

Morality, Ethics, and Human Behavior

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CHAPTER OBJECTIVES

1. Give examples of how discretion permeates every phase of the criminal justice system and creates ethical dilemmas for criminal justice professionals.
2. Explain why the study of ethics is important for criminal justice professionals.
3. Learn the definitions of the terms *morals*, *ethics*, *duties*, *superogatories*, and *values*.
4. Describe what behaviors might be subject to moral/ethical judgments.
5. Explain the difference between ethical issues and ethical dilemmas.

Photo by Steve Liss/Time Life Pictures/Getty Images



▲ Scott Waddle (the subject of the Walking the Walk box on p. 19).

Consider the following dilemma: You are a police officer patrolling late at night and see a car weaving back and forth across lanes of traffic. You turn on your siren, and the car pulls over. The driver stumbles out of the car, obviously intoxicated. There is no question that the driver meets the legal definition of intoxication. He also happens to be your father. What would you do?

Or decide what you would do in this case: You are a correctional officer working the late-night shift. Your sergeant and another officer from the day shift come onto the tier where you are working and ask you to open up an inmate's cell. After you do so, they enter the cell. Then you hear a series of grunts, cries, and moans. They leave, muttering about how the inmate has been taught a lesson. You believe that you have been a party to an assault, but you say nothing. The next night you find out that the inmate did not report the incident, nor did any other inmate. You believe that if you come forward and report what you saw, you will be severely ostracized. You may not be believed (especially if the inmate doesn't back you up). You might even lose your job. What would you do?

Finally, consider this scenario: You are a new assistant district attorney helping to prosecute a horrible murder of a child. You and the lead prosecutor in the case receive a DNA report that indicates that an unknown person's DNA was on the victim's body, but no

genetic material of the defendant was found. The prosecutor tells you to “bury” the report because you have an eyewitness and a jailhouse informant who will testify as to the guilt of the defendant. You believe the report should be shared with the defense based on legal and ethical criteria since it might support the defendant’s plea of innocence. He tells you to bury it or he’ll bury your career. What, if anything, would you do?

CBS
Video:
Impersonated
By a Lie



Why Study Ethics?

How would you go about deciding what to do in these situations? Learning how to determine the “right thing to do” is the central purpose of this book. We make ethical decisions all the time, whether we recognize them or not. Perhaps you have been faced with one of the following ethical choices recently:

- A fellow student offered you a paper purchased from an Internet site. You believe that you could turn it in as your own and never be caught.
- A coworker took something from the store where you both work and expected you to say nothing.
- A friend asked you to lie for him to his girlfriend to cover up the fact that he went out with another girl.
- You felt compelled to tell a professor or employer a “white lie” to explain why you did not complete an assignment on time.

All of us make choices that can be judged under ethical standards. Further, we frequently judge other people’s behaviors as right or wrong. Those who work in the criminal justice field must be especially sensitive to the ethical issues that they encounter. Criminal justice professionals, whether they work in law enforcement, the courts, or corrections, face a multitude of situations in which they must make choices that affect people’s lives.

The criminal justice system can be examined using political, organizational, or sociological approaches. Let us shift the lens somewhat and look at the system from an ethics perspective. Asking whether something is legal, for instance, is not necessarily the same question as asking whether something is right. Actors at every stage in the justice process make decisions that can be analyzed and judged as ethical or unethical. Although the decisions faced by these professionals—ranging from legislators who write the laws to correctional professionals who supervise prisoners—may be different, they also have similarities, especially in that these professionals all experience varying degrees of **discretion**, authority, and power.

.....
discretion The authority to make a decision between two or more choices.

Legislators have the power to define behavior as illegal and, therefore, punishable. They also have the power to set the amount of punishment. Public safety is usually the reason given for criminalizing certain forms of behavior. In other cases, legislators employ moral definitions for deciding which behaviors should be illegal. “Protection of public morality” is the rationale for a number of laws, including those involving drugs, gambling, and prostitution. Recently, there has been a great deal of legal and legislative activity concerning same-sex marriage. In some states, legislators have passed laws allowing such marriages to take place, while in other states, legislators have passed laws defining them as illegal. The arguments for and against such laws are based in morality, not public safety. How do legislators use their great discretion to balance the rights of *all* people? We explore these questions in more detail in Chapter 3, which covers the concept of justice, and in Chapter 8, which begins our discussion of the law and legal professionals.

Part of the reason that legislators are not held to very high esteem in this country is that we perceive that their discretion is utilized in unethical ways. We believe that their decisions regarding lawmaking are influenced by lobbyists and personal interests rather than the public good. A clear example of this was the case of Jack Abramoff, a lobbyist who eventually ended up in prison. At the height of his Washington influence, however, he provided lawmakers with private seats in athletic skyboxes, expensive dinners, hunting trips, and cash. His most notorious dealings involved lobbying activities for Indian tribes. Lawmakers were lobbied to either approve or block the building of casinos. Amazingly, Abramoff's firm at one point was obtaining money from one client to advance their interest in building a casino while, at the same time, taking money from another client to block it. Much of the money charged to clients ended up in the pockets of legislators. The 2010 movie *Casino Jack and the U.S. of Money* is based on Jack Abramoff. The case illustrates that sometimes lawmakers' positions are not taken from moral or ethical stances at all, but rather which lobbyist has managed to persuade them.

Self-interest
v public good

Police officers, who enforce the laws created by legislators, have a great deal of discretionary power. Most of us, in fact, have benefited from this discretion when we receive a warning instead of a traffic ticket. Police officers have the power to deprive people of their liberty (through arrest), the power to decide which individuals to investigate and perhaps target for undercover operations, and even the power to decide that lethal force is warranted. In the United States, we enjoy constitutional protections against untrammelled police power, and police act as the guardians of the law, not merely enforcers for those in power. In Chapters 5, 6, and 7, the ethical use of police discretion is discussed in more detail.

Prosecutors probably face the least public scrutiny of all criminal justice professionals—which is ironic because they possess a great deal of discretion in deciding who and how to prosecute. They decide which charges to pursue and which to drop, which cases to take to a grand jury, how to prosecute a case, and whether to pursue the death penalty in homicide cases. Although prosecutors have the ethical duty to pursue justice rather than conviction, some critics argue that at times their decision making seems to be influenced by politics or factors other than the goal of justice.

Defense attorneys have ethical duties similar to prosecutors in some ways; however, they also have unique duties to their client. After deciding whether to take a case or not, they decide whether to encourage a client to agree to a plea deal from the prosecutor, what evidence to utilize and how to try the case, and whether to encourage a client to appeal.

Judges also possess incredible power, typically employed through decisions to deny or accept plea bargains, decisions regarding rules of evidence, and decisions about sentencing. Chapters 8, 9, and 10 explore the ethical issues of legal professionals in the criminal justice system.

Finally, correctional officials have immense powers over the lives of some citizens. Probation officers make recommendations in presentence reports and violation reports that affect whether an individual goes to prison. Prison officials decide to award or take away "good time," and they may punish an inmate with segregation; both types of decisions affect the individual's liberty. Correctional officers make daily decisions that affect the life and health of the prisoners they supervise. Parole officials decide when to file a violation report, and make other decisions that affect a parolee as well as his or her family members. In short, all correctional professionals have a great deal of discretion over the lives of those

Although the professionals discussed face different dilemmas, they also share the following common elements:

- *They each have discretion—that is, the power to make a decision.* Although the specific decisions are different, they all involve power over others and the potential deprivation of life, liberty, or property.
- *They each have the duty of enforcing the law.* Although this concept is obvious with police, it is also clear that each of the professionals mentioned has a basic duty to uphold and enforce all laws; they serve the law in their professional lives.
- *They must accept that their duty is to protect the constitutional safeguards that are the cornerstone of our legal system—specifically, due process and equal protection.* Due process protects each of us from error in any governmental deprivation of life, liberty, or property. We recognize the right of government to control and even to punish, but we have certain protections against arbitrary or unlawful use of that power. Due process protects us against such abuses. We also expect that the power of our government will be used fairly and in an unbiased manner. Equal protection should ensure that what happens to us is not determined by the color of our skin, our gender, nationality, or the religion we practice. Laws are for everyone, and the protection of the law extends to all of us. Although a fair amount of evidence indicates that different treatment does exist, the ideal of equal protection is an essential element of our legal system and should be an operating principle for everyone working in this system.
- *They are public servants.* Their salaries come from the public purse. Public servants possess more than a job; they have taken on special duties involving the public trust. Individuals such as legislators, public officials, police officers, judges, and prosecutors are either elected or appointed guardians of the public's interests. Arguably, they must be held to *higher standards* than those they guard or govern. Temptations are many, and, unfortunately, we find examples of *double standards*, in which public servants take advantage of their positions for special favors, rather than higher standards of exemplary behavior.

The Josephson Institute (2005), which is heavily involved in ethics training for corporations and public agencies, identifies the ethical principles that should govern public servants: public service (treating the office as a public trust), objective judgment (striving to be free from conflicts of interest), accountability (upholding open decision making), democratic leadership (observing the letter and spirit of the law), and respectability (avoiding the appearance of impropriety).

It cannot be over-emphasized that the ethical demands placed upon public servants are different than those placed upon the rest of us. Edwin Delattre (1989b: 79) argued that:

Part of what is needed [for public servants] is a public sense of what Madison meant by wisdom and good character: balanced perception and integrity. Integrity means wholeness in public and private life consisting of habits of justice, temperance, courage, compassion, honesty, fortitude, and disdain for self-pity.

It would be ideal if all public servants possessed the characteristics identified by Delattre; however, even public servants of good character are sometimes perplexed as to the right course of action in situations they encounter in their professional duties. It is also true that there are all too many cases of public servants who have forgotten their mission of public service and substituted private enrichment, as the In the News box illustrates.

Understanding the ethical issues involved in one's profession might help to guide discretion and prevent abuses of power. Ethical issues for professionals in the justice system

IN THE news

The Most Corrupt Members of Congress

Citizens for Responsibility and Ethics in Washington (CREW), a citizen watchdog group, has released a report entitled "CREW's Most Corrupt," which highlights corrupt members of Congress. The report identifies 19 sitting members of Congress who have violated laws or engaged in serious breaches of ethics. The report was compiled by analyzing media reports, Federal Election Commission reports, court documents, and travel disclosure reports. The list includes legislators who received financial benefits from those who

arguably may have benefited from the legislators' voting decisions, including loans that were not paid back until federal probes began or below-market appraisal home sales, involvement in charities that distributed hardly any money to the intended beneficiaries, and other conduct involving financial and personal alleged misdeeds.

Source: "CREW's Most Corrupt," 2012.

include relationships with citizens and others over whom they have power (e.g., whether to use one's authority to coerce a citizen to provide sex, money, or other benefits), their relationship with their agency (e.g., whether to hide misconduct or rule breaking or whether to be lax about keeping up with professional training obligations), or their relationships with one another (e.g., whether to informally sanction a colleague when they speak out about misconduct). Professionals in the criminal justice system have unique powers and, therefore, unique ethical issues that they must be sensitive to in order to understand their ethical obligations and duties.

One theme that will run through this book is that public servants must be especially careful to treat everyone equally with fairness and objectivity. Multiculturalism is a buzzword today, but connotes the concept that we live in a heterogeneous society with groups that may be different culturally, economically, and socially. Membership in such groups should not be a reason to treat them with less than the professionalism that other groups enjoy, nor grant them less than the rights that they are due. More specifically, the criminal justice system has been criticized as being discriminatory toward blacks and other minorities. We will deal with this issue expansively in Chapters 6 and 9.

Felkenes (1987: 26) explained why the study of ethics is important for criminal justice professionals:

1. Professionals are recognized as such in part because [a] "profession" normally includes a set of ethical requirements as part of its meaning.... Professionalism among all actors at all levels of the criminal justice system depends upon their ability to administer policy effectively in a morally and ethically responsible manner.
2. Training in ethics helps to develop critical thinking and analytical skills and reasoning abilities needed to understand the pragmatic and theoretical aspects of the criminal justice system.
3. Criminal justice professionals should be able to recognize quickly the ethical consequences of various actions and the moral principles involved.
4. Ethical considerations are central to decisions involving discretion, force, and due process which require people to make enlightened moral judgments.
5. Ethics is germane to most management and policy decisions concerning such penal issues as rehabilitation, deterrence, and just deserts.
6. Ethical considerations are essential aspects of criminal justice research.

In answer to a similar question, Braswell (1996/2002: 8) explained the following five goals of a study of ethics:

- Become aware of and open to ethical issues.
- Begin developing critical thinking skills.
- Become more personally responsible.
- Understand how the criminal justice system is engaged in a process of coercion.
- Develop **wholesight** (which roughly means exploring with one's heart as well as one's mind).

wholesight Exploring issues with one's heart as well as one's mind.

The comprehensive nature of these two lists requires few additions; however, we also could note that individuals who ignore ethics do so at their peril. They may find themselves sliding down a slippery slope of behaviors that threaten their career and personal well-being. Even if their actions are not discovered, many people suffer from personal crises when their actions are in conflict with their conscience. Three basic points are reiterated below:

- We study ethics because criminal justice is uniquely involved in coercion, which means there are many and varied opportunities to abuse such power.
- Almost all criminal justice professionals are public servants and, thus, owe special duties to the public they serve.
- We study ethics to sensitize students to ethical issues and provide tools to help identify and resolve the ethical dilemmas they may face in their professional lives.



Defining Terms

morals Principles of right and wrong.

ethics The discipline of determining good and evil and defining moral duties.

The words **morals** and **ethics** are often used in daily conversation. For example, when public officials use their offices for personal profit or when politicians accept bribes from special interest groups, they are described as unethical. When an individual does a good deed, engages in charitable activities or personal sacrifice, or takes a stand against wrongdoing, we might describe that individual as a moral person. Often, the terms *morals* and *ethics* are used interchangeably. This makes sense because they both come from similar root meanings. The Greek word *ethos* pertains to custom (behavioral practices) or character, and *morals* is a Latin-based word with a similar meaning. As Box 1.1 shows, the inquiry into how to determine right and wrong behavior has perplexed humans for thousands of years. Philosophers through the ages owe much to the great Greek philosophers who discussed what the “good life” meant.

Morals and Ethics

Morals and morality refer to what is judged as good conduct. (Immorality refers to bad conduct.) The term *moral* also is used to describe someone who has the capacity to make value judgments and discern right from wrong (Souryal, 1992/2007: 12). We would judge someone who intentionally harms a child for their own enjoyment, or someone who steals from the church collection plate as immoral. Some of us disagree on whether other behaviors, such as abortion, capital punishment, or euthanasia, are immoral. How to resolve such questions will be the subject of the next chapter.

The term *ethics* refers to the study and analysis of what constitutes good or bad conduct (Barry, 1985: 5; Sherman, 1981: 8). There are several branches, or schools, of ethics:

- **Meta-ethics** is the discipline that investigates the meaning of ethical systems and whether they are relative or are universal, and are self-constructed or are independent of human creation.

BOX 1.1 Socrates, Plato, Aristotle, and the Stoics**Socrates (469–399 BCE)**

Socrates associated knowledge with virtue. He believed that bad acts are performed through ignorance. The wisest man was also the most virtuous. He believed that all people acted in a way to serve their own interests, but some people, because they were ignorant, pursued short-term happiness that would, in the long run, not make them happy. True happiness could come only from being virtuous, and virtue comes from knowledge. Thus, Socrates believed his role was to strip away self-deception and incorrect assumptions; hence, the so-called Socratic method of questioning a person's beliefs. The concept of *eudaimonia* is translated as happiness, but it is much more than that and is sometimes translated as flourishing. Self-actualization, to borrow Abraham Maslow's term, might be similar to the Greek concept of *eudaimonia*, the idea that one's happiness involved the pursuit of excellence and virtue.

Plato (423–347 BCE)

Plato was a student of Socrates. In fact, it is his writings that are the source for what we know about Socrates' ideas. Because his writing style was largely through dialogues, with Socrates as the main character in many of them, it is hard to distinguish Socrates' ideas from Plato's. Another difficulty in summarizing Plato's ideas about ethics is that he undertook a wide-ranging exploration of many topics. His writings included discussions of ethical and political concepts, as well as metaphysical and epistemological questions. In *The Republic*, he, like Socrates, associates virtues with wisdom. The four virtues he specifically mentions are wisdom, courage, moderation, and justice. Each of the three virtues is associated with the three classes of people he describes as making up society: the rulers (wisdom), the soldiers (courage), and the merchants (moderation since they pursue lowly pleasures). Justice is the idea that each person is in the place they should be and performs to their best ability. Plato discussed the concept of *eudaimonia*, mentioned above, which can be considered self-completion or self-actualization. A good life would be one that fit the nature of the person—that is, moderation for the merchant class, courage for the soldier, and wisdom for leaders. There is, of course, the need for all virtues in every life to some degree.

Aristotle (384–322 BCE)

Aristotle was a student of Plato. Aristotle did not believe, as did Socrates, that bad behavior came from ignorance. He believed some people had weak wills and did bad things knowing they were bad. The idea of *eudaimonia* is part of Aristotle's discussions of what it means to live a good life. Again, this concept, although translated as happiness, has more to do with flourishing or self-actualization. The good life is one devoted to virtue and moderation. The so-called Golden Mean was choosing actions that were moderate and between two extremes. For instance, courage was the virtue whereas the deficiency was cowardice and the excess was foolhardiness. Generosity is the mean between stinginess and wastefulness, and so on. Aristotle's virtue theory is discussed more fully in the next chapter.

Stoics (Third Century BCE, includes Zeno, Seneca, Epictetus)

The Stoic philosophical school is associated with the idea that man is a part of nature and the essential characteristic of man is reason. Reason leads to virtue. Virtue and morality are simply rational action. While Plato divided up people into the three classes of leaders, soldiers, and everyone else, the Stoics simply saw two groups: those who were rational/virtuous and those who were irrational/evil. They perceived life as a battle against the passions. They argued that people should not seek pleasure, but should seek virtue, because that is the only true happiness. Moreover, they should seek virtue out of duty, not because it will give them pleasure.

For further information, go to:

Stanford Encyclopedia of Philosophy: <http://plato.stanford.edu>; and the Internet Encyclopedia of Philosophy: www.iep.utm.edu (accessed June 4, 2012).

- **Normative ethics** determines what people ought to do and defines moral duties based on ethical systems or other means of analysis.
- **Applied ethics** is the application of ethical principles to specific issues.
- **Professional ethics** is an even more specific type of applied ethics relating to the behavior of certain professions or groups.

While these definitions of ethics refer to the *study* of right and wrong behavior, more often, in common usage, *ethics* is used as an adjective (ethical or unethical) to refer to behaviors relating to a profession, while *moral* is used as an adjective to describe a person's actions in other spheres of life. Most professions have codes of conduct that describe what is ethical behavior in that profession. For instance, the medical profession follows the Hippocratic Oath, a declaration of rules and principles of conduct for doctors to follow in their daily practices; it dictates appropriate behavior and goals.

Even though professional ethics restricts attention to areas of behavior relevant to the profession, these can be fairly inclusive and enter into what we might consider the private life of the individual. For instance, psychiatrists are judged harshly if they engage in romantic relationships with their patients, as are professors if they become involved with their students. These rules usually are included in codes of ethics for these professions. When private behavior affects professional decision making, it becomes an ethical issue, such as when school bus drivers abuse drugs or alcohol, or when scientists are paid to do studies by groups who have a vested interest in seeing a particular outcome.

Public servants are especially scrutinized. We are very much aware of how politicians' private behavior can affect their career in politics. President Clinton's affair with intern Monica Lewinsky was a serious blow to his political career, and not just because he prevaricated in the Congressional investigation. When John Edwards was exposed in 2009 as attempting to cover up fathering a child with his mistress, his presidential aspirations were destroyed. Newt Gingrich's three marriages and the way he was perceived to have abandoned his previous wives clearly hurt his chance to be the Republican nominee in the 2012 presidential election. In professions involving the public trust, such as politics, education, and the clergy, there is a thin line between one's private life and one's public life. Citizens assume that if one is a liar and cheat in one's private life, then that also says something about how they would make decisions as a public servant. What about police officers, prosecutors, judges, or others in the criminal justice professions? They are also public servants. Should private decisions, such as whom they have sex with or whether they divorce their spouse concern us?

For our purposes, it does not make a great deal of difference whether we use the formal or colloquial definitions of *morals* and *ethics*. This text is an applied ethics text, in that we will be concerned with what is defined as right and wrong behavior in the professions relevant to the criminal justice system and how people in these professions make decisions in the course of their careers. It also is a professional ethics text, because we are concerned primarily with professional ethics in criminal justice.

Duties

duties Required behaviors or actions, i.e., the responsibilities that are attached to a specific role.

The term **duties** refers to those actions that an individual must perform to be considered moral. For instance, everyone might agree that one has a duty to support one's parents if able to do so; one has a duty to obey the law (unless it is an immoral law); and a police officer has a moral and ethical duty to tell the truth on a police report. Duties are what you must do in order to be good.

Other actions, considered **superogatories**, are commendable but not required. A Good Samaritan who jumps into a river to save a drowning person, risking his or her own life to do so, has performed a superogatory action. Those who stood on the bank receive no moral condemnation, because risking one's life is above and beyond anyone's moral duty. Of course, if one can help save a life with no great risk to oneself, a moral duty does exist in that situation.

Police officers have an ethical duty to get involved when others do not. Consider the 2001 attack on the World Trade Center. One of the most moving images of that tragedy was of police officers and firefighters running toward danger while others ran away. This professional duty to put oneself in harm's way is why we revere and pay homage to these public servants. Many civilians also put themselves in harm's way in this disaster, and because they had no professional duty to do so, they could be said to be performing superogatory actions.

There are also **imperfect duties**, general duties that one should uphold but do not have a specific application as to when or how. For instance, most ethical systems support a general duty of generosity but have no specific duty demanding a certain type or manner of generosity. Another imperfect duty might be to be honest. Generally, one should be honest, but, as we will see in Chapter 2, some ethical systems allow for exceptions to the general rule.

superogatories

Actions that are commendable but not required in order for a person to be considered moral.

imperfect

duties Moral duties that are not fully explicated or detailed.

Values

Values are defined as elements of desirability, worth, or importance. You may say that you value honesty; another way of saying that is that one of your values is honesty. Others may value physical health, friendships, material success, or family. Individual values form value systems. All people prioritize certain things that they consider important in life. Values only become clear when there is a choice to be made; for instance, when you must choose between friendship and honesty, or material success and family. Behavior is generally consistent with values. For instance, some individuals believe that financial success is more important than family or health. In this case, we may assume that their behavior will reflect the importance of that value and that these persons will be workaholics, spending more time at work than with family and endangering their health with long hours, stress, and lack of exercise. Others place a higher priority on religious faith, wisdom, honesty, and/or independence than financial success or status. Consider the values in Box 1.2. Which, if any, do you believe are more important than others? Do you ever think about the values by which you live your life? Do you think that those

values Judgments of desirability, worth, or importance.

BOX 1.2 Values Exercise

Achievement	Altruism	Autonomy	Creativity
Emotional well-being	Family	Health	Honesty
Knowledge	Justice	Love	Loyalty
Physical appearance	Pleasure	Power	Recognition
Religious faith	Skill	Wealth	Wisdom

Arrange these values in order of priority in your life. What life decisions have you made that have been affected by the ordering of these values? Did you think of them directly when making your decision?

professionals who are caught violating laws and/or ethical codes of conduct have a clear sense of their value system?

Values as judgments of worth are often equated with moral judgments of goodness. We see that both can be distinguished from factual judgments, which can be empirically verified. Note the difference between these factual judgments:

“He is lying.”

“It is raining.”

and these value judgments:

“She is a good woman.”

“That was a wonderful day.”

The last two judgments are more similar to moral judgments, such as “Lying is wrong” or “Giving to charities is good.” Facts are capable of scientific proof, but values and moral judgments are not.

Some writers think that value judgments and moral judgments are indistinguishable because neither can be verified. Some also think that values and morals are relativistic and individual. In this view, there are no universal values; values are all subjective and merely opinions. Because they are only opinions, no value is more important than any other value (Mackie, 1977: 22–24).

In contrast, others believe that not all values are equal, and that some values, such as honesty, are always more important than other values, such as pleasure. In this view, values such as charity, altruism, integrity, knowledge, and responsibility are more important or better than the values of pleasure or wealth. You may value personal pleasure over charity or honesty, but to someone who believes in universal values, you would be wrong in this view. This question is related to a later discussion in Chapter 2 concerning whether ethics are relative or absolute.

As stated earlier, values imply a choice or a judgment. If, for instance, you were confronted with an opportunity to cheat on an exam, your values of success and honesty would be directly at odds. Values and morals are similar, although values indicate the *relative* importance of these constructs, whereas morals prescribe or proscribe behavior. The value of honesty is conceptually distinct from the moral rule against lying.

Messner and Rosenfeld’s (1994) theory of crime utilizes the concept of values. In their explanation of why the United States has a higher rate of violent crime than other Western countries, they propose that the U.S. value system, which emphasizes consumerism over family and financial success over honesty, creates an environment in which crime results. In the United States, success is defined almost exclusively by the accumulation of material goods, not by doing good deeds. Because behavior is influenced by one’s value system, individuals who place material success over any other value will behave dishonestly or even violently in the pursuit of such goods. The financial meltdown this country experienced in 2008 seems to be a good example of this proposition. The widespread issuance of bad loans and the creation of the derivative markets were arguably due to the way the incentive systems were set up and the value placed on making money. The fact that such financial instruments were “toxic” and that the housing bubble was bound to collapse, along with the fortunes of many people who had invested or had obtained loans they couldn’t afford, didn’t seem to matter. As discussed in the White Collar Crime box, R. Allen Stanford may be the epitome of this skewed value system.

An explicit value system is part of every ethical system, as we will see in Chapter 2. The values of life, respect for the person, and survival can be found in all ethical systems. Certain values hold special relevance to the criminal justice system and those professionals who work within it; privacy, freedom, public order, justice, duty, and loyalty are all values that will come up again in later discussions.

WHITE
COLLAR

CRIME

R. ALLEN STANFORD IS CONVICTED

R. Allen Stanford was convicted in March 2012 of 13 counts of fraud, bribery, conspiracy, and money laundering. At its peak, his financial empire included a bank in Antigua, a Caribbean island where he was knighted and referred to as Sir Allen. His financial services company also owned banks in other countries, dozens of businesses, yachts, planes, and 30 bank accounts in a half dozen countries. He was close to government officials in Antigua and donated millions of dollars to American politicians. He was a sponsor of professional sports teams and a larger than life player in the jet set. Then, in 2009, he was accused of bilking investors

out of \$7 billion by promising them safe returns and, instead, using the money to fund his lavish lifestyle and his own business interests. He pleaded innocent to the charges and argued that he was trying to consolidate his business and pay back investors when he was arrested. Stanford's Ponzi scheme (where the money from later investors is used to pay earlier investors their returns) is not even close to the \$10 to \$20 billion said to have been lost by investors due to the Ponzi scheme of Bernard Madoff, convicted in 2009.

Source: Austin American Statesman, 2012.



Making Moral Judgments

We make moral or ethical judgments all the time: “Abortion is wrong.” “Capital punishment is just.” “It’s good to give to charity.” “It’s wrong to hit your spouse.” “You should put in a day’s work for a day’s pay.” “You shouldn’t take credit for someone else’s work.” These are all judgments of good and bad behavior. We also make choices, knowing that they can be judged as right or wrong. Should you fake a sickness to your boss to get a day in the sun? Should you give back extra change that a clerk gave you by mistake? Should you tell a friend that her husband is having an affair even though he asked you not to tell? Should you cut and paste sections of Wikipedia into your term paper?

Not all behaviors involve questions of ethics. Acts that can be judged as ethical or unethical, moral or immoral, involve four elements: (1) acts (rather than beliefs) that are (2) human and (3) of free will (4) that affect others.

ACT First of all, some act must be present to judge. For instance, we are concerned with the *act* of stealing or the *act* of contributing to charity, rather than an idle thought that stealing a lot of money would enable us to buy a sailboat or a vague intention to be more generous. We are not necessarily concerned with how people feel or what they think about a particular action unless it has some bearing on what they do. The intention or motive behind a behavior is an important component of that behavior. For instance, in ethical formalism (which we will discuss in Chapter 2), one must know the intent of an action to be able to judge it as moral or immoral, but one also must have some action to examine before making a moral judgment.

ONLY HUMAN ACTS Second, judgments of moral or ethical behavior are directed specifically to human behavior. A dog that bites is not considered immoral or evil, although we may criticize pet owners who allow their dogs the opportunity to bite. Nor do we consider drought, famine, floods, or other natural disasters immoral even though they result in death, destruction, and misery. The devastating earthquake that hit Haiti in 2010 is not considered immoral, although individuals who could have helped victims and did not might be. Philosophers widely believe that only humans can be moral (or immoral) because of our capacity to reason. Because only humans have the capacity to be good—which

involves a voluntary, rational decision and subsequent action—only humans, of all members of the animal kingdom, have the capacity to be bad.

There is much more to this argument, of course, and there are those who argue that some mammals show moral traits, if not moral sensibilities. Shermer (2004: 27–28), for instance, recognizes a pre-moral sense in animals, including shame or guilt in dogs, food sharing in bats, comforting and cooperative behaviors in chimpanzees, life-saving behaviors in dolphins and elephants, and defending behaviors in whales. He argues that mammals, especially apes, monkeys, dolphins, and whales, exhibit attachment and bonding, cooperation and mutual aid, sympathy and empathy, direct and indirect reciprocity, altruism and reciprocal altruism, conflict resolution and peacemaking, deception and deception detection, community concern and caring about what others think, and awareness of and response to the social rules of the group.

Does this mean, then, that these mammals can be considered moral or immoral? Although they may be placed on the continuum of moral awareness closer to humans than other species, one could also argue that they do not possess the rationality of humans. They do not, as far as we know, freely choose to be good or bad, nor do they judge their fellow animals as right or wrong. It may explain, however, why there is such moral condemnation toward those who abuse or injure animals, especially mammals such as cats, dogs, and monkeys. In 2007, NFL quarterback Michael Vick found that his fan base was drastically reduced when he was accused and convicted of conspiring to run a dog-fighting operation, described in the accompanying In the News box.

FREE WILL In addition to limiting discussions of morality to human behavior, we usually further restrict our discussion to behavior that stems from free will and free action. Moral culpability is not assigned to persons who are not sufficiently aware of the world around them to be able to decide rationally what is good or bad. The two groups traditionally exempt from responsibility in this sense are the young and the insane, similarly to what occurs when ascribing legal culpability.

IN THE **news**

Michael Vick and PETA

In 2007, Michael Vick, a quarterback for the Atlanta Falcons, was convicted of conspiracy for his involvement in an interstate dog-fighting operation. There were allegedly over 70 dogs that were involved in the kennels on his property, and some dogs were killed, either because they did not perform well or due to injuries sustained in the fights. He pleaded guilty and received 21 months in federal prison. After his release, he was signed by the Philadelphia Eagles and still plays for them as of 2012. The dog-fighting charges still follow Vick, however, and unleashed a torrent of strong animal rights activists who condemned the so-called sport of dog fighting. On the other side, supporters argued that dog fighting was no more cruel than hunting and that Vick and the relatives and other men who were involved grew up in a culture where dog fighting was acceptable. The competing

rights of animals and humans (to eat them or use them for sport or other purposes) is a hotly debated issue.

More recently, in 2012, People for the Ethical Treatment of Animals (PETA) filed suit in federal court arguing that the Thirteenth Amendment to the Constitution, which prohibits slavery, applied to SeaWorld's "slavery" of orca whales. They alleged the whales suffered from a constitutional deprivation of liberty and enforced slavery. The federal court quickly dismissed the case, and most commentators thought that the animal rights activists were dramatically overreaching in their attempt to apply the Constitution to animals instead of "We the people," but it did raise interesting questions once again about the rights of animals *vis-à-vis* humans.

Source: Various news reports.

Arguably, we do not judge the morality of their behavior because we do not believe that they have the capacity to reason and, therefore, have not freely chosen to be moral or immoral. Although we may chastise a 2-year-old for hitting a baby, we do so to educate or socialize, not to punish, as we would an older child or adult. We incapacitate the violent mentally ill to protect ourselves, but we consider them sick, not evil. This is true even if their actual behavior is indistinguishable from that of other individuals we do punish. For example, a murder may result in a death sentence or a hospital commitment, depending on whether the person is judged to be sane or insane, responsible or not responsible.

AFFECTS OTHERS Finally, we usually discuss moral or immoral behavior only in cases in which the behavior significantly affects others. For instance, throwing a rock off a bridge would be neither good nor bad unless you could possibly hit or were aiming at a person below. If no one is there, your behavior is neutral. If someone is below, however, you might endanger that person's life, so your behavior is judged as bad.

All the moral dilemmas we will discuss in this book involve at least two parties, and the decision to be made affects at least one other individual in every case. In reality, it is difficult to think of an action that does not affect others, however indirectly. Even self-destructive behavior is said to harm the people who love us and who would be hurt by such actions.

We sense that these elements are important in judging morality when we hear the common rationale of those who, when judged as doing something wrong, protest, "But nobody was hurt!" or "I didn't mean to." Indeed, even a hermit living alone on a desert island may engage in immoral or unethical actions. Whether he wants to be or not, the hermit is part of human society; therefore, some people would say that even he might engage in actions that could be judged immoral if they degrade or threaten the future of humankind, such as committing suicide or polluting the ocean.

One's actions toward nature also might be defined as immoral, so relevant actions include not only actions done to people but also to animals and to the environment. To abuse or exploit animals is defined by some people as immoral. Judgments are made against cockfighting, dog racing, laboratory experimentation on animals, and hunting. The growing area of environmental ethics reflects increasing concern for the future of the planet. The rationale for environmental ethics may be that any actions that harm the environment affect all humans. It also might be justified by the belief that humankind is a part of nature—not superior to it—and part of natural law should be to protect, not exploit, our world.

Thus far, we know that morality and ethics concern the judgment of behavior as right or wrong. Furthermore, such judgments are directed only at voluntary human behavior that affects other people, the earth, and living things. We can further restrict our inquiries regarding ethics to those behavioral decisions that are relevant to one's profession in the criminal justice system. Discussions regarding the ethics of police officers, for instance, would concern issues such as the following:

- Whether to take gratuities
- Whether to cover up the wrongdoing of a fellow officer
- Whether to sleep on duty

Discussions regarding the ethics of defense attorneys might include the following:

- Whether to devote more effort to private cases than appointed cases
- Whether to allow perjury
- Whether to attack the character of a victim in order to defend a client

Of course, all of these actions affect other people, as do most actions taken as a professional. Most behaviors that might be judged as ethical or not for criminal justice professionals fall into four major categories:

- Acts involving citizens/clients (i.e., misuses of authority, harassment, malfeasance or misfeasance)
- Acts involving other employees (i.e., harassment, gossip, lying)
- Acts involving one's organization (i.e., theft, work ethic, filing false reports)
- Acts involving those one supervises (i.e., arbitrary discipline, unrealistic demands, discouraging honest criticism)

In this text, we will present some of the unique issues and dilemmas related to each area of the criminal justice system. It is important, first, however, to explore the means available for analyzing and evaluating the "right" course of action.



Morality and Behavior

One of the most difficult things to understand about human behavior is the disjunction between moral beliefs and behavior. We all can attest to the reality that believing something is wrong does not always prevent us from doing it. Often, we engage in acts that we believe are bad, such as lying, stealing, and cheating.

Why do people engage in behavior that they believe to be wrong? Criminology attempts to explain why people commit unlawful acts, but the larger question is this: why do any of us do things we know to be wrong? Unfortunately, even though over 80 percent of college students believe cheating to be wrong, evidently most have cheated on tests or papers (McCabe and Trevino, 1996). We review research that addresses this question in more detail in Chapter 4.

Criminological theories endorse explanations from learning and role modeling to biological predisposition, but our answers as to why people do bad things are ultimately unsatisfying. Even with all the scientific and philosophical attempts to explain human action, we are left with troubling questions when we read or hear about people who kill, steal, or otherwise offend our sense of morality. Evil is still one of the great mysteries of life.

In discussions concerning these questions, basic beliefs about the nature of humankind must be considered. Are people fundamentally bad and held in check only by rules and fear of punishment? Or are people fundamentally good and commit bad acts because of improper upbringing or events that subvert their natural goodness? Or are there fundamentally bad and fundamentally good people who are just "born that way" for no reason? An applied ethics approach, as we will illustrate below, presumes that individuals generally prefer to do what is right. In those circumstances where the right thing to do is unclear, there are steps to take to help make the decision easier.

ethical issues

Difficult social questions that include controversy over the "right" thing to do.



Analyzing Ethical Dilemmas

Ethical discussions in criminal justice focus on issues or dilemmas. **Ethical issues** are broad social questions, often concerning the government's social control mechanisms and the impact on those governed—for example, what laws to pass, what sentences to attach to

certain crimes, whether to abolish the death penalty, and whether to build more prisons or use community correctional alternatives. The typical individual does not have much control over these issues. The ethical issues that arise in relation to criminal justice are serious, difficult, and affect people's lives in fundamental ways. These are just a sample of some criminal justice issues that have ethical implications:

- Decriminalization of soft drugs or drug courts for first-time offenders
- Megan's Law and other sex-offender registry statutes
- The death penalty
- Mandatory DNA registries
- Three-strikes legislation
- Racial profiling
- Law-enforcement corruption
- Waiver of juveniles to adult courts
- Citizen oversight committees for police departments
- The Patriot Act and other challenges to civil liberties in the wake of terrorism
- Immigration law reform

While ethical issues are broad social questions or policy decisions, **ethical dilemmas** are situations in which one person must make a decision about what to do. Either the choice is unclear or the right choice will be difficult because of the costs involved. Ethical dilemmas involve the individual struggling with personal decision making, whereas ethical issues are topics for which one might have an opinion but rarely a chance to take a stand that has much impact (unless one happens to be a Supreme Court judge or a state governor).

At times, one's belief regarding an ethical issue gives rise to a personal dilemma. In 2000, George Ryan, then governor of Illinois, declared a moratorium on use of the death penalty in his state when at least five individuals on death row were exonerated through the use of DNA evidence. One of his last acts as he left office in 2003 was to commute the sentences of all 160 prisoners on death row to life without parole. Governor Ryan faced a difficult personal dilemma because he was in a position to do something about his belief that the death penalty was implemented in a way that could never be just. There was strong support *and* strong opposition to his action, indicating the depth of his dilemma and the seriousness of the issue. In a sad and ironic footnote to this story, Ryan ended up in prison himself after being convicted of federal racketeering charges and sentenced to a six-and-a-half-year sentence in a federal prison. Evidence proved that he had been involved in a system of "sweetheart deals" and backroom bribes selling government contracts since he had been secretary of state (Schaper, 2007).

The investigation concerning illegal gun trafficking called "Fast and Furious" is under investigation by a Congressional committee because it arguably led to the death of a federal agent in Mexico. The operation involved allowing illegal gun sales and following the guns to track down major players in gun trafficking rings. Unfortunately, it was reported that federal agents lost track of nearly 1,400 guns of the 2,000 they tried to follow. One of those guns was found at the scene of a murder of a federal agent by drug cartel members in Mexico. The policy may have been misguided, wrongheaded, and an unethical use of discretion (in not arresting those who illegally purchased a gun), but, interestingly, the operation had been undertaken before during the Bush administration in 2006. Called Operation Wide Receiver, the same plan to allow illegal guns to "walk" in order to track them was carried out. Emails from several ATF agents and assistant attorneys general

ethical dilemmas

Situations in which it is difficult to make a decision, either because the right course of action is not clear or the right course of action carries some negative consequences.

indicated their discomfort with the plan and their concern about the consequences of allowing hundreds of guns to go to Mexico, arguably straight into the hands of drug dealers (Yost, 2012). These professionals shared their concerns with each other, but should they have done something more? Evidently, the concerns did not affect the decision to reinstitute the operation several years later. Should they have done something to stop it? The relationship between personal ethical dilemmas and the ethics of issues or policies are obviously overlapping.

Although most of us do not have the power to commute death sentences or sign laws into effect, we also act upon our beliefs. Writing letters, petitioning our legislators, marching in demonstrations, and working to pass (or overturn) laws are examples of acting on our moral beliefs. For example, those who chose to participate in the Occupy protests in Washington, D.C., and various other cities across the country in 2011 and 2012 may have experienced personal dilemmas when police ordered them to vacate the protest sites. Those who chose to be arrested made that decision for their political beliefs. If they were conflicted about what to do, then they experienced a dilemma.

In applied ethics texts, various authors set out the steps to take when facing ethical dilemmas. For instance, Ruggiero (2001) advises us to (1) study the details of the case, (2) identify the relevant criteria (obligations, ideals, consequences), (3) determine possible courses of action, and (4) decide which action is the most ethical.

“Critical thinking skills” has become an overused and abused term in education, but the core idea of critical thinking is to be more cognizant of facts versus concepts, assumptions, or biases, and the use of objective reasoning to most effectively reach a decision or understand a problem. Paul and Elder (2003) explain that all reasoning is based on assumptions, points of view, and data or evidence, but it is shaped by concepts and ideas that affect our interpretations of the data, which then lead us to conclusions that give meaning to the data. In order to be a critical thinker, one must ask these types of questions: What information am I using in coming to a conclusion? What information do I need to settle the question? Is there another way to interpret the information? What assumption has led me to my conclusion? Is there another point of view I should consider? What implication or consequence might be the result of this conclusion? In any study of ethics, one’s assumptions and beliefs may be questioned and challenged. When one uses the ethical systems we discuss in the next chapter, critical thinking skills are helpful. Indeed, in all of the discussions throughout the book that describe and seek to understand the ethical issues in the criminal justice system, critical thinking will be required.

One of the most important elements of critical thinking is to separate facts from concepts and identify underlying assumptions. This approach is represented in the following steps that we will use throughout this book to clarify any dilemma:

1. *Identify the facts.* Make sure that one has all the facts that are known—not future predictions, not suppositions, not probabilities.
2. *Identify relevant values and concepts.* Concepts are things that cannot be proven empirically but are relevant to the issue at hand. Understand that your concepts and values may affect the way you interpret the facts. For instance, the issue of abortion revolves around the value of life, but it is also a concept in that there is no proof of when life begins or ends (although there are facts regarding respiration, brain activity, etc.). Many arguments surrounding ethical issues are really arguments about concepts (such as “life”), not always values or ethical judgments.
3. *Identify all possible moral dilemmas for each party involved.* This can help us see that sometimes one’s own moral or ethical dilemma is caused by others’ actions. For

instance, a police officer's ethical dilemma when faced with the wrongdoing of a fellow officer is a direct result of that other officer making a bad choice. It is helpful to see all the moral issues involved to be able to address the central issue.

4. *Decide what is the most immediate moral or ethical issue facing the individual.* This is always a behavior choice, not an opinion. For example, the moral issue of whether abortion should be legalized is quite different from the moral dilemma of whether I should have an abortion if I find myself pregnant. Obviously, one affects the other, but they are conceptually distinct.
5. *Resolve the ethical or moral dilemma by using an ethical system or some other means of decision making.* (Ethical systems will be discussed in Chapter 2.)

Let us refer to the dilemma, at the beginning of this chapter, of the correctional officer who must decide what to do about the possible beating he observed.

1. This officer has to make sure that he has all the facts. Was the inmate hurt? Did his injuries occur during the time the two other officers were in his cell? Is the officer sure that no one reported it? Would the inmate come forward if he believed that someone would testify against the other two officers, or would he deny the assault (if there was one)? What other facts are important to know? Remember that facts are those things that can be proven; however, this does not necessarily mean that the individual facing the dilemma knows what the facts are.
2. The officer might examine the relevant values. In this situation, one can identify duty, legality, honesty, integrity, safety, protection, loyalty, self-preservation, and trust. Are any other values important to resolve the dilemma? Concepts that may affect this dilemma include things like just punishment—if one feels that prison as punishment is not enough, then that concept will affect the way this dilemma is perceived.
3. Several ethical issues come into play here. The first is whether the other officers should have entered the prisoner's cell. There is probably an earlier issue involving whatever the prisoner did to warrant the visit. There is obviously the issue of whether the officer should have let off-duty officers into the cell in the first place. Finally, there is the issue of what the officer should do now that he believes an injustice may have taken place.
4. The most immediate dilemma for the officer is whether or not to come forward with the information.
5. To resolve the dilemma, it is helpful to work through Chapter 2 first because one way to resolve ethical dilemmas is to decide on an ethical system. If the officer was a utilitarian, he would weigh the costs and benefits for all concerned in coming forward and in staying quiet. If he followed duty-based ethics (ethical formalism), he would find the answer once he determined his duty.

That was a hypothetical, but here is a real example. A county jailer observed two other jailers engaged in sex acts during the shift. She reported what she had seen to the supervisor, who sent her home. Then she was demoted and fired, allegedly for reporting the other jailers, although the agency's position was that she did not disclose her ADHD (attention deficit hyperactivity disorder) on her job application.

1. What are the facts? Did she see what she thought she saw? Were the other jailers engaged in actions that were against law or policy? Was she doing something that was also a violation of the rules when she observed them? Did the supervisor know that the jailers were engaging in sex? Did she violate the agency's policy by not disclosing her ADHD?

2. Values and concepts at play here are loyalty (to fellow jailers), integrity (standing up and speaking out when you feel it is necessary), duty (what was her duty as a county employee?), and honesty.
3. All possible dilemmas are whether or not she should report what she saw, whether the other jailers should have engaged in such activities in the first place, whether the supervisor should punish her for whistleblowing, whether she should have disclosed her ADHD when she was first hired, and whether other jailers should come forward to defend her against what might have been retaliation from management for whistleblowing. One sees that her dilemma to report or not was caused by the decisions made by the other jailers to engage in misconduct. Further, her action created a dilemma for the supervisor as to what to do with the information.
4. The immediate dilemma is whether she should have reported the misconduct or not.
5. The resolution of this dilemma was that she did report and was (allegedly) punished for what she considered an ethical action, and is now suing the county in a whistleblowing retaliation lawsuit (Kreytak, 2010b). Under some ethical systems, what she did would only be considered ethical if she had good intentions (e.g., to stand up against misconduct as opposed to selfishly trying to get other people in trouble because she didn't like them or for some other reason). Utilitarianism would have defined the reporting as ethical only if it led to the greatest utility for the greatest number. We will understand more about how to resolve dilemmas after Chapter 2.

Conclusion

In this chapter, we defined the terms *morals* and *ethics* as both relate to standards of behavior. We explained why a study of ethics is especially important to criminal justice professionals. It also was noted that not all behaviors would be subject to ethical judgments—only those that are performed by humans who are acting with free will and that affect others. Professional ethics deals with only those behaviors relevant to one's profession. We make ethical judgments (what we consider right and wrong) using rationales derived from historical and traditional ethical systems. These ethical systems will be described in Chapter 2.

The most important thing to remember is that we all encounter situations where we must determine the ethical or moral course of action among several choices. In the boxes throughout the book titled *Walking the Walk*, we will offer real-life examples of individuals who faced ethical dilemmas. It is clear that in many of these situations, the easier decision would have been to avoid responsibility, transfer blame, hide behind rationalizations, or refuse to stand up for what is right. By becoming aware of those who uphold ethics in their professional decision making, we can honor them for doing what is right.

This chapter closes with a chapter review, and study questions to answer in class or in a journal. These can be helpful to check your understanding of the issues. These are followed by writing/discussion exercises, which have no right or wrong answers and can be the basis for classroom discussions or individual writing assignments. Finally, ethical dilemmas are presented to encourage the reader to practice ethical analysis.

WALKING THE WALK

Scott Waddle was the captain of the *U.S.S. Greenville* in 2001, a former Eagle Scout whose career in the Navy saw a steady progression of successes resulting in his command of the *Greenville*. A tireless promoter of the Navy and the giant submarine he captained, Waddle sent autographed pictures of the sub to schoolchildren, and he enthusiastically participated in the “distinguished visitor” program, which allowed civilians to accompany the submarine crew on cruises.

During one of these public relations cruises, on February 9, 2001, the submarine captain gave the order for an “emergency blow,” a maneuver in which the submarine comes up out of the depths at great speed, breaking the surface of the water like a breaching whale before settling back onto the surface. In a tragic accident, the probabilities of which boggle the mind, the submarine came up under a Japanese trawler carrying students and their teachers, as well as a crew. The submarine smashed it to bits and sent the crew and passengers who survived the initial impact into the ocean. The accident killed nine people and cost more than \$100 million in damages and compensation costs.

The ensuing investigation and testimony determined that the person in charge of the radar deferred to Waddle’s visual inspection of the surface and didn’t tell him of a sonar contact that was within 4,000 yards. Waddle and other officers who manned the periscope had scanned the surface too quickly and missed the small ship in the turbulent swells.

Testimony indicated that after the crash Waddle grimly kept the crew focused, and instructed them over the intercom, “Remember what you saw, remember what happened, do not embellish. Tell the truth and maintain your dignity.”

Against his lawyer’s advice, Waddle gave up his right to silence in the military tribunal that was held to assess whether to court martial him. He was reported to have said, “This court needs to hear from me—it’s the right thing to do.” In his testimony, he refused to shift responsibility to others and accepted all blame for the accident. He said, “I’m solely responsible for this truly tragic accident, and for the rest of my life I will have to live with the horrible consequences.”

A father of one of the victims was sitting in the room when Waddle testified, and his anger was overcome by Waddle’s tearful apology. Waddle ultimately accepted a letter of reprimand that ended his career with the Navy. Then he went to Japan to apologize to the victims’ families personally.

In the aftermath of his decision to testify and not fight to keep his career, Waddle reported that he considered suicide, but he moved past his shame and guilt. Today he gives speeches on the experience and advises others of the importance of dealing with failure honestly, one of which was to a Boy Scout awards ceremony in Chattanooga, Tennessee. Speaking to the 500 attendees, he said that the values of honesty and responsibility he learned in Scouting helped him make the decisions he did during the aftermath of the accident.

Sources: Hight, 2005; Putman, 2008; *Newsweek*, 2001.

Chapter Review

1. Give examples of how discretion permeates every phase of the criminal justice system and creates ethical dilemmas for criminal justice professionals.

Discretion can be defined as the power and authority to choose one of two or more alternative behaviors. At each stage of the criminal justice system, professionals have such discretion: legislators make decisions regarding the creation of laws, police make decisions on the street in their enforcement of those laws, prosecutors make decisions about which arrests to formally prosecute, judges make decisions about which evidence to allow, and correctional professionals make decisions that affect the lives of offenders.

2. Explain why the study of ethics is important for criminal justice professionals.

First, we study ethics because criminal justice is uniquely involved in coercion, which means there are many and varied opportunities to abuse such power. Second, almost all criminal justice professionals are public servants and, thus, owe special duties to

the public they serve. Finally, we study ethics to sensitize students to ethical issues and provide tools to help identify and resolve the ethical dilemmas they may face in their professional lives.

3. **Learn the definitions of the terms *morals*, *ethics*, *duties*, *superogatories*, and *values*.**

The terms *morals* and *ethics* come from Greek and Latin words referring to custom or behavioral practices. *Morals* refer to what is judged as good conduct. *Ethics* refers to the study and analysis of what constitutes good or bad conduct. *Duties* are obligatory acts (by law, practice, or *morals*). *Superogatories* are those acts that go above and beyond *duties*. *Values* are statements of worth or importance.

4. **Describe what behaviors might be subject to moral/ethical judgments.**

Behaviors that can be adjudged under moral criteria are those that are acts (not thought) committed by humans (not animals) of free will (not by those judged as incompetent), and that affect others.

5. **Explain the difference between ethical issues and ethical dilemmas.**

Ethical issues are broad social or policy questions, while ethical dilemmas are situations in which one person must make a decision that can be judged as right or wrong, and where what is right is difficult to decide or is hard to do for some other reason.

Key Terms

applied ethics	ethics	professional ethics
discretion	imperfect duties	superogatories
duties	meta-ethics	values
ethical dilemmas	morals	wholesight
ethical issues	normative ethics	

Study Questions

1. Define a public servant and why public servants should be especially sensitive to ethical issues.
2. Discuss Felkenes's reasons for why it is important for criminal justice professionals to study ethics.
3. Define *morals*, *ethics*, *values*, *duties*, *superogatories*, *imperfect duties*, *meta-ethics*, *normative ethics*, and *applied ethics*.
4. What are the four elements that specify the types of behaviors that are judged under ethical criteria? Which groups traditionally have been exempt from legal and moral culpability? Why?
5. What are the steps in analyzing an ethical dilemma?

Writing/Discussion Exercises

1. Write an essay about (or discuss) a difficult ethical dilemma that you faced. What was it? What were the options available to you? Who was affected by your decision? Were there any laws, rules, or guidelines that affected your decision? How did you make your decision?