



WELCOME to the EPAC Webinar
“Code RED (Rapid Ethical Decision-Making): Insights from the Front Lines ” with Dr. Rick Walker and Dr. Greg Brown,
2018 from noon to 1:30 EDT

BIENVENU au webinaire de l’APEC
**« CHÉR décideur (CHOIX Éthique Rapide) :
Les perspectives des premières lignes »**
avec Dr. Rick Walker et Dr. Greg Brown,
le 21 juin 2018 de midi à 13h30 HAE



Agenda

- The dynamics of ethical decision-making in situations of extreme pressure
 - a military perspective
 - a policing perspective
- Think about the sorts of emergency situations that your organization could face; for discussion in our last half hour.



Our first presenter: Dr. Rick Walker

- Applied ethicist, specialising in Canadian Politico-Military culture.
- Designer of the Army Ethics Programme
- Served as the Army Ethics Officer 2003-2013



Duty and Professionalism

- *No gray areas – Professional rules and expectations*
 - *Your duty to act accordingly, whether or not the situation is “Code RED” (requiring a rapid decision in conditions that may be personally risky)*
- *Professionals expect of themselves to act so as to do the right thing, at the right time, for the right reasons;*
- *thus meeting the societal expectations of their profession*



DO WE REALLY OWN THE ARCTIC?
Why we can't protect our Far North P.18



BARBARA AMIEL
on her scary birthday P.14



EXCLUSIVE
The man who trained the Times Square bomber P.34

MAHLER IS THE NEW MOZART
P.54

MACLEAN'S

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MAY 24th 2010

'TURN AROUND, YOU DON'T HAVE TO SEE THIS'

A Canadian soldier's fateful choice in Afghanistan lands him on trial for murder

P.20



STEVIN: BIG FAT GREEK FUNERAL P.62

Cognitive Dissonance ? – Really ?

No soldier is empowered to summarily execute anyone, at any time, for any reason!

‘Mercy’ killing on the battlefield

Re: Absence Of Malice, editorial; ‘Captain Semrau, I Salute You,’ letters to the editor, all Oct. 7.

One of your letter-writers asks “What message does this [verdict] send” and another answers “a chilling message.” The message is in fact quite clear and is not unfamiliar to any Canadian soldier: Follow the rules of engagement that have been issued and obey the Geneva Conventions. The military expends considerable time instructing its members in ethical decision-making. Quite simply, Capt. Semrau was faced with an ethical dilemma and made the wrong decision. He knew that both his orders and international law did not allow him kill an unarmed, injured combatant. He chose to disregard his orders.

We can all have sympathy for the difficult circumstance in which Capt. Semrau found himself. But as a professional officer, he also knew his duty and failed to do it. A sad story but not a new message, nor a chilling one.

Brian Pitkin CD, Toronto.

As a Gulf War veteran, I am furious at the verdict handed down to Captain Robert Semrau. To be judged by non-combat officers who have no battlefield or war experience is an atrocity. What Capt. Semrau did was a noble, merciful act. Those who sit safely ensconced in their ivory towers find it easy to pontificate about what is right and just. They have that freedom because of fine soldiers like Capt. Semrau. The decision to demote and dismiss him from the military may have a serious effect on morale and operations, because our brave souls in



FINBARR O'REILLY / REUTERS

A wounded Canadian soldier crawls for cover seconds after his position was hit by a Taliban shell.

uniform may find themselves second guessing themselves. That may cost them their lives.

This politically motivated verdict should be overturned. I hope this fine Canadian soldier appeals this decision.

Rick Austin CD, RCN, London, Ont.

Capt. Semrau's decision to put two

bullets into the dying Taliban soldier in the heat of battle (which few of us have experienced) definitely raised a moral issue that was not resolved with the military trial. There is a similarity with the plight of Robert Latimer and his suffering child. Our society is too quick to criticize and take the moral high ground. If you haven't trod in some-

one's shoes how do you know what they experienced?

I feel sorry for Capt. Semrau and his family, as I do for Mr. Latimer and his family.

Colonel Ian Barnes (ret'd), St. Albert, Alta.

As an ex-serviceman, I fully support the action taken by Capt. Semrau and

I disagree with the court's ruling that his actions were “disgraceful.”

The disgrace falls upon those who delivered the verdict.

If anyone has seen what happens to a human body after receiving a burst from a 50 calibre machine gun, mercy is the only action open to end the mortally wounded individual's suffering. The court's decision should be overturned, and a fine infantry officer returned to regular duty.

Douglas A. Stallard, New Glasgow, N.S.

In older and saner times, finishing off an enemy combatant who was dying a lingering and agonizing death on the battlefield was called “giving the mercy stroke” and was considered an act of charity. Capt. Semrau's case shows why we need to retain royal pardons in Canada. He deserves one.

William Cooke, Toronto.

Your editorial links doctors ending lives out of mercy with what Capt. Semrau did. There is a fundamental difference. Doctors, guided by clear guidelines, assess the medical condition in detail. Capt. Semrau, despite the rules of engagement, did not offer first aid, so there is no evidence that mercy was on his mind when he executed that prisoner.

I wonder how the people who support his actions would feel if a policeman, finding them severely injured on a remote roadside, did them a favour with a bullet to the head?

We have to continue to enforce rules of conduct, even in war, and Canada is a better place for having applied the rule of law in this case.

John Shaw, Newmarket, Ont.



Ripped from the Headlines

Gen MacKenzie writes. "When a soldier is faced with a similar situation in some far flung battlefield in the future, and has those 10 seconds to reach a decision, no regulation nor memory or knowledge of Captain Rob Semrau's court martial will spring to mind. It will be his or her own moral code that will dictate their response - nothing more, nothing less."

Is this true? Every soldier's own moral code for itself?

In your capacity as a Canadian soldier are you empowered to summarily execute anyone, at any time, for your own moral reasons?



An obviously sincere and passionate Semrau supporter:

“We, as soldiers do not get a choice on if we get to go, or not... The sad truth, is that something must be up with the combat team (in house fighting) as I can assure you, that the Capt I had the honour to serve for, could do nothing wrong, and we would of backed him to the bitter end. Despite if the action would of been right, or wrong. As a combat team/section/platoon, we are a family with unbreakable bond/trust for one another, and would do anything for the other.” (soldiers, police, RCMP, Correctional Services et al.

The ironic postscript of “A proud Canadian Soldier Pro Patria (Remember... Never Pass a Fault)” in support of a blind loyalty unfettered by either a right action or a wrong action is disturbing.

Systemic failure in a legal and ethical obligation to: Report to Proper Authority

Fear of
reprisal

Confused sub-group loyalty-
mission asset or mission
liability

Lack personal
mission statement



Ethical Risk Assessment

Ethical Risk Assessment:

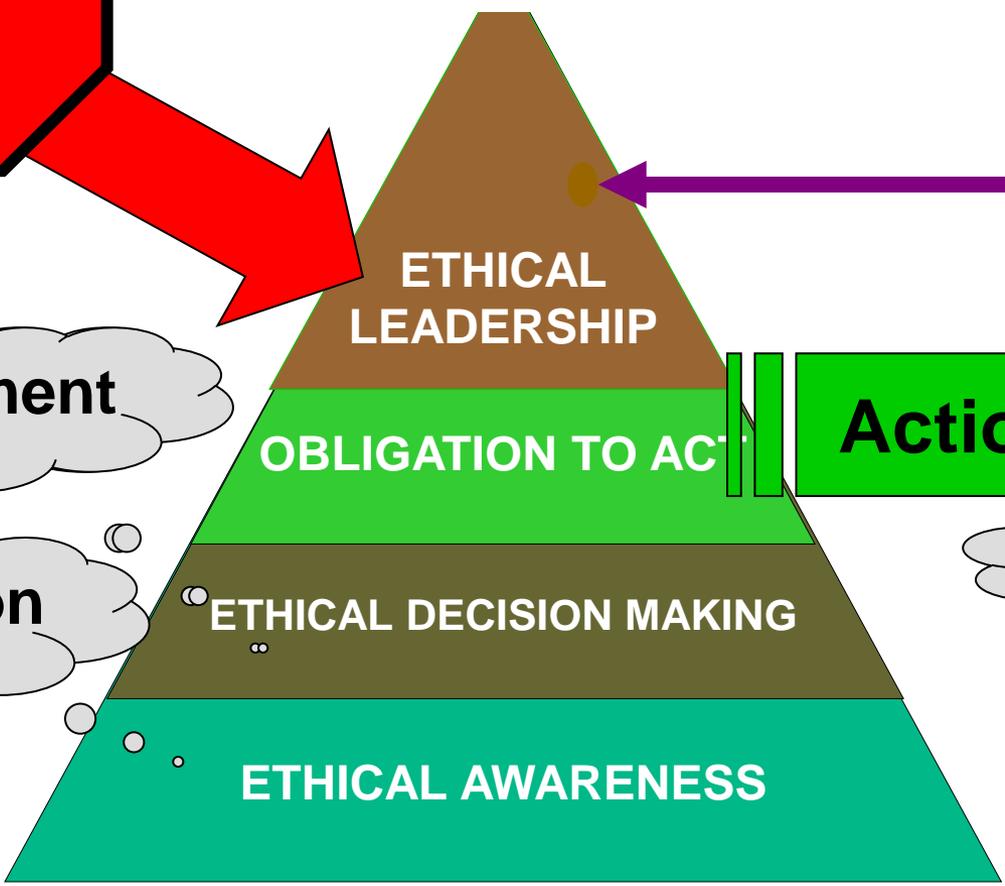
Look for and Follow the Vacuum!

Leadership, Failure to Report etc.: like other accidents, ethical incidents don't just happen; and what happens in the field no longer stays in the field.

- **The nature of operations, as with nature itself, abhors a vacuum. If you fail to assert positive leadership or fail to account for reasonable contingencies by train effectively, someone will either lead your troops astray or some event will imperil your mission.**



**Ethos
Check
Culture-
dependent**



Judgment

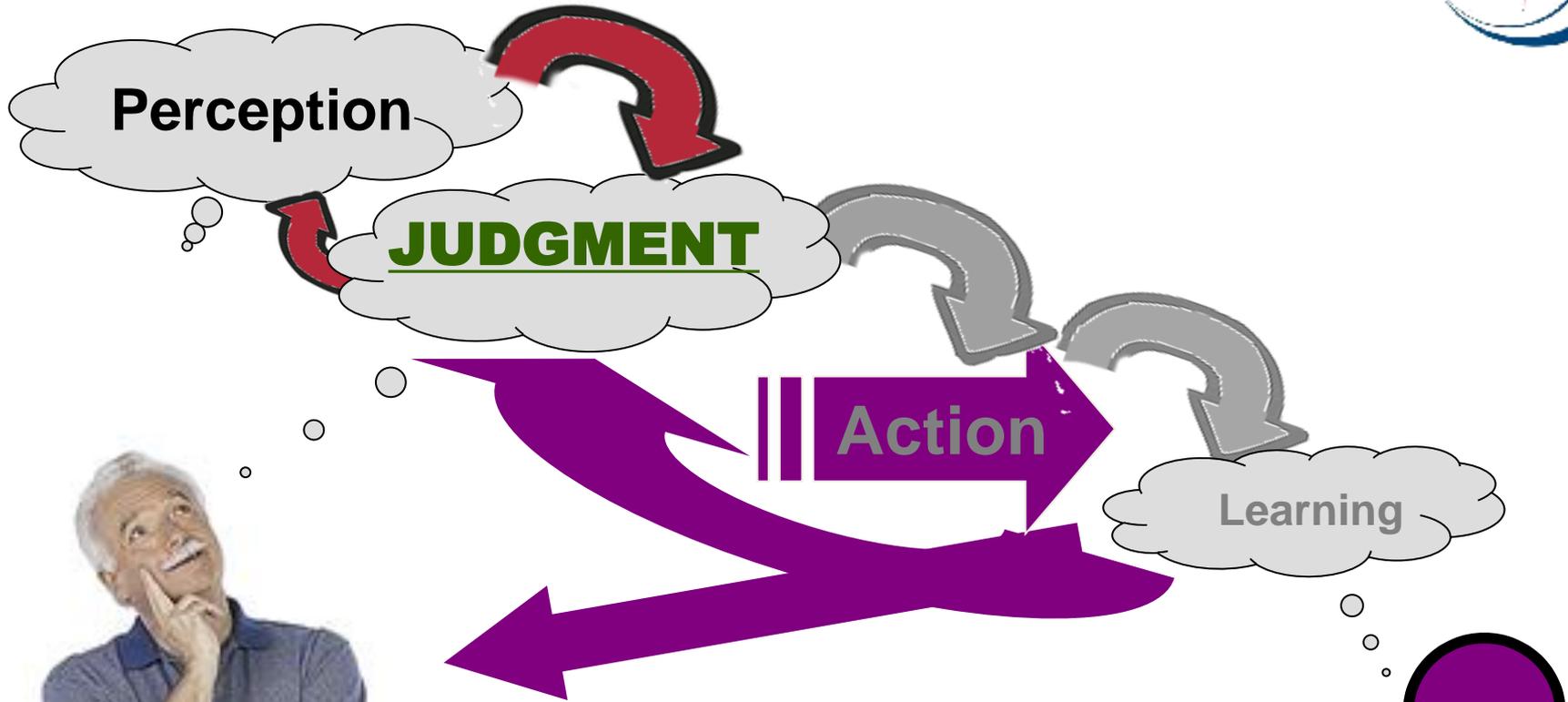
Perception

Action

Learning

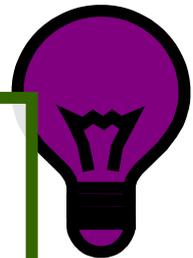


The Moral Versus Physical Courage Construct

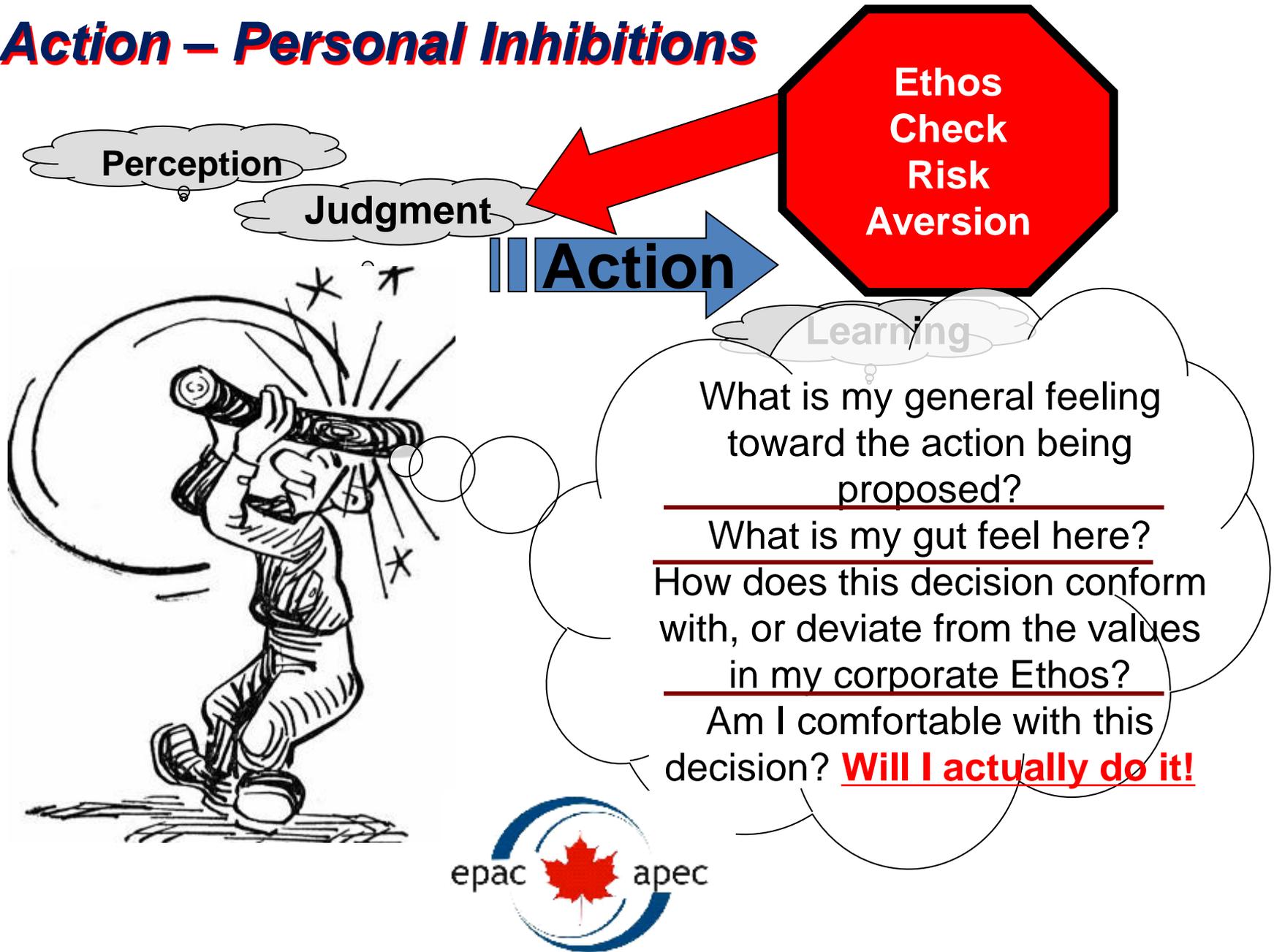


Sub-Steps

- Ethical Values
- Options and Risks (Culture Dependent)
- Ethical Approaches
- Choose a Course of Action



Action – Personal Inhibitions



Model : Action - “Ya But” Syndrome

“It may be the right thing to do, but this is too risky for me.”

“It’s no use doing this, it won’t accomplish anything”.

“You can’t tell that Sgt that he is wrong! He is always right!”

“I’m not sacrificing my career for that.”

“Oops! That’s not what she wants to hear. Better rework those numbers”.

“How can this be right if it’s going to cause so much harm?”





Our second presenter: Dr. Greg Brown

- 28 years in operational policing (front-line patrol, 'undercover' drug investigations, Detective-Sergeant in charge of homicide and major case investigations)
- 5 years in criminal intelligence work (with Criminal Intelligence Service Ontario).
- Doctoral Researcher and Instructor – Carleton University, Ottawa (Department of Sociology & Anthropology); Fulbright Visiting Researcher – University at Albany, New York (School of Criminal Justice, 2016-2017); SSHRC Postdoctoral Research Fellow – York University, Toronto (Osgoode Hall Law School & Nathanson Centre on Transnational Human Rights, Crime and Security, 2018-2020)
- President and Lead Consultant – Gregory Brown Consulting Ltd: conducts research, provides evaluations, and contributes to, or facilitates, strategic decision-making for clients across law enforcement, government, private security, and the administration of justice (www.gregorybrownconsulting.com).



Discretion in Front-Line Police Work

- SOP's (standard operating procedures) in front-line police work?.....Yes, but.....!
 - Reactive Policing (“9-1-1 what is your emergency?” “Someone just rear-ended my car and they are drunk, please send an officer.”)
 - Numerous and detailed policies, procedures, regulations, and guidelines dictating what our police officers are expected to do in various situations
 - Discretionary Policing (Proactive Policing, Community-Based Policing, Intelligence-Led Policing, etc.)
 - What we expect our police officers to be doing when they are not engaged on dispatched calls for service
 - By their very nature, many of these discretionary situations cannot be influenced by policies, procedures, regulations, and guidelines (or supervision)
 - In this regard, front-line policing is a unique activity and its organization subculture is also distinct



Non-Standard Operating Procedures in Front-Line Police Work

.....Yes, but.....!

- There are certainly operating guidance (or models) for non-standard / non-mandatory situations (dispatched calls for service).
- However, there are few, if any, effective mechanisms available to discourage de-policing behaviours and encourage the (continued) practice of proactive, community-based models of policing (aka non-standard / non-mandatory situations).



Today's Techno-Social Visibility





Rodney King and Robert Dziekański





Policing's New Visibility (Brown 2016)



Brown, G.R. (2016) The blue line on thin ice: Police Use of Force Modifications in the Era of Cameraphones and YouTube. *British Journal of Criminology*, 56(2): 293-312.



Intensified Societal Engagement with Policing (scrutiny, critique, skepticism...)



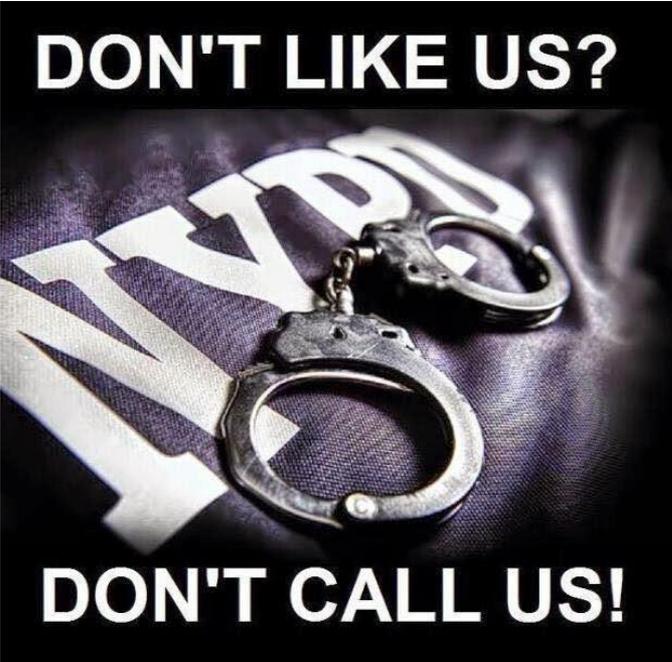


A New Socio-Political Landscape for Front-Line Police Work





Front-Line Officer's Sentiments





Front-Line Officer's Sentiments



NYC CCRB
@CCRB_NYC

#MayTheFourth Amendment protect you from unreasonable searches and seizures. And if you feel your rights have been violated by an NYPD officer, file a complaint here: <https://t.co/85crBmm5PG> <https://t.co/dD7vumSaux>

09:17 PM - 04 May 2018

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SBA
@SBANYPD

You are all a disgrace. You sit on your ass and target the NYPD all while growing up on the nipple of what's easy. You have no clue what a NYPD officer does yet target us and disparage our integrity. One day you will dial 911 when evil is at your door and thank god for the NYPD. <https://t.co/8I00FD7hny>

12:29 AM - 05 May 2018

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Risk-Aversion among Today's Front-Line Police Officers





Risk-Aversion among Today's Front-Line Police Officers

“Nobody says it on the record, nobody says it in public, but police and elected officials are quietly saying it to themselves. And they’re saying it to me, and I’m going to say it to you...Maybe something in policing has changed. In today’s *YouTube* world, are officers reluctant to get out of their cars and do the work that controls violent crime? Are officers answering 911 calls but avoiding the informal contact that keeps bad guys from standing around, especially with guns?”

I spoke to officers privately in one big city precinct...They told me, ‘We feel like we’re under siege and we don’t feel much like getting out of our cars.’ I’ve been told about a senior police leader who urged his force to remember that their political leadership has no tolerance for a viral video. So the suggestion, the question that has been asked of me, is whether these kinds of things are changing police behavior all over the country.

And the answer is, I don’t know. I don’t know whether this explains it entirely, but I do have a strong sense that some part of the explanation is a chill wind blowing through American law enforcement over the last year. And that wind is surely changing behavior.”

(FBI Director James Comey, 23 October 2015)



Behavioral Modifications due to Video Recording

Table 2: Officers not doing something because of a concern that those actions could be video recorded

	N	Valid %
Yes	2091	57.3
No	1557	42.7
Missing	12	
Totals	3660	100.0

Has there been an occasion while you were doing front-line police work when you have *not done* something, because of a concern that your actions could be video recorded, that you otherwise would normally have done?



Behavioural Modifications due to Public Criticism

Table 2: Officers not doing something because of a concern that those actions could be criticized by the public

	N	Valid %
Yes	2108	57.7
No	1546	42.3
Missing	6	
Totals	3660	100.0

Has there been an occasion while you were doing front-line police work when you have *not done* something, because of a concern that your actions could be criticized by some members of the public, that you would normally have done?



Avoidance of Interaction with (Some) Across the Public Milieu

Table 2: Avoidance of interaction with those presenting specific characteristics

	N	Valid % of sample 'Yes' to Q. 25 (N=3019) ¹	Valid % of entire sample population (N=3640) ²
Yes	1460	48.4	40.1
No	1559	51.6	42.8
No to Q. 25	621		17.1
Missing Q. 25	12		
Missing Q. 26	8		
Totals	3660	100.0	100.0

Do you do anything to avoid interacting with persons who present the characteristics you have identified (in the previous question)?



F.I.D.O. (Fuck it, Drive on)



Dan Axford

@AxfordDan

Follow



So happy to be retired. Best advice is FIDO



'De-Policing' Archetypes Identified across the Study Sample

Table 2: 'De-policing' archetypes (total sample)

	N	Valid %
Non de-policers	1024	28.3
Limited de-policers	658	18.2
Moderate de-policers	857	23.7
Intensive de-policers	1081	29.9
Total	3620	100.0
Missing	40	
Totals	3660	



F.I.D.O. (Fuck it, Drive on)

Bruce Chapman, President of the Police Association of Ontario
(*Ontario Today* 18 July 2017):

“I am hearing the same...that officers are disengaging or not engaging when they should be.”

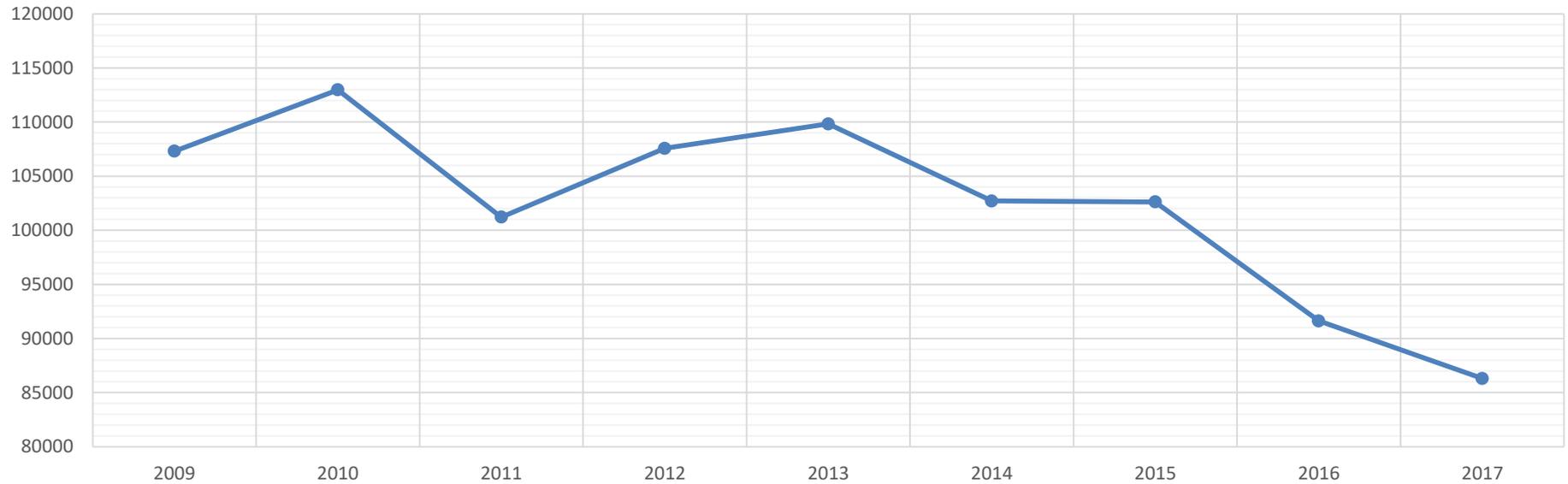
Peter Kirkham, retired Chief Inspector with London’s
Metropolitan Police (Twitter 1 March 2018):

“Interesting research by @gregoryroybrown on impact of excessive, overbearing scrutiny of cops in Canada...He finds there is a ‘FIDO’ effect...Fuck it, Drive on’...We are hearing of the same here...Maybe someone should replicate the research.



Ottawa Police Service

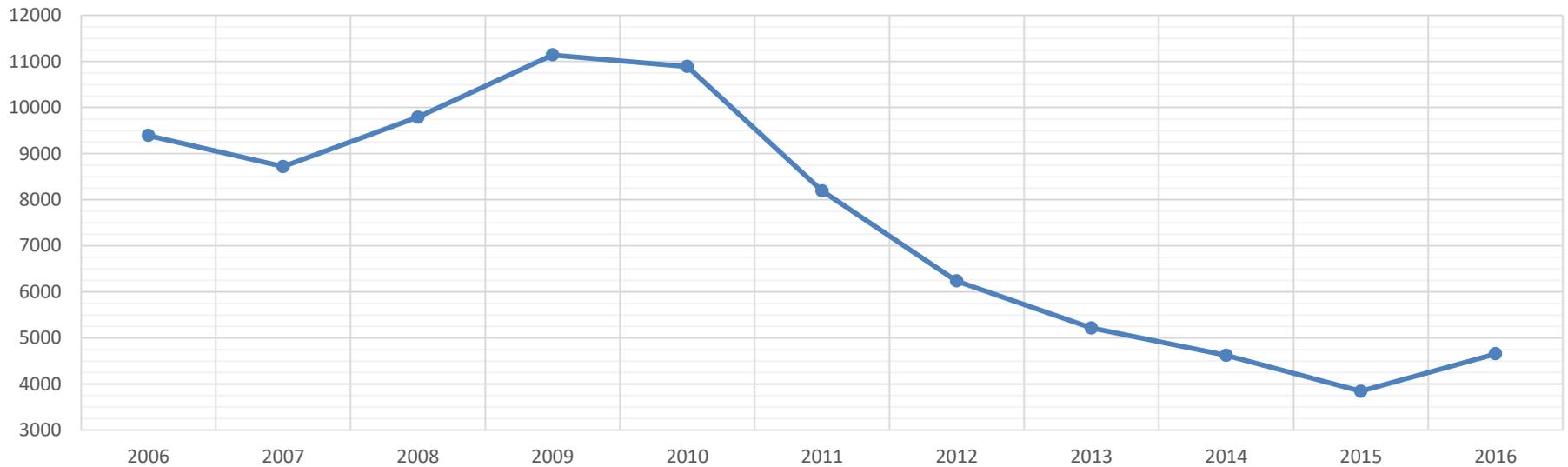
OPS officers' self-initiated calls 2009-2017





Calgary Police Service

CPS officers' self-initiated calls 2006-2016 (suspicious person)





Some Ideas (Potential Solutions): Creating Conditions for the Practice of Discretionary (Proactive) Policing Behaviours

- Identifying (through further research) the attributes of non de-policers and developing tools to screen for these during recruitment, hiring, and training processes
- Identifying non de-policers for selection as police academy instructors, in-service trainers, and field training officers
- Discussing the contemporary phenomenon of de-policing openly and honestly (from command level to front-line ranks)
- Command staff demonstrating tangibly – actions not words – an up-to-date understanding of the front-line policing environment
- Command staff adopting a default position of support for front-line officers (including during moments of controversy – support until proven another stance is warranted)...increase morale among the front-line ranks (*'you got my back'* rather than *'thanks for throwing me under the bus'*)



Discussion

- Questions?
- How should your organization prepare its personnel to act well in an emergency? Is this a good model? Do you have examples?
 - Conduct risk analysis re typical and atypical emergencies (for instance, every location that serves the public can experience hostility from or among clients that is unrelated to the service)
 - Develop mandatory and discretionary operating procedures or guidance that fit its mandate and culture
 - Train personnel to the point that they can make rapid decisions in emergencies that fit the situation and are true to the organization
 - Counter any factors that can dissuade or prevent personnel from behaving in the desired fashion