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Television Images of Police Ethics

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I am grateful to the conference organizers, especially to Dick Roebuck, for the opportunity to speak to you this evening.

As the display board at the registration desk indicates, Griffith University inaugurated the School of Applied Ethics in September of last year. The School arises through the collaborative efforts of six faculties on three campuses. As experienced administrators will know, such endeavors are a kind of organisational bungee jump. For starters, you can't get all principals to a meeting because there's no time when all have the same hour free. In other ways too entropy strongly menaces the School. So we style the School a "virtual reality" held together by good faith, memos, and some resource exchanges. Nevertheless, Griffith offers some 12 undergraduate courses in ethics—two of them in the Education Faculty—and we anticipate introducing the MA at mid-year 1994. I am happy for this opportunity to acknowledge the active participation in the School by Ross Homel, Merv Hyde, Tim Prenzler, and other colleagues, and the firm support of Phil Meade

I have chosen to speak on Television Images of Police Ethics because after dinner talks are supposed to be not too heavy, not too light, just right. This talk won't be too heavy because my attitude toward television is benign neglect; the box captures an average of 4.5 hours of my time per week, which leaves me vague on such important matters as to whether E Street is a precinct adjacent to Hill Street.

This confession probably undermines the credibility of my message, which is that we as teachers of police or of applied ethics should be aware that television representations of police ethics are a tremendous teaching aid.

Probably no other vocation is more thoroughly examined in the media than police work. *Cop Shop*, *The Bill*, *Hill Street Blues*, *Wiseguy*, *Phoenix*, *Cops*, *Police Rescue*—these are a few of the current and recent series. In addition, innumerable cops films are

screened on TV. Then there are fictionalized documentaries, such as *Police State*, and television news, which journalist friends tell me is fictionalized documentary of the second kind. Thanks to this massive exposure, all students, regardless of background, have their heads well stocked with common images of police conduct.

What is the significance of this stock, and how can we teachers put it to work?

Educators say that concept formation is one of the generic tasks of teaching. Concepts are general terms signifying a range of particulars, e.g., conflict of interest and examples of such conflict; or, as often happens, the concept is a big fellow signifying a range of subsidiary concepts, as justice signifies to the legal theorist Rule of law, Administrative justice, Martial law, Equity and so on, whereas the political theorist conceptualises justice as Commutative justice, Distributive justice, Representation, and the like.

In tertiary education, students are challenged by a flood of new concepts, data, and interpretation. The experience tends to induce a condition of hyperventilated collapse that one of my medical colleagues calls Third Level Vertigo. We need an antidote for it.

In the natural sciences the antidote is built into mathematical methods. Schematic pictures generated by methodical rules illustrate the concept at hand. In the social sciences, statistics and surveys help put handles on concepts. But in the humanities, the workhorse is the most primitive of all teaching aids, the example. The preferred type of example, in ethics and religious teaching through the ages, has been the actions of an exemplary individual.

Television images of police ethics provide the stock of memorable actions and exemplary individuals that we teachers can use to good effect. This is especially so when they spark a public ethics controversy or when they pack the punch that makes them cultural ikons.

The Rodney King arrest by Los Angeles police would have been just another statistic but for the fact that the event was captured on video. When it was put to air, it instantly became, for many, a paradigm of police brutality. But the officers claimed that the force applied to the unsubduable Rodney King was warranted by his assault on them.

The political spin on this incident was the racial angle. Many perceived the excessive force to be animated by prejudice. The other side claimed that the arrest was indicative of the intractable problem of violent black crime. Thus the American Jewish press complained that while much indignation was directed against King's arresting officers,

there was no outcry about the murder of an Australian Jewish scholar, picked randomly in the streets of Crown Heights, Brooklyn, by a gang of roving black males. The youth who confessed to stabbing the Jew was acquitted by an all black jury. But there was no video record of that killing.

The point about the value of television images of police ethics will be obvious in this case. A sequence barely 15 seconds in duration archives an actual arrest and documents a police-civilian incident with enormous political and cultural implications, not to mention the subsequent fates of the arresting officers and of Rodney King. Moreover, the sequence comes with the additional pedagogical windfall that television news edited the video to make it project an unambiguous perception of police brutality. The footage that went to air is preceded by a sequence showing Rodney King's resist of arrest, which substantially modifies the perception of police brutality. This rich teaching aid has yet another advantage that must be mentioned in the current phase of retrenchment: it costs nothing.

My nomination for the mother of all police ethics films is Clint Eastwood's Dirty Harry series. The deeds and attitudes of Detective Harry Callahan are a thesaurus of the complete Fascist cop. Example: his fire arm. Whereas the standard police handgun is the .38 special, Harry packs a .44, and no mere .44 either but a .44 magnum. This choice of weapon sends a message to gun fanciers, among whom the .44 magnum is admired as the ultimate in personal artillery. A hit in a body extremity is likely to cause death by shock. A hit in the torso cannot be survived. So Dirty Harry's signals to the underworld that he takes no prisoners.

Callahan is the stock maverick American cops and robbers films. His attitudes are shockingly reactionary. His moral universe is not structured by the police oath, in which the officer is a law enforcement agent whose actions are prescribed by rules. No, Callahan's moral universe divides humankind into punks and crims, civilians who don't know that there is a war going on, political police bureaucrats who hamstringing the police mission, and dedicated cops who fight the thankless battle in the trenches. About those punks. Callahan has no use for the concepts "suspect" and "offender." They are meant to protect citizen rights by erecting a wall between the officer's personal certainty or beliefs, and the due process of arrest and investigation. To Callahan's mind this wall of restraint obstructs justice because he KNOWS who the bad guys are.

The rule book says that officers are not to use their powers of investigation and arrest to punish suspects; punishment is a matter for the courts. To Callahan's thinking this restriction favors punks and endangers the innocent. Where is justice in a wife battery

case when the courts are slow and lenient? Harry rectifies this deficit in the justice system by thrashing the punk on the spot.

Not the least use of Dirty Harry as a teaching aid is his polemic against the temper and rules of modern policing. Those rules, designed to protect citizen rights, are viewed by him as the outcome of an unholy alliance between politicians currying popular favor, self-serving police bureaucrats, and a public easily misled about the nature of police work. Crims and punks hitch a free ride on law enforcement restraint. Dedicated but harassed cops pick up the pieces.

Callahan's quarrel with police bureaucrats articulated a widely held view, during the strenuous years of the Sixties and Seventies, that the Courts had gone soft on crime. The reactive response was the election catch-cry, "Law and Order." Well, let's go down stream to a drama of today's policing, *Cops*. The documentary format takes us into what we imagine is the real world of police work. It is not a jungle of cops in pursuit of crims. It is marital disputes, automobile accidents, an attempted suicide, burglaries, business fraud, an escaped prisoner, a drug sting. There is hardly a place in *Cops* for the .44 magnum. The authority of the uniform is often sufficient to make an arrest, and when compulsion is needed, the force of the police so preponderates that the suspect's resistance is short and bloodless. Civilians and suspects do not show the visage of hate, malice and rapacity, but of human frailty and tragedy. Police officers do not picture themselves as centurions in a secret, deadly war, but as service providers called upon more often to aid and comfort than to restrain and arrest. In a word, it is the world of muscular good Samaritans. This is the modern citizen friendly police who do not abuse suspects nor denigrate the victims of their own frailty.

Cops corrects a misrepresentation present in nearly all television images of police work. Television requires action—*interesting* action. But most police work is routine and even boring. Somewhere I read that only 10 percent of policing time consists of arrest and pursuit. The remainder is patrolling, investigating, and hauling the puppy out of the storm drain. Indeed, *Cops* is still a misrepresentation because it doesn't show those long hours on patrol through Sleepy Hollow. This correction has a bearing on the public perception of police service, and indeed on police self-perception. I will come back to it.

But first let me comment on *Police Rescue*. According to the family expert on television, my son-in-law, this series explores all angles of police conduct. Conflict of interest, the influence of personal relations on police decisions, the offer of gratuities, the use of discretion and conflicts about whether discretion was properly exercised in a

particular case, what to do when the organisation protects its own, the demand to lead a private life completely in conformity with law, job stress and its impact on performance, admitting error and retracting, departmental and personal rivalries, and gender relations. In other words, a veritable *Country Practice* of professional ethics, which feature conflicts between duties and personal values, conflicts of duties, and pragmatism vs. the book.

Such conflicts are a large part of what applied ethics is about, and their dramatisation, properly used, can be outstanding training films. This is not an obvious truth for ethics teaching today. It smacks of case method pedagogy, which critics say tends to lose principles and decision-making procedures in the forest of an unmanageably large number of personal variables. Let me address this question.

Ethical norms belong to a class of general rules that prescribe formulas and procedures to action. Other classes of such rules are laws, computer programs, technical and scientific rules for producing a given effect, artistic rules, etiquette, and so on. Earlier I mentioned that concepts are a sort of general rule for the recognition of particulars, and I noted that students experience difficulty with concepts unless they have a stock of particulars to lend them concreteness. I now add that rules are only schemas that never completely determine their subject domain. Perhaps the closest approach to rule-governed determination of a process is the software-output relation found in computing. Although the reliability of this determination is remarkably high, every user has experienced the frustration of the moment when it doesn't work or even goes off the rails. And the integrity of whole systems of information can be threatened by ingenious hackers who tease an application to self-destruct.

The relation of human conduct to rules of conduct is of course considerably less determined than the computer's output is to the commands that produce it. Think for a moment about the basic rule of modern administration that the decision making powers of office not be used to grant favors or prejudice persons. In policing, as recent Queensland experience teaches so well, observance of this rule is a key device for maintaining clean hands. Officers must beware that their discretion not to charge should not be used to favor, nor may they receive gratuities of more than nominal value. The reason, of course, is that gratuities and discretion easily develop into a system of exchange, perhaps harmless at first. But it is undoubtedly the seed-bed of corruption, namely, granting immunity from arrest in return for favors.

However, it is doubtful that any police service can boast hands so clean that this system of favor does not operate in at least one area—law enforcement against police officers.

To charge an off-duty officer with a minor offense injures the sense of corps solidarity. But solidarity is a positive value in any organisation. It lifts the tone and puts spring in the step. Effective police work requires that officers have confidence in the reliability of fellow officers, especially in moments of stress or risk. They need to feel that all those wearing the uniform are friends, brothers even. But the rule of friendship is that friends help one another and abstain from vexatious things. So it is that an ethically and functionally positive norm of association creates a degree of privilege for police officers. But conferring privilege, especially conferring it systematically, offends the public service code mandating equal treatment and impartiality in the execution of office. Thus it seems that a condition for effective police service is that one of the ground rules of service be bent a little.

Let me for a moment view this phenomenon from a different angle. It is a rule of sound administration that supervisors and executive officers not play favorites. Task allocation, staffing decisions, and the like are to be made on the basis of merit, as the PSMC would say. Neglect of this rule is likely to foment resentment and recrimination. Acting on the opposite rule is a formula for building a patronage system in which loyalty and exchange of favor are the currency of the system.

But now comes the sting. It is not enough for an executive that a subordinate to whom important tasks are allocated be competent; there is also the additional element of trust. A person is said to be trustworthy when they observe due discretion, cause no misgivings or fear, are reliable in their support. This is much the same as loyalty; and loyalty can occur only when there is a personal relation of mutual regard. So we are back to friendship. If I remind you that one name for old friends is "crony," you will perceive the sting in this little narrative: it seems that at least a degree of cronyism is ingredient to effective organisational performance, although our public sector ethics authorities want to root it out as the armature of corruption.

Police Rescue contrives various representations of this ambiguity. In recent episodes, the script has allowed a favored relation to emerge between the boss and a subordinate. It is a romantic attachment. Dedicated as they are to the values of the corps, they recognize that the attachment places their professionalism at hazard. What to do? First they temporize, and disguise their affection. But they want to live together, even marry. This would require that one of them move to another service. The male boss is 100 percent committed to his job, so he is emotionally unable to leave it, while the female subordinate, the unit's medical specialist, is more mobile. However, she is a modern woman committed to her career. The dilemma is resolved when she walks away from her man while remaining on the job. A precarious perch indeed.

To sum up these reflections. Television dramatisations of police ethics are not accurate depictions of police service, but they do highlight real ethical dilemmas and ambiguities. There is an on-going tension between the norm and the contingencies of practice, which causes the norms to be sometimes violated or even systematically evaded. The domain of applied ethics, I suggest, is the experience of this tension as the territory of ethical conduct.

In one of our courses we characterise applied ethics as “dirty,” in contrast to the purity of ethical theory. Not as dirty as Harry Callahan, mind you, but still dirty. There seem to be two responses to the perception of this predicament. One is the response of the purist who redoubles the resolve to achieve finality, to eliminate wrong-doing, compromise, and the temper reconciled to imperfection. That leads to ethical fundamentalism, purges, and intolerance. At the other extreme lies relativist despair, or sage cynicism concerning the human predicament. Having set up my continuum in these value-laden terms, you will appreciate that the golden mean is the right path. But let us beware thinking that it is a safe haven. Reversion to one or the other of the two extremes is, at least historically speaking, a standing liability of the golden mean.

To illustrate this point, let me comment on one of the hallmarks of modern policing, the integration of women into line functions. Television dramas extract an enormous amount of mileage from this arrangement. It began, I imagine, with those lethal blondes, *Charlie's Angels* and the criminal Rambirds of the James Bond films. In one film Dirty Harry was assigned a neophyte female partner, to rub his fascist nose in the gall of the new order. Once again Harry will accept any humiliation to keep his badge. But he is not without recourse: He puts the partner through a series of humiliations simply by treating her as an equal, making no compensations for female vulnerabilities. In one scene he leaves her in a room of vicious black punks while he negotiates in a back room with their leader. The punks converge on her with the leer of sexual violence and she is shaken. Callahan emerges to redeem the situation. However, her pluck wins his admiration and the film ends with Callahan wreaking terrible revenge on crims after she stops a bullet meant for him. Thus the old order of male supremacy is maintained, but in the new dimension that accepts women as line officers.

Of all the demands made on police during thirty years of reform, perhaps none has been more trying than the acceptance of women as partners. It is the received wisdom among criminal justice scholars that by all tests and indicators, women are as effective as men. However, survey after survey shows that policemen do not agree. Neither do their wives, who tend to object to their husbands spending the midnight shift in Sleepy

Hallow alone in a car with another woman. Curiously, what the husbands of female police officers think of this seems not to have been surveyed.

That males and females should about level peg in performance is to be expected from fact that only a fraction of police work calls for the fitness and strength in which men hold the edge. But women excel in calming domestic altercations and other situations best dealt with by conciliation skills. Women are less likely to take risks and consequently are less likely to cause an escalation in tense situations. Their injury rate is about the same as men but their weapon discharge rate is lower. They are more likely to wreck vehicles, a fact consistent with the well established sex difference in spatial perception. They have a higher absentee rate than men. They handle stress as well as or better than men, which is also true of the general population. They are less likely to serve to retirement, which is again a trait of the general working population. An interesting test of sex difference would be data on how women officers perform in crowd control, riot control, and siege and assault missions. I have as yet found no data on these specialised tasks. Another test of sex difference would be controlled studies of sex segregated teams who performed all police functions. But the modern police service integrates men and women, so there is no organisation that could be studied.

We are thus left with data on offenders. Rioters are comprised of 75-90 percent young males. Football hooligans are about 100 percent young males. Violent crimes are about 85 percent male; female violent crime is 90 percent domestic related. Violent sexual assault is about 95 percent male, and approximates 100 percent when females having a male accomplice are discounted. Combatants in warfare are 100 percent male, notwithstanding lingering myths of Amazons.

What do these figures tell us? In the first instance, I believe, they provide some quantitative profiles on sex differences in the expression of aggression leading to assault or other forms of violence. To evaluate them properly we need a point of comparison, for example, male and female performances in the same athletic events. Olympic gold medallists in running events between 1958 and 1992 show a stable 10-12 percent male/female difference on event times over that period. But the ratios for the violence just mentioned are of an entirely different order: 100 percent to nil, 85 to 15, and the like. This means that the media stereotype, indeed everyone's stereotype, of the sexually active adult male as the violent subpopulation in the human species is warranted.

It may also throw some light on the opinion of male police officers, mentioned earlier, that women police officers are not as effective as men. It may be that the performance

indicator records used to compile comparisons of male and female police performance are not sufficiently sensitive to register differences in performance in violent encounters.

However, this is a side issue. What everyone knows is that the introduction of women into police service has greatly changed the whole tone of modern policing. It is no longer thought to be a police force but a police service. The change is perhaps most dramatically felt in boot camp training. Training police recruits, like the training of military recruits, has traditionally been a rather brutal test of physical and mental stamina, loyalty, solidarity, and the like. Female attrition rates from the police academy ranged from 50-70 percent. This is now changed. Recruits are not abused and hazed. Foul language and the disparagement of faltering recruits by comparing them with women have been eliminated. Fitness tests requiring upper body strength have been eliminated or down-graded. To sum this up: the entry of women into line functions has decidedly softened policing.

Many male police officers view this change with regret or dismay. I do not. The development of the citizen friendly police out of the traditional bastion of male assertiveness and dominance seems to me to be an outcome of strategic significance for the maintenance of democracies dedicated to the creed of human rights and equality. This thought occurred to me in the course of my studies of police-crowd interactions during the turbulent decades of civil disobedience. At the commencement of this period, police were poorly trained in crowd control and police leadership had no clear idea of the type of phenomenon they faced. The common impulse was to use police force not only to dispel the crowd, but to administer punishment enough to discourage any further assemblies. It was a long haul to the eventual recognition, now universal in OECD police service, that non-violent protest is a clear democratic right; and that a main objective of crowd control must be the protection of that right.

To be aware of the counter-measures against crowds available to modern police is to be aware that the force that can be brought to bear against citizens is awesome. Like nuclear weapons in warfare, these measures constitute in themselves an enormous potential threat to liberty. In that light it seems to me that the evolution of the citizen friendly police service, with a significant component of women officers, comes not a moment too soon.