

LOYALTY, ETHICS and “WHISTLE BLOWING”:

Confronting Corruption in the Volatile World of Law Enforcement (A)

Although there can be little doubt that its interpretation varies according to the proverbial eye of the beholder, loyalty is universally regarded as an admirable trait and especially so in complex organizations with a clearly delineated, hierarchical structure. However, while loyalty to the organization in general and to one’s superiors in particular is expected, such loyalty, when not balanced by strong ethical standards, can lead to personal and organizational conflict. Within that inherently problematic context, “whistle blowing,” despite being protected via whistle bower laws and encouraged, at least philosophically, to root out corruption and unethical behavior is frequently cast in a negative light. Whistle blowers are often, and sometimes rightly so, labeled as disgruntled employees, are frequently ostracized, at best, and may lose their livelihood at worst because of its negative impact on the perception of one’s loyalty, and because of the well-established aversion in American culture to tattletales or snitches. Unfortunately, and despite expanded laws designed to protect them, whistle blowers still run considerable risk, both personally and professionally, if they choose to expose what they perceive as unethical behavior within the organization.

In most public organizations there is great organizational pressure to be a team player and nowhere more so than in the rigidly hierarchical, but extremely cohesive law enforcement subculture. Such pressure, especially when couched within in the overriding principle of loyalty, can not only be intense, but can, in and of itself, create potentially debilitating ethical dilemmas. For example, the pressure for team play can be manifested in very powerful informal codes, which basically assert “do not speak negatively of your colleagues,” or in the police culture, “never rat on a fellow officer.” As such, they serve to perpetuate whatever behaviors they seek to protect. Such codes are very difficult to break, especially in law enforcement since the police operate in a unique environment in which even their exemplary oath to “protect and serve” puts them at odds with a sizeable segment of the population. Not surprisingly, police can easily come to feel they are part of a misunderstood and underappreciated “thin blue line” between order and anarchy. As such, and the fact that they operate in an environment where they face certain dangers each day, police tend to form even stronger interpersonal bonds that include the

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unwavering expectation that in order to protect and serve others, they must protect and serve their own.

Ironically, and regardless of such unrelenting pressures, it can certainly be argued that to detect unethical behavior without taking action to stop it is, inherently, unethical. And yet, being ethical in an organization with a blatantly, or even questionably, unethical climate is extremely difficult, in large part because there can be, and frequently is, a personal and/or professional cost to being ethical. Simply put, exposing ethics problems in an organization carries risks to family and career, at best, and personal safety at worst. On the other hand, there is an undeniable consensus that to be an ethical person, one must neither condone unethical behavior, nor fail to do all that can be done to correct it. The effort to correct such behavior comes with the further expectation being that if individual efforts are unsuccessful they should be taken “up the line,” to the appropriate officials. Furthermore, should such initiatives fail, there is arguably the ultimate obligation to go public. Needless to say, none of these are easy paths to take, especially since to avoid being coopted into unethical behavior, resignation could well be the option of last resort.

While some behaviors are clearly unethical, there are inevitable ambiguities within and between the manifest rules and regulations in the organization as opposed to the equally powerful latent expectations (e.g., the bonds between those in law enforcement) that generate ethical dilemmas which cannot be avoided in the decision-making process by public officials. Adding the fact that the general public frequently has different views than those of public officials as to not only what constitutes unethical behavior, but how, when detected, it should be addressed, the stage is set for studying an actual, high-profile case dealing with the dilemmas of loyalty, ethics, and whistle blowing by law enforcement officials who were called upon to confront corruption in the volatile world of law enforcement.

The Setting

Oakland County, located in the northwestern corner of the state, with a population of about 200,000 residents, is split into two predominant areas. The north county area has a rural demographic, and while it has many native or long-term residents, it does have one rapidly growing urban area boosted by an influx of military personnel, their families, and the supporting structures. The more affluent southern portion of the county, located along prime beachfront, has significant numbers of relatively new residents, part-year residents, and military families, and is the home of a popular beach resort city. While several of the cities in the county have their own local police departments, the beachside resort city of Darcy contracts with the Oakland County Sheriff’s Department (OCSD) for police services, and there are a number of well-populated unincorporated areas such as Brighton-Wood Bay and Rustic Bayou whose police services are also provided by the OCSD. Oakland County is also the home of a significant Army and Air Force presence which provides an important economic augmentation for the county’s critically important tourist and service industry.

A number of years ago a retired military officer, Carlton Marshall, ran for and was elected to the office of county sheriff. In addition to establishing a sterling reputation as a visionary sheriff, that reputation was significantly bolstered by his election to the office of President of the politically influential State Sheriff’s Association. During his tenure, Marshall successfully transitioned the department into a modern law enforcement agency. To ensure that both administrative procedures and technology improvements supported his modernization of the OCSA, Marshall hired Tony Alveco, a professional administrator, as the department’s Director of Administration and he hired Mark Henderson, an IT professional, to be the department’s Information Technology Manager.

The OCSA was a great place for law enforcement professionals to work, including Louis Anderson who quickly rose to a senior position in the department. Marshall and his staff were quite successful in obtaining a number of federal grants, and were soon able to begin a program of offering bonuses to some of the departmental leadership. There is absolutely no doubt that, at least to outsiders, the OCSA was a model law enforcement agency.

The Case

Anderson reported for work as usual one day, and was soon called into Marshall’s office. He was quite pleased at being complimented for his excellent work and exemplary leadership skills, and was even more pleased to learn that he had been selected for a significant bonus. When Marshall explained to him that upon receiving his bonus, he should return a portion of the money to Marshall for the department’s “off the books” emergency fund to be used to help members of the department who experienced unexpected financial problems, Anderson was taken aback. This request seemed not only quite odd, but also professionally questionable, to Anderson. Not certain of the ethical and legal issues related to Marshall’s request, he complied with the request for the good of the department. Over the next few months, Anderson learned that a number of other members of the department were chosen for bonuses, and had also been asked to return a portion to Marshall for the so-called emergency fund. To his credit, the bonus issue began to weigh ever more heavily on Anderson’s mind, and although he gave serious thought to speaking with Marshall upon his return from a Las Vegas conference, because of other unfolding events in the department, he ultimately decided not to do so, and continued to do his best to stay informed about the progress of the “bonus scheme.”

Soon thereafter Marshall hired Sandy Tulley as his personal assistant, and although she was awarded a significant salary, she appeared to have little or no work to do at the department. When she accompanied Marshall on several trips, and was provided a department vehicle per Marshall’s order, Anderson became ever more concerned that Marshall’s “kick-back” bonuses and personal actions were not only inappropriate, but perhaps even illegal. When Marshall soon took a second personal trip to Las Vegas, Anderson was convinced that confronting Marshall about the bonus situation, which now appeared to be occurring on a regular basis, would be the wrong approach. Instead, he contemplated what action he should and could take under the circumstances.

Anderson, who had harbored personal goals of someday being elected sheriff, now faced a personal and professional dilemma. Convinced that something was very much amiss in Marshall's actions, Anderson contemplated what, if anything, he should do. Since he was now certain that confronting Marshall with his suspicions or concerns was not a viable option, he was conflicted as to whether he should 1) seek counsel with state or local government officials outside the agency, or 2) commensurate with his fear that there might be even more serious corruption behind the bonus program, he should contact federal authorities. Anderson went home to his family for the weekend with serious concerns about his own future and that of his family as he considered his next step.