORGANIZATIONAL DETERMINANTS

While officers' immediate environment and job context significantly affect their moral behavior, elements of a law enforcement organization's structure provide a crucial reference for the team and individual domains. The organization determines values and promulgates them through training and policy. It then ensures compliance through accountability practices. When these structures align, they wield significant influence over the normative culture of the department. However, when they conflict or inadequately reinforce the organizational ethos, officers defer to the values, beliefs, and influence of their peers and immediate supervisors, thus creating a context that potentially promotes behavior that contradicts organizational imperatives. Such behavior can include unethical conduct and moral inaction.

In his independent analysis of the BOI's Rampart CRASH report, Chemerinsky makes the following critique:

There is a section of the Board of Inquiry report which discusses the culture within the Rampart division and the subculture within its CRASH unit. But there is no discussion whatsoever about the overall culture of the Los Angeles Police Department and the way in which it fostered, tolerated, and gave rise to the Rampart scandal. . . . After speaking with many people inside and outside of the Department, we are deeply convinced that the central problem to be solved is the culture of the Los Angeles Police Department.<sup>194</sup>

Chemerinsky notes the importance of the organizational ecosystem in shaping the conduct of teams and individual officers. Thus, the organizational domain warrants further investigation to identify its characteristics that determine moral behavior. This chapter examines law enforcement organizations' approaches to values, training, policy, and accountability to assess their influence in impairing and impelling moral action.

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<sup>194</sup> Chemerinsky, "Report on the Rampart Scandal," 560.

## A. VALUES

The value system of a law enforcement organization outlines its foundational expectations and guiding principles. Social influence at the team level determines the degree to which these values are instilled in individual officers. Furthermore, individual characteristics such as cynicism, empathy, and burnout determine the extent to which individual officers adopt and practice organizational values. Thus, the pathway between organizational values and their manifestation in individual officers is mediated by team dynamics and individual characteristics. Despite this distance, organizational values provide an important and ongoing structural background that guides and influences the normative culture of an agency.

### 1. Congruence

Organizational values fall into two distinct categories: explicit and implicit. The organization expressly conveys explicit values by way of slogans, core values, or mission statements.<sup>195</sup> The LAPD's motto "To Protect and Serve," the MPD's values, and the BPD's mission statement all represent the explicit organizational values. Implicit values are those underpinning the department's processes and practices. For example, an agency that prioritizes arrests and ticket quotas implicitly values enforcement. Implicit values shape and define the normative culture of an organization by conveying the agency's foundational drivers. With this "hidden curriculum," according to Engelson, a socialization process for new officers conveys cultural values unique and inherent to the organization and the law enforcement profession.<sup>196</sup> Rewards, sanctions, and referent relationships are important vectors to instill implicit values in new officers. Thus, even in assessing the organizational context, the importance of the team dimension in shaping new officers' moral behavior cannot be overstated.

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<sup>195</sup> Wade Engelson, "The Organizational Values of Law Enforcement Agencies: The Impact of Field Training Officers in the Socialization of Police Recruits to Law Enforcement Organizations," *Journal of Police and Criminal Psychology* 14, no. 2 (1999): 12, <https://doi.org/10.1007/BF02830064>.

<sup>196</sup> Engelson, 12–13.

While organizations expend significant time and energy defining and advertising their explicit values, this effort alone has a limited impact on the moral behavior of individual officers. More importantly, organizations should assess the congruence between the explicit and implicit values espoused by the organization. Chwast observes that these are often in opposition to each other, resulting in a value conflict within individual officers.<sup>197</sup> Engelson describes the consequences of such opposition:

When implicit values conflict with stated explicit values, a “we they” dichotomy can be promoted as an important value that often translates into an “us versus them” mentality within the police culture. The “we they” dichotomy may cause many law enforcement organizations to focus on “crime fighting” as the primary emphasis for police contacts with citizens. The emphasis on enforcement related contacts can lead to negative perceptions and contribute to the isolation of the police from the community at a time when community-based policing strategies are a vital component in the successful realization of organizational goals.<sup>198</sup>

A value conflict results in a hardening of group dynamics and a preference for enforcement, thus exacerbating the divide between the law enforcement agency and the community it serves. Officers experiencing conflicting value sets are likely to depend on the constants around them, thereby increasing peer loyalty and reliance on heuristic decision-making. This furthers the development of a “code of silence” and inhibits the active reasoning and problem-solving processes necessary to address moral dilemmas. Such was the case in the GTTF scandal, as observed by the Commission to Restore Trust in Policing:

BPD officials express the sentiment that integrity is the backbone of effective policing. However, little evidence exists to demonstrate that this sentiment was a true priority of the BPD; it was not reflected in internal affairs staffing or proactive measures to discover and deter misconduct. . . . Due to Baltimore’s high violent crime rate, the Department’s focus on crime reduction was prioritized and the agency resources marshalled to that end; internal affairs and integrity reinforcement efforts were afterthoughts and Internal Affairs was ineffective and under resourced.<sup>199</sup>

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<sup>197</sup> Jacob Chwast, “Value Conflicts in Law Enforcement,” *Crime & Delinquency* 11, no. 2 (1965): 154, <https://doi.org/10.1177/001112876501100204>.

<sup>198</sup> Engelson, “The Organizational Values of Law Enforcement Agencies,” 16.

<sup>199</sup> Williams et al., *Final Report of the Commission to Restore Trust in Policing*, 3–4.

The GTTF case highlights the relative irrelevance of an organization’s explicit values when they conflict with implicit ones. Reflecting the pattern described by Engelson, the BPD prioritized enforcement over moral concerns like integrity, providing the context from which the corruption and misdeeds of the GTTF emerged. To promote moral behavior, organizations must assess their normative cultures to ensure that implicit values of frontline officers align with the explicit values of the organization.

## 2. Community-Oriented Policing

Engelson specifically describes the adverse effect of value conflict on the implementation of community-oriented policing (COP).<sup>200</sup> Recognizing the shortcomings associated with a traditional, enforcement-driven model—namely the organizational–societal divide it creates—COP offers a collaborative approach between law enforcement and the community it serves. Specifically, the DOJ has proposed a three-tiered strategy emphasizing community partnerships, organizational transformation, and problem-solving as foundational components.<sup>201</sup> COP trades aggression for cooperation and attempts to eliminate the us-versus-them approach historically permeating policing.<sup>202</sup> COP endeavors to humanize officers’ contacts with members of the public. With humanization comes empathy, which—as described in Chapter II—enhances moral sensitivity and lessens the propensity to engage in unethical conduct.

While the COP framework constitutes the historical and enduring effort to reimagine and redefine policing, value conflicts constrain its successful implementation in many agencies. Lilley and Hinduja find that “the vast majority of [performance] evaluation content in police agencies is designed to benefit the police organization itself, rather than any external stakeholder such as the community or the justice system.”<sup>203</sup> They describe

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<sup>200</sup> Engelson, “The Organizational Values of Law Enforcement Agencies,” 16.

<sup>201</sup> Office of Community Oriented Policing Services, *Community Policing Defined* (Washington, DC: Department of Justice, 2012), <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P157>.

<sup>202</sup> Warren Christopher, *Report of the Independent Commission on the Los Angeles Police Department* (Los Angeles: Independent Commission on the Los Angeles Police Department, 1991), 105.

<sup>203</sup> David Lilley and Sameer Hinduja, “Organizational Values and Police Officer Evaluation: A Content Comparison between Traditional and Community Policing Agencies,” *Police Quarterly* 9, no. 4 (2006): 505, <https://doi.org/10.1177/1098611105281628>.

evaluation criteria that reflect internal processes like radio etiquette instead of valuing problem-solving skills and community engagement. By prioritizing such trivial aspects of the profession, agencies misalign the outward expression of organizational values and the internal values cultivated by organizational processes. When this manifests, officers revert to enforcement-driven actions, impairing the implementation of COP strategies and the development of an ethically minded culture.

In its investigatory report, the DOJ identifies such value incongruence at the BPD before the GTTF scandal. The report describes department leadership that outwardly embraced COP reforms but internally directed an enforcement-driven organization.<sup>204</sup> The report attributes the failure of COP implementation to “a persistent perception among officers that their performance continues to be measured by the raw numbers of stops and arrests they make, particularly for gun and drug offenses. Many officers believe that the path to promotions and favorable treatment, as well as the best way to avoid discipline, is to increase their number of stops and make arrests for these offenses.”<sup>205</sup> While the BPD envisioned itself as a community-oriented agency, its rewards and sanctions prioritized and drove enforcement behaviors in its officers. In addition, its mid-level supervisors—referents for subordinate officers—continued to “prioritize drug and gun arrests over community policing and longer, more intensive investigations.”<sup>206</sup> Regardless of the organizational projection of COP values, the culture at the BPD continued to emphasize enforcement in a way that alienated the community and further reinforced an us-versus-them worldview among officers.

The DOJ’s report is not alone in prescribing COP as the key to reinventing policing as a service-oriented, ethical enterprise. The Christopher Commission called for the LAPD’s implementation of COP in the aftermath of the Rodney King beating.<sup>207</sup> Nearly

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<sup>204</sup> Department of Justice, *Investigation of the Baltimore City Police Department*.

<sup>205</sup> Department of Justice, 42.

<sup>206</sup> Department of Justice, 42.

<sup>207</sup> Christopher, *Report of the Independent Commission*, 97–106.



a decade later, the LAPD again attested to its need in response to the Rampart scandal.<sup>208</sup> More recently, municipalities portrayed COP as a defining answer to demands for social justice and policing reform in the aftermath of George Floyd’s death at the hands of a Minneapolis police officer.<sup>209</sup> Yet, misconduct and moral failure in law enforcement agencies continue to occur with regularity. While such failures call into question underlying assumptions about COP’s efficacy, a more appropriate criticism addresses the implementation of COP. Law enforcement organizations outwardly embrace COP whereas their internal structure and operation lack the elemental transformation necessary to achieve the outcomes celebrated by its advocates. This failure of implementation lies in the top-down approach that has characterized attempts at reform. Because organizational influences are secondary to the team environment, COP implementation must target the team and individual domains. In effect, policies and directives from organizational leadership can only bring about as much change as they are reflected in the normative culture of the department.

## **B. TRAINING**

To target moral outcomes at the team and individual levels, an organization must evaluate the degree to which its values and ethos are reflected in its training practices. When delivered effectively, training in the moral domain establishes agency, builds self-efficacy, and promotes an internal locus of control. However, the effectiveness of training depends on the degree to which it is legitimized, accepted, and propagated at the team level. Consistency with policy, practicality, and applicability determine the training’s level of adoption by officers. Training perceived to serve a merely bureaucratic function is often disregarded while that which engages, develops, and resonates with officers is likely to be embraced and internalized. Thus, comprehensive moral training is essential to developing an ethical culture and promoting moral behavior within law enforcement organizations.

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<sup>208</sup> Drooyan, *Report of the Rampart Independent Review Panel*, 7–8; Parks, *Board of Inquiry into the Rampart Area Corruption Incident*.

<sup>209</sup> Kayla Preito-Hodge and Donald Tomaskovic-Devey, “A Tale of Force: Examining Policy Proposals to Address Police Violence,” *Social Currents* 8, no. 5 (2021): 404, <https://doi.org/10.1177/23294965211017903>.

Colby and Sullivan describe three dimensions to training that develop an employee's professional identity:

1. Intellectual training to learn the academic knowledge base and the capacity to think in ways that are important to the profession;
2. A skill-based apprenticeship of practice: the craft know-how that marks expert practitioners of the domain; and
3. An apprenticeship to the ethical standards, social roles, and responsibilities of the profession, grounded in the profession's fundamental purposes.<sup>210</sup>

Applying these to the law enforcement enterprise, the intellectual domain describes officers' legal, procedural, and tactical knowledge; the skill domain describes task capability including driving, marksmanship, defensive tactics, and arrest skills; and the ethical domain represents the development and instillation of values and professional standards that define an officer's identity. Colby and Sullivan describe the ethical domain's foundational importance: "It is the third. . . apprenticeship that serves as the driving force for integration of professional understanding, craft and purpose."<sup>211</sup> This section examines two aspects of training necessary for synthesis of the three domains: integration and apprenticeship.

### **1. Integration**

Contemporary ethical training practices in law enforcement largely lack a holistic, integrated approach, resulting in diminished effectiveness. Law enforcement agencies expend significant time and effort training officers due to the high-risk and high-consequence nature of the profession. Such training can include active shooters, defensive tactics, marksmanship, and a range of other topics relevant to policing. However, ethics and moral considerations are not always reflected in the exercise and learning outcomes. Rather, the law enforcement enterprise tends to confine its moral training and development to focused trainings that target specific moral acts. Examples include intervention,

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<sup>210</sup> Anne Colby and William M. Sullivan, "Formation of Professionalism and Purpose: Perspectives from the Preparation for the Professions Program," *University of St. Thomas Law Journal* 5, no. 2 (2008): 409, <https://ir.stthomas.edu/ustlj/vol5/iss2/3>.

<sup>211</sup> Colby and Sullivan, 411.

de-escalation, and implicit bias trainings. This training modularization creates an environment where moral considerations are separate from other job tasks. When training does address the moral domain, it often uses categorical examples that lack the real-world nuance necessary to develop an officer's moral judgment. As a result of training modularization and archetypal scenarios, moral considerations remain poorly integrated into the broader law enforcement training paradigm.

The RIRP recognized the inadequacy of ethics training in the aftermath of the CRASH scandal. As the panel notes,

We believe that officers do not see a benefit to ethics training because they do not recognize that ethics training has any practical application. The ethics training they have received from LAPD has not successfully taught them how to apply standards of ethics to their daily job experiences. Little or no effort has been made to provide ethics training in a coordinated and comprehensive way, or to create a training program around a clear, unifying theme. . . . Nor has a sufficient effort been made to design ethics training programs that resonate with officers. Most ethics courses have been taught as stand-alone lectures, isolated from training in the substantive tactical issues that confront officers on the job. Officers are generally passive recipients of information, rather than active participants in resolving issues that present ethical challenges. This mode of presentation does not involve officers in the process of ethical decision-making, and does not promote the development of that skill. Instead of highlighting the relevance of ethical issues to an officer's daily experience, passive lecture courses can obscure it. Most officers will find information presented in this way difficult to translate into practical use.<sup>212</sup>

The RIRP observes that merely providing lectures about ethics does little to meaningfully impact the moral behavior of police officers. A lack of practical application and integrated ethics training inhibits the development of critical-thinking skills central to moral judgment. Such training also lacks resonance with officers, leading to disinterest and poor uptake of learning outcomes. If law enforcement organizations desire their officers to be effective moral agents, ethics training must address and reflect realistic moral challenges and develop the problem-solving skills necessary to navigate them.

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<sup>212</sup> Drooyan, *Report of the Rampart Independent Review Panel*, 69.

The George Floyd case demonstrates how insufficient training can impair moral action. During their civil rights trial, Tou Thao, Alexander Kueng, and Thomas Lane were extensively questioned about their duty to intervene in excessive force by another officer. Kueng described the nature of intervention training he received during examination by his defense attorney:

Q. What was the extent of the training you received on the duty to intervene in defensive tactics?

A. It was this slide, and we had either an officer or instructor read the policy and then an example was given.

Q. Do you recall exactly the example that was given at this point?

A. I do. Not verbatim, but it was something to the effect of when you see something obviously wrong and then goes on to describe an officer who is kicking, punching, or stomping on a handcuffed subject, typically in the face.

Q. And then when you see—If you see somebody kicking, punching, or hitting a handcuffed person, then you should intervene; is that what they tell you?

A. Yes, sir.

Q. Do they talk about the subtleties between intervening and attempting to [intervene], as is written in the statute?

A. No, sir.

Q. Did you talk about the importance of—did you have any scenarios on this in the academy?

A. No, sir. No scenarios related to anything with intervention.<sup>213</sup>

Kueng described a training approach that provided a cursory discussion of obligations to intervene but lacked any applied component. He elaborated that combative skills and defensive tactics were emphasized in both classroom and practical instruction while intervention training was reduced to a single slide in a PowerPoint presentation. When challenged about the need for such training under cross-examination, Kueng relayed

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<sup>213</sup> Transcript of Record at \*3429, *Thao*.

that the absence of scenario training impaired his identification of excessive force and meaningful knowledge of how to appropriately intercede.<sup>214</sup> While Kueng’s testimony occurred at a moment of legal jeopardy, it nonetheless revealed a training program that disproportionately trained enforcement behaviors and severely underrepresented ethical considerations. Merely reading a policy and giving an archetypal example are insufficient actions to impel moral action in opaque, stressful, and dynamic situations.

Steve Ijames, an expert witness, supported Kueng’s position by highlighting the need for an applied skill component and an accompanying competency evaluation:

When you look at the issue of intervention, if I just read to you you have a duty to intervene if—or attempt to intervene if an officer is perceived to be doing excessive force, unreasonable force, and then give an example that is—it’s actually the default example that I hear from agencies nationwide, you are beating a handcuffed prisoner. This overly simplistic example does nothing to train an officer. Specifically, officer centric training, where you have them involved, where you do demonstrations, when you do role playing is what you have to do for things that really matter. You don’t have to do that for the break policy, where you go take lunch. But if you’re talking about force or something as complicated as an intervention, it has to be taught to a level and then you have to validate the learning. You have to know they know.<sup>215</sup>

Ijames described the need for an immersive training and evaluation paradigm to prepare officers to deal adequately with morally challenging situations. The magnitude of consequences associated with moral inaction drives the importance of a robust training environment to develop and assess officer competency to intervene. The officer-centric training he described targets individual self-efficacy through three of four determinants detailed in Chapter II: performance accomplishment, vicarious experience, and verbal persuasion.<sup>216</sup> Performing the task successfully, watching others perform the task, and receiving coaching in a training context are valuable elements in instilling and reinforcing

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<sup>214</sup> Transcript of Record at \*3605, *Thao*.

<sup>215</sup> Transcript of Record at \*3634, *Thao*.

<sup>216</sup> Bandura, “Self-Efficacy,” 195–200.

self-efficacy among officers. This development of officer self-efficacy substantially increases the impetus to act in moments demanding it.<sup>217</sup>

Developing officers' moral competence requires three specific components within the training environment: alignment, integration, and realism. As described in the values section of this chapter, training and policy must align with and reflect the organization's values. Training must affirm, not contradict, the organizational ethos. Ethics training provided to officers must integrate across intellectual, skill, and moral domains. In addition, moral considerations should exist in nearly all training environments instead of remaining confined to singular, ethically focused training exercises. Rooting the conventional training environment in an ethical foundation affirms the latter's principal importance. Demonstrative and evaluative scenarios should reflect the nuance and opacity encountered in real-world experiences. When they do, critical-thinking outcomes and moral decision-making are improved. A developmental approach integrating value-aligned and realistic ethics training is essential to providing a strong moral foundation for officers.

## 2. Apprenticeship

In addition to integrated ethics training, law enforcement organizations must examine the moral dimension of FTPs. Unlike formalized training courses, FTPs have a decidedly normative component. The RIRP notes the importance of FTPs: "Many officers say that their FTO is the most important person they learn from in their early career. . . . FTOs, then, must not only be firmly grounded in ethical decision-making, but must also be trained to demonstrate to newer officers just how such skills can be utilized on the job and why they must be."<sup>218</sup> FTPs and team-level socialization processes disproportionately determine behavior as they reconcile the three domains described by Colby and Sullivan and provide new officers with "street" knowledge that bridges theory and practice.<sup>219</sup> Beyond assessing for levels of competence, FTO guidance informs which policies new officers follow, the values they adopt, and how they conceive of their place in both the

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<sup>217</sup> Sekerka and Bagozzi, "Moral Courage in the Workplace," 137.

<sup>218</sup> Drooyan, *Report of the Rampart Independent Review Panel*, 69–70.

<sup>219</sup> Colby and Sullivan, "Formation of Professionalism and Purpose," 409.

organization and society. As such, the FTP is central to developing officers' moral agency, judgment, and motivation, which impel their willingness and capacity to act.

Inadequacies and failures of the FTP are evident across the Rampart CRASH, Baltimore GTTF, and George Floyd cases. The RIRP noted that the LAPD had no ethical dimension involved in its FTP.<sup>220</sup> The DOJ report of the BPD mentioned that the department “does not currently attract and retain the right officers for the FTO positions, and those who do become FTOs receive only one week of training. There is a dearth of qualified FTOs throughout the Department; some districts lack FTOs entirely.”<sup>221</sup> In the George Floyd case, it was an FTO and senior officer who actively engaged in the most egregious conduct. Moreover, James identified structural flaws in the administration of the FTP at the MPD. He recognized that the FTP and academy training were siloed from one another, thus rejecting the idea that FTOs meaningfully advanced academy training and department policy.<sup>222</sup> Deficiencies, misalignment, and failures of FTPs played a contributing role in all three cases of moral failure.

A range of negative outcomes derive from inadequate FTPs. By normalizing deviance, agencies reinforce the idea that improper conduct is acceptable. Value conflicts between academy training and the FTP can materialize, resulting in an emphasis on enforcement that overrides community-oriented behaviors. Most significantly, the ethical foundation essential to the development of new officers remains incomplete, impairing their capacity to identify, judge, and respond to moral dilemmas effectively. As a result, flawed FTPs weaken the moral agency of new officers and perpetuate a culture that marginalizes ethical concerns.

The FTP serves a vital role in the development of the third domain described by Colby and Sullivan, in which officers receive “induction into the field’s ethical standards and practices, professional sensibilities, appreciation for and commitment to the field’s essential social purposes, and sense of professional identity in which those purposes and

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<sup>220</sup> Drooyan, *Report of the Rampart Independent Review Panel*, 69.

<sup>221</sup> Department of Justice, *Investigation of the Baltimore City Police Department*, 133.

<sup>222</sup> Transcript of Record at \*3636–37, *Thao*.

standards are experienced as core features of what it means to practice that profession.”<sup>223</sup> Yet, law enforcement agencies have largely failed to target the FTP as a means to further the moral development of their officers. The relative absence of ethical considerations in the FTP sends the implicit message that they are not valued to the same degree as enforcement actions, tactical competence, and procedural compliance. Thus, the FTP represents an underutilized medium to develop officers’ moral competence and instill the organization’s value set within them.

A reimagining of FTPs is necessary to develop the moral foundation of new officers. Berghaus prescribes an apprenticeship model to develop the character of soldiers.<sup>224</sup> Similarly, Callina et al. recommend a strengths-based relational approach to develop cadets’ character at the United States Military Academy (USMA).<sup>225</sup> Elements of these two approaches are adaptable for implementation into FTPs. Both models leverage the relational dynamics between individuals within a particular group to instill virtue, develop moral reasoning, and drive ethics in action. Put another way, such approaches utilize the team dimension as a vector to implement organizational ethos.

Berghaus notes that traditional ethics training relies on subject-matter experts to teach values and moral judgment.<sup>226</sup> He critiques this as largely ineffective due to its lack of resonance with and application to soldiers’ identities and lives.<sup>227</sup> Instead, he proposes integrating ethics training and character development into the team structure. Berghaus notes that *in extremis* contexts and common experience combine to develop deep bonds of trust between soldiers that may be leveraged to build their moral competence.<sup>228</sup> Berghaus’s approach exploits the referent relationships and intragroup loyalty described in Chapter III to develop a soldier’s character more effectively.

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<sup>223</sup> Colby and Sullivan, “Formation of Professionalism and Purpose,” 410.

<sup>224</sup> Paul T. Berghaus, “The Problems of Authority and the Want of Apprenticeship in Soldiers’ Character Development,” *Journal of Moral Education* 45, no. 3 (2016): 324–37, <https://doi.org/10.1080/03057240.2016.1204272>.

<sup>225</sup> Callina et al., “Developing Leaders of Character.”

<sup>226</sup> Berghaus, “The Problems of Authority and the Want of Apprenticeship,” 325.

<sup>227</sup> Berghaus, 328.

<sup>228</sup> Berghaus, 329–31.



Callina et al. specifically describe an approach grounded in “honorable living” and professional excellence.<sup>229</sup> Honorable living upholds the highest moral standard for oneself instead of merely meeting minimum competency and refraining from unethical conduct, thus portraying “good character as the presence of positive behaviors, rather than as the absence of negative ones.”<sup>230</sup> In addition, Callina et al. focus on threats to professional excellence as barriers to effective moral development. Work steeped in bureaucracy and high levels of cynicism undermines efforts to instill organizational ethos and contributes to misalignment between organizational, team, and individual values.<sup>231</sup> Though the research by Callina et al. focuses on cadets at the USMA, the same principles apply to the law enforcement enterprise. Law enforcement agencies largely assess for minimum competency instead of promoting “honorable living.” In addition, cynicism stemming from high demands, perceived inadequate support, and significant bureaucratic functioning afflicts the enterprise.

An effective reimagining of FTPs should incorporate the approaches described by Berghaus and Callina et al. Police agencies must recognize the FTP as a grossly underutilized medium to instill organizational ethos and develop the moral judgment of officers. The normative and informational influence exercised by FTOs disproportionately influences the moral foundation of new officers as they become socialized into the organization. As such, law enforcement organizations should incorporate the following components in their FTPs:

- Integration of moral curriculum, outcomes, and evaluation in a manner bridging theory and practice
- Promotion of moral excellence and honorable living instead of boundary-setting and achievement of minimum competency

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<sup>229</sup> Callina et al., “Developing Leaders of Character,” 19.

<sup>230</sup> Callina et al., 19.

<sup>231</sup> Callina et al., 20–21.

- Careful selection and diligent training of FTOs to reliably model desired behavior and to positively influence the moral development of new officers
- Alignment of the FTP with organizational values, departmental policies, and academy training

Organizations should also focus on reducing and managing barriers to moral behavior, including cynicism and bureaucratic demands, as they pose a contextual risk of socializing new officers into a misaligned environment. Instead of considering an FTP as “on-the-job training,” law enforcement agencies should conceive of it as a multidimensional apprenticeship vital to synthesizing the profession’s intellectual, skill, and ethical dimensions.

### **C. POLICY AND ACCOUNTABILITY**

Law enforcement organizations primarily seek to regulate and compel the ethical conduct of officers through the dissemination of policy and dispensation of accountability via discipline. These have varying degrees of effectiveness and do relatively little to intrinsically motivate officers to act morally. Many contemporary approaches also disproportionately focus on individual action while overlooking situational factors and organizational and team complicity. Moreover, policy and accountability are only effective if they are reinforced by first-line supervisors and practiced by peers. As such, it is necessary to analyze contemporary policy and accountability practices and their presence in instances of moral failure.

#### **1. Policy**

In the wake of high-profile deaths of unarmed individuals like George Floyd and Eric Garner at the hands of police, societal demands for transparency and culpability in policing resulted in the widespread implementation of policies like the duty to intervene

(DTI) and the duty to report.<sup>232</sup> Such policies require officers to take action in the presence of perceived unethical conduct of another officer. The efficacy of such policies, however, has received only marginal investigation. Dawson, Blount-Hill, and Hodge find little correlation between DTI policies and the reduction of civilian deaths at the hands of multiple officers.<sup>233</sup> These data challenge DTI advocates' assumptions of its overall impact in impelling moral behavior.

The George Floyd case demonstrates that policy alone is insufficient to generate moral action. The MPD had a DTI policy in place and two officers freshly out of academy and FTP training. Yet, no meaningful intervention occurred. As the previous section described, inadequate training poorly prepared Kueng and Lane to intercede in Derek Chauvin's improper conduct. Another criticism of the DTI at the MPD is that it provided no mechanism to address the misconduct of a tenured or superior officer.<sup>234</sup> DTI policies must be accompanied by an appropriate safeguard so that officers intervening in good faith do not suffer subsequent retaliatory actions. More vital than policy itself is the degree to which it is aligned with organizational values, supported by training and departmental culture, and practiced at the operational level by groups of officers.

In his independent analysis of the Rampart CRASH scandal, Chemerinsky repeatedly invokes the seminal work *Police for the Future* by David Bayley to highlight structural flaws in the LAPD's management approach.<sup>235</sup> Bayley describes a foundational schism between the inherent nature of police work and the traditional management style of law enforcement organizations:

Police organizations have volumes of regulations, orders, directives, and rules covering every aspect of activity. Some are important, such as those

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<sup>232</sup> The duty to intervene requires officers to intervene in misconduct or excessive force perpetrated by a fellow officer. The duty to report requires officers to report instances of peer misconduct, excessive force, or breach of department policy.

<sup>233</sup> Akiv J. Dawson, Kwan-Lamar Blount-Hill, and Guy Hodge II, "Officer-Involved Deaths and the Duty to Intervene: Assessing the Impact of DTI Policy in New York City, 2000–2019," *Policing: An International Journal* 45, no. 4 (2022): 667–68, <https://doi.org/10.1108/PIJPSM-08-2021-0119>.

<sup>234</sup> Delores Jones-Brown et al., "Am I My Brother's Keeper? Can Duty to Intervene Policies Save Lives and Reduce the Need for Special Prosecutors in Officer-Involved Homicide Cases?," *Criminal Law Bulletin* 57, no. 5 (2021): 37–39, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3903648](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3903648).

<sup>235</sup> Chemerinsky, "Report on the Rampart Scandal."

dealing with the use of deadly force or the handling of confiscated drugs, whereas others are minor, such as those dealing with hair length and how far shirtsleeves may be rolled up in the summertime. Management in policing is by exception, stressing adherence to formal regulations rather than achievement of general organizational objectives such as preventing crime or satisfying security needs. Senior officers function primarily as auditors who monitor conformity to rules rather than as problem solvers who use resources to accomplish organizational goals. . . . The command-and-control system of police management is paradoxical: It seeks to regulate in minute ways the behavior of individuals who are required by the nature of their work to make instant and complex decisions in unpredictable circumstances. Police organizations allow enormous discretion in practice while at the same time maintaining a top-down command system. The formal and informal structures of authority in policing are not congruent.<sup>236</sup>

Bayley effectively critiques the nature of police leadership, which manages an inherently dynamic profession through policy, procedure, and directive. While such an approach is necessary in certain aspects of police work, its wide application is incompatible with the problem-solving and critical-thinking necessary for realizing COP outcomes. Moreover, it promotes a culture of staying *in-bounds* of the organization's policies instead of manifesting a culture of personal and professional excellence. To resonate with officers, policies should reflect the dynamic and discretionary environment in which police officers operate. They should empower officers to think critically and act with intention to advance organizational values. Training must support policies of this nature by developing the moral foundation of new officers and socializing them into a culture of service and excellence.

## 2. Accountability

In the wake of moral failure—be it unethical behavior or moral inaction—the public rightfully demands accountability. The United Nations Office on Drugs and Crime defines accountability “as a system of internal and external checks and balances aimed at ensuring that police carry out their duties properly and are held responsible if they fail to do so. Such a system is meant to uphold police integrity and deter misconduct and to restore or enhance

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<sup>236</sup> David H. Bayley, *Police for the Future* (New York: Oxford University Press, 1996), 64, ProQuest Ebook Central.

public confidence in policing.”<sup>237</sup> Accountability is important in stigmatizing unsatisfactory behavior, identifying its causes, and preventing future occurrences. A holistic, consistent, and equitable approach to accountability is essential in responding to instances of moral failure and discouraging future engagement in such behavior.

Inadequate or absent accountability normalizes deviance, providing an implied acceptance of the inappropriate behavior. Such was the case in the GTTF case, as detailed by the DOJ:

BPD relies on deficient accountability systems that fail to curb unconstitutional policing. For years, the Department’s process of investigating and adjudicating complaints has been plagued by systemic failures, including: discouraging individuals from filing complaints; poor investigative techniques; unnecessary delays; minimal review and supervision; and a persistent failure to discipline officers for misconduct, even in cases of repeated or egregious violations. BPD likewise fails to provide information about officer misconduct in a transparent manner or receive input on the accountability process from the community it serves. As a result, a cultural resistance to accountability has developed and been reinforced within the Department. This culture further undermines accountability by discouraging officers from reporting misconduct and discouraging supervisors from sustaining allegations of it.<sup>238</sup>

The DOJ’s report describes an organizational ecosystem almost completely devoid of accountability practices. Not only did the BPD fail to supervise or discipline officers for misconduct, but it also took active steps to discourage complaint reporting and conceal information from the public. In fact, BPD supervisors actively promoted misconduct by directing subordinates to falsify probable cause to “clear corners.”<sup>239</sup> Doing so created a permissive environment that—combined with inadequate training and an emphasis on enforcement—provided the context underpinning the actions of the GTTF.

The GTTF case highlights the importance of supervisors modeling desired behavior while correcting inappropriate conduct by subordinates early and consistently. It also

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<sup>237</sup> United Nations Office on Drugs and Crime, ed., *Handbook on Police Accountability, Oversight and Integrity*, Criminal Justice Handbook Series (Vienna: United Nations, 2011), [https://www.unodc.org/pdf/criminal\\_justice/Handbook\\_on\\_police\\_Accountability\\_Oversight\\_and\\_Integrity.pdf](https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf).

<sup>238</sup> Department of Justice, *Investigation of the Baltimore City Police Department*, 139.

<sup>239</sup> Department of Justice, 29.

demonstrates that individual misconduct is often situated in an organizational context that normalizes inappropriate behaviors in one or more ways. While context and culture do not excuse the unethical conduct of individual officers, they deeply influence such officers' beliefs, values, and choices. Effective accountability practices impel officers to perform competently and act ethically. They are also vital to ensuring supervisors promote moral behavior among their subordinates. This is especially important given the normative and referent influence exercised by first-line supervisors. As individual officers are held to account for misconduct, supervisors must be held accountable for the professional context they promote.

Law enforcement organizations' historical response to calls for accountability is disciplinary action. When officers deviate from policy, fail to meet expectations, or otherwise act inconsistently with departmental values, they are subject to the agency's disciplinary process. However, the nature of law enforcement discipline is blame oriented and punishment centric. Bayley describes the structural flaws in law enforcement discipline:

Since the discipline system is supposed to prevent mistakes, police organizations repress knowledge of mistakes rather than learning from them. Mistakes prompt a single response: Tighten discipline, punish individuals. . . . If things go wrong, it is never the organization's fault—it is the fault of the working officer who failed to follow the rules. Police forces do not deal with the possibility of mistakes in the way that truly professional groups do—namely, by admitting the impossibility of controlling everything, encouraging peers to accept responsibility for supervision, forming supportive work groups that diagnose potential shortcomings in performance, and providing corrective training and advice.<sup>240</sup>

Bayley describes the paradoxical nature of disciplinary systems in law enforcement. Namely, if discipline endeavors to identify and correct deficient practices, its approach must encourage ownership, remediation, and growth. Instead, law enforcement discipline centers on the assignment of blame and the dispensation of punishment. Though blame and punishment serve a purpose in negatively reinforcing the behavior in question, they do little to develop officers and encourage their growth from failure. Current

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<sup>240</sup> Bayley, *Police for the Future*, 65.

disciplinary approaches in law enforcement incentivize the concealment of failures instead of offering a medium to meaningfully examine and learn from them.

Much of the rigidity surrounding law enforcement discipline—especially for ethical issues—originates from case law established by the Supreme Court’s 1963 ruling in *Brady v. Maryland*.<sup>241</sup> The *Brady* precedent requires law enforcement agencies to divulge officers’ sustained misconduct (especially involving deception) for use in a suspect’s defense. Yet, officers are often trained and authorized to use lies and deception to elicit information from suspects—actions paradoxically supported by courts—thereby creating a value conflict in which officers are both trained to lie and mandated to be truthful depending on the context. In many cases, a *Brady* finding is a death knell for an officer’s career as it is typically grounds for termination.<sup>242</sup> This consequence further encourages a code of silence among teams of officers who believe reporting peer misbehavior would disproportionately affect their careers. While on the surface *Brady* necessarily safeguards the professional ethics of policing, it may also have the unintended effect of promoting the concealment of misconduct.

Conventional approaches to accountability in law enforcement fail to adequately examine and address the multidimensional factors involved in unethical conduct. Regarding the LAPD in the wake of the Rampart CRASH scandal, Chemerinsky remarks,

Assignment of blame for malfeasance always is shunted downward and away from management. It generally assigns blame to the failures of divisional supervisors and individual officers. It assumes that the LAPD organizational culture and systems are appropriate and prescribes remedies like more audits, stricter compliance with the rules, improved performance in key specific areas, and greater powers for the Police Chief and for Internal Affairs. But nowhere does it address the corrupting dynamics within the LAPD culture, the politicized nature of Internal Affairs, the unfair command/control discipline systems, or the role of the Board of Commissioners and the Chief of Police.<sup>243</sup>

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<sup>241</sup> *Brady v. Maryland*, 373 U.S. 83 (1963).

<sup>242</sup> Geoffrey P. Alpert and Jeffrey J. Noble, “Lies, True Lies, and Conscious Deception: Police Officers and the Truth,” *Police Quarterly* 12, no. 2 (2009): 243–44, <https://doi.org/10.1177/1098611108327315>.

<sup>243</sup> Chemerinsky, “Report on the Rampart Scandal,” 567.

Chemerinsky’s commentary reflects a truth extending well beyond the LAPD. Law enforcement organizations have, by and large, failed to examine the organizational and situational dimensions, thus contributing to misconduct and displaced blame onto individuals and teams of officers and an absence of structural reform. Despite enduring calls for change, law enforcement agencies continue to approach accountability in ways that remain largely static. Assumptions of organizational inculpability preclude meaningful reform of accountability systems.

Other high-risk, high-consequence professions such as aviation and healthcare have implemented holistic systems of accountability that demonstrate promise in a law enforcement application. These systems center on the concept of a *just culture*, defined by Paradiso and Sweeney as “organizational accountability for the systems they’ve designed and employee accountability for the choices they make.”<sup>244</sup> The Global Aviation Information Network (GAIN) Working Group E describe it further:

A “Just Culture” refers to a way of safety thinking that promotes a questioning attitude, is resistant to complacency, is committed to excellence, and fosters both personal accountability and corporate self-regulation in safety measures.

A “Just” safety culture, then, is both attitudinal as well as structural, relating to both individuals and organizations. Personal attitudes and corporate style can enable or facilitate the unsafe acts and conditions that are the precursors to accidents and incidents. It requires not only actively identifying safety issues, but responding with appropriate action.<sup>245</sup>

While GAIN’s definition applies a just culture to safety, the same principles apply to the moral domain. Replacing the word “safety” with “ethical” in the GAIN definition offers a simple yet profound revision describing a *just ethical culture*. Such an approach in the law enforcement enterprise would appropriately balance accountability across the individual, group, and organizational levels.

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<sup>244</sup> Linda Paradiso and Nancy Sweeney, “Just Culture: It’s More Than Policy,” *Nursing Management* 50, no. 6 (2019): 40, <https://doi.org/10.1097/01.NUMA.0000558482.07815.ac>.

<sup>245</sup> GAIN Working Group E, *A Roadmap to a Just Culture: Enhancing the Safety Environment* (McLean, VA: Global Aviation Information Network, 2004), 4, [https://flightsafety.org/wp-content/uploads/2016/09/just\\_culture.pdf](https://flightsafety.org/wp-content/uploads/2016/09/just_culture.pdf).



Just cultures are not “faultless” or “blameless.” On the contrary, they provide a holistic assessment resulting in a more equitable determination of responsibility. A just culture emphasizes understanding the circumstances in which an undesirable event occurred instead of prioritizing fault-finding.<sup>246</sup> This reflects the RDS metatheory’s analysis of conditions over causes, with Molenaar, Lerner, and Newell describing the distinction:

A cause can be a “force” that “produces” or “influences” or “affects” the status or change of an object in a model that splits system and activity. In a relational model, system and activity are joined as a dynamic structure–function relation and conditions are identified as necessary and/or sufficient to the occurrence of the phenomenon under investigation.<sup>247</sup>

The focus on conditions appropriately reflects the interactive and multifaceted influences inherent to the law enforcement profession. It provides a valuable framework to assess and understand behavior resulting from the interplay of individual characteristics, team influence, organizational culture, and situational factors (see Figure 3). Applied to the law enforcement enterprise, a just culture would appropriately consider the individual–context relationship leading to moral failure.

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<sup>246</sup> Paradiso and Sweeney, “Just Culture,” 40.

<sup>247</sup> Molenaar, Lerner, and Newell, *Handbook of Developmental Systems Theory*, 45.

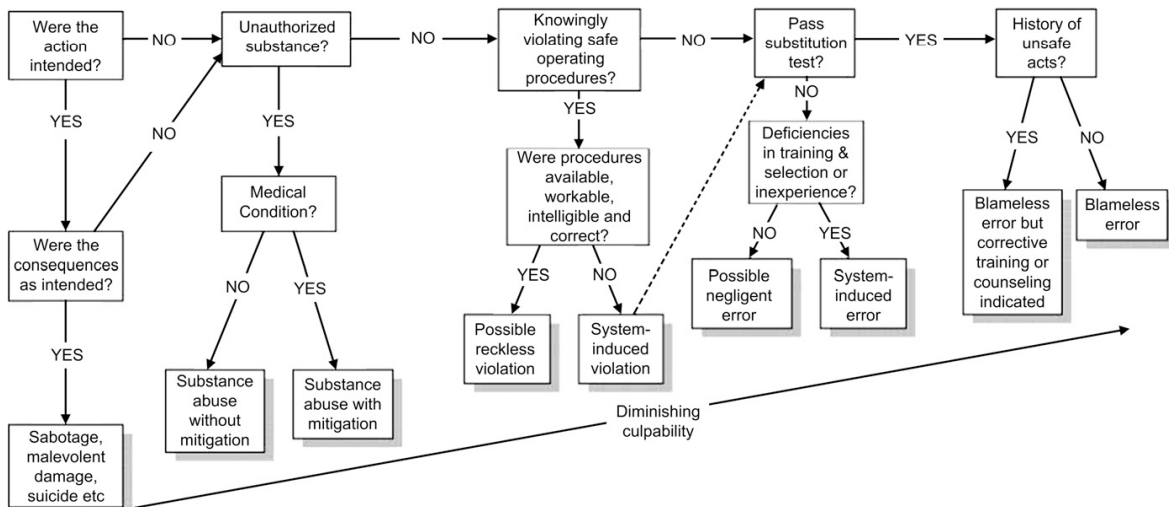


Figure 3. Just-Culture Culpability Flow Chart.<sup>248</sup>

Moreover, just cultures inspire an atmosphere of trust between employees and organizations essential to identifying deviance.<sup>249</sup> Employees who trust an organization and its accountability system will have a greater inclination to report issues, believing in an equitable response and productive outcome. Conversely, those who mistrust a system that prioritizes individual blame are more likely to remain silent or engage in the concealment of troubling conduct. The RIRP identifies these dynamics:

We also believe that officers’ perceptions that they are distrusted by management can foster, rather than prevent, unethical and improper police conduct. Officers who feel they will be punished for unintentional mistakes are far more likely not to report mistakes truthfully to their supervisors. Worse, the fear of punishment for honest mistakes, and the belief that the Department will not fairly support officers, increases the likelihood that innocent mistakes will be covered up through intentional misconduct. And officers will be less likely to report misconduct by others if they do not trust that management will respond appropriately.<sup>250</sup>

<sup>248</sup> Source: James Reason, *Managing the Risks of Organizational Accidents* (London: Routledge, 1997), 209, <https://www.taylorfrancis.com/books/mono/10.4324/9781315543543/managing-risks-organizational-accidents-james-reason>.

<sup>249</sup> Paradiso and Sweeney, “Just Culture,” 41.

<sup>250</sup> Drooyan, *Report of the Rampart Independent Review Panel*, 53.

Ironically, the disciplinary processes used by the LAPD had the paradoxical effect of furthering the code of silence that perpetuated a lack of accountability. A just culture directly addresses these foundational challenges. Implementing such an initiative would represent an important structural reform answering the appeal for “a major system overhaul” by the Christopher Commission in 1991.<sup>251</sup>

Historical reform efforts in law enforcement reflect a piecemeal approach that has not addressed the foundational conditions influencing the profession. A just culture offers a fundamentally different holistic approach that addresses several institutional challenges. Much like the enduring but perpetually insufficient effort to implement COP in policing agencies around the nation, a just culture is effective only to the extent that it is reflected in the normative culture of the department. Law enforcement agencies implementing a just culture must do so equally in word and deed.

#### **D. CONCLUSION**

Law enforcement organizations provide an important structural background that influences the moral behavior of teams and individual officers alike. Organizational culture is largely reflected in the values, training, policy, and accountability practices of police agencies. To promote an ethically minded culture, alignment must exist between these components. Values form the basis of an organization’s ethos; policies provide the framework to manifest values; training develops the knowledge, skill, and self-efficacy necessary to act in accordance with values; and accountability identifies and addresses the constituent conditions when officers act in contrast to values.

As the previous chapter described, values are foundationally important in determining behavior. Alignment between the stated explicit values of a law enforcement agency and the implicit values derived from its training, policy, and normative culture is essential to promoting moral behavior. Despite COP’s continued celebration among reformists, an enduring value conflict arises from its inadequate and incomplete implementation. Continued emphasis on enforcement over problem-solving and

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<sup>251</sup> Christopher, *Report of the Independent Commission*, 171.

community outreach means that COP—as noted by the RIRP—largely “remains more a slogan than a reality.”<sup>252</sup> Value congruence is critical to its ultimate resonance with individual officers.

Current training approaches in law enforcement inadequately reflect the ethical dimension inherent to police work. Reliance on passive instruction and poor integration of moral considerations into all aspects of training inhibit the development and strengthening of a robust ethical foundation, as touted by Colby and Sullivan. Practical moral and character development initiatives integrated into broader training efforts are needed to ensure officers recognize the moral dimension of any situation. In addition, FTPs should be reimagined to reflect an apprenticeship synthesizing the intellectual, skill, and moral domains of the profession. FTPs provide an important vector to shape the normative culture around the organization’s values.

Policy must align with the organization’s values, and training efforts should target the outcomes that policy aims to achieve. Historically, policy initiatives within law enforcement focus on outlining behavior that must or must not occur. In this sense, policy attempts to regulate a highly discretionary and dynamic profession through rigid mandates. While these are necessary in some instances, their broad use within law enforcement creates a culture more concerned with compliance than professional excellence. Policies should promote an atmosphere of trust while encouraging officers to live and act honorably.

Accountability is the mechanism through which law enforcement organizations ensure the expression of organizational values. Conventional practices overwhelmingly rely on disciplinary processes to regulate compliance with values, training, and policy. A majority of police disciplinary systems incorrectly assume organizational inculpability and displace blame onto teams and individual officers. This approach—combined with an emphasis on fault-finding—paradoxically encourages officers to conceal mistakes or remain silent about peers’ behavior. A just culture offers a divergent approach that reimagines accountability in law enforcement. Its holistic framework and focus on

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<sup>252</sup> Drooyan, *Report of the Rampart Independent Review Panel*, 48.

conditions surrounding a deviant event offer a constructive method that could meaningfully address enduring institutional inadequacies plaguing law enforcement.

While organizational determinants are often secondary to individual and group characteristics in influencing moral behavior, they nonetheless shape the context in which conduct manifests. The degree of alignment between values, training, policy, and accountability determines the extent to which they influence the normative culture of law enforcement agencies. Thus, police organizations must promote an organizational culture that impels moral behavior through an atmosphere of trust, professional and personal excellence, and value primacy.

While Chapters III and IV discussed differing levels shaping context *within* a law enforcement organization, Chapter V examines the situational determinants of moral behavior. These largely exist *outside* the control of police agencies and represent dynamic characteristics that influence ethical decision-making. Organizations must recognize their presence in an operational environment and work to develop officers' capacities to respond appropriately.

## V. SITUATIONAL DETERMINANTS

Having identified the individual, team, and organizational characteristics, it is now important to examine situational factors that mediate moral behavior of police officers. Bandura addresses the cruciality of context in moral behavior:

Situations with moral implications contain many decisional ingredients that not only vary in importance but may be given lesser or greater weight, depending on the particular constellation of events in a given moral predicament. . . . In dealing with moral dilemmas, people must extract, weigh, and integrate the morally relevant information in the situations confronting them.<sup>253</sup>

Bandura's emphasis on situational factors is significant to moral behavior in the law enforcement enterprise. The profession operates in a wide-ranging, dynamic, and highly discretionary environment that impacts officers' decisions. It is, therefore, necessary to examine the manner in which these characteristics influence the moral behavior of police officers.

Jones's moral intensity construct is foundational to the study of situational factors on moral behavior.<sup>254</sup> He describes moral intensity as the sum of situational and issue-specific characteristics and their impact on the ethical decision-making of the moral agent. Using Jones's model as a base, three primary components bear relevance to law enforcement: saliency and vividness, temporality, and situational appraisals. Saliency and vividness refer to the clarity and resonance of a moral issue and are driven by factors such as proximity, environmental stimuli, task fixation and saturation, and moral disengagement. Temporality describes the time factor involved in morally challenging situations. Situational appraisals encompass beliefs about the issues underlying a moral dilemma and its likely outcomes. Investigating these three characteristics yields essential insight into the situational barriers to moral action within law enforcement.

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<sup>253</sup> Bandura, "Social Cognitive Theory of Moral Thought and Action," 64–65.

<sup>254</sup> Jones, "Ethical Decision Making by Individuals in Organizations."

## A. SALIENCE AND VIVIDNESS

An essential component to acting on a moral issue is the extent to which it is apparent to law enforcement officers. While individual characteristics, team socialization, and organizational conditioning can affect moral sensitivity, situational characteristics can obfuscate the nature and degree of a moral issue. Within his construct, Jones asserts that the moral intensity of an issue derives from its salience and vividness.<sup>255</sup> He describes salient issues as distinct from their context, while vividness relates to an issue's capacity to evoke emotional resonance. For example, child abuse is salient because of its deviation from social norms, and it is vivid because it induces feelings of anger and disgust among witnesses. Within the law enforcement enterprise, salience and vividness serve important roles in the identification of a moral issue and the subsequent motivation to act. The clearer and more emotionally resonant a moral issue, the more likely it is to be identified and acted on.

The George Floyd case yields important insight into salience and vividness and the situational factors that obfuscate moral issues. Throughout his testimony, Officer Thao maintained that he was physically distant from the incident while simultaneously involved in traffic and crowd control.<sup>256</sup> He insisted that distance and involvement in other tasks precluded him from detecting the situational imperative at hand. When pressed on his lack of receptivity to bystanders' appeals for intervention, Thao expressed that the crowd's restiveness preoccupied his attention because he was tasked with maintaining a safety perimeter.<sup>257</sup> As Thao described it, task fixation and physical distance from George Floyd prevented him from detecting the gravity of the situation and the moral imperative to act.

Task fixation and task saturation are well-established impairments of performance. In a study of spatial disorientation in Air Force pilots, Gillingham observes that task saturation and distraction are often causative precursors to aircraft mishaps.<sup>258</sup> In a similar

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<sup>255</sup> Jones, 380–81.

<sup>256</sup> Transcript of Record at \*3009–510, *Thao*.

<sup>257</sup> Transcript of Record at \*3009–510, *Thao*.

<sup>258</sup> Kent K. Gillingham, "The Spatial Disorientation Problem in the United States Air Force," *Journal of Vestibular Research: Equilibrium & Orientation* 2, no. 4 (1992): 301.

fashion, the wide range of responsibilities police officers have during an incident, combined with the focus and attention required to complete them, can *disorient* officers from the moral imperatives of a situation. Officers operate in dynamic, dangerous, and often opaque situations with environmental stimuli ranging from uncooperative bystanders to the wail of sirens that further obscure the details of an event. This reality further supports the need for an ethical foundation to underpin law enforcement training. Officers must be trained to consider the moral dimension in all circumstances, even those that are highly demanding and distracting.

Moreover, task fixation is a product of training and policy approaches that attempt to precisely control highly discretionary and dynamic situations. Reflecting on the findings of an obedience experiment, Milgram asserts that task fixation results in the loss of moral orientation:

One such mechanism is the tendency of the individual to become so absorbed in the narrow technical aspects of the task that he loses sight of its broader consequences. . . . In this experiment, subjects become immersed in the procedures, reading the word pairs with exquisite articulation and pressing the switches with great care. They want to put on a competent performance, but they show an accompanying narrowing of moral concern. The subject entrusts the broader tasks of setting goals and assessing morality to the experimental authority he is serving.<sup>259</sup>

Law enforcement organizations continue to train protocol and algorithmic approaches more than the critical-thinking and problem-solving skills needed to respond to the cognitive, emotional, physical, and moral demands inherent to the profession. While establishing organizational boundaries and expectations is important, this approach fails to adequately instill moral agency and the locus of control in officers. Instead, it seeks the obedience and conformity of officers to policies and protocols promulgated by the organization. This top-down approach allows officers to displace responsibility for moral concerns onto the organization. Current systems celebrate officers who comply with policy over those who critically synthesize moral concerns with legal, organizational, and social ones. Law enforcement agencies must create an ecosystem in which officers are trained

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<sup>259</sup> Stanley Milgram, "The Dilemma of Obedience," *Phi Delta Kappan* 55, no. 9 (1974): 605, <https://www.jstor.org/stable/20297701>.



effectively, resourced adequately, and vested with the trust to act decisively in advancing moral imperatives.

Just as task fixation creates psychological distance from moral dilemmas, physical distance adversely affects moral behavior. According to Jones, the closer agents are to the actions and consequences of unethical behavior, the more willing they are to challenge it.<sup>260</sup> Bandura further supports this notion: “It is relatively easy to hurt others when their suffering is not visible, and when causal actions are physically and temporally remote from their effects.”<sup>261</sup> Within a law enforcement context, officers physically distant from the behavior may defer to the judgment and actions of those actively engaged in it. In addition, officers may believe they are not responsible for addressing the behavior, as more proximal officers have a better understanding of the situation and greater responsibility to act in the presence of misconduct. As Thao’s testimony reveals in the George Floyd case, greater physical distance allows officers to morally disengage by displacing responsibility onto peers nearer to the moral issue.<sup>262</sup>

Cynicism—both individual and collective—is another factor that diminishes the salience and vividness of moral issues. Officer Thao repeatedly disregarded bystanders’ appeals for intervention by minimizing George Floyd’s condition. In one instance, he responded to concerns over Floyd’s breathing, stating, “It’s hard to talk if you’re not breathing.”<sup>263</sup> Thao admitted that numerous suspects made similar statements before his interaction with George Floyd. Thao’s prior contacts likely diminished his empathy and promoted an indifferent disposition. Combined with physical distance and task fixation, cynicism impaired Thao’s ability to discern the clarity and resonance of the moral dilemma, ultimately resulting in his failure to intercede in a fellow officer’s misconduct.

In the Rampart CRASH scandal, a culture that normalized more discreet forms of misbehavior adversely impacted the salience and vividness of moral issues. Chemerinsky

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<sup>260</sup> Jones, “Ethical Decision Making by Individuals in Organizations,” 388–89.

<sup>261</sup> Bandura, “Selective Activation and Disengagement of Moral Control,” 37.

<sup>262</sup> Transcript of Record at \*3009–510, *Thao*.

<sup>263</sup> Transcript of Record at \*3266–510, *Thao*.

draws an association between the normalization of deviance and the transformative effect it has on baseline context:

Relatively minor infractions of shading the truth, skirting the law, bending the rules, and enhancing evidence are justified, even taught, as necessary checks on judicial obstructions to crime-fighting. Enhancing evidence slips easily into planting evidence; exaggeration on major points melds into lying on minor ones; extorting a confession from a clearly guilty, violent career felon who beats the rap at trial metastasizes [*sic*] into planting evidence during the next arrest to prevent a second escape from justice. From there, it is a short slide into the realms of Rafael Perez and Mark Fuhrman.<sup>264</sup>

As the contextual background changes and normalizes certain degrees of misconduct, the salience and vividness of moral issues become obfuscated. As Chemerinsky details, the LAPD's organizational and normative cultures tolerated, if not actively endorsed, certain misbehaviors that paved the way for far more egregious conduct to follow. Thus, the norms instilled and practiced at the organizational and team levels directly affect the extent to which an issue is salient or vivid to police officers.

Moral disengagement inextricably relates to the perceived moral intensity of a situation. To participate in or tolerate unethical conduct, officers may engage in any of Bandura's eight mechanisms of moral disengagement.<sup>265</sup> At their foundation, each mechanism reshapes cognitive perception of the issue and diminishes its salience and vividness to the agent. Frequently employed in the Rampart case, euphemistic labeling reduced the moral intensity of significant misconduct. Members of Rampart CRASH used the terms "in the loop," "solid," or "squared-away" to describe corrupt peers willing to falsify facts, plant evidence, and engage in other criminal and immoral acts.<sup>266</sup> Rafael Perez described those who were "in the loop" as willing to "take it to the box," a euphemism for their code of silence and unwillingness to incriminate each other. Officer Perez portrayed conspiring to lie about the circumstances of a shooting or use-of-force

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<sup>264</sup> Chemerinsky, "Report on the Rampart Scandal," 572.

<sup>265</sup> Bandura, "Social Cognitive Theory of Moral Thought and Action."

<sup>266</sup> Perez Aff.

incident as “smoothing out” or “correcting” a “game plan.”<sup>267</sup> Officers’ use of sanitizing language lessened the degree to which moral issues were perceived as such. In a manner similar to normalized deviance, sanitizing language and other forms of disengagement alter the perception of moral issues by lessening the degree to which they stand out from their background contexts. Thus, moral disengagement acts inversely on the moral intensity of a situation to increase officers’ willingness to tolerate or participate in unethical conduct.

Salience and vividness are essential to officer recognition of a moral dilemma and subsequent motivation to act in response. A range of elements affects the perceived salience and vividness surrounding a moral issue. Physical characteristics like distance and task saturation impair officers’ perceptions of questionable conduct through diminished situational clarity. Particularly, physical distance impairs moral agency as officers defer to the judgment and actions of proximal peers. Both cynicism and normalization of deviance obfuscate the contextual background, thereby diminishing the moral intensity of an issue. These impair the recognition of a situation’s moral dimension and the need to act in response because issues are less apparent from the background contexts in which they are enmeshed. Similarly, moral disengagement alters an officer’s perception of contemptible conduct, its consequences, and agentic aspects of the situation. Thus, moral disengagement acts in opposition to moral intensity and allows for officers to participate in or tolerate objectionable behaviors.

## **B. TEMPORALITY**

A situational variable widely affecting performance—beyond just the moral domain—is time. Specifically, the time available to an officer to detect, process, judge, and act on a moral issue affects the way it is viewed and the urgency of action to follow. According to Moberg, restrictive time pressure can cause incomplete information gathering, heuristic thinking, emotional decision-making, and diminished receptivity to alternative courses of action.<sup>268</sup> Applied to the moral domain, Moberg notes that time

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<sup>267</sup> Perez.

<sup>268</sup> Dennis J. Moberg, “Time Pressure and Ethical Decision-Making: The Case for Moral Readiness,” *Business & Professional Ethics Journal* 19, no. 2 (2000): 45, <https://www.jstor.org/stable/27801220>.

pressure reduces the consideration of others and diminishes prosocial behavior.<sup>269</sup> Temporal pressure, then, exercises a generally negative effect on moral judgment and action.

The impacts of temporal pressure are evident in the George Floyd case. Despite expressing concern about George Floyd’s physical position and the potential for adverse medical outcomes, Officer Lane allowed Officer Chauvin to continue kneeling on Floyd’s neck for an additional five minutes (just under 10 minutes in total).<sup>270</sup> Temporal pressure combined with environmental stimuli and reduced situational clarity to produce moral inaction. Because of time pressure and Lane’s junior status, he referred to a senior peer to aid in decision-making. Officer Lane’s behavior aligns with Moberg’s findings. Time pressure inherently reduces the critical-thinking capacity of officers and makes them dependent on heuristics or referent others to rapidly reach a decision.

Time pressure has a notably negative impact on decision-making in less-experienced individuals. In an assessment of Israeli Air Force commanders, Ahituv, Igarria, and Sella found that more experienced commanders performed better under time pressure and with limited or emergent information.<sup>271</sup> Their study correlates previous experience with better performance outcomes:

Our results show that the long experience gained by active and retired top commanders affects their performance. They can use their prior experience to offset the missing information and limited time. They can also guess what information they lack, and thereby act accordingly. Less-experienced commanders tend to suffer from information overload. This suggests that experienced individuals may process information much faster by focusing on important attributes and alternatives and by giving the appropriate weight to all attributes and alternatives. Further, experienced individuals may have experienced similar scenario types in the past and, as a result, they know how to cope with stressful circumstances.<sup>272</sup>

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<sup>269</sup> Moberg, 46–47.

<sup>270</sup> Def.’s Ex. 2, *Lane*.

<sup>271</sup> Niv Ahituv, Magid Igarria, and A. Viem Sella, “The Effects of Time Pressure and Completeness of Information on Decision Making,” *Journal of Management Information Systems* 15, no. 2 (1998): 169, <https://doi.org/10.1080/07421222.1998.11518212>.

<sup>272</sup> Ahituv, Igarria, and Sella, 169.

The findings of Ahituv, Igbaria, and Sella are readily visible within the George Floyd case. The most experienced officer perpetrated unethical conduct while two inexperienced officers (Kueng and Lane) occupied the most proximal positions to detect and intervene. However, they failed to do so. In addition to the individual, team, and organizational components, time pressure and other situational factors contributed to this failure of action. Time pressure combined with environmental stimuli to exceed their decision-making capacities and preclude meaningful action.

The adverse effects of time pressure further demonstrate the need for integrated ethics training and a reimagining of FTPs, as described in the previous chapter. Ahituv, Igbaria, and Sella recognize the inherent value of experience in time-bounded decisions.<sup>273</sup> Meanwhile, Moburg recommends that leaders train personnel for *moral readiness* by “establish [ing] systems to select and train individuals to use rules when faced with time pressure, and they can develop norms that will guide groups to choose moral actions when faced with time pressure.”<sup>274</sup> Unlike contemporary approaches, integrated ethics training infuses ethics throughout every aspect of training instead of confining it to particular modules. In addition, it provides realistic, application-oriented content that develops experience and skill in time-bounded scenarios. An apprenticeship approach to FTPs addresses Moburg’s call for developing and instilling norms that promote moral behavior in time-constrained contexts. Socializing new officers into a normative culture that promotes ethical conduct, service, and excellence is vital to impelling moral actions under time pressure. Thus, law enforcement agencies’ training and development programs are important mediums to counter the otherwise negative effects of time pressure on moral performance.

### C. SITUATIONAL APPRAISAL

As law enforcement officers process the available information in a situation, they form appraisals that guide subsequent decisions and actions. These appraisals fall into two primary categories: *issue* and *outcome*. Issue appraisals are an officer’s judgment of the

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<sup>273</sup> Ahituv, Igbaria, and Sella, 169.

<sup>274</sup> Moberg, “Time Pressure and Ethical Decision-Making,” 55.

problem at hand. Namely, does it have a moral dimension? If so, what degree of importance does the officer place on the issue relative to other concerns? Outcome appraisals describe an officer's judgment of the likely effects and consequences of various courses of action. Issue and outcome appraisals represent the medium between situational factors and their interaction with individual officers' moral judgment. These are influenced by the team and organizational cultures surrounding the individual and specific situation. Officers' situational appraisals are further shaped by the salience of the issue and the time available to process and judge a course of action.

### 1. Issue Appraisal

Issue appraisal is a complementary function of moral judgment and inextricably related to the ethical decision-making of individual officers. The way in which officers view a particular set of facts largely determines how they will respond to a morally challenging situation. Chapter II of this thesis described Zacka's dispositions that officers use to judge a moral dilemma.<sup>275</sup> He further distinguishes between situationally *independent* moral dispositions and situationally *dependent* local dispositions (modes of appraisal).<sup>276</sup> Regarding the latter, Zacka describes that the contextual nature of the event will result in officers' responding with one of three dispositions: indifference, enforcement, or caregiving. As officers extract facts and contextual cues from the event, they adopt one of these dispositions, which informs their subsequent decision-making and action. They may also move between these dispositions as the situation changes and evolves. For example, an officer interacting with an angry, belligerent man suspected of assaulting his wife would likely result in an enforcement disposition with the male suspect and a caregiving orientation with the female victim.

The effects of these issue-related dispositions were particularly profound in the George Floyd case. Officers initially approached the interaction with an enforcement disposition, seeking to arrest Mr. Floyd for passing a counterfeit bill. This disposition hardened when the involved officers attempted to take him into custody and perceived that

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<sup>275</sup> Zacka, *When the State Meets the Street*, 66–110.

<sup>276</sup> Zacka, 85–90.

he resisted their efforts. After subduing Mr. Floyd, this enforcement orientation continued in their disposition toward the gathering crowd. Simultaneously, the officers conveyed an indifferent disposition toward the verbal appeals made by Mr. Floyd and the crowd regarding his medical state. Had the officers assumed a greater caretaking disposition at any point during the event, they might have judged the situation differently and acted accordingly. While the nature of law enforcement requires invoking each disposition in varying circumstances, problems manifest when the selected orientation does not align with the demands of the situation.

In addition to Zacka's modes of appraisal, the perceived intent underpinning behaviors within law enforcement directly affects how officers respond to misconduct. Westmarland examines the relationship between officer sentiment toward various forms of peer misconduct and subsequent inclination to report it.<sup>277</sup> She finds that moral dilemmas involving self-benefit and self-enrichment are more likely to instigate a response while those that bend the rules or advance a "noble cause" are more likely to be tolerated.<sup>278</sup> This dichotomy has distinct relevance as officers often act (or abstain from action) to fulfill obligations of loyalty to peers or to advance a perceived utilitarian outcome. Westmarland's findings closely resemble moral justification, a disengagement mechanism in which individuals reframe unethical conduct as ethical. Bandura describes moral justification in the following terms:

People do not ordinarily engage in reprehensible conduct until they have justified to themselves the morality of their actions. What is culpable can be made righteous through cognitive reconstrual. In this process, detrimental conduct is made personally and socially acceptable by portraying it as in the service of moral purposes. People then can act on a moral imperative.<sup>279</sup>

Such was the case at Rampart CRASH, where the unit's "by any means" philosophy disregarded the adverse effects of planting evidence, using excessive force, and perjuring oneself to make arrests, seize drugs and weapons, and cover up the misconduct of fellow

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<sup>277</sup> Westmarland, "Police Ethics and Integrity."

<sup>278</sup> Westmarland, 148–54.

<sup>279</sup> Bandura, "Social Cognitive Theory of Moral Thought and Action," 72–73.

officers.<sup>280</sup> Fellow officers viewed this behavior as justifiable and necessary to effectively curtail criminality and protect careers. This “noble” intent contributed to the tolerance and continuation of misconduct. Law enforcement agencies must recognize that officer misconduct exists on a continuum in which egregious, self-enriching conduct is usually well recognized. Meanwhile, contemptible behaviors reflecting peer loyalty or advancing department-desired outcomes are more inconspicuous.

## 2. Outcome Appraisal

Outcome appraisal is a situational component that directly interacts with individual cognition and is influenced by team and organizational dynamics. It encompasses officers’ perception of the likely consequences of possible courses of action given the moral dilemma encountered. Outcome appraisal represents a combined assessment of *magnitude of consequences* and *probability of effect*, as described in Jones’s issue-contingent model.<sup>281</sup> In each situation, officers evaluate the likely impact and probability of success of various forms of intervention and nonintervention. These assessments inform moral decision-making and behavior in response to a moral dilemma.

The probability of effect and magnitude of consequences were particularly relevant to the George Floyd case. As probationary officers, Kueng and Lane assigned significant weight to the likely consequence—possible termination—for disobeying Officer Chauvin. However, they did not correctly evaluate the probability of effect resulting from Chauvin’s actions nor the magnitude of consequences that would result. This misjudgment directly resulted from an organizational culture that prioritized organizational conformity over critical-thinking and problem-solving. Had their outcome appraisal accounted for the possibility of what actually transpired, it stands to reason that Kueng and Lane may have chosen a different course of action.

While the George Floyd case demonstrates a misinterpretation of potential outcomes of unethical behavior, the Rampart CRASH and Baltimore GTTF cases reveal a

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<sup>280</sup> Drooyan, *Report of the Rampart Independent Review Panel*, 5.

<sup>281</sup> Jones, “Ethical Decision Making by Individuals in Organizations,” 374–76.



disregard and distortion of consequences. Bandura describes this practice: “When people choose to pursue activities harmful to others for personal gain, or because of social inducements, they avoid facing the harm they cause or they minimize it. They readily recall prior information given them about the potential benefits of the behavior but are less able to remember its harmful effects.”<sup>282</sup> In both the Rampart and GTTF cases, personal gain and social pressure acted synergistically to motivate misconduct. Both teams reaped tangible and abstract benefits from their unethical behavior, including monetary enrichment from theft and social recognition from their peers because of their perceived effectiveness. These rewards supplanted appropriate consideration of the consequences of the misconduct and perpetuated its continuity. Officers in both cases morally disengaged to overlook the adverse effects of their behavior on others.

Law enforcement agencies must consider whether their culture, policies, and practices highlight or obfuscate the consequences of unethical conduct and moral inaction. Team and organizational practices that punished reporting misconduct further suppressed the inclination to challenge unethical behaviors in both the GTTF and Rampart CRASH cases. The Commission to Restore Trust in Policing revealed the following:

The information obtained by the Commission indicates that fear of retaliation is a powerful disincentive for reporting misconduct in the BPD. More than half of the officers who did report misconduct (about 56%) felt that they suffered negative consequences as a result. . . . As one respondent put it, the BPD instills fear that if you “snitch,” you could ruin your career; the reporting officer gets a reputation for being untrustworthy, while the offending officer goes unpunished. Several respondents who reported misconduct in the past said they would not do so again based on the retaliation they had suffered.<sup>283</sup>

The report demonstrates how organizational and social consequences of interceding or reporting misconduct can overshadow and outweigh consideration of the consequences of the behavior itself. An officer’s concern about professional and social ostracism impedes adequate appraisal of the situational exigencies and the development of an action-oriented response. To effectively perceive and respond to a moral dilemma, officers must view its

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<sup>282</sup> Bandura, “Social Cognitive Theory of Moral Thought and Action,” 86–87.

<sup>283</sup> Williams et al., *Final Report of the Commission to Restore Trust in Policing*, 105–6.

consequences as aligning with or transcending organizational and team concerns. Law enforcement agencies must ensure that their policies, practices, and culture—both organizational and normative—promote moral awareness and the identification of event-specific consequences.

#### **D. CONCLUSION**

The dynamic and uncertain environments in which police officers operate heavily influence how they view and respond to the moral exigencies of a particular situation. Unlike the organizational, team, and individual domains, law enforcement agencies exercise little to no control over the situations their personnel encounter. Rather, they must equip officers with the knowledge, skills, and ability to respond competently to an array of circumstances. Much of this relies on strengthening individual moral competence and aligning the organizational and team values and cultures. Irrespective of these efforts, police officers—and their parent organizations by extension—are not impervious to situational factors. Law enforcement agencies must recognize these vulnerabilities and develop multidimensional strategies to address them.

The salience and vividness of a moral issue are directly linked to an officer's ability to identify and act on its imperatives. Task fixation and physical distance diminish the salience and vividness of a moral issue by reducing overall situational awareness and clarity. Cynicism and normalization of deviance alter the contextual background, making moral dilemmas less apparent from the situation in which they are enmeshed. In addition, mechanisms of moral disengagement impact issue salience and vividness by reconstruing behavior as permissible or necessary.

Temporality substantially affects officer judgment and response to moral dilemmas. On the whole, increased time pressure diminishes performance. Officers respond to time-constrained contexts with increased reliance on heuristic thinking and referent peers. Such tendencies can prevent officers from adequately assessing and judging a moral issue. Adverse performance is especially noted in inexperienced individuals, further supporting the need for law enforcement organizations to adequately condition and expose their personnel to morally complex situations.

Situational appraisal describes each officer's cognitive judgment of the nature and characteristics of a context. These are subdividable as issue and outcome appraisals. Issue appraisals describe an officer's perception of the intention and criticality underlying a moral dilemma. As officers extract and weigh situational characteristics, they gravitate toward a mode of appraisal to match how they perceive the situation. These modes of appraisal augment the moral dispositions and role conceptualization of individual officers and can result in moral failure when enforcement and indifference outweigh caregiving orientations. In addition, officers who perceive misconduct as having noble intent are more likely to tolerate or participate in it. Outcome appraisals describe officers' perceptions of the consequences associated with each course of action or inaction. In uncertain contexts, possible outcomes can be misjudged, leading to the incorrect prioritization of moral imperatives. Officers will also disregard or distort the consequences of unethical behavior to cognitively rationalize their participation in it. This form of disengagement is more likely to occur when organizational and team cultures, policies, and practices emphasize inappropriate outcomes and deprioritize moral considerations.

Despite their profound impact on the moral judgment and actions of police officers, situational factors are often overlooked in investigations of moral failure and the subsequent development of strategies to enhance moral competence. The result is moral failures that recur over time and across agencies. Unlike the individual, team, and organization, law enforcement agencies can neither craft nor determine the situations they encounter. Rather, they must create an ecosystem well suited to respond to the range of moral challenges and contextual exigencies their officers may face. This necessity reaffirms the importance of value alignment between an organization's policies, procedures, and goals. These values must then be adopted and expressed at the team level. When moral failure occurs, accountability should reflect a just ethical culture. Such an approach provides due consideration of the organizational, team, and situational demands that influence individual choice and action.

The situational influence on moral behavior also reinforces the need for integrated ethics training and an ethical apprenticeship approach to FTPs. Integrated ethics training infuses moral considerations across contexts and simulates the time pressure associated

with certain events, better preparing officers to perform in a morally complex environment. Integrated ethics training helps develop decision-making capacity, refines and calibrates heuristics that officers reference in high-pressure situations, and builds the self-efficacy necessary to act in contextually challenging circumstances. The moral apprenticeship approach to FTPs is equally critical in providing a professional environment that prioritizes ethical behavior and guides newer officers into appropriate action. Such a program establishes the foundational ethos officers will reference and rely on in times of uncertainty and distress. It also socializes new officers into a culture of excellence, critical-thinking, and problem-solving, enhancing their resilience to adverse contextual conditions.

Consistent with the individual–context relationship espoused by the RDS metatheory, each law enforcement officer acts on and is acted upon by each situation encountered. While officers cannot determine the environments and circumstances they face, they can shape how situations evolve and resolve. Law enforcement organizations must equip their officers with the skills and frameworks to successfully navigate situational complexity in making moral judgments and acting to implement them. Accomplishing this requires strengthening and aligning the organizational, team, and individual domains of moral behavior. Absent this effort, the moral failures and inaction of the past will form the prologue to the future of the law enforcement enterprise.

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## VI. A SYNTHESIS OF WHOLE

Consistent with an RDS approach, this thesis began with a foundational *identity of opposites*, reflecting the fixed individual–context relationship driving moral behavior in law enforcement. This work divided context into three dimensions—team, organizational, and situational—and asserted that each defines and is defined by individual officers. Chapters II–V undertook the second moment of analysis prescribed by RDS—the *opposites of identity*—which separately and successively examined the individual, team, organizational, and situational determinants of moral behavior in law enforcement while recognizing their inextricability from each other. This chapter represents the final moment of analysis, a *synthesis of wholes*, in which the system is reconstituted and interactions between components described. This chapter begins with a description of the law enforcement process-relational paradigm and its implications for moral conduct. It then provides multidimensional recommendations for law enforcement agencies to enhance the moral competence of their officers. Limitations to this study and areas for further research are then discussed. Finally, closing considerations reaffirm the foundational importance moral behavior exercises on the sustained legitimacy of the law enforcement institution.

### A. THE LAW ENFORCEMENT PROCESS-RELATIONAL PARADIGM

This thesis used a multidisciplinary approach to engage in a multidimensional analysis of moral behavior in law enforcement. At its outset, this thesis endeavored to identify the driving determinants of moral behavior and the associated causes of moral failure in the law enforcement enterprise. While an investigation of the individual, team, organizational, and situational dimensions of moral behavior occurred across separate chapters, these elements exist as interactive phenomena. Collectively, they form a *process-relational paradigm* that determines how police officers perceive, judge, and act in response to moral dilemmas.<sup>284</sup> Within this construct, three transcendent themes emerge and warrant further discussion. These include the importance of value consistency; the

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<sup>284</sup> Lerner and Callina, “The Study of Character Development,” 328.

elusiveness of ownership and preference for disengagement; and the power of self-efficacy, socialization, and salience.

This thesis supports the assertion that moral behavior in the law enforcement system results from the complex interactions of individual officers with the team, organizational, and situational environments in which they operate. In addition, each context influences adjacent contexts. Organizations and teams influence one another, just as situations and teams mutually interact. Examining the relationships between contexts and individual officers offers a novel perspective that better describes the conditions promoting and inhibiting moral behavior.

At the individual level, officers possess agentic, dispositional, and conditional qualities that substantially influence their response to moral challenges. Officers must view themselves as moral actors with the obligation and capability to act in advancement of ethical principles. Officers also form dispositions that are heavily influenced by the normative environment. These dispositions determine how officers approach issues and tend to gravitate toward enforcement and indifference at the expense of caregiving and empathy.<sup>285</sup> Police officers are also impacted by conditional factors such as emotion and burnout, which further influence their behavioral choices. Situations exercise notable power over the emotional state of individual law enforcement officers, especially when they evoke feelings of anger or fear.

The team context occupies a central place in developing the normative culture of a law enforcement agency. FTOs and seasoned officers act as referent others for more junior officers. These referents exercise normative and informational influences that guide the values adopted and policies followed. Referents and other team members use systems of rewards and sanctions to regulate the conduct of officers within the team. Informal rewards and sanctions, such as acceptance and ostracism, exercise greater effect than those of a formal nature.<sup>286</sup> Because of the proximity of relationships and the *in extremis* contexts in

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<sup>285</sup> Zacka, *When the State Meets the Street*, 66–110.

<sup>286</sup> Hollinger and Clark, “Formal and Informal Social Controls of Employee Deviance,” 339.

which they form, strong loyalty affiliations define the team environment.<sup>287</sup> This loyalty can compete with the ethical and moral imperatives placed upon officers, resulting in a value conflict. Given its ability to legitimize organizational expectations and aid in situational decision-making, the team dimension is foundationally important in developing morally competent officers and their subsequent engagement in ethical conduct.

Law enforcement organizations provide the framework for guiding and regulating the moral behavior of their workforce. They communicate explicit values describing the idealized behavior and outcomes associated with an agency's operations.<sup>288</sup> More impactful, however, are the implicit values derived from the organization's processes and priorities. In many instances, such as COP, implicit values conflict or compete with explicit ones, leading to poor instillation of the latter. Training serves a multifaceted role in the moral development of police officers. Beyond providing a vector to communicate organizational values, effective ethics training enhances officer self-efficacy and moral agency. Generally, law enforcement organizations demonstrate poor integration of moral considerations into training. Organizations often use policy to compel behaviors, but policy is only effective if officers are competently trained and encouraged to abide by it. When instances of moral failure occur, law enforcement organizations often turn to accountability processes to assign blame and dispense punishment.<sup>289</sup> Such an approach to accountability impairs a holistic examination of the conditions surrounding the failure, thereby impeding meaningful change.

Situational factors profoundly affect moral behavior through issue salience and vividness, temporal pressure, and situational appraisal. The salience and vividness of a moral problem directly affect the extent to which it is perceived as such. The clearer and more emotionally resonant the issue, the more an officer feels compelled to act in response.<sup>290</sup> High temporal pressure results in heuristic decision-making and greater

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<sup>287</sup> Sweeney, Matthews, and Lester, "Leading in Dangerous Situations," 7–9.

<sup>288</sup> Engelson, "The Organizational Values of Law Enforcement Agencies," 12.

<sup>289</sup> Bayley, *Police for the Future*, 65.

<sup>290</sup> Jones, "Ethical Decision Making by Individuals in Organizations," 380–82.



deference to peers and teammates, thereby diffusing responsibility and diminishing individual moral agency.<sup>291</sup> Issue and outcome appraisals represent the interface between the individual and situation. Officers' disposition toward an event and their perception of its potential consequences influence whether and how they choose to engage.

While temptation exists to establish causation, rank degrees of effect, or otherwise describe the individual or a particular context as *more* formative in the genesis of moral behavior among police officers, such efforts elementally undermine the intent of an RDS approach. Rather, individuals and the team, organizational, and situational contexts collectively contribute to the moral behavior or moral failure of law enforcement personnel. These dimensions complexly interact with one another and, in so doing, manifest conditions that facilitate behavioral outcomes. Recognizing this, law enforcement leaders must develop and implement strategies that promote moral behavior across individuals and contexts.

### **1. Value Consistency Promotes Moral Competency**

When cases of moral failure manifest among their ranks, law enforcement agencies swiftly denounce the behaviors as inconsistent with and contrary to organizational values. This approach fails to appreciate how values are developed, instilled, and practiced. All too often, law enforcement organizations' explicit values are incongruent with their implied values. Explicit values may convey a desire for ethical conduct, but internal processes, evaluations, and training create implied values of enforcement and tactical competence. This dichotomy is not lost on teams and individual officers. Implied values possess greater resonance than explicit ones and often define the normative culture of the agency. As a result, implied values exercise outsized influence over the moral behavior of police officers.

When organizational processes express explicit values, they impart a greater normative effect, closing the distance and minimizing conflict between explicit and implicit values. In addition, such value alignment increases the likelihood that they will be

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<sup>291</sup> Deutsch and Gerard, "A Study of Normative and Informational Social Influences," 630.

adopted and expressed at the team and individual levels. Organizations whose words, actions, and processes prioritize ethical conduct will likely exhibit teams with similar dispositions. Likewise, teams that value moral behavior are likely to develop officers with a strong sense of moral agency and the requisite skill and motivation to act ethically. Thus, law enforcement agencies demonstrating value alignment across each dimension—organizational, team, and individual—and value expression in their processes develop morally competent officers.

## 2. The Elusiveness of Ownership and Preference for Disengagement

A consistent finding across all three case studies in this thesis is a preference for disengagement and reluctance to accept responsibility for instances of moral failure. This phenomenon exists across dimensions and is identifiable in individual officers, teams, and organizations. In the George Floyd case, officers Thao, Kueng, and Lane described deference to a tenured officer, preoccupation with situational stimuli, and inadequate training as reasons for their lack of intervention in peer misconduct.<sup>292</sup> In the Baltimore case, the GTTF and other groups of officers morally justified their actions by attesting to its necessity to control crime, promote public safety, and target “bad guys with guns.”<sup>293</sup> In the Rampart case, the LAPD attributed much of the blame to the team of CRASH officers, largely ignoring the structural comorbidities that had influenced their choices and behaviors.<sup>294</sup> At every level, the individuals, teams, and organizations engaged in one or more forms of moral disengagement that distanced themselves from the untoward effects of the behavior and shirked responsibility. This finding likely indicates a wider trend in which ownership remains elusive across all levels of the law enforcement enterprise.

Reluctance to acknowledge multidimensional responsibility in instances of moral failure directly results from accountability practices that prioritize fault-finding and punishment. These same practices also place disproportionate emphasis on individuals

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<sup>292</sup> Transcript of Record at \*3009–914, *Thao*.

<sup>293</sup> Bromwich et al., *Anatomy of the Gun Trace Task Force Scandal*, 142.

<sup>294</sup> Parks, *Board of Inquiry into the Rampart Area Corruption Incident*, 317; Chemerinsky, “Report on the Rampart Scandal,” 560–61.

without examining structural, organizational, and situational influences that contribute to choices made and behavior manifested. While punitive consequences remain an important component of an accountability system, greater emphasis should be placed on comprehending the circumstances surrounding and leading to an event of moral failure. A *just culture* offers a reimagined approach to accountability with proven effectiveness in other professions (aviation and healthcare). Applied to the ethical domain of law enforcement, a just culture would examine the team, organizational, and situational contexts surrounding an individual officer's behavior. This recommendation offers a balanced approach to accountability that inspires trust, identifies flaws, and promotes shared responsibility for ethical conduct.

### **3. The Power of Salience, Socialization, and Self-Efficacy**

While this thesis did not quantitatively evaluate the strength of determinants that impel or impede law enforcement's moral behavior, salience, socialization, and self-efficacy demonstrate notable effects in determining how officers respond to moral challenges. The salience of issues and their outcomes is integral to officers' interpretations and appropriate judgments of moral dilemmas. With uncertainty, officers become more reliant on the normative and informational influence of their peers and referents.<sup>295</sup> As a result, uncertainty impairs the moral agency of individual officers by deferring responsibility and surrendering autonomy to the team context. A lack of moral agency results in a greater inclination to disengage morally and a diminished willingness to act in contravention to team values, beliefs, and decisions.

In addition to situational clarity, value and expectation salience represent another crucial dimension that shapes an officer's moral sensitivity and judgment. Values must be congruent across organizational and team contexts to be adopted adequately at the individual level. Training and policies must be clear, realistic, expressive of organizational values, and modeled by leaders—formal and informal alike—to ensure officers understand and abide by expectations. When officers encounter a value conflict, receive inadequate

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<sup>295</sup> Deutsch and Gerard, "A Study of Normative and Informational Social Influences," 630.

training, or face impracticable policies, they reference their normative environment to elucidate acceptable behavior. Like situational uncertainty, a lack of value and expectation salience results in outsized normative effects that can detrimentally affect the advancement of moral outcomes.

Socialization describes the acculturation process officers undergo when new to an agency or unit and is defined by the normative culture's power to determine the values instilled, policies followed, and practices accepted. Chapter III explored the team environment in detail and noted the inherent power of normative influence that defines the team context. The socialization process at the team level shapes how newer officers conceive of their role, moral obligations, and relationship with the public. Therefore, officers must be socialized into an environment that promotes the agency's explicit values, prioritizes ethical conduct, and facilitates multidimensional accountability. Team contexts that socialize officers into an us-versus-them worldview, demand team loyalty, justify misconduct as necessary for enforcement, and shirk accountability are at far greater risk of moral failure. Socialization, therefore, acts as a powerful but underutilized vector to positively develop the moral competence of police officers. Law enforcement organizations can and should leverage socialization to instill values, develop moral awareness, and impel actions that advance moral outcomes.

As conveyed in Chapter II, self-efficacy describes each individual officer's belief in one's capacity to execute a course of action. Applied to the moral domain, self-efficacy refers to an officer's self-perceived capability to act on a moral judgment. Impaired self-efficacy widens the decision-action gap and increases the likelihood of an inadequate or absent response to a moral dilemma. However, officers who believe in their capacity to successfully bring about a moral outcome are more likely to act in advancement of moral principles. Recognizing its centrality in promoting moral action, law enforcement organizations should prioritize the development of officer self-efficacy through integrated ethics training. Such training would provide officers with the performance

accomplishment, vicarious learning, and verbal persuasion needed to grow their understanding and confidence to act in response to a moral challenge.<sup>296</sup>

Collectively, salience, socialization, and self-efficacy constitute a trifecta that deeply resembles Thomas Lickona's components of good character. In Lickona's construct, the three interrelated and mutually defining qualities of moral knowing, moral feeling, and moral action serve as the foundation of good character.<sup>297</sup> Lickona contends that to exhibit moral competence, one must know what is good, care about what is good, and act in advancement of the good (see Figure 4).<sup>298</sup> Salience, socialization, and self-efficacy respectively act upon each of the three domains. Issue, consequence, value, and expectation salience serve as a basis for what police officers *know* and judge as moral. Meanwhile, the socialization process determines what officers *care* about and the degree to which moral considerations resonate with them emotionally. Finally, self-efficacy—among other agentic traits—determines officers' willingness to *act* in advancement of moral principles. Considering the findings of this thesis and Lickona's think–feel–act paradigm, multidimensional efforts should be made to enhance salience, improve socialization, and develop self-efficacy within the law enforcement enterprise. Such efforts would grow and expand the moral character of officers, thus increasing the likelihood of ethical conduct and competence in morally challenging contexts.

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<sup>296</sup> Bandura, "Self-Efficacy," 195.

<sup>297</sup> Thomas Lickona, *Educating for Character: How Our Schools Can Teach Respect and Responsibility* (New York: Bantam Books, 1992), 53.

<sup>298</sup> Thomas Lickona, "Chapter IV: Educating for Character: A Comprehensive Approach," *Teachers College Record* 98, no. 6 (1997): 46, <https://doi.org/10.1177/016146819709800604>.

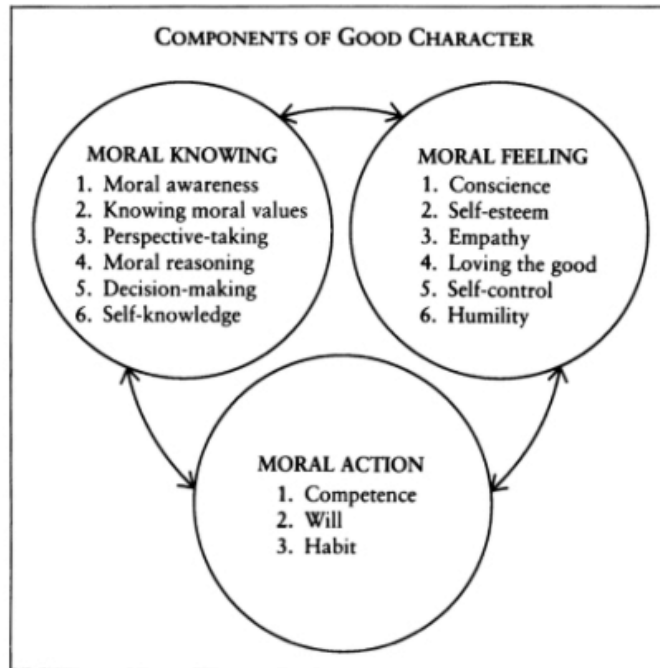


Figure 4. Lickona’s Components of Good Character.<sup>299</sup>

## B. RECOMMENDATIONS

While this thesis covered a range of conditions across various contexts, three initiatives recurrently emerge as necessary to improve the moral competence of law enforcement officers. These include integrating ethical considerations throughout the training environment, reimagining and restructuring FTPs to act as moral apprenticeships, and adopting a just-culture approach toward ethical accountability. Such efforts represent a departure from traditional processes addressing ethics in law enforcement. Whether implemented singularly or collectively, these recommendations support officers’ moral development and strengthen the possible realization of morally desirable outcomes.

### 1. Integrate Ethical Considerations throughout Training

Law enforcement organizations should integrate ethical considerations throughout the training environment while emphasizing the moral dimension relevant to the presented

<sup>299</sup> Source: Lickona, *Educating for Character*, 53.

topic. For example, if evidence collection is the training subject, discussing the consequences of planting evidence or falsifying probable cause is appropriate. Beyond the informational side, such training should also have an applied component that is realistic, emotionally resonant, and action centric. Training that encompasses these components more closely represents the *contexts* officers face and the multidimensional challenges inherent to them.

In addition to outlining behavioral expectations, integrated ethics training vitally addresses officer self-efficacy to act with moral intention. Such training provides officers with the skills and tools to navigate situational ambiguity and engage in meaningful behavior that advances moral imperatives. Officers trained in situationally complex and challenging scenarios will have greater confidence and capacity to act morally in real-world environments. While there are a multitude of other performance benefits associated with integrated ethics training, none are more foundational than the expansion of officers' self-belief and self-confidence in their ability to advance moral outcomes.

## **2. Reimagine Field Training Programs as Moral Apprenticeships**

To appropriately complement integrated ethics training, law enforcement organizations should reimagine their FTPs to reflect a moral apprenticeship. As described in Chapter III, FTOs act as referents for junior officers and—through both normative and informational influence—determine values instilled, policies followed, and actions habituated. Organizational efforts and approaches are effective insofar as they are adopted at the team level and expressed in the normative culture of an agency. The FTP, then, offers a largely underutilized vector to develop and enhance the moral competence of police officers. While FTPs should continue providing newer officers with the knowledge and skill to apply academy training to a real-world context, they should expand to meaningfully address the moral domain. By leveraging FTPs to develop officers' moral capacities, organizations target the all-important normative environment. Officers socialized into a team context that reinforces and reiterates the organization's moral values are more likely to adopt and express those same values.

Vital to the success of a moral apprenticeship approach to FTPs is the careful and considerate selection of FTOs. Insufficient candidates, inadequate training, and resource constraints adversely affected the BPD's FTO program in the lead-up to the GTTF scandal.<sup>300</sup> Law enforcement agencies must adequately develop senior, seasoned officers to act as FTOs. Additionally, organizations should carefully evaluate the leadership and dispositional traits of prospective FTOs to ensure their fitness to convey moral values in a manner consistent with departmental expectations. As models of behavior and informational referents, FTOs exercise significant influence over new officers. In addition to reimagining the FTP to comprehensively address moral considerations, law enforcement organizations must carefully and deliberately select morally competent FTOs to mentor junior officers.

### **3. Adopt a Just Ethical Culture**

A final recommendation challenges the traditional approach to accountability within law enforcement. This thesis proposes the adoption of a just ethical culture as an accountability mechanism in response to moral failure. Conventional accountability efforts in the law enforcement enterprise disproportionately assign individual blame and neglect the various contexts that contribute to moral failure. Conversely, just cultures emphasize understanding the conditions and circumstances that led to a failure. A just ethical culture offers an opportunity to identify and address inadequacies and structural flaws in a law enforcement organization's ethical climate. Depending on the instance, a just ethical culture can include accountability and subsequent reform actions at the individual, team, and organizational levels. This holistic approach inherently challenges traditional law enforcement practices that displace blame onto lower levels of the organization.

Beyond its holistic qualities, a just ethical culture has the potential to increase institutional trust and buy-in. Officers who perceive accountability processes as objective, equitable, and reformative are more likely to identify failures, propose changes, and otherwise participate collaboratively in the accountability system. Conventional

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<sup>300</sup> Department of Justice, *Investigation of the Baltimore City Police Department*, 133.



accountability approaches in law enforcement inspire displacement of blame, evasion of consequences, and resistance to investigative and reform efforts. Implementation of a just ethical culture constitutes a substantial reworking of current law enforcement accountability systems. Nonetheless, its potential to inspire trust and effect meaningful change render it an effort worth undertaking.

### **C. LIMITATIONS AND FUTURE RESEARCH**

Due to the scope of this study, a number of limitations existed, many of which present an opportunity for future research. Based on time and data availability, this study examined the team, organizational, and situational contexts encountered by individual officers. Other contextual dimensions remain unexplored, including the societal and familial contexts. These additional domains may significantly impact the moral behavior of law enforcement officers and warrant further investigation. Such research could alter or better inform the findings of this work.

Consistent with the RDS metatheory, this thesis sought to identify the conditions—not causes—leading to moral behavior and moral failure in the law enforcement enterprise. Further empirical analysis of these relationships is needed to validate the inductive findings of this thesis. A closer examination and testing of the identified conditions to confirm or refute their effects on moral behavior are appropriate. Foreseeably, such a study could manifest as human subject research that evaluates one or more conditions and their effects on individual officers.

While the law enforcement enterprise was the profession selected for analysis, the findings are likely applicable to other public safety services. Similar investigations of the fire service and emergency medical services should be conducted, with the findings compared to those of this thesis. Such an examination would clarify whether the results of this thesis are applicable across the public safety sphere or specific to the law enforcement profession.

This thesis offers several recommendations to enhance the moral competence of police officers and to address structural shortcomings leading to moral failure within law enforcement organizations. These recommendations, however, are prospective in nature.

Future research efforts should investigate challenging aspects of their integration into the law enforcement system. For example, a further exploration of the legal constraints and barriers to implementing a just ethical culture within law enforcement is needed. Should law enforcement organizations adopt and institute one or more of the recommendations, research will be required to evaluate the extent of their impact in promoting moral behavior among police officers.

#### **D. CLOSING CONSIDERATIONS**

This thesis dedicated significant effort to identifying the multidimensional conditions that impel and impede moral behavior in the law enforcement enterprise. Nonetheless, it ends on the same note that it began: identifying what is at stake. While some might argue that moral competence is an ideal but otherwise nonessential trait of police officers, I contend that it constitutes the *sine qua non* of a law enforcement agency's legitimacy and credibility. As the actions of Rampart CRASH, the GTTF, and the officers involved in the death of George Floyd demonstrate, moral failure has dramatic and reverberating implications for the entirety of the enterprise. Officers, teams, and organizations that fail to address and act on moral imperatives violate and subsequently diminish the public trust vested in them, thus undermining cooperation and collaboration and diminishing public safety and law enforcement effectiveness. The entirety of the law enforcement system—organizations, teams, and individual officers alike—must actionably recognize and reflect the centrality of moral behavior to their mission and purpose.

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