

## Gratuities

### There is No Free Lunch

By Mike Corley

I have spent the past 30 years in two Texas law enforcement agencies. The first was in a city of about 100,000 where I served 4 years. Then, I moved to Richardson, Texas, a Dallas suburb with a population of approximately 90,000 where I have been since 1980.

The policies regarding gratuities vary in each law enforcement agency. When I worked in the first department, gratuities, such as free coffee and half-price meals, were acceptable—a common practice for the entire staff. They were not hidden or considered a secret. For the most part, I never hesitated to accept them while I worked there.

The Richardson Police Department (RPD), on the other hand, is completely different. They do not allow any gratuities or law enforcement discounts. The policy in Richardson—a bit of a culture shock—forced me to make a major adjustment. Therefore, I have arrived at my opinions on gratuities after seeing both sides of the issue firsthand.

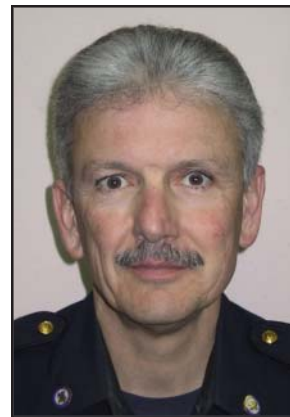
The matter of gratuities needs more attention—law enforcement officers face this situation every day, but few written opinions exist devoted primarily to this topic. Gratuities are a sensitive topic that few people want to address. Authors write against the dangers of corruption and its unethical genre. Many officers take a stance against corruption, but taking one against gratuities proves much more difficult.

Investigators want to answer the basic questions of who, what, when, where, why, and how. Who relates to all law enforcement officers and how gratuities apply to them. What are gratuities and corruption. When is past, present, and, especially, the future. Where applies to law enforcement everywhere. Corruption and gratuities concern law enforcement personnel all over the globe, although cultural differences may be a major factor

regarding accepting gratuities in other countries. How and why are the hardest questions to answer because no clear cut rules or boundaries exist for them when addressing gratuities.

Many scholars and practitioners claim that accepting gratuities is a precursor to corruption. While I do not disagree with this point of view, I have other opinions about this theory. In addition, I offer four experts' definitions of corruption.<sup>1</sup> First, M. McMullan stated, "A public official is corrupt if he accepts money or money's worth for doing something he is under a duty to do anyway, that he is under a duty not to do, or to exercise a legitimate discretion for improper reasons." Second, H. Cohen and M. Feldberg advised, "Corruption involves accepting goods or services for performing or failing to perform duties which are a normal part of one's job. What makes a gift a gratuity is the reason it is given; what makes it corruption is the reason it is taken." Third, J. Kleinig said, "Police officers act corruptly when, in exercising or failing to exercise their authority,

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they act with the primary intention of furthering private or departmental/divisional advantage.” Finally, H. Goldstein defined it as “the misuse of authority by a police officer in a manner designed to produce personal gain for the officer or for others.” I prefer the first definition, published over 40 years ago. There is no minor corruption—any and all corruption is major.<sup>2</sup>

### Gratuities and Gifts

A gratuity, as it applies to this article, is “something given without claim or demand.”<sup>3</sup> Is something truly given to an officer in that context? I define gratuity, as it relates to law enforcement officers, as a “perk” of the job, presented primarily for appreciation and easily justified by the officer and the presenter. Conversely, gratuities and gifts are completely different, and officers must understand that distinction. A gift is “something given voluntarily without payment in return, as to show favor toward someone, honor an occasion, or make a gesture of assistance; present.”<sup>4</sup> One-time offers of appreciation are considered gifts, such as an item given to an instructor at the citizen’s police academy (CPA) graduation banquet. Is it improper for an officer to accept a token of appreciation from the CPA students? Or, perhaps a Neighborhood Watch group gives an officer a coffee mug in recognition for an outstanding presentation. In both examples, I believe that the acceptance of these gifts is proper. Officers can accept the gift—a sincere, one-time token of appreciation—with reverence and dignity.

Is there such a thing as a free cup of coffee? Or, do people and businesses expect something in return? Individuals in the private sector probably will say that no such thing as a free cup of coffee or lunch exists. Everybody wants something and nothing is free. This also applies to officers on their

jobs. Does the store owner really expect nothing in return for that coffee? Probably not. Sometime, and it might be next week, a year, or maybe even 2 years, that owner will want something. He might not ask for a major act of corruption, but he will probably ask, at the very least, for some type of special treatment. Nothing is free; everything comes with a price, which, for free coffee and half-price meals, is an officer’s dignity. On the other hand, I believe some people truly want to help the police with nothing expected in return. But, the task of trying to identify them proves too great.

Officers should assume that everyone expects something for a gratuity, rather than attempt to identify the honest ones. This is not a pleasant stance to take, but the alternative is far too risky.

### The Slippery Slope Theory

E. Delattre suggested that officers who accept gratuities start down a road that leads to corruption—the primary reason that law enforcement administrators must take a stand against such

acts.<sup>5</sup> Why must we only be concerned with gratuities if they lead to corruption? Throughout my research, I found many authors who quoted and agreed with Delattre’s theory of the slippery slope. But, what if we discovered that gratuities did not lead to corruption? Does that mean that accepting gratuities would be appropriate? We should evaluate gratuities without the slippery slope theory—law enforcement should prohibit gratuities because it is the right thing to do.

Gratuities are not flattering to the law enforcement image. Officers who accept them lose respect with the community and for themselves. Years ago, maybe low pay and morale justified that half-price meal. But, today, law enforcement salaries are high enough for officers to pay their own way. We should not look for or accept what amounts to handouts in the eyes of the citizens we serve. Law

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## First Doubts

As a patrol officer from 1976 through 1980, I routinely accepted free coffee and half-price meals. I never knew about a conflict involving this action until I stopped “the CB guy.” In the late 1970s, citizens’ band radios, or CBs, were extremely popular with the general public. Many people, not just truck drivers, had them. Many officers had CB radios in their patrol cars. We talked to each other, citizens, and even offenders. While on patrol one day, I stopped a vehicle for a minor traffic violation—an expired inspection sticker. I approached the car, went through the customary procedures of a traffic stop, and wrote the citation while I stood beside the violator’s vehicle. As I asked the usual questions about name and address, the violator, who had been very friendly to this point, asked me if I was going to write him a citation. I replied, “Yes.” He then asked me if I knew that he owned a particular establishment that fixes police officers’ CBs for free. I replied that I did not know that (I was not familiar with the business), but that I was grateful for the service. Then, he asked, “Are you still going to give me a ticket?” I said, “Yes,” and he questioned why I would write a citation to someone who fixes CB radios for police officers. Without giving it much thought, I explained that if he was fixing the CBs for free and out of the kindness of his heart, I sincerely appreciated his kindness. But, if he was expecting something in return, he should charge all of us full price. This incident was the first time I considered the consequences of gratuities.

enforcement agencies should prohibit gratuities because they do not approve of the practice, not just because they fear the slippery slope.

### Gestures of Kindness

By now, many people may incorrectly think that I am against any gesture of kindness from the public. Officers must not confuse kindness with gratuities. The kindness of a person offering officers coffee while they write a report at a restaurant table should not be confused with a gratuity. When people offer lemonade to patrol officers working radar, should they turn down these gifts? Any officer would be rude to refuse on the basis of not wanting a gratuity. Officers should accept these gifts with sincere appreciation for the giver. The key remains common sense, which may prove a major flaw in my argument. Common sense cannot be taught, but it can be learned by officers watching others in their departments—specifically, by observing leaders backed with easy-to-understand policies.

### Potential Complications

Law enforcement agencies often find it hard to maintain a tight policy against gratuities. And, it usually proves harder on the officers themselves, rather than on management. Officers usually are embarrassed when they decline an offer of a half-price meal; it takes a lot of courage. Probably one of the most difficult aspects of a policy that prohibits gratuities is not the policy itself, but the problems officers encounter as they try to do the right thing.

In the early 1990s, I worked the midnight shift with the RPD. Most of the officers went to a 24-hour restaurant located in another jurisdiction. Local law enforcement officers regularly ate there and accepted offers of a half-price meal. The employees constantly charged RPD officers half price, even though we repeatedly said we did not accept them. When officers tried to pay their bills, they had to go through a big ordeal to have their receipts changed to reflect the full price. It caused

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a constant problem for the officers and myself. About every 2 months, I met with the night manager (they often changed) and threatened to ban my officers from the restaurant. Consequently, some officers justified taking a half-price meal by leaving a comparable tip, which I believe is the easy way out. Most officers did leave the large tip, but only because they did not want to go through the hassle of getting the receipt corrected. A gratuity policy clearly must be understood by both law enforcement and the private sector to achieve success—avoiding the problem does not solve anything. Further, even if officers leave a large tip, technically, they still are accepting a half-price meal.

In another instance, about 2 years ago, I left the office late, was still in my uniform, and met my wife at a restaurant. After our meal, I looked at the receipt and noticed the half-price amount. I talked to the young man who rang up our ticket, explained our policy on gratuities, and said how much I appreciated the gesture. For several minutes, I explained our policy and expressed appreciation for his action even though I would have to pay full price. The young man respectfully listened the entire time I talked. When I finally finished, he politely informed me that Wednesday night was half-price night for everyone who buys a sandwich. He did not give me a law enforcement discount because every customer received the same service. Needless to say, I was extremely embarrassed. A policy against gratuities is much larger than the policy itself—daily practice is difficult.

### Conclusion

Policies regarding gratuities vary throughout the law enforcement profession. Obviously, I believe in a policy against gratuities. But, does

that mean officers should reject all offers, including acts of kindness? To the contrary, departments should take a stance against gratuities, but ensure that their personnel use common sense. Also, they should keep in mind that although gratuities can lead to corruption, that should not be the primary reason to decline them. Instead, agencies should adopt policies that reject them because it is the right and honorable thing to do. I would like to end

with a quote from H. Scott Kingwill, publisher of *Law and Order*, “Police occupy a special spot in our society; they are highly visible and represent what is decent in our way of life. As representatives of the law, they must set an example of living by the law. Accepting petty gratuities, while seeming to be a harmless ‘perk’ of the job, actually takes away a little bit of the shine of the badge. Through the years, law enforcement pay

scales have improved. Officers can afford to pay their way. Pride—in their uniform, department, and position—a plain, old morality, should dictate that they do not engage in this petty practice. That free cup of coffee really is not free. It carries an expensive price in honor and respect.” ♦

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### Endnotes

<sup>1</sup> All definitions appear in John Kleinig, *The Ethics of Policing* (Cambridge, UK: Cambridge University Press, 1996), 165-166.

<sup>2</sup> Ibid.

<sup>3</sup> *Random House Unabridged Dictionary*, s.v. “gratuity,” retrieved on May 4, 2005, from <http://www.infoplease.com/ipd/A0462470.html>.

<sup>4</sup> *Random House Unabridged Dictionary*, s.v. “gift,” retrieved on May 4, 2005, from <http://www.infoplease.com/ipd/A0456844.html>.

<sup>5</sup> Edwin J. Delattre, *Character and Cops: Ethics in Policing*, (Washington, DC: American Enterprise Institute for Public Policy Research, 1989).