ARTICLE

The Uses and Abuses of Virtue in Policing*

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The police are routinely called *heroes* and recognised for acts of *bravery*. This is in part based on the idea that the police are the frontline when it comes to addressing societal threats posed by *dangerous* people. The idea has been bolstered by the increase in proactive policing in Europe and the United States over the last two decades, including an increase in the police's connection to counterterrorism efforts.[1] Consider the National Coordinator for Security and Counterterrorism (NCTC) in the Netherlands, which has been described as embracing a 'paradigm shift…away from prosecution (solving and punishing crimes) towards risk management (identifying potentially dangerous people)'.[2] Related paradigm shifts within the police institution – with emphasis on the proactive neutralisation of dangerous threats –reinforce the idea that policing requires brave moral judgement in the face of danger.[3]

Despite high-profile cases involving discrimination and brutality, the police in the United States are similarly characterised by heroism and bravery in the face of danger. Consider the International Association of Chiefs of Police (IACP), which sponsors an annual 'Police Officer of the Year' award to recognise the 'heroes who work tirelessly every day to make communities around the world safer'.[4] The description makes sense because a police officer's actions may satisfy the criteria of a particular conception of the 'heroic', which typically include features of the virtue of bravery (courage, fortitude, and so on). Many of the IACP recipients are honoured

* I thank Lauren Lyons and two anonymous reviewers for their thoughtful comments on a draft of this paper.

1 See Annemarie van de Weert and Quirine A.M. Eijkman, 'In Every Artery of Society? How Dutch Community Police Officers Perceive Their Role in Early Detection of Violent Extremism among Youth', *Policing: A Journal of Policy and Practice* (2021) 15, no.2.

2 Van de Weert and Eijkman, 'In Every Artery of Society?' (citing National Coordinator for Counterterrorism and Security (2016), *Nationale Contraterrorismestrategie 2016–2020* (The national counter-terrorism strategy 2016–2020), The Hague: Nationaal Coordinator Terrorisme en Veiligheid).

3 In a study that included interviews with 22 constables in the Netherlands, Van de Weert and Eijkman concluded that police officers could not satisfactorily articulate normative judgments regarding persons who pose threats of danger and violence. Van de Weert and Eijkman, 'In Every Artery of Society?'

4 See International Association of Chiefs of Police, IACP Police Officer of the Year, available at: https://www.theiacp.org/awards/police-officer-of-the-year. Relatedly, the United States Congress passed the 'Law Enforcement Congressional Badge of Bravery Act of 2008' (CBOB), which is based on the idea that '[e]very day, federal, state, and local law enforcement officers engage in exceptional acts of bravery while in the line of duty'. Description of the United States Law Enforcement Congressional Badge of Bravery Act of 2008 (Public Law 110-298), available at https://bja.ojp.gov/program/badgeofbravery.

doi: 10.5553/NJLP/221307132024053000001

based upon heroic actions taken while in combat situations. The 2020 IACP award was given to an officer who drew 'on his tactical skills to neutralize' a violent suspect who had kidnapped a woman and her 10-year-old daughter.[5]

The implication is that the police should strive for heroic virtues associated with combat. I take a contrarian position in this article, arguing that heroic virtues should not be prioritised in policing. Doing so can make the police institution worse. This is in part because most of what the police do every day – their routine roles and responsibilities – has nothing to do with virtues such as bravery. The upshot is that recruiting and training officers based on heroic virtues – and fostering a culture of heroism within the police institution – is unjustified because it is based on a misrepresentation.

What virtues, then, should be prioritied in policing (if any)? It probably will not be surprising to hear that my answer is the cardinal virtue of *justice*. But I will not simply argue in favour of the virtue of justice generally. Instead, I will focus on what has been considered a sub-species of justice: *honesty*. I do this because honesty *is* a fundamental facet of the police's routine roles and responsibilities – from decisions about whether to lie, mislead, and break promises, to decisions about whether to cheat and steal. In short, honesty is not only a significant philosophical issue in high-level investigations involving tactics such as proactive undercover operations, but also in the routine normative decisions made by officers everyday.

Although there are other virtues that are relevant to policing, I will remain focused on bravery and honesty to keep the scope of the article manageable. This seems reasonable considering that the virtues of bravery and honesty are considered highly relevant to policing by both practitioners and police commentators.[6]

My argument is straightforward. Section 1 begins with the claim that if the virtue of bravery is to be prioritised in policing, then bravery should be part of the police's routine roles and responsibilities. I argue that bravery is not part of the police's routine roles and responsibilities, and, therefore, should not be prioritised in policing (in recruiting, training, and so on). It does not follow from this conclusion that bravery plays no role in policing (or no role in training and so on), only that it ought not be prioritised.[7]

5 IACP 2020 Award Winner (Trooper Jeffery Graham, Illinois State Police).

6 See, e.g., notes 4 and 5; Seth W. Stoughton, 'Principled Policing: Warrior Cops and Guardian Officers', *Wake Forest Law Review* (2016) 51; Chuck Whitlock, *Police Heroes: True Stories of Courage About America's Brave Men, Women, and K-9 Officers* (Thomas Dunne Books, 2002).

7 By "prioritising" a virtue (such as honesty), I mean both that an institution expects every actor within the institution to practice the virtue, and that to be a good police officer one must practice the virtue (of honesty). On the other hand, if an institution merely values acting in accordance with a virtue – but does not expect every agent to embody the virtue – then I assume the central facets of prioritisation have not been met (in part because prioritisation should be a product of the virtues that are most relevant to some role). As will be discussed throughout, it certainly seems justified to value (not prioritise) bravery in policing—a virtue that is far less relevant to the police role than honesty.

doi: 10.5553/NJLP/221307132024053000001

Conversely, Section 2 begins with the claim that if the virtue of honesty is connected to the police's routine roles and responsibilities, then honesty should be prioritised in policing. I argue that honesty is connected to the police's routine roles and responsibilities, and, therefore, should be prioritised in policing.

Examining these issues is important insofar as they help clarify both philosophical and practical concerns about the uses and abuses of virtue within the police institution. Although my examples focus on policing in the United States and the United Kingdom considering recent controversies in those states, the underlying issues are relevant to virtually all states that rely on some form of policing.

1 The abuses of virtue in policing[8]

In the *Republic*, Plato tells us that a good city will be grounded in wisdom, bravery, sobriety, and justice.[9] These four 'cardinal' virtues have been described in different ways at different times (e.g., prudence, courage/fortitude, temperance, and justice), including Aristotle's systematic account in his *Nicomachean Ethics*. The virtues are moral – a state of character or moral habit – and Aristotle says one uses reason to determine the appropriate (mean, or balanced) virtuous action in one's particular situation.[10]

With respect to bravery, the Aristotelian idea is that virtuous action is that which balances fear and confidence such that a person faces danger – death, specifically – for the right reasons. Viewed in this light, there are compelling reasons to commend those who develop a disposition of bravery. If a person dies while taking reasonable steps – balancing their fear and confidence – to save an innocent person from danger, then most people would not hesitate to commend the person's action. The person would be likely be described as dying heroically.

It is intuitive to think that the police ought to foster a disposition of bravery. After all, the police institution is typically viewed as one consisting of people who are tasked to run *toward* life-threatening danger. This idea is not merely a product of the way police are portrayed in popular culture (in both film and the reporting of real-life events). The idea of a need for bravery and heroism in policing is part of the self-conception, so to speak, of the police institution itself. We see this in examples such as the IACP award, as well as in specific police departments that train their officers to be brave 'warriors' who look and operate like soldiers.

But if we are to say that the virtue of bravery should be prioritised in policing, then bravery should in fact be part of the police's routine roles and responsibilities. This

8 See Luke William Hunt, *The Police identity Crisis – Hero, Warrior, Guardian, Algorithm* (New York: Routledge, 2021), on which this part of the article draws, for a more comprehensive discussion of the police's misuse of the virtue of bravery through hero and warrior policing.

9 Plato, *Republic* (427e).

10 Aristotle, *Nicomachean Ethics* (Book 6, Chapter 2).

doi: 10.5553/NJLP/221307132024053000001

part of the article argues that bravery is not part of the routine roles and responsibilities connected to most police forces, and thus should not be prioritized.

1.1 Bravery in battle: what we talk about when we talk about virtue in policing

There is a dominant construction within the police institution implying that bravery is required of officers. In other words, the police's routine roles and responsibilities are construed as dangerous and combative, which results in policework being constructed implicitly and explicitly to demand bravery from officers. In short, a good police officer is construed as a brave police officer.

The diversity and complexity of policing means that there will be inevitable overlap between the prioritisation of bravery by the police as an institution (with respect to training, recruitment, and so on) and the police as individual agents of the state (who direct their work according to cultural norms and values), not to mention the expectations of other institutions (such as the judicial institution, which plays a significant role interpreting the police role). I will try to note these conceptional distinctions as clearly as possible through examples and other evidence, understanding that there will be no bright lines.

Let me begin with a few examples of the bravery construction and its relation to what police actually do. Then I will consider the extent to which the construction is consistent with basic assumptions regarding political morality, followed by evidence of the construction in practice (militarisation, judicial interpretation, and so on).

Anecdotally, when I was an FBI New Agent Trainee at Quantico, I was encouraged to foster bravery by thinking like a hero. One example of this is the infamous 'sheepdog lecture' that most law enforcement officers have experienced. On the surface, the underlying metaphor may seem harmless enough: the police are heroic sheepdogs on a warrior's path to protect the sheep from wolves. Wolves are not like most of us (sheep) – so the metaphor goes – but rather are a different type of person altogether, what we might call the *other*. The idea of the other can also be observed in 'us versus them' rhetoric in policing. To be sure, the abstract 'other' or 'them' is in part different (from 'us') because it is associated with criminality. But the dichotomy can encourage the police to associate their heroic mission as one of subjugating generic groups of people (say, those associated with street crime), which can perpetuate the status quo of control and power over some groups rather than others.

The broader point is that a strict dichotomy between sheep and wolves, good and evil, is a surface-level attempt to frame the police's central role as one of individual bravery in the face of mortal danger. The result is that the police role can become deeply intertwined with a grandiose, heroic struggle against various segments of society.

Unfortunately, the construction of bravery and heroism in policing is not limited to animal metaphors. The mayor of Minneapolis banned police 'warrior' training

doi: 10.5553/NJLP/221307132024053000001

after a series of fatal shootings by the police in 2019, arguing that the popular warrior training was 'fear-based' and 'violate[s] the values at the very heart of community policing'.[11] The Minneapolis Police Union defied the mayor, announcing that it was 'partnering with a national police organization to offer free "warrior-style" training for any officer who wants it'.[12] The union president defended the training – valued at $ 55,000 per year – stating: 'It's not about killing, it's about surviving.'[13] The disagreement was in large part about the very nature of the police role itself, including the virtues that are important to that role.

The brave warrior ideal is so widespread that it is taught through popular online courses open to police departments, individual officers, and other members of the public. One journalist took – in 2020, a year that included several high-profile police killings in the United States – an online version of police trainer Dave Grossman's course, 'On Combat', and described it this way: '[The training] teaches its students to fear and resent the people they serve, to willfully mistake this contempt for bravery, and to believe that heroism is conferred by the barrel of a smoking gun.'[14] The book, *On Combat*, provides a foundation for the training and is likewise popular in law enforcement circles, especially the sheep, wolf, sheepdog, warrior metaphor. The book emphasises 'the gift of aggression' and the idea that warriors must desire to engage in 'righteous violence' when called.

To be clear, I am certainly not saying that this sort of warrior policing is an accurate representation of, say, the Aristotelian ideal of bravery. Indeed, it is rather a corruption of that ideal. My point is twofold: not only is it (1) unrealistic to (effectively) train the police to foster the virtue of bravery, it is also (2) unnecessary considering that bravery is not part of the police's primary role and responsibilities, as discussed in the next section of the article. But let us first consider the idea of the brave police warrior in a bit more detail.

It is worth making the initial point that worries about warrior policing are not red herrings. Many people – both practitioners (such as Minneapolis Police Union) and academics – view components of warrior policing positively (or simply in need of reform).[15] My contention is that even idealised warrior policing is unjustified.

11 Libor Jany, 'Minneapolis police union offers free "warrior" training, in defiance of mayor's ban', *Startribune*, 19 April 2019. Jeronimo Yanez, a former Minnesota officer, shot and killed Philando Castile after a traffic stop in 2016. Yanez had attended a training course called 'The Bulletproof Warrior'. He was acquitted in the shooting of Castile. In another case, Mohamed Noor, a former Minneapolis officer, was charged with killing a woman after responding to the woman's 911 call for assistance near her neighborhood home. Ibid.

12 Jany, 'Minneapolis police union offers free "warrior" training, in defiance of mayor's ban'.

13 Ibid.

14 Justin Peters, 'I Learned to Think Like a "Warrior Cop"', *Slate*, 28 August 2020.

15 For example, legal scholar and former police officer Seth Stoughton has written thoughtfully on the topic, suggesting that '[t]he Warrior principles are admirable, but in practice, policing all too often fails to live up to those ideals'. Stoughton, 'Principled Policing'.

doi: 10.5553/NJLP/221307132024053000001

Here are the values that are often said to illuminate the ideal of the braver warrior: honour, duty, resolve, and, as noted, a willingness to engage in righteous violence.[16] However, describing the warrior concept as being generated out of any particular conception of honour is questionable. We could of course seek to distinguish 'good' warriors from 'bad' ones, but the warrior concept is an inapt paradigm considering the vastly different *positional* requirements between warriors and police. Historians have shown time and again that the warrior ethos is often driven not by honour, but rather financial and other incentives – or simply the lust for violence.[17]

There is also a deep-seated idea that brave warriors are constrained by honour codes derived from within the 'brotherhood', as it were.[18] But it is exactly this sort of 'brotherhood' mentality that hides the *dishonourable* acts of offenders. An apt example is the phenomenon known as the 'blue wall of silence', which is the informal code among some police officers not to report on a colleague's misconduct – instead claiming not to have seen anything or pleading ignorance of another officer's wrongdoing.[19]

With respect to *duty* and *resolve*, there is the familiar idea that brave warriors are said to possess a willingness to face death.[20] To be sure, the police do sometimes die tragically in the line of duty. On the other hand, implying that facing death and life-threatening situations is the way of the brave police warrior is a significant misrepresentation of the police's actual role and responsibility. I will table this point for now – returning to it in the next section – and conclude here with the noted idea that brave warriors must engage in 'righteous violence'.

Some violence will always be justified (assuming there is a right to self-defense and the defense of others, for example), but one of the central problems with the idea of 'righteous violence' is the way it is tied to the idea of exclusivity. In *On Combat*, the authors and police trainers write that warriors are 'able to survive and thrive in an environment that destroys 98 percent of the population'.[21] Legal scholar (and

16 Ibid., 631-632.

17 For instance, historian Michael Kulikowski's shows how the fall of the Roman Empire was exacerbated by rivalrous Roman generals who depended upon Hun and Goth warriors to fuel their destructive conquests. The warrior culture was not driven by honour or serving others (or the Roman state), but rather the warriors' loyalty was simply to the Roman generals who were paying them. Michael Kulikowski, *The Tragedy of Empire: From Constantine to the Destruction of Roman Italy* (Cambridge: Belknap Press, 2019).

18 Stoughton, 'Principled Policing', 632-633.

19 See, e.g., Timothy Egan, 'The Blue Wall of Silence Is Starting to Crack', *New York Times*, 16 April 2021 (suggesting that the murder of George Floyd 'cracked' the blue wall of silence).

20 It has been said that the warrior's honourable mission 'has no end', but rather warriors 'must dedicate themselves to a cause, a calling, that they will never see completed'. To emphasise this point about duty, Stoughton invokes eighteenth-century samurai, Yamamoto Tsunetomo: '[T]he way of the warrior is death.' Stoughton, 'Principled Policing,' 633 (quoting Yamamoto Tsunetomo, trans. Alexander Bennett, *Hagakure: The Secret Wisdom of the Samurai*, (2014), 42 n. 2.

21 Dave Grossman and Loren W. Christensen, *On Combat: The Psychology and Physiology of Deadly Conflict in War and in Peace* (USA: Human Factor Research Group, 2007), 179.

former police officer) Seth Stoughton adds the following to this idea in the context of policing specifically:

> The solidarity of this brotherhood…allows the profession as a whole to associate itself with the heroic deeds of individual officers, further enhancing the appeal of membership – when officers are initiated into the Warrior brotherhood, they stand shoulder to shoulder with people who have done great things.[22]

The upshot is an individuated conception of a brave police warrior that is set apart from society ('us vs. them') – one who is uniquely able and willing to engage in dangerous, violent acts – rather than a conception in which the police are engaged in the collective pursuit of justice within the community.[23] And it is in part this commitment to the brave warrior ideal that has helped pave the way for the extreme militarisation of the police in the United States and elsewhere, further dividing the police and the community as if they were enemies on a battlefield.[24]

Police militarisation is perhaps the clearest evidence of how bravery has become the organising virtue through which the police role is defined. Consider the rise of SWAT ('Special Weapons and Tactics') teams, which consist of police officers trained exclusively for dangerous combat scenarios that imply physical bravery. There is of course a time and place for SWAT teams, but they have become *commonplace* (not exceptional) in American-style policing. Radley Balko has documented the steep rise in SWAT usage in the United States from the 1980s to the 2000s, with many cities (such as Minneapolis) increasing their use of SWAT no-knock warrants exponentially during this time frame.[25]

Police militarisation is not constrained to SWAT teams; it also includes weapons and vehicles generally. Riot police use *armoured vehicles* to enforce the law in situations that do require unique weapons, vehicles, or tactics (this includes cases in which homeless women were arrested for illegally occupying uninhabited houses).[26] In the United States, the police acquire many of these vehicles and weapons (grenade launchers, military helicopters, Bearcats, Cougars, along with other types of 'Mine-Resistant Ambush Protected' (MRAP) vehicles) directly from

22 Stoughton, 'Principled Policing', 636-637.

23 The causal mechanisms are not always clear between, on one hand, bravery and heroism, and, on the other hand, the concept of militarized police warriors; there is likely a feedback loop in play. It is plausible to think the warrior cop image of policing (and *us vs. them* mentality) fosters the prioritisation of bravery and heroism, and vice versa.

24 See, e.g., Radley Balko, *The Rise of the Warrior Cop* (New York: PublicAffairs, 2014).

25 Radley Balko, *Overkill: The Rise of Paramilitary Raids in America*, 11, https://www.cato.org/sites/cato.org/files/pubs/pdf/balko_whitepaper_2006.pdf.

26 Katie Shepherd, 'Riot police in armored vehicle roust homeless mothers from illegally occupied Oakland house', *The Washington Post*, 15 January 2020.

doi: 10.5553/NJLP/221307132024053000001

the military through the federal government's surplus vehicle program.[27] These vehicles are designed to withstand improvised explosive device (IED) ambushes. It is reasonable to think that facing such risks would require physical bravery. However, the odds that police in most states (even those in relatively violent states, such as the United States) will face such risks is virtually zero.

These weapons and vehicles – coupled with the dark-coloured, tactical uniforms, including helmets, goggles, and body armour – naturally imply that the police role requires combat, military occupancy, and physical bravery. Importantly, this conception of the police role has been bolstered by the courts in places such as the United States. The US Supreme Court's well-known description of use-of-force decisions illuminates the perception that policing inherently requires physical bravery: 'police officers are often forced to make split-second judgements…in circumstances which are tense, uncertain, and rapidly evolving'.[28] There is, then, compelling evidence suggesting that the police role is fundamentally construed as one in which brave warriors engage in dangerous missions to stop crime.

In concluding this section, I want to reiterate that I certainly do not disagree with the idea that bravery is an important virtue – or the idea that it is good for the police to display (true, balanced) bravery. In a perfect world, perhaps we would train all police officers to foster a disposition of Aristotelian bravery. However, that is not only unrealistic (and harmful considering how I have described the way the police implement the heroic ethos in practice), but unnecessary considering the ways that police spend most of their time.[29] We turn to that issue now.

1.2 Realism about the role of heroic virtues in policing

London's Metropolitan Police pursued a vehicle in south London on 5 September 2023. The police were trying to stop the vehicle because the vehicle activated an automatic number plate recognition camera, which indicated that the vehicle was linked to a recent firearms incident. The vehicle was blocked by police cars on a narrow residential street in the Streatham Hill neighbourhood. The driver of the vehicle – Chris Kaba, a 24-year-old Black man – was killed when the police fired a single bullet through the vehicle's windshield.[30]

Some members of the force decided to turn in their firearm permits based on concerns regarding the decision to bring murder charges against the officer who killed Kaba. Home Secretary Suella Braverman, who oversaw policing for the UK's Conservative government, said that armed officers must 'have the confidence to do their jobs' because 'they have to make split-second decisions under extraordinary

27 See, e.g., 1033 Program, administered by the U.S. Defense Logistics Agency's Law Enforcement Support Office; Barry Friedman, *Unwarranted: Policing Without Permission* (New York: Farrar, Straus and Giroux, 2017), 95.

28 *Graham v. Connor*, 490 U.S. 386, 396-397 (1989).

29 A related worry is the potential for self-selection problems – in other words, a police institution that attracts ill-equipped persons with fantastical desires to be heroes.

30 Jill Lawless, 'Some UK police put down guns after an officer is charged with murder in the shooting of a Black man', *AP News*, 24 September 2023.

doi: 10.5553/NJLP/221307132024053000001

pressures'. She added that the police 'mustn't fear ending up in the dock for carrying out their duties' and 'risking their lives to keep us safe'.[31]

This is a familiar theme in policing: the idea that officers are routinely required to make 'split-second' decisions in situations in which their lives are at risk. It is of course true that the police role sometimes involves facing life-threatening challenges, but is this a fair representation of the police's primary role and responsibility? No.

There is an extensive body of research documenting the fact that police work does not principally involve combat situations. Although the police (along with the public, media, and politicians) construct their work primarily in terms of 'crime fighting', research across international jurisdictions – from the United States and Europe to Japan and Australia – has shown that this is not what the police do (nor is it what they are particularly good at).[32]

Law enforcement is of course a crucial part of policing, but the police spend most of their time using their discretion (rightly or wrongly) to under-enforce the law and diffuse situations that threaten public order, along with related activities that do not involve 'crime fighting'. These activities have been categorised as 'peacekeeping' or even 'social work', not law enforcement.[33] To be sure, any peacekeeping task (say counseling two people in a heated domestic dispute) can quickly turn into law enforcement, but it remains true that crime-fighting tasks are not how most police spend their time.

Why, then, does the police institution prioritise crime fighting? The answer is straightforward: the police have the unique authority to use force on behalf of the state.[34] As I have tried to show in the prior and preceding sections of this article, the broader 'police culture' has honed in on their exclusive authority to use state force as the defining facet of their role. Elsewhere, I have written extensively on how prominent conceptions of the police role and identity ('hero', 'warrior', 'guardian', and so on), drive informal norms that influence police conduct in ways that are inconsistent with collective conceptions of justice.[35]

These points are also consistent with research from a range of academic fields showing that the risks involved in crime-fighting activities encourage (even though such activities are statistically rare) police to prioritise action, machismo, and

31 Ibid.

32 See, e.g., David Bayley, *Police for the Future* (Oxford: Oxford University Press, 1994); David Dixon, 'Why don't the police stop crime?', *The Australian and New Zealand Journal of Criminology* (2004) 38,: 4-24.

33 See, e.g., Maurice Punch's voluminous work on this and related points; Egon Bittner, 'The police on Skid Row: A study in peacekeeping', *American Sociological Review* ((1967) 32, no. 5): 699-715; Michael Banton, *Policeman in the Community* (Basic Books, 1964).

34 See Egon Bittner, *The Functions of the Police in Modern Society* (Chevy Chase: National Institute of Mental Health, 1970).

35 See Luke William Hunt, *The Police Identity Crisis – Hero, Warrior, Guardian, Algorithm* (Routledge, 2021).

doi: 10.5553/NJLP/221307132024053000001

solidarity ('us vs. them').[36] Because there is always the possibility of a fatal combat situation, the police (along with politicians, the media, and others) are in a position to overstate the bravery-infused nature of the police role. The important point is that prioritising these virtues makes police worse at carrying out their routine order maintenance function– in other words, it undercuts their effectiveness in doing what they actually do. For instance, a warrior-minded cop is going to be especially bad at de-escalating a mental health crisis. Consider a few data points.

As reporting on the Kaba shooting made clear, 'fatal shootings by police in the U.K. are rare. In the year to March 2022, armed officers in England and Wales fired weapons at people four times'.[37] Moreover, the vast majority of London's police officers (about 90%) do not even carry firearms. But you might think: That is the United Kingdom – what about other places in which there are more guns and shootings, such as the United States?

The Fourth Amendment to the United States Constitution protects the 'right of the people to be secure in their persons . . . against unreasonable . . . seizures'. A police officer's use of force (including deadly force) constitutes a seizure and must be reasonable. Courts have construed the 'reasonableness' of force based upon 'the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight'.[38] For present purposes, the important point to note is how the Supreme Court's description of police use-of-force decisions illuminates the perception – as in the UK – that the police role is routinely one of life and death: 'police officers are often forced to make split-second judgements . . . in circumstances which are tense, uncertain, and rapidly evolving.'[39] There is evidence suggesting otherwise.

Although estimates vary, there are approximately 800,000 law enforcement officers in the United States.[40] In 2022, sixty law enforcement officers were killed in line-of-duty incidents as a result of felonious acts in the United States.[41] Given rough data such as this, it has been observed that:

> [S]tatistically, law enforcement does not make the list of the ten most dangerous jobs in America. Commercial fishing is worse, as are roofing and construction. Studies of patrol officers' service calls have shown that less than five per cent are related to violent crimes.[42]

36 Hunt, *The Police Identity Crisis*; B. Bowling, J. Sheptycki and R. Reiner, *The Politics of the Police* (Oxford: Oxford University Press, 2019), Chapter 8, 'Cop Cultures', 164-184.

37 Lawless, 'Some UK police put down guns.'

38 *Graham v. Connor*, 490 U.S. 386 (1989).

39 Ibid. One problem with this standard is that is fails to consider officers' actions that lead to their being in a position that requires split-second judgments. See Ben Jones, 'Police-Generated Killings: The Gap between Ethics and Law', *Political Research Quarterly* (2022) 75, no. 2. This point raises broader questions of justice rather than questions about bravery in tense situations.

40 See, e.g., The National Law Enforcement Officers Memorial Fund, nleomf.org.

41 See 'FBI Releases 2022 Statistics on Law Enforcement Officers Killed in the Line of Duty', *FBI.gov*, 8 May 2023.

42 William Finnegan, 'How Police Unions Fight Reform', *The New Yorker*, 27 July 2020.

doi: 10.5553/NJLP/221307132024053000001

I do not mean to downplay the difficulty – and potential danger – of serving in law enforcement. As a former law enforcement officer, I know from experience that it can be a challenging job. But it is important to be clear that policing in communities is different from warring on battlefields – even in the United States, where there are more guns (almost 400,000,000) than people.[43]

The police institution's embrace of a heroic ethos steeped in bravery is in many ways myth-making, or an artificial narrative about an imagined tradition of good versus evil. The use of force – and law enforcement generally – is an important part of policing, but it is not the only part (and it is not a significant part for many officers).

Section 1.1 considered how police warriors are said to have an exclusive ability to engage in 'righteous violence'. As Stoughton describes it:

> By adopting the Warrior concept, officers separate themselves and the darkness of their working reality from real society – they are on the fringes, in the trenches, fighting the disorder that threatens to spill over to the 'good' neighborhoods and the families worth protecting.[44]

As he and others have recognised, then, this characterisation of the police role 'discourages officers from thinking of themselves as members of the public'.[45] But the police's primary roles and responsibilities are not within the domain of battle. The police are public servants. They are public servants in a way that is different from serving as, say, a public-school teacher. But in the same way we do not emphasise and prioritise bravery in teaching (this is not to say that bravery is not relevant to teaching), we should not emphasise and prioritise bravery in policing if it is not part of the police's central role and responsibility.

Recent studies based on policing data and county budget numbers in California show that 'sheriff patrol officers spend significantly more time on officer-initiated stops…"proactive policing"…than they do responding to community members' calls for help'.[46] For the Los Angeles County Sheriff's Office, this amounted to 88% of their time, with 79% spent on traffic violations specifically. Many of these encounters were reported to be pretextual stops based on minor infractions that often led to a warning or no action at all. Correlatively, the research indicated that large parts of the departments' budgets – millions of public dollars – are directed toward these sorts of ineffective traffic stops, not responses to service calls.[47]

43 Harmeet Karur, 'What studies reveal about gun ownership in the US', CNN.com, 2 June 2022.

44 Stoughton, 'Principled Policing', 636-637 (citing Barbara E. Armacost, 'Organizational Culture and Police Misconduct', *George Washington Law Review* (2004) 72: 453-454).

45 Stoughton, 'Principled Policing', 654.

46 Hassan Kanu, 'Police are not primarily crime fighters, according to the data', *Reuters*, 2 November 2022 (referencing 'Reimaging Community Safety in California', report by Catalyst California and ACLU of Southern California (October 2022)).

47 Kanu, 'Police are not primarily crime fighters, according to the data.'

doi: 10.5553/NJLP/221307132024053000001

This is of course a mere snapshot of policing, but longstanding research has shown that less than half of violent crime and less than 25% of property crime cases are cleared by the police.[48] More generally, legal scholars such as Barry Friedman have documented how law enforcement is a relatively small part of what police do every day, with the average police officer spending approximately one hour per week responding to crimes in progress.[49] Other research has indicated that officers spend about 4% of their time on violent crime.[50]

This is not to say that calls to 'abolish' (or even drastically 'defund') the police are justified. There are compelling reasons to think that is not the best reform.[51] The data instead makes a more straightforward point: the way the police role and responsibility is represented – by both those inside and outside the police institution – is often based on a profound misrepresentation.

Although we of course need the police for law enforcement and other responsibilities that might entail danger, that is not the way the police spend most of their time. It thus stands to reason that we prioritise virtues beyond bravery, namely: virtues that are fundamental to the sorts of things police do every day – things such as promoting justice through honest actions and relations with the public, whether in the context of law enforcement or not. This in turn allows us to reconceive of the police as public servants with the responsibility of pursuing justice collectively in partnership with the broader community.[52]

In short, the misrepresentation of the true nature of police work is exacerbated by the prioritisation of bravery, perpetuating individuated archetypes (the heroic police warrior) that undermine collective strategies (such as community and procedurally just policing) that conceive of police as part of the community (not set apart from the community).[53]

1.3 Objection: police should prioritise all virtues

I have considered the idea that – in some cases – a virtue should only be prioritised in a particular role when the virtue is central to the routine or primary duties of that role. However, one might reasonably object that police should be prepared for aspects of their role that – while not routine or primary – can be especially challenging. In other words, it seems reasonable to think that police should be prepared for rare, uniquely difficult situations in which mistakes can be especially

48 William S. Laufer and Robert C. Hughes, 'Justice Undone', *American Criminal Law Review* (2021) 58.

49 Barry Friedman, 'Disaggregating the Policing Function', *Pennsylvania Law Review* (2021) 169.

50 Jeff Asher and Ben Horwitz, 'How Do the Police Actually Spend Their Time?', *New York Times*, 19 June 2020.

51 See Luke William Hunt, 'The Limits of Reallocative and Algorithmic Policing', *Criminal Justice Ethics* (2022) 41, no. 1: 21-44.

52 As will be discussed in Section 2.3, this includes a good faith commitment to strategies such as community and procedural justice policing. See Hunt, *The Police Identity Crisis*, Chapter 4, for a fuller discussion.

53 Hunt, *The Police Identity Crisis*.

doi: 10.5553/NJLP/221307132024053000001

serious. And if developing bravery helps with this preparation, then we seem to have reason to focus on bravery in policing.[54] I agree with this objection in principle, but, unfortunately, there are reasons to think the point will have significant limitations in practice.

I again note that it does not follow from my argument that bravery plays no role in policing (or no role in training), but only that bravery ought not be prioritised in policing. More to the point, the police in many states (certainly the United States) are stretched incredibly thin in their social role, responding to everything from traffic violations and domestic disputes to mental health crises and flat tires – roles that are typically unrelated to common understandings of 'bravery'.

Of course, many scholars and practitioners disagree with this state of affairs, arguing that we should reallocate policing resources ('defund' or even 'abolish' the police) such that the police's footprint in society is reduced significantly.[55] In this environment – an environment in which the police are both asked to do too much and asked to do it with fewer resources – it is unlikely that the prioritisation of bravery is justified, not least because procuring the resources to do so effectively is not a practicable political possibility.

To put it a bit differently, my conclusion is focused on the police institution as it actually exists – not a utopian dream – and is thus realistic, if not pessimistic.[56] Indeed, we have seen that one of the prominent understandings of bravery is the misguided (so I have argued) conception of the police as warriors called to *physical* bravery. One practical way to assuage the underlying tension here is to think of the routine, everyday instances in which the police must display what one might call *moral* (not physical) bravery, as when police are brave enough to fulfill their many roles and responsibilities with the virtue of honesty.[57]

To be sure, this point is in some sense consistent with the familiar view in virtue theory that bravery is important for the possession of other virtues (such as

54 I thank an anonymous reviewer for this objection and for helping me clarify my position.

55 I surveyed these positions in 'The Limits of Reallocative and Algorithmic Policing'.

56 This article focuses on 'non-ideal theory' broadly construed. However, it is important to distinguish between 'ideal theory' that is a practicable political possibility and ideal theory that is utopian. The former is important to our non-ideal theorising in that it gives us a realistic target for which to aim. Indeed, any ideal theory that is a practicable political possibility would recognise natural, unchanging facts about human psychology, such as limitations on the capacity for bravery. I have written about non-ideal and ideal theory as it relates to policing in *The Retrieval of Liberalism in Policing* (New York: Oxford University Press, 2019), Chapter 2, among other places.

57 This idea is similar to Martha Nussbaum's point that the heroic ethos goes well beyond narrow conceptions based upon confidence, command, aggression, and reckless risk-taking. Nussbaum suggests, for instance, that Franklin Delano Roosevelt – not Theodore Roosevelt – is a truer exemplar of Aristotelian courage: 'He stood up for people in situations that were risky in all sorts of ways (the danger of a socialist revolution, the dangers of countless deaths of innocent people, the dangers of Nazi Germany and imperial Japan). . . . But how many would have thought him a John Wayne, even then?' Martha Nussbaum, 'Man Overboard', *The New Republic*, 22 June 2006.

doi: 10.5553/NJLP/221307132024053000001

honesty).[58] But even if this sort of unitary or structural theory of virtue is correct, we have pressing normative decisions to make about the police institution's priorities in our non-ideal world *right now*.

Again, then, my argument for prioritisation is driven by a healthy dose of realism: considering the unjustified conceptions of bravery entrenched within policing (and the lack of connection between such conceptions and the police's routine roles and responsibilities), the police institution ought to pursue a paradigm shift toward the virtue upon which they must draw everyday: honesty.[59]

2 The uses of virtue in policing[60]

The police serve the public in countless ways, whether responding to an automobile accident (compared with a pretextual stop for a minor traffic violation), testifying in court, documenting and resolving a domestic dispute, or seizing a person in a way that is consistent with the person's rights. The police's many roles and responsibilities are united by the virtue of justice, including especially the sub-species of justice, *honesty*, which makes reciprocal social and political relations possible.

Accordingly, if the virtue of honesty is connected to the police's routine roles and responsibilities, then honesty should be prioritised in policing. This part of the article argues that honesty is in fact connected to the routine roles and responsibilities of most police forces and thus should be prioritised in policing.

2.1 Justice: the first virtue of the police institution

For Aristotle, the cardinal virtue of *justice* is one of interpersonal action with others: justice is a virtue that disposes one to both desire the right actions and take those actions. Aristotelian justice is thus grounded in the idea that we are political and social beings, meaning that a central facet of justice includes fair societal dealings and transactions with others.[61]

Justice is of course central not only to policing, but all social institutions. John Rawls opens *A Theory of Justice* with the claim that 'Justice is the first virtue of social institutions'.[62] Although Rawls was not focused on policing specifically, he explains that he is interested in the way 'the major social institutions distribute

58 See, e.g., Robert C. Roberts, 'Will Power and the Virtues', *The Philosophical Review*, (1984) 93 no. 2: 227-247.

59 It is in part for this and the other reasons mentioned in this section (the police being spread thin, fighting for resources, and so on) that prioritising a *properly-understood* virtue of bravery would unlikely be a practicable political possibility, while prioritising the less divisive and more universally relevant virtue of honesty would.

60 See Luke William Hunt, Police Deception and Dishonesty – The Logic of Lying (New York: Oxford University Press, 2024) – on which this section of the article draws – for a more comprehensive discussion of honesty as a foundational virtue of the police institution.

61 See generally Richard Kraut, *Aristotle* (Oxford: Oxford University Press, 2002), Chapter 4.

62 John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1999), 3.

doi: 10.5553/NJLP/221307132024053000001

fundamental rights and duties and determine the division of advantages from social cooperation'.[63] Considering that the police qualify as such an institution (and that Rawls writes about non-ideal theory, or how we should transition toward the ideal of justice in an existing world of injustice), questions of justice are naturally tied to questions about policing.[64]

These ideas are in many ways connected to contemporary principles of reciprocity: honest transactional relations that can ground both the narrow legitimacy of individual agreements, as well as the broad legitimacy of the state itself.[65] Such relations require a disposition of honesty, which includes reaching agreements and the faithful adherence to the scope, purpose, and terms of agreements.[66] If you pay me ten dollars in exchange for my agreeing to give you ten pounds of grain after harvest, then you must have some assurance that I will not simply take the money and run – defraud you, in other words.

How are these ideas connected to broad conceptions of reciprocity and the legitimacy of the state? Reciprocity is a theory of political authority and legitimacy. When we think of the absence of political authority and legitimacy, we often think of the state of nature. Hobbes famously described the state of nature as 'solitary, poor, nasty, brutish, and short'. According to Hobbes, such a condition would be tantamount to war due in part to the absence of trust. And the two cardinal virtues of war are indeed *force* and *fraud*, the latter being the opposite of good faith reciprocation.[67]

If we do defer to social institutions for recourse – granting authority to enforce rules and sanction the rule breakers – then we must have some degree of confidence that the social institution itself will reciprocate and act without fraud. There would not be much point in deferring to a social institution such as the police for *justice* if the police do not operate honestly – if, for instance, the police themselves enhance

63 Rawls, *A Theory of Justice*, 7.

64 Ideal theory of course entails idealized assumptions about society and institutions, but it is inevitable that some people will act unjustly even in an operative ideally just society (given, say, fundamental truths about societies and human psychology). It is thus unsurprising that ideal theory might have something to say about emergencies of security requiring (honest) policing. Luke William Hunt, 'Policing, Brutality, and the Demands of Justice,' *Criminal Justice Ethics* (2021) 40 no. 1: 40-55.

65 I have written about the role of reciprocity in the state in *The Retrieval of Liberalism in Policing*, and about good faith specifically in 'Good Faith as a Normative Foundation of Policing', *Criminal Law and Philosophy* (2023) 17: 635-651, and in *Police Deception and Dishonesty*, Chapter 2. Others have made similar points in the context of policing, as when Jonathan Jacobs writes that 'it is reasonable to think that any plausible conceptions [of a well-ordered or healthy civil society] require people to…cooperate in a variety of settings…[and] be capable of decently effective practical reasoning with respect to their own interests and with respect to the interests of family members, associates, organizations, and groups'. Jonathan Jacobs, 'Civics, Policy, and Demoralization', *Criminal Justice Ethics* (2017) 36: 41.

66 See, e.g., Daniel Markovits, 'Good Faith is Contract's Core Value', in *Philosophical Foundations of Contract Law*, eds., Gregory Klass, George Letsas and Prince Saprai (New York: Oxford, 2014); Richard R.W. Brooks, 'Good Faith in Contractual Exchanges', in *The Oxford Handbook of the New Private Law*, eds., Andrew S. Gold et al. (New York: Oxford, 2020).

67 Hobbes, *Leviathan*, 98 (Chapter 13).

doi: 10.5553/NJLP/221307132024053000001

human vulnerability by acting with brutality and bad faith, defrauding people and undermining the rule of law.[68]

In short, justice is a central virtue of social and political relations – one that entails honest reciprocation among individuals and institutions.

2.2 Honesty as a species of justice in policing

Section 2.1 raised the idea that honesty is vital to the cardinal virtue of justice. Many historical theories of virtue link justice to truth and honesty explicitly, including, for example, the *Summa Theologiae* in which Aquinas describes honesty as a sort of secondary principle that falls under the cardinal virtue of justice.[69]

Contemporary work on the virtue of honesty proves to be especially important to practical questions about policing. It is beyond the scope of this article to defend particular theories of honesty, but an account derived from Christian Miller's recent work serves the article's goals: honesty is the virtue of being disposed to not purposefully distort the facts as one sees them for good motivating reasons – required in cooperative relations with others.[70]

An initial question is the scope of honesty. Miller approaches the issue negatively, providing a non-exhaustive list of the sort of behavior that is not compatible with honesty.[71] We can use Miller's list to help us reign in the scope of honesty as it relates to the police's relations with members of the community.[72]

First, honesty is incompatible with *lying*: an officer says something to you that they believe is false, intending to deceive you:[73] 'Your actions make you liable only for manslaughter, not murder' (when the actions in fact make you liable for murder). Second, honesty is incompatible with *misleading*: an officer withholds information

68 More broadly, if there is no recourse when people and institutions defect from social rules then there can be no justice. Indeed, there would be no reason to have social rules because the rules would not protect people from their basic human vulnerability. On this point, see H.L.A. Hart's idea of the 'the minimum content of the natural law' in *The Concept of Law* (Oxford: Oxford University Press, 2012), 194-200.

69 Thomas Aquinas, *Summa Theologiae* II-II, Question 109, Article 3.

70 Christian B. Miller, *Honesty: The Philosophy and Psychology of a Neglected Virtue* (New York: Oxford University Press, 2021), 132. For a different account of honesty as a virtue, see Thomas Carson, *Lying and Deception – Theory and Practice* (Oxford: Oxford University Press, 2008), Chapter 14. Carson distinguishes between what he calls *honesty in a negative sense* ('having a strong principled disinclination to tell lies or deceive others') and *honesty in the positive sense* ('being candid, open, and willing to reveal information'). He argues that honesty in the former sense is a cardinal virtue in ordinary circumstances, but honesty in the latter sense is often not a virtue. Carson, *Lying and Deception – Theory and Practice*, 257

71 Miller, *Honesty*, 8-18. As Miller notes, in each category there may be exceptions regarding acts of dishonesty that are justified by competing moral concerns and obligations.

72 These examples draw from Chapter 2 of my *Police Deception and Dishonesty*.

73 Miller cites Jennifer Mather Saul, *Lying, Misleading, and What is Said: An Exploration in Philosophy of Language and in Ethics* (Oxford: Oxford University Press, 2012), 3-8; and Don Fallis, 'What is Deceptive Lying?' in *Lying: Language, Knowledge, Ethics, and Politics*, eds. Eliot Michaelson and Andreas Stokke (Oxford: Oxford University Press, 2018), 26 n. 2, for this 'traditional account of lying', while noting that there is considerable disagreement about how to characterize lying.

doi: 10.5553/NJLP/221307132024053000001

in order to mislead you without telling a lie, as when an officer tells a suspect 'We have surveillance video' (when the police have surveillance video unrelated to the suspect's case). Third, honesty is incompatible with *promise-breaking*: an officer tells a criminal suspect in custody: 'I promise I'll help you go home if you just confess to the crime'. The suspect confesses and the officer purposefully does nothing to help the suspect go home.

Now consider less obvious policing examples, including, fourth, *stealing*, and fifth, *cheating*. Regarding the former, suppose an officer arrests a person in their home for selling marijuana; the person has $ 500 on their kitchen table, and the officer takes $ 50 for himself knowing that someone else has a right to the property (e.g., the person, the government). Regarding the latter, honesty is incompatible with an officer purposefully violating the rules governing their job, as when an officer going through a divorce uses a police database for personal reasons – gaining an unfair advantage in a custody hearing.

It is also helpful to consider – on the other hand – the correlative virtues of honesty, which can likewise be applied to the police's relations with members of the community.[74] First, a correlative virtue of honesty is *truthfulness*: an officer disposed to tell the truth for good moral reasons, as when an officer accurately describes – in a written report – their partner's brutal arrest of a suspect. Second, a correlative virtue of honesty is *forthrightness*: an officer or institution disposed to avoid misleading others about relevant facts for good moral reasons, as when an officer accurately informs a suspect of their legal exposure and legal rights. Third, a correlative virtue of honesty is *fidelity to promises*: an officer disposed to keep promises for good moral reasons, as when an officer informs a prosecutor of a suspect's assistance (e.g., providing information) in an investigation.

And if stealing and cheating are incompatible with honesty, a correlative virtue of honesty in policing is *being respectful of property* (an officer or institution disposed to respect the property of others for good moral reasons, as when an officer uses government property only for official business), and *proper compliance* (an officer or institution disposed to comply with institutional rules for good moral reasons, as when an officer respects the constraints upon their use of police databases containing sensitive information).

74 Miller, *Honesty*, 20-22.

doi: 10.5553/NJLP/221307132024053000001

To be sure, there will be cases when acts of police dishonesty are justified.[75] A classic analogy comes in the form of the famous murderer-at-the door example.[76] Suppose a gun-wielding stranger shows up at your door looking for your friend. Suppose further that you think the stranger is a would-be murderer hunting your friend (who happens to be hiding in your closet). There are compelling reasons to think you would be justified in lying to the stranger about your friend's location.

Likewise, there may be compelling reasons for the police to engage in dishonesty under similar circumstances. I myself have argued that deception and dishonesty (even if on par with fraud) are justified in rare situations involving the timely pursuit of public goods in ways that respect personhood and prevent emergencies.[77] However, considering the diverse, outsized role that the police play in public life, there are reasons to think that such cases should be the exception, not the rule.

More to the point – and as we saw in Section 1 – the police's primary role and responsibility is not one that involves bravery in battle. Policing more accurately involves interacting with the public in a number of ways that require communication, reciprocation, and trust. From responding to an automobile accident to writing a report about the accident and testifying in court, to simply developing relationships and partnerships with those in the community, the police necessarily interact with the public to solve community problems.

2.3 Objection: honesty is not a theoretical or practical organising virtue in policing

I have noted both theoretical and practical reasons in support of prioritising honesty in policing. However, one might still object that prioritising honesty over bravery would do little to enhance police legitimacy. Let me briefly respond to this and related worries by showing how honesty is an organising virtue in terms of both the theory and practice of policing.

It is plausible to think that both policing generally and the legitimacy of policing specifically is contractual in nature. Building on Section 2.1, we can continue to draw on the familiar ideas of the social contract and policing by consent. Narrowly, we can think of specific encounters ('deals') between the police and members of the public, as when the police offer a person something (say, the possibility of leniency regarding a charge a person is facing) in exchange for something else (say, assistance from a person in a police investigation).

75 This is a massive topic and the basis of my *Police Deception and Dishonesty – The Logic of Lying*.

76 See Immanuel Kant, 'On a Supposed Right to Lie from Philanthropy', in *Practical Philosophy*, trans. Mary Gregor (Cambridge: Cambridge University Press, 1996), 605-616. Kant seems to reach the implausible conclusion that you should not lie to the murderer at your door. The reason is not that you owe something to the murderer personally (beyond the basic duty to treat the murderer as a person, not an object). The murderer at your door is clearly acting unjustly, and so you do not owe him the truth specifically. The reason that Kant might think truth-telling is justified in such cases is based on the value of truth-telling to the moral community generally. See Karen Stohr, *Choosing Freedom: A Kantian Guide to Life* (New York: Oxford University Press, 2022), 176-184, for an incisive, accessible discussion of these points.

77 See, e.g., my 'prerogative power test' in *Police Deception and Dishonesty* (2024), Interlude.

doi: 10.5553/NJLP/221307132024053000001

Given these familiar contractual understandings, it is reasonable to think we should be interested in standard assumptions regarding the norms and justifications of bargains and transactional relationships. Elsewhere I have examined the importance of good faith (*a disposition of honesty in contractual relations, including reaching agreements and the faithful adherence to the scope, purpose, and terms of agreements*) as a normative foundation of the police institution – considering that good faith is typically treated as the 'core value" of contracts'.[78] I will briefly summarise that work in response to the objection that honesty is not a theoretical or practical organising virtue in policing.

First, an example: consider the phenomenon of 'policing for profit', in which the police use (abuse) their legitimate law enforcement discretion to (illegitimately) profit from members of the community.[79] This is straightforwardly a breach of the social contract and institutional good faith. Policing for profit might involve tactics that are strictly speaking legal (e.g., it might be legal for the police to enforce – by issuing a citation – *every* violation of a jay walking law), but that does not mean the police are *governing* by the rule of law.[80] Policing for profit entails the police's reliance on discretionary law enforcement power to dishonestly generate revenue instead of policing the community in good faith.

We know that honesty promotes and strengthens interpersonal relationships; the policing for profit example illustrates that it is likewise plausible to think honesty promotes and strengthens trust and legitimacy (and that dishonesty erodes it) at the societal and institutional levels. In short, societal arrangements modeled on the ideal of a social contract – agreements between the government and the governed regarding security – are relational in nature even if they cannot be captured exhaustively in a literal, explicit contract. They are instead derived from long-term relationships based on roles requiring communication, cooperation, and mutual trust steeped in honesty.

Turning to more concrete examples, it is clear that honesty and dishonesty can play a significant role in typical interactions between the police and members of the public. Consider cases in which an officer needs or wants something from a person. The officer might want physical or testimonial evidence (such as financial documents, a confession, a witness statement, and so on). Or the officer might want a person to actively assist the officer in an investigation, as when the officer asks a person to serve as an informant. As a police informant, the person might collect information (say, by recording conversations with suspects) or engage in (authorised) criminal acts on behalf of the officer in furtherance of a police investigation.

78 Luke William Hunt, 'Good Faith as a Normative Foundation in Policing', *Criminal Law and Philosophy* (2023); Hunt, *Police Deception and Dishonesty*, Chapter 2.

79 See, e.g., Chris W. Surprenant, 'Policing and Punishment for Proft', *Journal of Business Ethics* (2019) 159: 119-131.

80 On this point, see *The Retrieval of Liberalism in Policing*, 93-100.

doi: 10.5553/NJLP/221307132024053000001

In exchange, the police might agree to recommend leniency if the person is facing criminal charges. But consider cases in which the officer uses deception and dishonesty to compel a person's cooperation. For example, an officer might lie to a suspect about physical evidence (in order to encourage a confession) or lie to a suspect about the suspect's legal exposure (downplaying the seriousness of the suspect's criminal exposure).

If these sorts of misrepresentations are material issues of fact and law – and if they harm a person's rights and interests (for example, if they compel a person to confess when the person would not confess but for the misrepresentation) – the misrepresentations are on par with fraud (even if courts construe such tactics as legal).[81] Not only is this sort of fraudulent deception and dishonesty inconsistent with norms of political morality (bargaining norms, norms of voluntariness, and so on), it can also result in consequences that are contrary to standard assumptions about justice (such as false confessions, wrongful conventions, and the erosion of community trust).[82]

If the police want the public's assistance and support – which they surely do – in solving community problems, then it stands to reason that the police institution should prioritise the virtue of honesty. There are concrete ways to prioritise honesty not only in recruiting, hiring, and training practices, but also in organisational strategies. Instead of focusing on heroic virtues such as bravery that imply warrior policing, the police institution can focus on specific strategies that promote good faith reciprocation with the public.

This might include strategies – such as 'procedural justice policing' – that seek to communicate to the community that the police exercise their authority legitimately.[83] Although such strategies are far from perfect, they are important counterweights to the dominant proactive risk strategies prioritising short-term

81 The sort of deception and dishonesty described have been sanctioned in the US (see, e.g., *Frazier v. Cupp*, 394 U.S. 731 (1969)), even though there are good reasons to think such tactics depart from basic norms of political morality.

82 Various organisations compile data on false confessions and convictions. See, e.g., Nigel Quiroz, 'Five Facts About Police Deception and Youth You Should Know', *Innocence Project*, 13 May 2021). On the erosion of trust, see, e.g., Kevin Vallier and Michael Weber, eds., *Social Trust*, (New York: Routledge, 2021): Part I (empirical work on social trust); as well as Ben Bradford, Jonathan Jackson, and Mike Hough, 'Trust in Justice', in *The Oxford Handbook of Social and Political Trust*, ed. Eric M. Uslaner (New York: Oxford University Press, 2017), 633-654.

83 *Proactive Policing: Effects on Crime and Communities* (Consensus Study Report) (Nat. Academies Press, 2018), 64.

doi: 10.5553/NJLP/221307132024053000001

security gains through aggressive law enforcement tactics, including the extensive use of deception and dishonesty.[84]

3 Conclusion

This article began with the claim that if the virtue of bravery is to be prioritised in policing, then bravery should be part of the police's routine roles and responsibilities. In Section 1, I argued that bravery is not part of the police's routine roles and responsibilities, and, therefore, should not be prioritised in policing. Section 2 began with the claim that if the virtue of honesty is connected to the police's routine roles and responsibilities, then honesty should be prioritised in policing – with the rest of the article arguing that honesty is so connected, and, therefore, should be prioritised in policing.

Considering the indispensability of political reciprocation in public life (and considering especially the police's ubiquitous presence in public life as agents of the state), it would be unusual to think that we should not prioritise the virtue of justice through honesty in policing.[85] By turning away from misconceptions about the police, the hope is that we will be in a better position to see both the practical and the moral importance of virtue in policing.

84 Tom R. Tyler, Jonathan Jacksonand Avital Mentovich, 'The Consequences of Being an Object of Suspicion: Potential Pitfalls of Proactive Police Contact', *Journal of Empirical Legal Studies* (2015) 12, no. 4: 603. On the other hand, some scholars argue that procedural justice strategies (considering its psychological underpinnings) can undermine one's constitutional right to resist certain police actions (for example, declining police encounters, police requests to search, and police demands to answer questions) by bolstering one's inclination to comply with the police (for example, talking to the police, not walking away, and so on). See, e.g., Eric Miller, 'Encountering Resistance: Non-Compliance, Non-Cooperation, and Procedural Justice', *University of Chicago Legal Forum* 298 (Article 8, 2016). Jake Monaghan considers other concerns about community policing in Chapter 7 of his recent book, *Just Policing* (New York: Oxford University Press, 2022). The worries expressed are certainly important, but the fact that procedural justice tends to generate feelings of trust and legitimacy – which in turn generates cooperation – is not a bad thing in all cases (especially considering the alternative strategies, such as warrior policing). When the police listen to the community, explaining their actions and goals with equity and dignity, it is a step in the right direction (if we reasonably assume the police's underlying motivation is not illegal).

85 See also Seana Valentine Shiffrin, *Speech Matters: On Lying, Morality, and the Law* (Princeton: Princeton University Press, 2014) on this point.

doi: 10.5553/NJLP/221307132024053000001