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POLICE INTEGRITY IN THE COURTROOM WHEN TESTIFYING

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Abstract

The integrity of police when testifying in the courtroom is critical for the trust, confidence, and reputation of both the police force and the criminal justice system. Despite this, however, perjury is a major problem affecting the criminal justice system as can be evident from its high preference across jurisdictions in the entire nation. In addition, it is a real concern to the ability of the criminal justice system to deliver justice to all in the society. However, perjury is a complex problem to deal with due to the ethical nature of different influencers. The influencers range from strict requirements on the rights of defendants for the police to comply with to the inherent demand on officers to ensure successful convictions and implied support by court officials, prosecution, and police departments within the criminal justice system. Accordingly, the collaboration of the different stakeholders in this problem of justice remains a promising solution.

Keywords: Justice; Society; Reputation.

Cite This Article: Phillip R. Neely, and Joseph Cillo. (2019). "POLICE INTEGRITY IN THE COURTROOM WHEN TESTIFYING." *International Journal of Research - Granthaalayah*, 7(8), 287-291. <https://doi.org/10.5281/zenodo.3381916>.

1. Introduction

The main responsibility of the law enforcement is to oversee the maintenance of law and order in the society. To meet this professional obligation, law enforcement agents or the police are trained and equipped with the necessary skills and resources to prevent and respond to incidents of crime and insecurity in an efficient and timely manner. By committing to preventing and responding to breaches of law and order in the society, police remain a crucial component of our criminal justice system. This is true given that it not only arrests crime suspects, investigates crime incidents, and prosecutes crime suspects in courts of law. Rather, police must engage the courts with the sufficiently evidence-based case for the ultimate conviction of defendants (Bishop & Osler, 2015). This paper gives a critical examination of the ethical issues in the criminal justice field as it relates to police integrity in the courtroom when testifying.

1.1. Importance of Police Integrity in the Courtroom When Testifying

The integrity of police when testifying in the courtroom is critical in safeguarding trust, confidence, and reputation of both the police force and the justice system. On the one hand, such serves in safeguarding the values underlying the policing authority enjoyed by the police and the expectations the public has on them (Bishop & Osler, 2015). Of particular significance here, the police are bound by the duty to promote law and order by efficiently preventing and responding to incidents of crime and insecurity in the society. In other words, the police serve in overseeing the fair and just co-existence of individuals within the society by arresting and prosecuting suspected perpetrators of unlawful activities. This qualifies the role of police as custodians of law and order as it relates to fairness and justice for all in the society (Das & Millie, 2016). With this in mind, the expectation that the police should uphold honesty, fairness, and trustworthiness in their work cannot be overstated.

On the other hand, the justice system is meant for the sole purpose of presiding over the lawsuit filed by the prosecution against suspects of criminal dealings in the society. As a crucial requirement, the justice system or law courts serve as neutral arbitrators between the prosecution and the defendants (Johnson, 2016). Accordingly, law courts are bound to make an objective determination on the guiltiness of defendants based on their hearing of the arguments presented by both the defendant and the prosecution as such relates to a specific case. As the authority legally mandated with the responsibility of maintaining law and order, testimonies by police officers in the courtroom tend to carry more weight against defendants (Johnson, 2016; Anderson, 2015). As a result, dishonest by the police when testifying in the courtroom risks leading to the unwarranted conviction of innocent citizens at the expense of our expectations of fairness and justice in our law courts.

Failure by the police to uphold integrity translates to an undue wastage of valuable resources by the criminal justice system. This assertion can be justified in a number of ways. Firstly, it is not uncommon for criminal cases to be dismissed by courts due to credibility concerns with the police officers involved or the testimony they present before the court (Bishop & Osler, 2015). As such, it is no doubt that perjury is a major stabling block to the war on crime in the society. This is because of the risk of failure by courts to convict and punish actual criminals due to perjury, a problem that negates the costly investment in time and resources engaged by both the police and courts in the cases. This is complemented by the unwarranted cost incurred by the government in sustaining innocent citizens who are wrongly convicted and sentenced to prison due to police perjury (Johnson, 2016).

1.2. Ethical Issues in the Criminal Justice Field and Police Integrity in the Courtroom

Despite the inherent value of police integrity when testifying in the courtroom, incidents of perjury remain common in our nation (Peter, 2010). As an emphasis, available statistics indicate that perjury accounts for an estimated about 20% of police testimonies in the courtrooms across the nation (Das & Millie, 2016). In addition, the findings are indicative of the preference of perjury during suppression hearings than in other courtroom proceedings (Conti-Cook, 2015). In fact, perjury during suppression hearings is estimated to make up to 50% of all perjury cases in law courts across the nation (Johnson, 2016). Above all, however, it is in the record that perjury as a

problem with police testimonies in the courtrooms is common throughout the various stages of the criminal process ranging from the search and seizure warrant application to the police testimonies during appeals (Anderson, 2015).

There are various ethical issues in the criminal field that have been blamed for promoting and sustaining the unwarranted culture of perjury by the police (Julia Davidson, 2012). Firstly, the problem of perjury is closely associated with the ethical issues surrounding crime investigations. True to the letter, the root cause for police perjury is the stringent legal provisions that the courts have imposed on the police in relation to the criminal process procedure. This is especially with the provisions of the Fourth Amendment on legal search and seizure under the exclusionary rule (Thomas, 2010). According to this rule, evidence gathered in the absence of a search warrant is not admissible, unless such was the result of the plain view. On the contrary, however, the rule also imposes a strict requirement for police to acquire a search warrant from the courts (Conti-Cook, 2015).

Of particular significance, the exclusionary rule requires officers requesting the warrant to proof to the court that there is probable cause for the search. According to available literature, police officers try to maneuver these legal hurdles by giving false or doctored testimonies in the courtroom (Johnson, 2016). For example, during the process of the warrant application, the use of fabricated claims in the name of a confidential informant is among the most common ways police office use perjury to obtain a search warrant (Conti-Cook, 2015; Anderson, 2015). The implication here is that the police engage in perjury as a cover-up to the inherent illegalities and irregularities surrounding their claimed probable cause (Johnson, 2016). The idea here is to obtain court warrant as a critical safeguard to the admissibility of the evidence they will collect from the targeted suspect.

The use of perjury is even more common during a pretrial hearing of cases and especially those in which the evidence did not involve a warrant. As a good example, there seems to be a common consensus among court officials that cases involving illegal drugs remain the leading victims of police perjury. Just to appreciate here, this association of drug-related cases with high incidences of police perjury is clear in the frequency with which similar statements or assertions are heard from testifying police in courts (Anderson, 2015). Simply put, police testimonies in these cases tend to share strong similarities not only among officers within the same departments but also across the jurisdiction. The whole idea here is usually to make the jury believe that the evidence of the drugs was initially the result of plain view, which in turn prompted the police to conduct a search and seized more evidence from the client.

The quest by police officers to safeguard their credibility and that of their departments and the government in general during court testimonies is another ethical issue in the criminal field that fosters perjury by police. This is especially a major cause for perjury owing to the ethical dilemma such puts police officers. On the one hand, testifying in court is deemed among the fundamental responsibilities of a police officer. As such, it is instrumental for the testifying police officers to ensure that their credibility is not questioned by the court since such could lead to termination from job. With this in mind, the issue of credibility puts officers in an ethical dilemma between giving a best-fit testimony to continue service and testifying the truth and risk being discharged from duty. This is complemented by the common consideration of the number of cases an officer has

successfully won in court in appraising the performance of officers and police departments. Just to note here, such performance appraisal condition no doubt prompts a conflict of interests in officers (Turvey & Savino, 2018).

In addition, the 'code of silence' common among the police tends to promote perjury by the police. According to available literature, the biggest problem with the police is the existence of shared values, norms, and beliefs whose influence on police officers tends to be so strong that they cannot question the misdeeds of fellow police officers (Das & Millie, 2016). This subculture and effect on fostering a strong sense of brotherhood among police have been generally blamed for major issues affecting the police force such as corruption and perjury. Indeed, the values of this subculture not only violate the code of ethics of the profession (Albrecht, 2017). Rather, the subculture is sufficiently rooted in a commitment by police officers to exclude the public from the day-to-day life of the typical police officer (Anderson, 2015; Turvey & Savino, 2018). As a cause of perjury in the police force, this code of silence and related subculture serves to cushion officers from public scrutiny.

Last but not least, there remains a growing consensus among police officers, prosecution officials, and court officials that perjury as normal tradition (Bishop & Osler, 2015). As a matter of fact, the very nature in which perjury is portrayed in court by police officers is so easy to detect. This is because perjury is generally established from an inherent inconsistency between the claims made by testifying officers and possible reality of the actual scene (Das & Millie, 2016). Even more worrying is the inherent consistency of character of testimonies among officers and across the jurisdiction. In other words, police officers are generally known to use certain statements on similar cases without regard to differences in the actual context of the specific case. Despite this obvious character of perjury, courts rarely question or punish the involved offices (Das & Millie, 2016). Indeed, it is the norm for the prosecution and leaders of the involved police department to defend officers who have been accused of perjury. The effect is foster a culture of perjury by police officers.

2. Conclusion

In conclusion, as established in the above discussion, perjury is a major problem affecting the criminal justice system. This is true not only due to the high preference of perjury across jurisdictions in the nation. Rather, this is a real concern given the far-reaching implications such have on the effective functioning of the justice system as a platform for delivering fairness and justices to all in the society. Of great concern here, however, perjury is a complex problem to deal with due to the ethical nature of different influencers. The influencers range from strict requirements on the rights of defendants for the police to comply with through to the inherent demand on officers to ensure successful convictions. Above all, however, perjury seems to persist due to failure by the courts, prosecution and police departments to commit to dealing with it. Indeed, a collaboration of the different stakeholders in this justice problem remains a promising solution.

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