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Original Article

The Role of Ethics in Curbing Police Abuses

Mark Omorovie Ikeke





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Abstract: Police abuses have been brought into the limelight recently due to the killing of George Floyd and many other African Americans in the United States. This has led to various protests in other countries, recalling decades of police brutality and abuses. The police exist to serve the community's good, ensure law and order, foster the protection of human lives and properties, and help prevent crime. When police officers deviate from the purpose for which they are set up, abuses arise. In spite of the noble aims for which the police exist, there are police officers that have engaged in abusive practices, thus impeding their services. Police history seems to be rooted in a systematic culture of dehumanization and abuse. Police training and formation have privileged tactics and strategic training to the near negligence of moral character formation in police officers. This paper problematises this issue and argues through critical analytic and hermeneutic methods for the imperative of ethics in curbing police abuses. The paper finds that police abuses are global, and there is police impunity everywhere. It concludes, among other recommendations that police abuses can be restrained through ethical formation of police officers to respect the human dignity and rights of the citizens.

Keywords: Ethics, Police Abuses, Abuses, and Brutality

Introduction: Police abuses have recently come to the headlines in the national news of many countries. Though there have been police abuses in time past, the recent protests over the death of George Floyd and many other African Americans by some police officers in the United States (US) inspired many other protests in other nations bringing to the limelight decades of police abuses and excesses. Many authors have recounted the reality of police abuses. Drawing instances from the US, Chile, South Africa, Canada, France and Brazil; in the collection of essays edited by Bonner et al. attention is drawn to the fact that police abuses occur in all democracies and this has impinged on socio-economic equality, citizenship rights and accountability¹. For David Brooks, dehumanization and brutality is strongly part of police culture since the formation of the police.² For Bashan, emphasis

PhD, Associate Professor of Philosophy, Department of Religious Studies and Philosophy, Delta State University, Abraka, Nigeria. Email: ikeke7@yahoo.com ORCID ID: http://orchid.org/0000-0001-9115-378X

Corresponding Author: Mark Omorovie Ikeke. Email: ikeke7@vahoo.com



should be placed on education and training as keys to curbing police misconduct.³ Oluwagbenga Akinlabi show that all over the world as happens in Nigeria the police are a law unto themselves, accountable to no one as errant officers are hardly disciplined thus making the public indisposed to the police force⁴. About police abuses, many authors have noted that there is so much impunity in the police force and lack of discipline of erring officers, and the constitutional order is often not brought to bear on police officers as they are left to go scotfree even when citizens complain of their abuses⁵. In France, recently, a draft law was made to not photograph police officers on duty, though the law has been dropped⁶. It is laws like this that make some police officers behave with impunity. Because of this, police officers do not feel restrained by any higher authority above them. There is also the issue that the authority above them is often complicit in criminality, and so police officers simply follow suit.

As noted previously, in the research on police abuses much emphasis is placed on physical tactics and strategic training of police officers to the neglect of ethical formation of the human character of police officers. This is the vantage point from which this paper argues for the imperative of ethics in curbing police abuses. A critical analytic and hermeneutic method is used to appraise and evaluate the Though hermeneutics, concepts such as ethics and police abuses are interpreted. The issues of the role of ethics are thoroughly examined in pursuing the goal of this work. Hereafter the work proceeds by presenting incidents and cases of police abuses.

Police Abuses on a Global Scale: That police abuses are a common phenomenon in the world should not be in dispute. Police abuses in forms of brutality, intimidation, corruption, and killings have happened in the world especially in Nigeria, the United States, Belarus, Zimbabwe, Kenya, Sudan, and many other countries. Police abuses have caused the death of hundreds of persons, caused both physical and mental health problems, violated

the dignity and rights of men and women, and destroyed people's destinies. Police abuses in the form of corruption have also siphoned money that is meant for building police institutions into private coffers. Thus the infrastructures that should be built with such funds go unattended. Police abuses also have negative impacts on the police and police institutions. It destroys the image and morale of the police. It also makes some citizens to develop a hostile attitude towards the police. Some even go to the extent of violently attacking the police.

Globally, police abuses are rampant. In Latin America, in a country such as Venezuela, the Bolivarian National Police in January 2019 extra-judicially killed 11 young men, and there have equally been a regular pattern of torturing and persecuting those opposed to the regime.7 In Cuba, there are constant police abuses committed against the people. Within this year 2020, in June, many persons who wanted to protest the killing of 27-year-old Hansel Ernesto Hernández Galiano in Havana were harassed, and many of them were detained.8 They were denied their right to freedom of speech and association. Even in a country like Canada, there are cases of police abuse which most often are racially biased. Pivot Legal Society reveals that in Canada in the period between 2000 and 2017, there have been up to 460 interactions between police and civilians that were fatal and in many of these cases the police are not held accountable9. Another horrible fact is that: "More than onethird of the people shot to death by RCMP officers over 10 years were Indigenous, according to a document from the police force obtained by The Globe and Mail. That percentage has alarmed First Nations leaders and is prompting calls for more data about police use of force in Canada"10.

There are also rampant police abuses in India as Human Rights Watch (HRW) notes in their report: "Bound by Brotherhood': India's Failure to End Killings in Police Custody". The report indicates that the police perpetrate torture, display impunity, and often have no regard for arrest regulations, and allow suspects to be abused. In the 17 cases of death that occurred from 2009 to 2015 there was a disregard for

proper procedures as 70 interviews with witnesses and family members show¹¹. In that same report, Human Rights Watch indicate further that from 2010 to 2015, of 591 persons died in police custody and in these cases authorities have not held the police to account and they have stalled reforms that would enable the police to respect human rights. Abuses of the rights of persons are a common occurrence in a police state like North Korea where persons are treated as worse than animals¹². Human Rights Watch further states that a United Nations Commission of Inquiry reveals that there are widespread, systematic. and grave human rights abuses of many citizens by the police.

The continent of Europe is not exempted from police abuse. In Belarus, peaceful protesters have been manhandled and threatened by the police, who have been authorized to use lethal force¹³. The Balkan Insight has noted that police brutality and violence are a common occurrence in southeast Europe though not like Communist days. There has been police brutality against ethnic Roma people in Slovakia, Hungary, Bulgaria, and Romania though there is an improvement since these counties joined the European Union in 2004 and 2007. Several cases of killings and beatings have been reported in Slovakia between 2009 and 2010¹⁴.

As for a country like Australia, the death of Aboriginal people at the hands of the police is common, and the police are rarely held accountable. The BBC reported that: "Some recent Aboriginal deaths in custody have sparked protests. High-profile cases include: Kumanjayi Walker, a 19-year-old who was killed by the police last November; Tanya Day, a 55 -vear old who sustained fatal injury in police custody in 2017; David Dungay, a 26year old who died as he was being restrained by 5 police officers in a Sydney cell in 2015; and Ms Dhu, a 22-year old who - succumbed to septicaemia and pneumonia in 2014 while in police custody, in what a coroner later ruled had followed "inhumane" treatment by officers; and TJ Hickey who was killed in police pursuits¹⁵. New Zealand also is not exempted from Police abuses. Note that: "Maori and Pacific people make up about 25% of New

Zealand's population. But in the last decade, 66% of people shot by police have been members of the Maori and Pacific Islander communities, according to advocates and news reports. Maori and Pacific people are also more likely to be tasered and peppersprayed than white New Zealanders"¹⁶.

There are other cases of police abuses as indicated below: (1) in the year 2019 alone, one in among three persons experienced police abuse and more than half of people in felony cases have been convicted without proper evidence, and many persons in vulnerable communities have been ruthlessly and brutally murdered in Kenya, (2) in Jamaica before 2014, 200 persons were killed by the police every year, and (3) in Rio, Brazil, 1814 persons died under police custody in 2019¹⁷. Further cases of police brutality are as follows: (1) the death of many black persons such as George Floyd, Ahmed Aubrey, and Breonna Taylor of police brutality in the United States. (2) the death of Sean Rigg who was being restrained by police in Brixton, South London in 2008, and (3) many cases of blacks and Asians who are killed and suffered police brutality with their cases not completely investigated¹⁸. In a country like Nigeria there were the recent "End Special Anti-Robbery Squad" (SARS) protests that were reported in the international media. Young men, women and many others in Nigeria have been brutalized by some men/women of the Nigerian police. One of the outcomes of those protests is that some Nigerian states have setup judicial panels of inquiry. During Nigerian past military regimes, human rights were violated by the police, many were tortured in cells, extra-judicially killed, and there was public harassment of citizens. 19 What is said of Nigeria is certainly true of military regimes that ruled some countries in the developing world in the past. Transparency International notes that in a 2019 survey, 47% of Africans see the police as the most corrupt organization in the continent, and up to 27% say they have given money to the police as a bribe. Similar perception is also found in Latin America, the Caribbean, North Africa, and Middle East regions where more than 20% of persons in each of those regions have paid bribe to the police²⁰. The police are often used to quell protests, even peaceful protests; as happened recently in Belarus and in places like Sudan, Zimbabwe, etc.

Conceptualizing Ethics: The above indicates that there is a need for ethics in policing. A central argument of this paper is that ethics has a crucial role to play in curbing police abuses. For it to play this role, ethics has to be enforced if not it becomes useless. Ethics is understood as the moral standards for measuring and assessing human actions in terms of what a society holds to be right or wrong. Ethics is a "philosophical study of morality" in terms of the moral principles that should guide human conduct in what ought to be done or not done and the right actions that human persons should follow²¹. A similar view is expressed by Dart when he writes that: "Ethics deals with standards or principles for the systematic evaluation of the rightness or wrongness of human conduct"22. Conduct means "those actions that are freely taken or that are seen to spring from deliberate choices made by free moral agents"23. While ethics is needed in all areas of life, one place where it is specially needed is in professions. Ethics with its code of conduct that governs a particular profession such as law, medicine, and the police force is called professional ethics. Professional ethics governs the conduct of professionals in that profession to ensure that they behave in consonance with the values of that profession and for the wellbeing of the people.

On what principles should guide human behaviours or how human beings ought to behave there are various ethical theories such as divine command principles, self-evident moral principles, contractarianism, teleologism, egoism, utilitarianism, and deontologism²⁴. From a related point of view, two main perspective on decision making deontological and consequentialist ethics. Deontological is rooted on knowing one's duties and carrying out that duty. The commandments in religious traditions are examples of deontological ethics. On the other hand, consequentialist ethics concerns the goals, ends or consequences of an action or decision. Situation ethics is a form of

consequentialist ethics that affirms attending to the implications of actions. The ethical theory that grounds this paper is teleological rights based theory that affirms that there are certain rights that members of the civil society are entitled to and the police exist to honour these rights such as protecting the rights of citizens and preventing citizens from crime and other harms.

It is true that there is a wide variety of issues affecting the police and policing in various countries. Though all these issues based on local peculiarities cannot be examined here, the concern of the paper is the fact that no matter the institutional differences among countries with regard to the police and policing. All police institutions and formations should be governed by ethics that promote human welfare and wellbeing. The police exist on behalf of government to serve the people. The police generally are an arm of the executive to promote law and order in society.

Conceptualizing Police Abuses: The police are "an organization created and meant for the enforcement of law and order and to redress the grievances of the distressed people. They are required to be seen as public friendly"25. They are the most crucial and seen aspect of the criminal justice system of a nation²⁶. The police as an organization owned by the government exist almost in every country in the world. They are vital for law and order to reign in society. A common phrase that you will hear from police officers is: "the police are your friend." Though very often because of police abuses many among the public have lost confidence in the police and don't see the police officers as their friends. What is police abuse? The word, "abuse" means treating a fellow human person in a manner that is harmful and detrimental to the welfare and well-being of that person.²⁷ Harm can be done to a person physically, spiritually, mentally, psychologically. It can be done to a person in the domestic front, workplace, religious house, relationship, etc. From the foregoing definition of abuse, police abuse refers to any form of police actions or behaviours that are injurious and harmful to other human beings especially in the process of the police carrying out his official duties/assignments.

There are many issues that can constitute police abuse. One fundamental type of police abuse is what is commonly referred to as police brutality. Leonard Moore states that police brutality is unnecessary, excessive, and the often unlawful application of force on civilians by the police and it includes battery, assault, torture, murder, harassment, verbal abuse, intimidation, maltreatment²⁸. Brutality implies the deadly use of force in the process of policing and investigation of cases and issues. It can involve intimidation and physical harm done to people by the police. Brutality can be lethal shooting of citizens. Police brutality precipitated the Arab Spring in Algeria. In 2011 Mohammed Bouazizi, a seller on the street set himself on fire when his vegetable kiosk was seized by a police officer because he had no permit.²⁹

Another grave form of police abuse is police corruption. It is an abuse of office. Forms of corruption that some police officers engage in include: extortion of money at road blocks, destruction of evidence and exhibits, altering people's statements, etc³⁰. Corruption is considered an abuse here for it involves an abuse of office. And in the process of extorting money from civilians they often maltreat and verbally abuse civilians.

When a thing or an entity deviates from its set function or purpose it becomes an abuse. Some of the functions of the police include: prevention crimes, detection and of apprehension of criminals, investigation of crimes, participation in court processes, protection of constitutional provisions, assisting those subject to physical harms, control of traffic, resolution of conflicts, fostering security, and promotion of peace and civil order31. When a police officer deviates from the functions entrusted to him and acts contrary to his/her professional duties, it becomes an abuse. Relying on the ideas of Baker and Reiner, Muhammed writes that: "The police represent a formidable institution in upholding the national security imperative of any nation. It is legitimately saddled with the responsibilities of maintaining law and order, protecting citizens' lives and properties,

prosecuting offenders and detecting crimes"³². He writes further that this Herculean and formidable responsibility given to the police requires professionalism, training, equipping and ethical conducts on the part of police officers³³. The point to note in this is that abuses crop up when instead of protecting lives and properties, detecting and preventing crimes; the police officers corruptively protect criminals by taking bribes, defrauding the poor in favour of the rich, and illegally arrest innocent citizens.

Consequences of Police Abuses: There are many negative consequences of police abuses. Police abuse has led to the deaths of hundreds of lives. In a place like Nigeria police abuse is a common occurrence. In October 2020, the "SARS" protests that made the government to disband SARS is a case in point. The brutality of the police in Nigeria has made many young people psychologically traumatized. Many lost their income to the police. Laptops, phones and other personal items were taken away wrongfully by some police officers. Illegal arrests by police officers ended up in some being tortured by the police. When people die they lose their family members. In a place like Belarus peaceful protesters have been arrested by police officers. People are detained. Their human rights to freedom of association, movement, speech, and livelihood are trampled upon. The police are to help to safeguard the fundamental rights of persons. These rights include: rights to life, human dignity, free speech, movement, religious freedom, etc. Related to the above is that people get sick and some even die in police detention for unlawful arrest. Police officers also get stressed, fatigued and suffer mental harm as they work to control protests³⁴.

Speaking of police corruption, the consequences can be grave for society. Police corruption can cause various things in society such as: manpower and time wasted by police in pursuit of graft instead of carrying out their duties, aiding and abating escape of criminals thus bastardizing the criminal justice system and precipitation of more crimes, making people lose confidence in the police and this can cause breaking of laws³⁵. The cardinal

function of the police is to enforce the laws of a country and to bring criminals to justice. When police abuse their offices these functions are vitiated and impeded. Extra-judicial killings take away people's lives. Some of the persons

who have experienced extrajudicial killings are the main income earners for their families. Having lost the major income earners of their families the family members are now subject to all kinds of pain and suffering. Loss of income makes families unable to meet their needs for food, shelter, and clothing.

The police are an institution of the state that borders seriously on national security, especially internal national security and also the police do go on operations on international assignments. When a nation's police officers abuse their duties it negatively affects the internal security of the state. Criminals will go scot-free and this is dangerous for the wellbeing of citizens. When criminal elements roam the street people's lives become insecure. Innocent citizens begin to live in fear. What Hobbes wrote of as features of the state of nature where life was short, brutish and nasty begin to manifest³⁶. The national image of a country is damaged when it police officer misbehaves in international operations.

A legitimacy crisis is created for the police as people detest the police for their abuses and highhandedness. This crisis makes policecommunity relations difficult and perceive of the police as an evil institution³⁷. The public perception and image of the police is very important to enable them carry out their work effectively and effectually well. Any conflict of interest on the part of police or impropriety compromises the work of the police, as Delattre opined officials who work in public safety are to be held to a higher ethical standard than the general populace³⁸. Johnson and Cox argues that: "It is not so much that police ethics is different from that of other professions, but the behavioural expectations and the implications of failure are more public and problematic for those in law enforcement. For this reason, the realm of police ethics has always been a search for methods and practices to ensure specific conduct from police officers"39.

The Importance Ethics in Policing: The importance of ethics in policing cannot be overstated. Ethics in policing constitute "police ethics." Miller writes that "police ethics" is an aspect of philosophical ethics that deals with the moral issues arising from police officers' works and police institutions/organizations⁴⁰. Every person, society, and institution in life need to be regulated by ethical norms if not things can be subjected to abuse. Ethics is necessary to guide and direct people. Ethics is necessary to state what is right and what is wrong. Police ethics can be considered an aspect of professional ethics. The benefits of professional ethics equally apply to that of police ethics. The police do not exist for itself but for the good of society. The purpose that the police or any human organization should serve is an ethical issue. Steve McCartney and Rick Parent write that: "The police are essential to democracy. By ensuring that no person is above the law, the police protect citizens from victimization. Through the enforcement of the law, police ensure that no individual or group violently asserts its will over public order"41. Democratic values are gravely endangered when police officers are unethical in their professional conduct and private lives. Instead of fostering democracy, they create an atmosphere that negatively impinges on democracy.

There are two major theories on what purpose the police should serve. These two main theories are the social contract and the teleological rights-based theories of policing⁴². Following the traditions of Hobbes, Locke and Rousseau from a state of nature in which persons were insecure they contracted to the state the power and ability of the state to use force to secure them⁴³. This in contemporary society amounts to the police or security agencies. The other theory mentioned affirms that protecting moral rights is the ethical purpose of police and policing44. Whichever theory one adopts policing has morally problematic issues such as: the use of force, infringement on privacy, surveillance of innocent citizens just because there may be criminals in their families, unavoidable harms in the process of policing⁴⁵. These issues necessitates that there are ethics to guide police conduct and as much as possible limit harms that may come to civilians as police carry out their duties. Even in carrying out their responsibilities criminals are entitled to some fundamental rights such as: the right not to be tortured, the right to be presumed innocent until proven guilty by a court of competent jurisdiction, the right to food and water even in prison, etc. Police ethics should serve to protect human rights and democratic values. Without police ethics human rights will not be promoted. Police ethics is also necessary to regulate on police discretion. With police ethics, police officers are able to conduct their duties in civility and orderly manner. Without any form of ethics to guide police officers, police work may be subject to individual idiosyncrasies and private interests. Justice will be abused, the oppression of the poor by the rich will continue unabated.

The importance of ethics in life cannot be overstated. Ethics makes society better, improves the conduct of people, help people find meaningful employment, helps people succeed in business and reduce stress⁴⁶. Ethics plays a vital role in creating a positive image for the police before the public, promotes self-respect and mutual respect among police officers⁴⁷. There are critical benefits of organizational/professional ethics such as: better use of talents, enhanced job commitments, better creativity, occupational sustainability, and sharing of information⁴⁸. These benefits of organizational ethics apply also the police organizations. Moral ethical conduct is beneficial to police officers. Through their conduct, they help to order and create a peaceful society. Unethical conducts by officers bring instability and disorder to society. When police officers abuse their offices it can make citizens to turn to protest and this can disrupt society. Peaceful protests by citizens such the recent "SARS" protests in Nigeria for police reforms have been hijacked by hoodlums who have looted and destroyed both private and public properties. Police officers with good conduct are likely to gain promotion and appreciation of the public. It also helps them to retain their jobs. The less misconduct of police cases in which police officers are charged the more peace they will experience. Ethics in police work helps officers to know the way they should live and conduct themselves

in the line of duty. Ethical codes are important so that police officers are not just left in the dark in the way they should behave.

Curbing Police Abuses through Ethics: To be able to curb police abuses, police ethics should be rooted in ethical principles that inform good police behaviours. There are vital principles that should ground police ethics. In making police ethics they should be taken into consideration and these principles should equally inform police behaviours. These ethical principles include democratic values, respect for human rights, integrity, professionalism, fairness and justice. The law officer is assigned a mission and a task that he/she should carry out. "Words without action," or "theory without practise," it is said is useless. The police have a duty to do. Doing the duty is ethical and the moral thing to do. The police exist to serve the entire community, protect lives and properties, keep law and order, and protect the laws of the land. Police abuses cannot be curbed if police officers do not keep their code of ethics and normative regulations given to them. Obeying and keeping the law should begin from the police who are saddled with the responsibility of keeping law and order. If the police who should enforce the law behave with impunity, then he/she will not inspire others to obey the law. Confucius affirmed that when those in positions of authority behave well they inspire others to behave well⁴⁹. He taught that of the serious problems in society is lack of rectification of names. In his doctrine of rectification of names, he taught that living rightly or correctly the implication of one's names and using correct language are what is necessary as the first thing in every society⁵⁰. Police officers should act and lives correctly the import and implications embedded in the name, police. They should serve as gentlemen in living noble lives.

No matter how good an ethical system or principles, if it is not implemented and enforced it cannot accomplish its goals. Laws are created to be obeyed. If police officers behave with impunity and there are no penalty meted out to them, they will not be motivated to act righty. In every democratic dispensation the law is supreme and the rule of law should

prevail. Police men and women are also citizens under the law and they are not above the laws of the land. Police abuses should be punished to deter other police officers from acting in a reprehensible manner. Johnson and Cox rightly notes that organizations of law enforcement should see and embrace ethics as crucial in decision making and should end a culture of police officers living above the law corrupt punishing behaviours rewarding right behaviours. If there is no deterrence it will be difficult for police officers to fall in line⁵¹. Police officers are community servants and should live as such. They serve the constitutions and should conform their lives to the constitution.

The training of police men and women should involve training in police ethics as a course of its own if it is not already there. Johnson and Cox have argued that ethical training is neglected in police training even when rules and regulations are emphasized. They argue that: "Ethical practice is not simply a matter of knowing and following a set of rules. It also requires the use of discretion and making splitsecond judgments. A long list of rules will not aid the police officer in exercising good judgment. A framework for decision-making that fosters ethical decisions is required"52. Such a course should equally involve training in democratic values, human rights justice and fairness. Ethical formation and re-formation of the police should be prioritized as a matter of above all things or as par with their equipping and training. Training should not just focus on physical equipping and formation in tactics for police officers. Human formation in character is crucial for police officers. Applying the ideas of Omoregbe, every other form of development of the police without moral development will be useless⁵³.

In the wake of police abuses, some have called for defunding the police, reforming the police; restructuring the police, while others have called for the total dismantling of the police. In the Republic of Georgia in 2004, the entire police force of about 30,000 persons was dismantled because it was extremely corrupt; and in about three years the country trained a smaller corrupt free police force. In the formation of a new police force a zero-

tolerance policy for bribery was instituted and this has boosted people's perception of the police⁵⁴. In this decade in 2013, Camden, New Jersey, 250 police officers were dismissed as there were rising homicide rate and the new police was trained to focus on des-escalating situations and they were to use the guns and handcuffs as last options⁵⁵. Sarhem notes that in Camden the rate of violent crimes have fallen by forty-two percent and the murder rate keep falling by half. It is remarkable that during the protest over the killing of George Floyd the police joined the protesters⁵⁶. The formation of a new police force in many countries is of prime importance. What this paper argues for is that the formation should not only focus on tactics and strategies of policing but also on an ethically-infused curriculum that emphasises value for human life, the righty and worth of human person, and respect fundamental human rights. At the essence of policing is the protection of human lives. The state exists for the protection of human lives and properties. It is an inherent duty of the police to protect lives and properties. It becomes an aberration if the police do not protect lives and properties. In places where it has become endemic to police officers to be corrupt there will be need to dismantle, reform and translate to a new police institution that stands for fundamental human riahts. Corruption which is one of the gravest abuses found in the police force borders on issue of minds and attitudes. Physical tactics and strategies on how to keep law and order do not cure corrupt attitudes. Rather it needs mental and attitudinal reformation. Corruption begins in the mind and the right attitude to eradicate it is necessary before other measures⁵⁷. Police officers need to imbibe anti-corruption attitudes.

In summation, the following recommendation drawn from the preceding can help in curbing police abuses: (1) retraining of the police should be grounded in ethical moral formation а virtuous character; (2) accountability measures should be fully the criminal justice system enforced, (3) should be made fairer so that aggrieved citizens can easily sue erring police officers, (4) proper supervision of police officers by superior officers, and (5) dismantling the

systemic culture of police brutality through

Conclusion: The paper examined the role of ethics in curbing police abuses. It revealed that there are a lot of police abuses in the world. These abuses have taken the form of corruption, brutality, intimidation, verbal abuse, etc. The paper noted that the place of the police in enforcing law and order and preserving democratic values cannot be

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educational reawakening.

overstated. As noted previously when police officers are unethical especially in their professional lives the consequences are grave for society. This is why it is imperative that police ethics are enforced and that police officers abide by their ethical code of conduct. This done a better world will be created.

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