Abstract

This paper will discuss the theory of ethics in the world today, as well as the theory of ethics within criminal justice organizations. I will then explore the noble cause corruption concept, specifically what noble cause corruption is, the motivating factors of noble cause corruption, its consequences, and how it impacts ethical decision making.
Ethics in Criminal Justice Management

Ethics are guiding principles for people in their lives at home with their families, socially with their friends, and in their workplace. Ethics can be a fluid concept for a person as they are applied in the three types of environments listed above, but are usually strict in each individual environment. What society deems ethical and unethical and how severe some ethics violations are considered today as opposed to years ago are quite different and have evolved over time.

Ethics in the World Today

Ethics in today’s world is not the same as it was fifty years ago or even ten years ago. There are many factors that have caused society to change their view on ethics through the years. A major change in ethics is related to social media. Ethical standards from years past did not have to confront the type of communication afforded by social media and the information that could be posted on such a medium.

The closest thing to a social media post in the 1970's and 1980's was a billboard or writing something on a bulletin board at a restaurant, library, or workplace, those are not even close in comparison for amount of people reached but it is the best corollary for that time period. Certain behaviors that would lead to ethical questions today after being seen on social media would not have been seen generations before. This also applies to incidents that were known about but were not captured by photograph or video.

A prime example of this is when somebody has been rude or shown bias towards a certain group. If that story broke and was depicted in a newspaper with no recording either audio or video, an apologize and perhaps sensitivity training would suffice as a punishment. But in
today’s world an ethical slip up of behavior like a video of a person being rude and/or bias against another person can lead to their termination (Wootson, 2017).

Other types of behavior that would not have been likely to raise and ethical “red flags” but has become one of the most talked about topics in the last year is how women are treated on a daily basis. How women are treated in the workplace, by their significant others, in social settings and in public is under scrutiny. In the workplace specifically, ethics training is evolving to include how women are treated (Heinrich, 2018).

Ethics in relation to free speech are even changing. People who hold unpopular views have been able to voice their opinions in public spaces in the United States. Currently, segments of the population who hold the majority view are attempting to silence any opposing view. This attempt is justified by classifying the opposing view as “hate speech”.

This title gives the majority the ability to say that type of speech is dangerous and intolerable. When speakers who hold these opposing views try to speak out in public, the people with the majority view show up and shout down or use more aggressive tactics to prevent people from making their voices heard. The irony of this behavior is astounding. Free exchange of ideas through the freedom of speech is a cornerstone of our society.

Intimidating or shaming people for their views because they are not the same as others is a perversion of those ideals. It also increases the likelihood of societal problems later if the only views tolerated are those of the majority. Regardless of how disgusting or irrational a person or group of people’s views are in the United States of America, they have a right to assemble and voice those views.
The new phenomenon of classifying different viewpoints as “hateful” to prevent those points of view from seeing the light of day is a form of censorship. “Hate speech” is constitutionally protected free speech (Chemerinsky, 2017). As a result, when demonstrations involve a topic that the majority of the public calls “hate speech”, law enforcement agencies are called upon to “take point” on behalf of the city where the demonstration is scheduled to occur.

A law enforcement agency has several concerns regarding a demonstration like this. The number one concern being public safety. When views as vitriolic as “hate speech” are involved there is a potential for physical confrontation between the group demonstrating and their opponents. Several groups, both for and against the demonstrated point of view, attend the event armed with conventional and improvised weapons.

In order to control the event, law enforcement agencies try and meet with the organizers of the groups to get as much information on crowd size, expected route if the demonstration is going mobile, speakers, and start and end times. This information provides valuable insight as to the amount of resources that will be need to ensure adequate a safe event.

The second concern for law enforcement is that the demonstration, no matter how contentious, is able to occur. The law enforcement agency has a responsibility to see to it that everybody in their jurisdiction can exercise their first amendment rights. If law enforcement cannot protect the rights of its’ citizens guaranteed by the United States Constitution it is a threat to democracy.

The third issue that involves law enforcement in this type of event is that invariably one or both of the groups will be displeased with the actions of the law enforcement agency. To ensure the safety of the public, sometimes the agency will have to alter the preferred route of
the group demonstrating. If the demonstrating group has especially controversial views the opposing group demonstrating can typically be antagonistic to law enforcement for their presence and facilitating the “hate speech”. The group opposing “hate speech” also denounces law enforcement and governments for issuing and not denying permits for the events, or allowing demonstrations to occur without proper permits.

The problem with many of these complaints about law enforcement is that they fail to grasp the “big picture”, which is that law enforcement has a duty to protect the Constitutional rights of all citizens. When they facilitate the first amendment rights of people they are not endorsing their message or condoning those ideals, they are protecting freedom of speech and freedom of assembly. This includes allowing a group to demonstrate without a permit. The idea of a permitting process to exercise your first amendment rights is something that on its face appears contradictory to the Bill of Rights. As recently as last year, a group calling itself Patriot Prayer, which was classified by the Southern Poverty Law Center as a hate group, wanted a permit to demonstrate at the Golden Gate National Recreational Area (GGNRA) in San Francisco, California.

Patriot Prayer, known as a conservative hate group, was obviously looking to be confronted by holding their demonstration in San Francisco, due to San Francisco’s reputation for being a liberal stronghold. The commitment from law enforcement to keep this event safe was going to be massive. The GGNRA is federal land and as such is under the purview of the United States Park Police (USPP). The USPP does not have a large presence in San Francisco as the majority of their personnel are based on the East Coast.
U.S. Senator Dianne Feinstein, a former Mayor of San Francisco wrote to the Superintendent of the GGNRA asking them to deny the group’s permit to demonstrate (Feinstein, 2017). In this request, the Senator said that the Patriot Prayer group promotes violence. Ultimately, the GGNRA granted the permit, under the conditions that no weapons or backpacks would be allowed. The San Francisco Police Department (SFPD), in response to the permit being issued cancelled all days off for their officers to assist the USPP in providing security for the demonstration.

The GGNRA, USPP, and SFPD recognized that failing to issue the permit would be denying people the rights the United States have held dear since the birth of the nation. The cost to have all law enforcement officers who were scheduled to be off come in to work the demonstration was costly, but that cost pales in comparison to the cost to society if people had been denied their first amendment rights.

Law enforcement agencies have an ethical obligation to protect the rights of all people. Even if the permit for the Patriot Prayer group had been denied, the USPP and SFPD would have had the same amount of people working knowing they could not stop a demonstration whether there was a permit or not.

**Noble Cause Corruption**

Noble cause corruption at its core is doing the wrong thing for the right reasons. The corruption occurs in pursuit of the noble cause. Individuals join the ranks of law enforcement to serve and help others. One of the ways police officers are of service is by removing people who harm others from the population through arrest and hopefully conviction for their
offenses. This denial of liberty of a person who committed a crime gives the law enforcement officer the feeling like they accomplished their objective of keeping the community safe.

The noble cause corruption comes into play when an officer believes that they do not have the ability to achieve the arrest or conviction needed to keep the public safe from the criminal through legal means. To ensure the probable cause for arrest or the proof beyond a reasonable doubt for conviction, the officer engages in corruption to be able to justify an arrest or gain a conviction. The corruption can be anything from filing an untruthful police report, planting or fabricating evidence, using disapproved methods of identification with victims or witnesses, excessive force to obtain a suspect confession, lying in search or arrest warrants, or committing perjury.

Several years ago, the San Francisco Police Department (SFPD) experienced two separate plainclothes unit scandals simultaneously. These scandals led to two separate federal indictments of members of both plainclothes units (Winter, 2014). On their face, the scandals appear to be very similar. They involve officers from the same department, both units are plainclothes operated at the station level, and both have the same general duties and directives.

The first unit, from Mission Station was indicted for dealing marijuana, which was a charge that stemmed from providing confidential informants with narcotics for information, and stealing money and narcotics that they had seized while on duty. This includes stealing thirty-thousand dollars from the backyard of a narcotics dealer’s residence.

The other unit, from Southern Station, was indicted for using a master key to illegally enter rooms at low-income hotels and falsifying their incident reports. In this scandal, this unit would
enter the hotel rooms with a master key, not providing “knock notice”, seize narcotics, money, and weapons, then arrest the occupants of the room. When writing their reports, they would say that they were given consent to enter the room or otherwise justify their illegal intrusion. The narcotics, weapons, and money seized was all booked and the suspects charged.

The two scandals provide a clear example of the difference between noble cause corruption and general corruption. In the scandal involving the Mission Station unit, those officers were enriching themselves with the money of narcotics dealers. There was not even a whiff of nobility based on their actions. It was pure greed.

The Southern Station unit is a classic example of noble cause corruption. That unit was breaking the law in order to arrest the people they knew were dealing narcotics, carrying firearms illegally and preying on the public. The investigation by the Federal Bureau of Investigation (FBI) did not charge the Southern Station officers with theft, they were charged with violation of civil rights and lying in their police reports. The FBI also concluded that the actions of these two units were not reflective of the rest of the plainclothes efforts across the department.

The morale of the agency was low as a result of the scandals. When they were talked about among members of the department, the Mission Station scandal stood out as the worse of the two. Almost universally, everybody in the department agreed that the actions of the Southern Station officers were wrong but the noble cause aspect of their actions made that scandal less salacious to their peers.

Noble cause corruption compared to economic corruption can be likened to the different types of laws that are on the books. Noble cause corruption would be considered mala
prohibita in that the actions are wrong because they are prohibited based, as in the Southern Station case, their actions were prohibited by the fourth amendment. The Mission Station scandal was economic corruption or mala in se which is considered wrong and of itself or “evil”. The reason the Mission Station scandal is viewed in this way is because the officers involved betrayed their oath for personal gain. The Southern Station scandal officers betrayed their oath as well but not for personal gain but in pursuit of the noble cause.

There are many motivating factors of noble cause corruption. Individuals who become police officers have a very defined sense of right and wrong. The values held by the new police officer become whittled down by on the job experiences some of which take place right out of the academy. Many recruits recount their Field Training Officer (FTO) telling them their very first day, “forget all that crap you were taught in the academy”.

In order to become a permanent full-time law enforcement officer, one must pass a field training program. When an FTO takes the new recruit officer to a coffee shop where the police receive a discount or even a completely “free” cup of coffee. The recruit officer knows that department policy and law enforcement ethics forbid them from accepting such a discount but if they report their FTO they may not pass field training.

The recruit officer may think to themselves that they need accept the discount to keep their mouth shut so they can pass the field training program. The rationale for doing so would be selfish so they can keep their job as well as noble cause based on the thought process of, if they do not complete field training, they will not be able to accomplish all of the good in the community as a police officer.
Another motivation of noble cause corruption is the feeling that the criminal justice system is stacked too heavily in favor of the accused and that victims along with the general public are placed at risk as a result. This line of thinking occurs because police officers are usually aware of many factors that a jury is often never told. For instance, juries rarely get told about a defendant’s previous crimes, except for limited circumstances. Statements made by defendants are sometimes excluded, additional incriminating evidence is suppressed. All of these developments, especially over time can wear down an officer who ends up feeling that they need to “tip the scales”.

The noble cause corrupt officer does not even feel that they are doing anything wrong, they are able to convince themselves that their actions are in keeping with their oath to protect and serve the community. This would be the thought process of a “golden apple” officer, a highly motivated officer who deeply believes in the noble cause and is willing to do anything for the good result (Caldero & Crank, 2015)

Another motivation for noble cause corruption is the rewards that can sometimes accompany that type of behavior. The fruits of noble cause corruption are arrests, and reductions in crime, with that comes rewards, specialized assignments, commendations, promotions.

The consequences of noble cause corruption are severe. When noble cause corruption becomes known, I believe that it has a more drastic effect on public perception of law enforcement than economic corruption does. That is because, economic corruption is something that the public can understand, it involves personal gain and greed.
Noble cause corruption is something that scares the public, an officer who deeply believes in their duty and will corrupt themselves in a twisted attempt to serve the community. This officer scares the citizenry because it makes them think that they cannot trust any of their officers even the ones who appear the most committed.

Noble cause corruption can also be unnerving for the public, because while economic corruption can be unearthed through traditional policing methods, noble cause corruption is harder to spot. Because it can be more difficult to detect, since noble cause corruption can mirror good police work, when noble cause corruption is discovered and the offending officers’ past conduct is scrutinized, years of misconduct is discovered.

Noble cause corruption impacts ethical decision making because officers who engage in this type of behavior are operating on a skewed ethical scale. When they make decisions, they are using an end justifies the means formula, which does not factor in the legitimacy of the profession.

**Conclusion**

Noble cause corruption is a potential pitfall for some of the law enforcement professions best officers and highest quality candidates. The way to combat this is by having serious discussions and training on noble cause corruption, instead of the lip service to all corruption and ethics that recruits receive now. In the Hollywood movie Lord of War, the main character who is an international arms dealer describes an officer investigating him this way, “He was the rarest breed of law enforcement officer. The type who knew I was breaking the law, but wouldn’t break it himself to bust me” (Niccol, 2005). The training has to be robust and
emphasize that in every contact, detention, arrest, investigation they are involved in their virtue as an officer and public servant is at stake, and that no incident is worth compromising it.
References


