Ethics in Criminal Justice

CJ 3750

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Week 1
Introduction

- Course overview
  - Review of syllabus
    - Textbook
    - Schedule
    - Grading
    - Academic integrity
    - Assignments
    - Quizzes
    - Examinations
    - Student expectations
The study of Ethics in Criminal Justice

- The criminal justice system involves ACTORS who make decisions that are
  - Analyzed
  - Judged
    - Ethical
    - Unethical
- Discretion is exercised by these actors at all stages in the system
Discretionary actors

- Legislators
  - The power to define behavior as illegal and punishable.

- Police officers exercise considerable discretion to
  - Arrest
  - Investigate
  - Cite
• Prosecutors may face the least amount of public scrutiny.
  – To charge
  – Downgrade
  – Proceed with grand jury
  – Death penalty
  – Influence police

• Judges
  – Plea bargains
  – Rules of evidence
  – Sentencing
• **Corrections**
  
  – Probation officers in completing pre-sentence and violation reports
  – Prison officials determine “good behavior”
  – Correctional officers supervising inmates
  – Parole officials
Common elements

- Each have discretion. The power to make a decision.
- Each has the duty to enforce the law.
- Each must accept that their duty is to protect constitutional safeguards.
- ALL are public servants.
Ethics in criminal justice

- Ethics is a mainstay of professionalism.
- Training in critical ethics develops analytical skills and reasoning ability.
- Professionals should recognize ethical consequences of actions.
- Ethical considerations are central to decisions involving discretion, force & due process.
- Ethics is germane to management and policy decisions.
- Ethical considerations are essential aspects in research.
Five goals of the study of ethics

- Become aware and open to ethical issues
- Begin developing critical thinking skills
- Become more personally responsible
- Understand how the system is engaged in a process of coercion
- Develop **wholesight** (exploring with your heart and mind)
Defining terms

• Morals
  – Latin-based word
    • Custom
    • Character
  – What is judged as good conduct
  – Immorality is referred to as bad conduct
  – Someone who makes value judgments and discerns right from wrong.

• Ethics
  – The study and analysis of what constitutes good or bad conduct
Branches/schools of ethics

- **Meta-ethics** – the highly technical discipline investigating the meaning of ethical terms including critical study of how ethical statements can be verified.

- **Normative ethics** – determines what people ought do and defines moral duties.

- **Applied ethics** – the application of ethical principles to specific issues.

- **Professional ethics** – a specific type of applied ethics relating to behavior of certain professions.
Judging behavioral decisions

- **Act** – there must be some act to judge
- **Human acts** – judgments are directed specifically to human behavior
- **Free will** – restricted to behavior that stems from free will and free action
- **Effects on others** – did the behavior significantly affect others
Categories of Ethical Issues

- Effects on the citizenry
- Effects on other employees
- Effects on the organization one works for
Ethical Inventory

- Individual and Organization
  - Work ethic (day’s work for a day’s pay)
  - Petty theft
  - Abuse of overtime
  - Misuse of sick time
• Organization & employees
  – Sexual/racial harassment
  – Discouraging honest criticism
  – Inadequate compensation
  – Unrealistic or inappropriate demands
  – Place employees in unnecessary risk
• Individual and Other Employees
  – Backstabbing
  – Gossip
  – Sexual/racial harassment
  – Lying to coverup blame
  – Taking credit for other’s work
• Individual & Public
  – Misuse of authority
  – Inadequate or marginal performance
  – Sexual/racial/ethnic harassment
  – Special treatment
  – Malfeasance/misfeasance/nonfeasance
  – Rudeness
  – Incivility
Duties & Values

• Duties
  – Actions one must perform in order to be considered moral.
    • We all have a duty to obey the law.
  – Superogatories
    • Actions that are commendable, but not required.
      – Good Samaritan
  – Imperfect duties
    • Generosity
      – No specific demand on type or manner
• **Values**

  – Elements of desirability, worth, or importance.
    • Often equated with moral judgments of goodness.

  – Consider these factual judgments:
    • “He is lying.”
    • “It is raining.”

  – Value judgments:
    • “She is a good woman.”
    • “That was a wonderful day.”

  – Facts are capable of scientific proof, values and moral judgments are not.
Morality & the Law

• A crime has three elements
  – *Actus reas*
  – *Mens rea*
  – Causation
  • When *actus reas* creates result prohibited by law.

• Four levels of legal culpability
  – Purposely
  – Knowingly
  – Recklessly
  – Negligently
Regulations/Standards/Guidelines

- **Regulations**
  - Govern activities of occupations – police, doctor, electrician, etc.

- **Standards**
  - Come from private or public bodies often used for accreditation

- **Guidelines**
  - Usually recommendations rather than directions. Often come from a professional group.
Ethical dilemmas

- Situations in which one person must make a decision about what to do.
- Involve the individual struggling with personal decision making.
  - Decriminalization of soft drugs
  - Death penalty
  - Racial profiling
  - Patriot Act