ETHICAL ESSENTIALS

Doing Right When No One Is Watching

Ethics is knowing the difference between what you have a right to do and what is right to do.

—Justice Potter Stewart

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LEARNING OBJECTIVES

As a result of reading this chapter, you will be able to

1. Articulate legitimate ethical dilemmas that arise with police, courts, and corrections practitioners
2. Explain the philosophical foundations that underlie and mold modern ethical behavior
3. Discuss the need for, and application of, ethical standards as they concern police
4. Explain the importance of ethics in the court system
5. Delineate the unique ethical considerations and obligations that exist with federal employees
6. Explain the interplay of ethics with the subculture and job-related stress in corrections practitioners
7. Understand what ethical tests can help criminal justice students and practitioners decide how to address ethical dilemmas

ASSESS YOUR AWARENESS

Test your knowledge of ethics by responding to the following seven true-false items; check your answers after reading this chapter.

1. The term ethics is rooted in the ancient Greek idea of “character.”
2. The “ends justify the means” philosophy is typically a good, safe philosophy for the police and judges to follow.
3. Communities sometimes seem to tolerate questionable police behavior, if it is carried out to benefit the greater public good (such as dealing with violent gang members).
4. During an oral interview, applicants for policing jobs should never indicate a willingness to “snitch” on another officer whom they observe doing something wrong.
5. The receipt of gratuities by criminal justice personnel is a universally accepted practice.
6. Whistleblowers who expose improper acts of their coworkers now have no legal protection.
7. Because of their constitutional obligations, prosecutors and defense attorneys are not bound to the same ethical standards as other criminal justice employees.

<< Answers can be found on page 419.

In July 2017, a suspect attempting to flee from Utah state troopers ran his pickup truck head-on into a truck driven by 43-year-old William Gray. The suspect died in the crash. At the hospital, police attempted to obtain a blood sample from the unconscious, severely burned Gray. Nurse Alex Wubbels refused the police request for a blood draw, pointing out that Gray was not under arrest, that police did not have a warrant to obtain the blood, and that police could not obtain consent because the man was unconscious. The police believed they had implied consent by virtue of Gray’s commercial driver’s license (CDL). (This point soon became a legal controversy, as some attorneys argued that federal regulations regarding Gray’s CDL allowed police to obtain the sample; other attorneys disagreed.) Video shows the officer saying, “I either go away with blood in vials or body in tow,” then placing Wubbels under arrest, grabbing her, pulling her arms behind her back, handcuffing her, and dragging her out of the hospital as she screams.

An internal investigation found the officer and his supervisor violated several department policies during Wubbels’s arrest; a review by the city’s civilian review board also found that both officers violated department policies. The arresting officer was terminated and his supervisor demoted; both appealed their punishments. Wubbels agreed to a $500,000 payment to settle the dispute.2

As you read this chapter, consider whether or not Wubbels should have been arrested and if there were other means available to police to address the situation. Also, consider how tenuous the relationship can be between police and citizens, how quickly matters can get out of hand, and how police use of force can easily be viewed as “crossing the line” and be deemed unethical in nature. Perhaps a good “test” in this particular case (per the Supreme Court in Graham v. Connor, discussed in Chapter 7) is whether or not the
officer’s actions were reasonable in light of the facts and circumstances facing him, without regard to his underlying intent or motivation.

INTRODUCTION

As regular practice is essential to being a renowned musician, and a perfect cake is essential to having a beautiful wedding, so too is ethics essential to being a criminal justice practitioner. A Latin term that might be used to describe this relationship is *sine qua non*—"without which, nothing." A fundamental knowledge of ethics, as well as some guideposts concerning what constitutes unethical behavior, is an important topic in today’s society and for all criminal justice students—not only to guide their own behavior but also because unethical behavior at times appears to permeate contemporary U.S. politics/government, business, and sports.

What specific behaviors are clearly unethical for criminal justice employees? What criteria should guide these employees in their work? To what extent, if any, should the public allow criminal justice employees to violate citizens’ rights in order to maintain public order?

This chapter attempts to address these questions and examines many types of ethical problems that can and do arise in police departments, courts, and corrections agencies. The focus is necessarily on the police, who find themselves in many more situations where corruption and brutality can occur than do judges and corrections personnel.

This is not a black-and-white area of study; in fact, there are definitely “shades of gray” for many people where ethics is called into question. Also problematic is that some people who are hired into criminal justice positions simply are not of good character. Furthermore, as addressed in Chapter 1, we cannot train people to have high ethical standards, nor can we infuse ethics intravenously. In sum, character and ethics are largely things that people either have or don’t have.

GOOD EXAMPLES OF BAD EXAMPLES

To frame the concept of ethics and demonstrate how one’s value system can easily be challenged in criminal justice work, consider the following scenarios, all of which are based on true events, and what you might deem to be an appropriate response and punishment (if any) for each:

- **Police:** A Chicago police officer was reprimanded for violating rules that prohibit officers from making political statements while on duty. Specifically, he had posted on social media a picture of himself, in uniform, holding an American flag and a homemade sign that read, “I stand for the anthem. I love the American flag. I support my president and the 2nd Amendment.” But the reprimand only seemed to intensify his rhetoric, as he began posting inflammatory material about women, welfare recipients, and those who disagree with his politics. He also tangled with social media users, saying, “Keep listening for that knock on the door,” and often boasted that he would continue to avoid serious punishment. His superiors twice tried to fire him, though he appealed those efforts and won. “The police dept didn’t and CAN’T fire me,” he wrote. The officer is one of the most disciplined officers in the department, having been suspended seven times for a total of 111 days.

- **Courts:** For several weeks, a wealthy divorcée receives menacing telephone calls that demand social dates and sexual favors. The caller’s voice is electronically disguised. The suspect also begins stalking the woman. After working several clues and surveillances at the victim’s home, you, a federal agent, finally make contact with a
suspect and determine that he is the chief judge of the state's supreme court. Upon confronting him, you are told by the judge to “forget about it, or you’ll be checking passports in a remote embassy.”

- **Corrections:** Following a number of high-profile deaths and cases of abuse, several civil rights organizations and advocates for the mentally ill demanded an investigation of a southern state's prison system where more than 12,000 inmates were alleged as being held in solitary confinement. Cases cited included an inmate who died after being gassed three times in a solitary confinement cell and one who was scalded to death while locked by corrections officers in a prison shower. It was also alleged that inmates were beaten and sexually assaulted, and that racial disparity exists: Black inmates made up 44 percent of the prison population but represented 57 percent of the inmates in solitary confinement. In addition, it was believed that nearly a quarter of all inmates with mental illnesses were housed in solitary confinement.

### PHILOSOPHICAL FOUNDATIONS

The term *ethics* is rooted in the ancient Greek idea of “character.” Ethics involves doing what is right or correct, and the term is generally used to refer to how people should behave in a professional capacity. Many people would argue, however, that no difference should exist between one's professional and personal behavior. In other words, ethical rules of conduct should apply to everything a person does.

A central problem with understanding ethics concerns the questions of “whose ethics” and “which right.” This becomes evident when one examines controversial issues such as the death penalty, abortion, use of deadly force, and gun control. How individuals view a particular controversy depends largely on their values, character, or ethics. Both sides of controversies such as these believe they are morally right. These issues demonstrate that to understand behavior, the most basic values must be examined and understood.

Another area for examination is deontological ethics, which does not consider consequences but instead examines one's duty to act. The word deontology comes from two Greek roots, *deos*, meaning “duty,” and *logos*, meaning “study.” Thus, deontology means the study of duty. When police officers observe a violation of law, they have a duty to act. Officers frequently use this duty as an excuse when they issue traffic citations that appear to have little utility and do not produce any great benefit for the rest of society. For example, when an officer writes a traffic citation for a prohibited left turn made at two o'clock in the morning when no traffic is around, the officer is fulfilling a departmental duty to enforce the law. From a utilitarian standpoint (where we judge an action by its consequences), however, little if any good was served. Here, duty, and not good consequences, was the primary motivator.

Immanuel Kant, an 18th-century philosopher, expanded the ethics of duty by including the idea of “good will.” People’s actions must be guided by good intent. In the previous example, the officer who wrote the traffic citation for an improper left turn would be acting unethically if the ticket was a response to a quota or some irrelevant motive. However, if the citation was issued because the officer truly believed that it would result in some good outcome, it would have been an ethical action.
Some people have expanded this argument even further. Richard Kania argued that police officers should be allowed to freely accept gratuities because such actions would constitute the building blocks of positive social relationships between the police and the public. In this case, duty is used to justify what under normal circumstances would be considered unethical. Conversely, if officers take gratuities for self-gratification rather than to form positive community relationships, then the action would be considered unethical by many.

**Types of Ethics**

Ethics usually involves standards of fair and honest conduct; what we call conscience, the ability to recognize right from wrong; and actions that are good and proper. There are absolute ethics and relative ethics. **Absolute ethics** has only two sides—something is either good or bad, black or white. Some examples in police ethics would be unethical behaviors such as bribery, extortion, excessive force, and perjury, which nearly everyone would agree are unacceptable behaviors by the police.

**Relative ethics** is more complicated and can have a multitude of sides with varying shades of gray. What one person considers to be ethical behavior may be deemed highly unethical by someone else. Not all ethical issues are clear-cut, however, and communities do seem willing at times to tolerate extralegal behavior if there is a greater public good, especially in dealing with problems such as gangs and the homeless. This willingness on the part of the community can be conveyed to the police. Ethical relativism can be said to form an essential part of the community policing movement, discussed more fully in Chapter 6.

A community’s acceptance of relative ethics as part of criminal justice may send the wrong message: that few boundaries are placed on justice system employee behaviors and that, at times, “anything goes” in their fight against crime. As John Kleinig pointed out, giving false testimony to ensure that a public menace is “put away” or illegally wire-tapping an organized crime figure’s telephone might sometimes be viewed as “necessary” and “justified,” though illegal.

This is the essence of the crime control model of criminal justice (discussed in Chapter 1). Another example is that many police believe they are compelled to skirt along the edges of the law—or even violate it—in order to arrest drug traffickers. The ethical problem here is that even if the action could be justified as morally proper, it remains illegal. For many persons, however, the protection of society overrides other concerns.

This viewpoint—the “principle of double effect”—holds that when one commits an act to achieve a good end and an inevitable but intended effect is negative, then the act might be justified. A long-standing debate has occurred about balancing the rights of individuals against the community’s interest in calm and order.

These special areas of ethics can become problematic and controversial when police officers use deadly force or lie and deceive others in their work. Police could justify a whole range of activities that others may deem unethical simply because the consequences resulted in the greatest good for the greatest number—the utilitarian approach (or utilitarianism). If the ends justified the means, perjury would be ethical when committed to prevent a serial killer from being set free to prey on society. In our democratic society, however, the means are just as important as, if not more important than, the desired end.

As examples, citizens in some jurisdictions may not object to the police “hassling” suspected gang members—pulling them over in their cars, say, and doing a field interview—or telling homeless people who are loitering in front of a heavy tourism area or public park to “move along.”

It is no less important today than in the past for criminal justice employees to appreciate and come to grips with ethical essentials. Indeed, ethical issues in policing have been affected by three critical factors: (1) the growing level of temptation stemming from the illicit drug trade; (2) the potentially compromising nature of the organizational
culture—a culture that can exalt loyalty over integrity, with a “code of silence” that protects unethical employees; and (3) the challenges posed by decentralization (flattening the organization and pushing officers’ decision making downward) through the advent of community-oriented policing and problem solving (the community era of policing is discussed in Chapter 6).

Noble Cause Corruption

When the police practice relative ethics and the principle of double effect, described earlier, it is known as noble cause corruption—what Thomas Martinelli, perhaps gratuitously, defined as “corruption committed in the name of good ends, corruption that happens when police officers care too much about their work.” It basically holds that when an act is committed to achieve a good end (such as an illegal search) but its outcome is negative (the person who is searched eventually goes to prison), the act might still be justified.

Although noble cause corruption can occur anywhere in the criminal justice system, we might look at the police for examples. Officers might bend the rules, such as not reading a drunk person his rights or performing a field sobriety test; planting evidence; issuing “sewer” tickets—writing a person a ticket but not giving it to her, resulting in a warrant issued for failure to appear in court; “testilying,” or “using the magic pencil,” whereby police officers write up an incident in a way that criminalizes a suspect—this is a powerful tool for punishment. Noble cause corruption carries with it a different way of thinking about the police relationship with the law. Here, officers operate on a standard that places personal morality above the law, becoming legislators of the law and acting as if they are the law. Some officers rationalize such activities; as a Philadelphia police officer put it, “When you’re shoveling society’s garbage, you gotta be indulged a little bit.” Obviously the kinds of noble cause behaviors mentioned here often involve arrogance on the part of the police and ignore the basic constitutional guidelines the occupation demands. Administrators and middle managers must be careful to take a hardline view that their subordinates always tell the truth and follow the law. A supervisory philosophy of discipline based on due process, fairness, and equity, combined with intelligent, informed, and comprehensive decision making, is best for the department, its employees, and the community.

ETHICS IN POLICING

Having defined the types of ethics and some dilemmas, next we discuss in greater detail some of the ethical issues faced by police leaders and their subordinates.

A Primer: The Oral Job Interview

During oral interviews for a position in policing, applicants are often placed in a hypothetical situation that tests their ethical beliefs and character. For example, they may be asked to assume the role of Officer Brown, who is checking on foot an office supplies retail store that was found to have an unlocked door during early morning hours. On leaving the building, Brown observes another officer, Smith, removing a $200 writing pen from a display case and placing it in his uniform pocket. What should Officer Brown do?

This kind of question commonly befuddles the applicant: “Should I rat on my fellow officer? Overlook the matter? Merely tell Smith never to do that again?” Unfortunately, applicants may do a lot of “how am I supposed to respond” soul searching and second-guessing with these kinds of questions.

Bear in mind that criminal justice agencies do not wish to hire someone who possesses ethical shortcomings; it is simply too potentially dangerous and expensive, from both legal
and moral standpoints, to take the chance of bringing into an agency someone who is corrupt. That is the reason for such questioning and a thorough background investigation of applicants.

Before responding to a scenario like the one concerning Officers Brown and Smith, the applicant should consider the following issues: Is this likely to be the first time that Smith has stolen something? Don't the police arrest and jail people for this same kind of behavior?

In short, police administrators should never want an applicant to respond that it is acceptable for an officer to “rat out” another officer. Applicants should never acknowledge that stealing or other such activities are to be overlooked.

Police Corruption

“For as long as there have been police, there has been police corruption.” Thus observed police expert Lawrence Sherman about one of the oldest problems in U.S. policing. Indeed, the Knapp Commission investigated police corruption in the early 1970s, finding that there are two primary types of corrupt police officers: the “meat-eaters” and the “grass-eaters.” Meat-eaters spend a good deal of their working hours aggressively seeking out situations that they can exploit for financial gain, including gambling, narcotics, and other lucrative enterprises.

Grass-eaters, the commission noted, constitute the overwhelming majority of those officers who accept payoffs; they are not aggressive but will accept gratuities from contractors, tow-truck operators, gamblers, and the like. Although such officers probably constitute a small percentage of the field, any such activity is to be identified and dealt with sternly.

Police corruption can be defined broadly, from major forms of police wrongdoing to the pettiest forms of improper behavior. Another definition is “the misuse of authority by a police officer in a manner designed to produce personal gain for the officer or for others.” Police corruption is not limited to monetary gain, however. Gains may be made through the acceptance of services received, status, influence, prestige, or future support for the officer or someone else.

To Inform or Not to Inform: The Code of Silence

Let’s continue with the earlier scenario. Remember that Officer Brown witnessed Officer Smith putting an expensive ink pen in his pocket after they found an unlocked office supplies retail business on the graveyard shift. If reported, the misconduct will ruin Smith, but if not reported, the behavior could eventually cause enormous harm. To outsiders, this is not a moral dilemma for Brown at all; the only proper path is for her to report the misconduct. However, arguments exist both for and against Brown’s informing on her partner. Reasons for informing include the fact that the harm caused by a scandal would be outweighed by the public’s knowing that the police department is free of corruption; also, individual episodes of corruption would be brought to a halt. Brown, moreover, has a sworn duty to uphold the law. Reasons against informing include the facts that, at least in Brown’s mind, the other officer is a member of the “family” and a skilled police officer is a valuable asset whose social value far outweighs the damage done by moderate corruption.
A person who is in charge of investigating police corruption would no doubt take a punitive view, because police are not supposed to steal, and they arrest people for the same kinds of acts every day. Still, the issue—and a common question during an oral interview when citizens are being tested for police positions—is whether or not Brown would come forth and inform on her fellow officer.

It is necessary to train police recruits on the need for a corruption-free department. The creation and maintenance of an internal affairs unit and the vigorous prosecution of law-breaking police officers are also critical to maintaining the integrity of officers.

The Law Enforcement Code of Ethics and Oath of Honor

The Law Enforcement Code of Ethics (LECE) was adopted by the International Association of Chiefs of Police (IACP) in 1957 and has been revised several times since then. It is a powerful proclamation, and tens of thousands of police officers across the nation have sworn to uphold this code upon graduating from their academies. Unfortunately, the LECE is also quite lengthy, covering rather broadly the following topics as they relate to police officers: primary responsibilities, performance of one’s duties, discretion, use of force, confidentiality, integrity, cooperation with other officers and agencies, personal/professional capabilities, and private life.

The IACP adopted a separate, shorter code that would be mutually supportive of the LECE but also easier for officers to remember and call to mind when they come face-to-face with an ethical dilemma. It is the Law Enforcement Oath of Honor, and the IACP is hoping the

Going Global

Mexico—Where an Entire Police Force May Be Corrupt

An entire municipal police force in central Mexico was terminated in late 2018 following suspicions of corruption and ties to organized crime. State and military personnel took control of security in Tehuacán, disarming 205 police officers on the force; another 113 officers, including the agency’s director, were unaccounted for and believed to have fled the city. The terminations followed increases in violent crimes, after which the officers underwent evaluations to determine if they were fit for duty and their weapons used to commit crimes. Authorities also determined that a majority of the police did not receive adequate screening for being hired and should not have been working on the force.

The wholesale termination demonstrated the level to which organized crime and corruption have penetrated the local police, who are particularly vulnerable to such behavior as they are overworked, underpaid, and understaffed. The math is not complicated: If a police officer is paid the U.S. equivalent of $200 per month, and organized crime offers $1,000 a month, there is little doubt they will choose the latter. There is evidence that organized crime groups even secure positions for their own people within the police force and that some police units operate kidnapping rings.

The Law Enforcement Oath of Honor is as follows:

On my honor, I will never
betray my badge, my integrity,
my character or the public trust.
I will always have the courage to hold
myself and others accountable for our actions.
I will always uphold
the constitution, my community and the
agency I serve.19

Accepted and Deviant Lying

In many cases, no clear line separates acceptable from unacceptable behavior in policing. The two are separated by an expansive gray area that comes under relative ethics. Some observers have referred to such illegal behavior as a "slippery slope," meaning that people tread on solid or legal ground but at some point slip beyond the acceptable into illegal or unacceptable behavior.

Criminal justice employees lie or deceive for different purposes and under varying circumstances. In some cases, their misrepresentations are accepted as an essential part of a criminal investigation, whereas in other cases they are viewed as violations of law. David Carter examined police lying and perjury and found a distinction between accepted lying and deviant lying.20

Accepted lying includes police activities intended to apprehend or entrap suspects. This type of lying is generally considered to be trickery. Deviant lying, by contrast, refers to occasions when officers commit perjury to convict suspects or are deceptive about some activity that is illegal or unacceptable to the department or public in general.

Deception has long been practiced by the police to identify and arrest criminals; this undercover DEA agent is posing as a student as part of a drug investigation.

(1) performing the illegal action as part of a larger, socially acceptable, and legal goal; (2) disguising the illegal action so that the suspect does not know it is illegal; and (3) morally weakening the suspect so that the suspect voluntarily becomes involved.21 The courts have long accepted deception as an investigative tool. For example, the U.S. Supreme Court ruled in Illinois v. Perkins that, when investigating crimes, police undercover agents are not required to administer the Miranda warning to incarcerated inmates.22 Lying, although
acceptable by the courts and the public in certain circumstances, does result in an ethical dilemma. It is a dirty means to accomplishing a good end—the police using untruths to gain the truth relative to some event.

In their examination of lying, Thomas Barker and David Carter identified two types of deviant lying: lying that serves legitimate purposes and lying that conceals or promotes crimes or illegitimate ends. Lying that serves legitimate goals occurs when officers lie to secure a conviction, obtain a search warrant, or conceal omissions during an investigation. Barker found that police officers believe that almost one-fourth of their agency would

Investigating Further

Agency Policy Governing Police Conduct

Following is a sample departmental policy pertaining to officers’ conduct; read it and respond to the questions below:

A. General Conduct: Obedience to Laws and Regulations
   a. Officers shall obey the constitutional, civil, and criminal laws of the city, its state, and the federal government.
   b. Officers shall obey all lawful orders.
   c. Violations include, but are not limited to:
      • Committing a willful violation of constitutional civil rights that demonstrates reckless disregard.
      • Committing infractions of policy concerning traffic codes (e.g., driving over the speed limit, parking in unauthorized locations, failing to wear seat belts).
      • Inflicting punishment or mistreatment (both physical and/or mental) upon a prisoner or person in custody or detention or a citizen.
      • Violating any local, state, or federal criminal or civil codes or ordinances.
      • Refusing or failing to protect a prisoner’s civil rights.
      • Making slanderous or libelous statements intending to harm the reputation of another member of this agency or any person in general.
      • Using excessive force to hold, arrest, or detain any person, or using prohibited devices, procedures, tactics, or techniques to do so.

B. Conduct Unbecoming an Officer
   a. Honesty, efficiency, and integrity are the guideposts for a police officer’s conduct. All officers are employed to serve the citizens of this jurisdiction, who are entitled to courteous, efficient response to requests for police services.
   b. All officers, whether on or off duty, shall be governed by ordinary and reasonable rules of good conduct and behavior and shall not commit any act which could adversely reflect on this department.
   c. Officers shall not reveal any information of which they have knowledge unless it is given to a person entitled to have the information.
   d. All officers when off duty, but in uniform, shall conduct themselves as though they were on duty.
   e. Members shall conduct themselves (on duty as well as off duty) in a manner that does not damage or might likely damage or bring the public image, integrity, or reputation of the Police Department into discredit, disrepute, or impair its efficient and effective operation.

1. Based on what you’ve read above, is this policy adequate for governing all improper acts of commission or omission by the officers in this agency?
2. If not, which policy or policies might be added? Which of the above might be amended?
commit perjury to secure a conviction or to obtain a search warrant. Lying becomes an effective, routine way to sidestep legal impediments. When left unchecked by supervisors, managers, and administrators, lying can become organizationally accepted as an effective means of nullifying legal entanglements and removing obstacles that stand in the way of convictions. Examples include using the services of nonexistent confidential informants to secure search warrants, concealing that an interrogator went too far, coercing a confession, or perjuring oneself to gain a conviction.

Lying to conceal or promote criminality is the most distressing form of deception. Examples range from when the police lie to conceal their use of excessive force when arresting a suspect to obscuring the commission of a criminal act.

Accepting Gratuities

Many police officers commonly accept gratuities as a part of their job. Restaurants frequently give officers free or half-price meals and drinks, and other businesses routinely give officers discounts for services or merchandise. While some officers and their departments accept the receipt of such gratuities as a legitimate part of their job, other agencies prohibit such gifts and discounts but seldom attempt to enforce any relevant policy or regulation. Finally, some departments attempt to ensure that officers do not accept free or discounted services or merchandise and routinely enforce policies or regulations against such behavior.

There are two basic arguments against police acceptance of gratuities. First is the slippery slope argument, discussed earlier, which proposes that gratuities are the first step in police corruption. This argument holds that once gratuities are received, police officers’ ethics are subverted and they are open to additional breaches of their integrity. In addition, officers who accept minor gifts or gratuities are then obligated to provide the donors with some special service or accommodation. Furthermore, some critics propose that receiving a gratuity is wrong because officers are receiving rewards for services that they are obligated to provide as part of their employment. That is, officers have no legitimate right to accept compensation in the form of a gratuity. If the police ever hope to be accepted as members of a full-fledged profession, they must address whether the acceptance of gratuities is professional behavior.

Former New York police commissioner Patrick V. Murphy was one of those who believed that “except for your pay check, there is no such thing as a clean buck.” He also noted that judges, teachers, doctors, and other professionals do not accept special consideration from restaurants, convenience stores, movie theaters, and so on.

Here is an example of a policy developed by a sheriff’s office concerning gratuities:

1. Without the express permission of the Sheriff, members shall not solicit or accept any gift, gratuity, loan, present, or fee where there is any direct or indirect connection between this solicitation or acceptance of such gift and their employment by this office.

2. Members shall not accept, either directly or indirectly, any gift, gratuity, loan, fee, or thing of value, the acceptance of which might tend to improperly influence their actions, or that of any other member, in any matter of police business, or which might tend to cast an adverse reflection on the Sheriff’s Office.

3. Any unauthorized gift, gratuity, loan, fee, reward, or other thing falling into any of these categories coming into the possession of any member shall be forwarded to the member’s commander, together with a written report explaining the circumstances connected therewith. The commander will decide the disposition of the gift.
Greed and Temptation

Edward Tully underscored the vast amount of temptation that confronts today’s police officers and what police leaders must do to combat it:

Socrates, Mother Teresa, or other revered individuals in our society never had to face the constant stream of ethical problems of a busy cop on the beat. One of the roles of [police leaders] is to create an environment that will help the officer resist the temptations that may lead to misconduct, corruption, or abuse of power. The executive cannot construct a work environment that will completely insulate the officers from the forces which lead to misconduct. The ultimate responsibility for an officer’s ethical and moral welfare rests squarely with the officer.

Most citizens have no way of comprehending the amount of temptation that confronts today’s police officers. They frequently find themselves alone inside retail businesses after normal business hours, clearing the building after finding an open door or window. A swing or graveyard shift officer could easily obtain considerable plunder during these occasions, acquiring everything from clothing to tires for a personal vehicle. At the other end of the spectrum is the potential for huge payoffs from drug traffickers or other big-money offenders who will gladly pay the officer to look away from their crimes. Some officers, like the general public, find this temptation impossible to overcome.

“Random Acts of Kindness”:
The Hidden Side of Police Work

This chapter section has focused on efforts to evaluate, constrain, and discipline different forms of police behavior. Perhaps it is appropriate, therefore, to balance the issue by pointing out another, often overlooked side of the issue: police behaviors that are laudable and reveal a completely different face from that which the public perceives.
What is your career story? I got a bachelor's degree in criminal justice. Shortly after that, I was employed by the Reno Police Department. I had the opportunity to work various assignments as an officer. I was a training officer, a lead negotiator, and a part of our mentoring program. After several years of doing that, I went into the detective division, where I worked in the fraud unit, the sex crimes unit, the robbery homicide unit, and the computer crimes unit before promoting to sergeant.

What misconceptions do you often hear about this position? A misconception for internal affairs is that investigators are on a witch hunt or that they're trying to discipline employees for the sake of discipline. Certainly, accountability is at the heart of what we do, but good internal affairs investigators are conscious of employees' rights. They work very closely with employees and the association, and they work to protect the rights of those employees and ensure that all the investigations are fact-based and fair, and that the conclusions are reasonable. Another misconception held by some members of the public is that the unit exists to cover up or protect substandard or criminal activity by the officers. And that's simply not true. I think how you address both of those misconceptions is to be as transparent, fair, and consistent as possible.

What role does diversity play in this position? Diversity plays a major role in internal affairs. Unfortunately, police often find themselves in situations that are grayer more than they are black-and-white. To be able to adapt to those situations and hold ourselves accountable under those circumstances, we need to understand the situation from as many perspectives as possible. We do that with a diverse approach. We look at it from the perspective of the involved citizens, the officers, the supervisors, the administrators, the media, the politicians, the community, and understand those perspectives so we can have an idea of the big picture with the course of action we ultimately take.

Do you see any common trends in this position? The current trend in internal affairs is a push for transparency. The public at large is very inquisitive, and the media and politicians are discerning. They want to know what's happening with their police department and how their organization is serving them. The fact of the matter is, we do not have as big of a segment of the population that blindly trusts the police as they existed before. So again, it's fostering that relationship, and holding our people accountable, and being transparent.

What advice would you give to someone either wishing to study, or now studying, criminal justice and wanting to become a practitioner in this position? My advice for students who want to pursue this career is to spend some time in internal affairs to understand the demands of the job. Be as varied as you possibly can be in your work and personal experience, and understand current events, both inside and outside of your organization. That's going to help you know what you need to do to make your organization successful and what the expectations are from the public. Set high standards and hold yourself accountable above all else.

To learn more about Zach Thew's experiences as a police internal affairs investigator, watch the Practitioner's Perspective video in SAGE vantage.
A Hippocratic Oath for Police?

The 2015 President’s Task Force on 21st Century Policing heard from 140 witnesses who described many different ways of creating a positive culture of policing. One such witness, distinguished police researcher David Kennedy of the John Jay College of Criminal Justice in New York, suggested there should be a Hippocratic Oath for policing. The Oath, existing as early as 275 A.D. and historically taken by physicians, directs the physician to “prescribe only beneficial treatments, according to his abilities and judgment, to refrain from causing harm or hurt, and to live an exemplary personal and professional life.” As society’s “doctors” (both often seeing people at their worst, when they are most in need of assistance), Kennedy argued that law enforcement officers’ goal should be likewise, to avoid use of force if at all possible, even when it is allowed by law and by policy. Certainly concepts discussed in Chapter 6 (community policing and problem solving) as well as constitutional policing and legitimacy (Chapter 7), appear to speak to this culture of policing.

According to Kennedy, “Respectful language; thoughtful and intentional dialogue about the perception and reality of profiling and the mass incarceration of minorities; and consistent involvement, both formal and informal, in community events all help ensure that relationships of trust between police and community will be built. The vision of policing in the 21st century should be that of officers as guardians of human and constitutional rights.”

1. Should such an oath exist for policing?
2. If so, should it be implemented nationally or on an agency-by-agency basis as part of the individual department’s policies and procedures?
3. Which federal official or agency might create and oversee its practical application?
4. Would such an oath be enforceable? If so, which agency would enforce it, and what penalties might exist for violations?

The following deeds, however, were reported by the media:

- A Miami, Florida, officer caught a struggling single mother shoplifting food from a grocery store for her family. Rather than take her to jail, the officer purchased the food for the mother and showed her the local food banks and churches where she could get assistance until she got back on her feet.29
- Officers in New York City and Palatka, Florida, noticing that homeless men were virtually walking barefoot, purchased new shoes for them.30
- After a 20-year-old wheelchair-bound man was robbed of $4,000 he was saving for a new wheelchair, officers not only caught the robber and returned his money but also created a fund so that he could purchase the very best of wheelchairs (his other one at times got stuck in the snow).31
- Officers in Benicia, California, and Phoenix, Arizona, learning that teens were walking long distances each day (one going nine miles to and from work, the
other, two miles to school), purchased bicycles for them and arranged for them to obtain helmets and other necessities.

- When a Nicoma, Oklahoma, police officer learned that a bike had been stolen at knifepoint from a boy on his beat who had autism, he collected money from his department and his second job to buy the boy a new bike.32

**ETHICS IN THE COURTS**

Although the public tends to think of criminal justice ethics primarily in terms of the police, certainly other criminal justice professionals—including the court work group—have expectations in this regard as well. The ethical standards and expectations—and some examples of failings—of those individuals are discussed next.

**Evolving Standards of Conduct**

The first call during the 20th century for formalized standards of conduct in the legal profession came in 1906, with Roscoe Pound’s speech “The Causes of Popular Dissatisfaction With the Administration of Justice.”33 However, the first canons of judicial ethics probably grew out of a professional baseball scandal in 1919, in which the World Series was “thrown” to the Chicago White Sox by the Cincinnati Reds. Baseball officials turned to the judiciary for leadership and hired U.S. District Court Judge Kenesaw Mountain Landis as baseball commissioner—a position for which Landis was paid $42,500, compared to his $7,500 earnings per year as a judge. This affair prompted the 1921 American Bar Association (ABA) convention to pass a resolution of censure against the judge and appoint a committee to propose standards of judicial ethics.34

In 1924, the ABA approved the Canons of Judicial Ethics under the leadership of Chief Justice William Howard Taft, and in 1972, the ABA approved a new Model Code of Judicial Conduct; in 1990, the same body adopted a revised model code. Nearly all states and the District of Columbia have promulgated standards based on the code. In 1974, the United States Judicial Conference adopted a Code of Conduct for United States Judges, and Congress over the years enacted legislation regulating judicial conduct, including the Ethics Reform Act of 1989.

**The Judge**

Judges are discussed generally in Chapter 10; however, here the focus is on their ethical responsibilities. Ideally, our judges are flawless, not allowing emotion or personal biases to creep into their work, treating all cases and individual litigants with an even hand, and employing “justice tempered with mercy.” The perfect judge has been described as follows:

> The good judge takes equal pains with every case no matter how humble; he knows that important cases and unimportant cases do not exist, for injustice is not one of those poisons which . . . when taken in small doses may produce a salutary effect. Injustice is a dangerous poison even in doses of homeopathic proportions.35

Not all judges, of course, can attain this lofty status and find themselves succumbing to temptation and human faults and foibles. Judges can become embroiled in improper conduct or overstep their bounds in many ways: abuse of judicial power (against attorneys or litigants); inappropriate sanctions and dispositions (including showing favoritism or bias); not meeting the standards of impartiality and competence (discourteous behavior,
gender bias and harassment, incompetence); conflict of interest (bias; conflicting financial interests or business, social, or family relationships); and personal conduct (criminal or sexual misconduct, prejudice, statements of opinion). Following are examples of some true-to-life ethical dilemmas involving the courts.

- A judge persuades jailers to release his son on a nonbondable offense.
- A judge is indicted on charges that he used his office for a racketeering enterprise.
- Two judges attend the governor’s $500-per-person inaugural ball.
- A judge is accused of acting with bias in giving a convicted murderer a less severe sentence because the victims were homosexual.
- A judge whose car bears the bumper sticker “I am a pro-life Democrat” acquits six pro-life demonstrators of trespassing at an abortion clinic on the grounds of necessity to protect human life.

Such incidents certainly do little to bolster public confidence in the justice system. People expect more from judges, who are “the most highly visible symbol of justice.”

Unfortunately, codes of ethical conduct have not eradicated these problems or allayed concerns about judges’ behavior. Indeed, one judge who teaches judicial ethics at the National Judicial College in Reno, Nevada, stated that most judges attending the college admit never having read the Model Code of Judicial Conduct before seeking judicial office.

According to the American Judicature Society, during one year 25 judges were suspended from office, and more than 80 judges resigned or retired either before or after formal charges were filed against them; 120 judges also received private censure, admonition, or reprimand.

The key to judicial ethics is to identify the troublesome issues and to create an “ethical alarm system” that responds. Perhaps the most important tenet in the code and the one that is most difficult to apply is that judges should avoid the appearance of impropriety— in other words, it is not enough that judges do what is just; they must also avoid conduct that would create in the public’s mind a perception that their ability to carry out responsibilities with integrity, impartiality, and competence is impaired.

Ethical requirements for the federal judiciary and other federal employees are discussed later in this chapter.

**Prosecutors**

Given their power and authority to decide which cases are to be prosecuted, prosecuting attorneys must closely guard their ethical behavior. It was decided in 1935 (in *Berger v. United States*) that the primary duty of a prosecutor is “not that he shall win a case, but that justice shall be done.”

Instances of prosecutorial misconduct were reported as early as 1897 and are still reported today. One of the leading examples of unethical conduct by a prosecutor is *Miller v. Pate* (1967), in which the prosecutor concealed from the jury in a murder trial the fact that a pair of undershorts with red stains contained not blood but red paint.

According to Elliot Cohen, misconduct works: Oral advocacy is important in the courtroom and can have a powerful effect. Another significant reason for such conduct is the harmless error doctrine, in which an appellate court can affirm a conviction despite the presence of serious misconduct during the trial. Only when appellate courts take a stricter, more consistent approach to this problem will it end.
Defense Attorneys

Defense attorneys, too, must be legally and morally bound to ethical principles as agents of the courts. Cohen suggested the following moral principles for defense attorneys:

- Treat others as ends in themselves and not as mere means to winning cases.
- Treat clients and other professional relations in a similar fashion.
- Do not deliberately engage in behavior apt to deceive the court as to truth.
- Be willing, if necessary, to make reasonable personal sacrifices of time, money, and popularity for what you believe to be a morally good cause.
- Do not give money to, or accept money from, clients for wrongful purposes or in wrongful amounts.
- Avoid harming others in the course of representing your client.
- Be loyal to your client, and do not betray his or her confidence.

Other Court Employees

Other court employees have ethical responsibilities as well. For example, an appellate court judge’s secretary is asked by a good friend who is a lawyer whether the judge will be writing the opinion in a certain case. The lawyer may be wishing to attempt to influence the judge through his secretary, renegotiate with an opposing party, or engage in some other improper activity designed to alter the case outcome. Bailiffs, court administrators, court reporters, courtroom clerks, and law clerks all fit into this category. It would be improper, say, for a bailiff who is accompanying jurors back from a break in a criminal trial to mention that the judge “sure seems annoyed at the defense attorney” or for a law clerk to tell an attorney friend that the judge she works for prefers reading short bench memos.
ETHICAL CONDUCT OF FEDERAL EMPLOYEES

The laws governing the ethical conduct of federal employees are contained in a variety of statutes, the two major sources of which are Title 18 of the U.S. Code and the Ethics in Government Act of 1978 (enacted following the Watergate scandal of the early 1970s to promote public confidence in government). The latter act has been amended a number of times, with its most significant revision occurring in the Ethics Reform Act of 1989 (Public Law 101-194). A brief general description of that law, as well as expectations of the federal judiciary, is provided next.

The Ethics Reform Act and the Whistleblower Protection Act

The Ethics Reform Act addresses a number of areas of ethical concern, including the receipt of gifts, financial conflicts involving employees’ positions, personal conflicts that may affect their impartiality, misuse of position (for private gain), and outside activities or employment that conflicts with their federal duties (such as serving as an expert witness or receiving payment for speaking, writing, and teaching).

In 1989, the Whistleblower Protection Act (Public Law 101-12) strengthened the protections provided in the Ethics Reform Act. These whistleblower protection laws prohibit reprisal against federal employees who reasonably believe that their disclosures show “a violation of law, rule, or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a specific and substantial danger to public health and safety.”

The Federal Judiciary

The Code of Conduct for United States Judges was initially adopted by the Judicial Conference on April 5, 1973. This code applies to U.S. circuit judges, district judges, Court of International Trade judges, Court of Federal Claims judges, bankruptcy judges, and magistrate judges. Following are the code’s canons of ethical behavior:49

Canon 1: A judge should uphold the integrity and independence of the judiciary.
Canon 2: A judge should avoid impropriety and the appearance of impropriety in all activities.
Canon 3: A judge should perform the duties of the office impartially and diligently.
Canon 4: A judge may engage in extrajudicial activities that are consistent with the obligations of judicial office.
Canon 5: A judge should refrain from political activity.

Implicit in these canons are restrictions on judges’ soliciting or accepting gifts; outside employment and payment for appearances, speeches, or written articles.

Federal judges have the authority to resolve significant public and private disputes. Occasionally, however, a matter assigned to them may involve them or their families personally, or affect individuals or organizations with which they have associations outside of their official duties. In these situations, if their impartiality might be compromised, they must disqualify (or recuse) themselves from the proceeding.

Disqualification is required under Canon 3C(1) of the ABA's Code of Conduct for United States Judges, if the judge

- Has personal knowledge of disputed facts
- Was employed in a law firm that handled the same matter while he or she was there
• Has a close relative who is a party or an attorney
• Personally owns, or has an immediate family member who owns, a financial interest in a party
• As a government official, served as a counsel in the case

ETHICS IN CORRECTIONS

Most correctional officers—like police officers and judges—who work in jails and prisons are dedicated, honest, and law abiding in nature. Occasionally, however, correctional officers are found to have engaged in inappropriate behaviors. Some of those behaviors involve a variety of inappropriate relationships that can develop between inmates and staff members, to include such activities as bringing in contraband (such as drugs or tobacco) or physical or sexual abuse (generally involving male officers and female inmates).\(^5\) The strength of the corrections subculture can also contribute to ethical problems in correctional facilities; it correlates with the security level of a correctional facility and is strongest in maximum-security institutions. Powerful forces within the correctional system have a stronger influence over the behavior of correctional officers than do the administrators of the institution, legislative decrees, or agency policies.\(^5\) Indeed, it has been known for several decades that the exposure to external danger in the workplace creates a remarkable increase in group solidarity.\(^5\) Some of the job-related stressors for correctional officers are similar to those the police face: the ever-present potential for physical danger, hostility directed at officers by inmates and even by the public, unreasonable role demands, a tedious and unrewarding work environment, and dependence on one another to effectively and safely work in their environment.\(^3\) For these reasons, several norms of corrections work have been identified: Always go to the aid of an officer in distress, do

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**You Be the...**

Correctional Officer

Correctional Officer Ben Jones has worked for one year in a medium-security housing unit in a state prison and has gotten on friendly terms with an inmate, Stevens. Known to have been violent, manipulative, and associating with a similarly rough crowd while on the outside, now Stevens appears to be a model inmate; in fact, Officer Jones relies heavily on Stevens to keep him informed of the goings-on in the unit as well as to maintain its overall cleanliness and general appearance. Over time, the two address each other on a first-name basis and increasingly discuss personal matters; Jones occasionally allows Stevens to get by with minor infractions of prison rules (e.g., being in an unauthorized area or entering another inmate’s cell). Today Stevens mentions that he is having problems with his fiancée—specifically, that he has received a “Dear John” letter from her, stating that she is dating other men and is “moving on.” Upon arriving home from work that evening, Jones finds a case of wine on his porch. No card was left with the case of wine, but at work the next morning Stevens winks at Jones and asks if he “ventured into the vineyard last night.”

1. Should Officer Jones report the incident?
2. Has Jones’s behavior thus far violated any standards of ethics for correctional officers? If so, what form of punishment (if any) would be appropriate?
3. What should be the relationship between Jones and Stevens in the future?
4. What could Jones have done differently, if anything?
not “rat,” never make another officer look bad in front of inmates, always support an officer in a dispute with an inmate, always support officer sanctions against inmates, and do not wear a “white hat” (participate in behavior that suggests sympathy or identification with inmates). Security issues and the way in which individual correctional officers have to rely on each other for their safety make loyalty to one another a key norm.

The proscription against ratting out a colleague is strong. Cases have been documented in which officers who reported inappropriate activities were labeled by colleagues as “rats” and “no-goods” and sometimes received death threats; even though they were transferred to other institutions, the labels traveled with them. In this regard, the American Correctional Association (ACA) Code of Ethics states that “[m]embers shall report to appropriate authorities any corrupt or unethical behaviors in which there is sufficient evidence to justify review.

In another case, a female correctional officer at a medium-security institution reported some of her colleagues for sleeping on the night shift. She had first approached them and expressed concern for her safety when they were asleep and told them that if they did not refrain from sleeping, she would have to report them to the superintendent. They continued sleeping, and she reported them. The consequences were severe: Graffiti was written about her on the walls, she received harassing phone calls and letters, her car was vandalized, and some bricks were thrown through the windows of her home. Obviously, she deserved better, both in terms of protection during these acts and with the investigation and prosecution of the parties involved.

It would be grossly unfair to suggest that the kinds of behaviors depicted here reflect the behavior of correctional officers in all places and at all times. The case studies do demonstrate, however, the power and loyalty of the group, and correctional administrators must be cognizant of that power. It is also noteworthy that the corrections subculture, like its police counterpart, provides several positive qualities, particularly in crisis situations, including mutual support and protection, which is essential to the emotional and psychological health of officers involved; there is always the “family” to support you.

ETHICS TESTS FOR THE CRIMINAL JUSTICE STUDENT

Following are some tests to help guide you, the criminal justice student, to decide what is and is not ethical behavior:

- Test of common sense: Does the act make sense, or would someone look askance at it?
- Test of publicity: Would you be willing to see what you did highlighted on the front page of the local newspaper?
- Test of one’s best self: Will the act fit the concept of oneself at one’s best?
Other questions that a criminal justice practitioner might ask are “Is it worth my job and career?” and “Is my decision legal?”

Another tool is that of “the bell, the book, and the candle.” Ask yourself these questions: Do bells or warning buzzers go off as I consider my choice of actions? Does it violate any laws or codes in the statute or ordinance books? Will my decision withstand the light of day or spotlight of publicity (the candle)? In sum, all we can do is seek to make the best decisions we can and be a good person and a good justice system employee, one who is consistent and fair. We need to apply the law, the policy, the guidelines, or whatever it is we dispense in our occupation without bias or fear and to the best of our ability, being mindful along the way that others around us may have lost their moral compass and attempt to drag us down with them. To paraphrase Franklin Delano Roosevelt, “Be the best you can, wherever you are, with what you have.”

In closing, it might be good to mention that ethics is important to all criminal justice students and practitioners, not only because of the moral/ethical issues and dilemmas they confront each day but also because they have a lot of discretion with the people with whom they are involved—such as the discretion to arrest or not arrest, to charge or not charge, to punish or not punish, and even to shoot or not shoot.

/// IN A NUTSHELL

- Ethics involves doing what is right or correct in a professional capacity. Deontological ethics considers one’s duty to act. Immanuel Kant expanded the ethics of duty by including the idea of “good will.” People’s actions must be guided by good intent.

- There are two types of ethics: absolute and relative. Absolute ethics has only two sides—something is either good or bad. Relative ethics is more complicated and can have varying shades of gray. What is considered ethical behavior by one person may be deemed highly unethical by someone else.

- The “principle of double effect”—also known as noble cause—refers to the commission of an unethical act in order to achieve a good outcome.

- The Knapp Commission identified two types of corrupt police officers: the “meat-eaters” and the “grass-eaters.” The branch of the department and the type of assignment affect opportunities for corruption. Officers’ code of silence can interfere with the efforts of police leadership to uncover police corruption.

- The Law Enforcement Code of Ethics (LECE) was adopted in 1957; more recently a separate, shorter code was adopted, which is easier for officers to remember when they come face-to-face with an ethical dilemma; it is the Law Enforcement Oath of Honor.

- Accepted lying includes police activities intended to apprehend or entrap suspects. This type of lying is generally
considered to be trickery. Deviant lying occurs when officers commit perjury to convict suspects or are deceptive about some activity that is illegal or unacceptable.

- There are two basic arguments against police acceptance of gratuities. First is the slippery slope argument, which proposes that gratuities are the first step in police corruption. In addition, when officers accept minor gifts or gratuities, they may then be obligated to provide the donors with some special service or accommodation.

- The first call for formalized standards of conduct in the legal profession came in 1906, with Roscoe Pound’s speech “The Causes of Popular Dissatisfaction with the Administration of Justice.” In 1924, the ABA approved the Canons of Judicial Ethics, and in 1972, the ABA approved a new Model Code of Judicial Conduct; in 1990, the same body adopted a revised model code. Nearly all states and the District of Columbia have established standards based on the code.

- In 1974, the United States Judicial Conference adopted a Code of Conduct for federal judges, and Congress over the years has enacted legislation regulating judicial conduct.

- Judges can engage in several types of abuses of judicial power, such as showing favoritism or bias, not being impartial, engaging in conflicts of interest, and being unethical in their personal conduct.

- Prosecutors and defense attorneys, too, must be legally and morally bound to ethical principles as agents of the courts.

- Federal employees are governed by the Ethics Reform Act of 1989, which addresses the receipt of gifts, financial and personal conflicts, and outside activities or employment that conflicts with their federal duties.

- Corrections personnel confront many of the same ethical dilemmas as police personnel.

- The strength of the corrections subculture correlates with the security level of a correctional facility and is strongest in maximum-security institutions.

- Some simple ethical tests can guide criminal justice students and practitioners in working through ethical quandaries.

/// KEY TERMS & CONCEPTS

Review key terms with eFlashcards at edge.sagepub.com/peak4e.

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/// REVIEW QUESTIONS

Test your understanding of chapter content at edge.sagepub.com/peak4e.

1. How would you define ethics?
2. What are examples of relative and absolute ethics?
3. What specific examples of legitimate ethical dilemmas arise with police, courts, and corrections practitioners in the course of their work?
4. How would you describe the codes and canons of ethics that exist in police departments, courts, and corrections agencies? What elements do they have in common?
5. How does the principle of double effect pose problems for criminal justice and society?
6. Why was the Law Enforcement Oath of Honor developed, and how does it differ from the Code of Ethics?
7. What constitutes police corruption? What are its types, and what are the most difficult ethical dilemmas presented in this chapter? Consider the issues presented in each dilemma.
8. Do you believe criminal justice employees should be allowed to accept minor gratuities? Explain your response as well as pros and cons for doing so.
9. In what ways can judges, defense attorneys, and prosecutors engage in unethical behaviors?
10. What forms of behavior by correctional officers in prisons or jails may be unethical?
11. What are some of the ethics “tests” for criminal justice students?
/// LEARN BY DOING

Following are several brief case studies (based on actual occurrences) involving criminal justice employees. Having read this chapter’s materials, determine for each case the ethical dilemmas involved and what you believe is the appropriate outcome.

1. You are sitting next to a police officer in a restaurant. When the officer attempts to pay for the meal, the waiter says, “Your money is no good here. An officer just visited my son’s school and made quite an impression. Plus, I feel safer having cops around.” The officer again offers to pay, but the waiter refuses to accept payment. The police department has a policy prohibiting the acceptance of free meals or gifts.

2. A judge often makes inappropriate sidebar comments and uses sexist remarks or jokes in court. For example, a woman was assaulted by her husband who beat her with a telephone; from the bench the judge said, “What’s wrong with that? You’ve got to keep her in line once in a while.” He begins to address female lawyers in a demeaning manner, using such terms as sweetie, little lady lawyer, and pretty eyes.

3. (a) An associate warden and “rising star” in the local prison system has just been stopped and arrested for driving while intoxicated in his personal vehicle and while off duty. There are no damages or injuries involved, he is very remorseful, and he has just been released from jail. His wife calls you, the warden, pleading for you to allow him to keep his job. (b) One week later, this same associate warden stops at a local convenience store after work; as he leaves the store, a clerk stops him and summons the police—the individual has just been caught shoplifting a package of cigarettes. You have just been informed of this latest arrest.

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