

The Importance of Ethics in Criminal Justice



CHAPTER 2

“I count him braver who overcomes his desires than him who conquers his enemies, for the hardest victory is over self.”

—Aristotle

The criminal justice system is arguably one of our most important public service systems. Certainly, it is one of the systems the public is likely to interact with on a daily basis. Often, those employed by the criminal justice system are forced into situations in which they must make individualized and quick decisions—decisions that could have detrimental or even fatal outcomes. Without proper training or proper analytical or reasoning skills, law enforcement, legal professionals, or corrections officers could find themselves forced to recover from the fallout of poor decision making. As a public works system that is tasked with protecting and defending the public from crime and the dangers crime presents, the criminal justice system has an obligation to have and maintain all of the tool sets it might need to be capable of handling these situations to the absolute best of its ability. The study of ethics presents an opportunity for the criminal justice system to give its members such an abstract tool set.

Ethics, at its simplest, is philosophy that is interested in the study of questioning what is right and what is wrong. The study of ethics presents a more complicated understanding of the philosophy, but it still stands as a basic building block with which the criminal justice system can ensure, to the best of its ability, that its public servants have a method of determining what is right and what is wrong. Of course, from an academic perspective, further understanding of ethics is necessary to fully develop a curriculum to teach the public servants of the criminal justice system. First, however, it is necessary to establish why ethics is vital.

Consider this example . . .

You have just completed training at the police academy and you are on a ride along in a suburban neighborhood with your FTO (Field Training Officer), Officer Jones. The day is rather quiet and a fellow officer going in the opposite direction stops to exchange casual conversation about the day while you attentively observe the people and surroundings. A car stops to allow two children riding their bikes to cross the street, then continues after the children safely cross the street. Your FTO does not realize that there is not a stop sign because the car commands attention—it is quite flashy, with new rims and dark tint on the windows. The FTO views the vehicle as suspicious because he knows the neighborhood and has not seen this car before. He stops the car and you observe as the FTO

walks to the passenger side of the vehicle. The driver is an African American male with his son they are going home from the neighborhood convenience store.

You notice that your FTO's tone is abrasive as he asks the age of the driver's son. The other officer casually pulls behind the squad car driven by the FTO and smirks as your FTO takes a seemingly aggressive posture towards the driver and his son. Afterwards, he runs the license and insurance of the driver. Everything is valid. The driver's wife, going by in her car, sees what is happening and pulls over to ask what is going on. Your FTO sharply instructs her mind her business and stay in her vehicle. The driver and his wife adamantly explain to the officer that there is not a stop sign and he stopped to yield the right of way to the children riding their bikes in the neighborhood. The driver and his wife explain that they just bought a home in the quiet suburb and are both employed by the nearby college. Your FTO proceeds to write the driver a ticket for failure to stop at a stop sign. The driver grudgingly accepts the ticket, and he and his wife drive away in their cars. Your FTO remarks, "You can never be too careful about those types of people." You are caught off guard by the FTO's comment, yet quietly feel bad because of his actions. Your FTO then goes to explain, "It's citation time and a little slip here or there won't hurt anyone. Welcome to the team, rookie—it's okay to cut a few corners." Remember, you are a rookie and you do not want to ruffle any feathers within the precinct—especially not on your first day on the job. *First of all, were the FTO's actions ethical? Second, whether the actions were or were not ethical, what do you do?*

IMPORTANCE OF ETHICS AND ETHICAL DECISIONS IN CRIMINAL JUSTICE

The criminal justice system maintains its own system of values that is distinct from other fields and occupations. Additionally, the criminal justice system in many aspects can be referred to as a *subculture* that maintains a distinct set of rules and regulations, codes, and symbols (i.e., firearms, uniforms, badges) with rules that differ from those in mainstream society. Coser (1974) expounds the notion of the criminal justice profession by comparing it to a "greedy institution," meaning that the institution itself does not literally intend to incarcerate every individual, but it seeks the unmitigated commitment to the profession while navigating through a wider social context. Additionally, it demands total allegiance to the institution yet mentally severs its members' ties from institutions that are in conflict with its function (i.e., family and community). The criminal justice institutions must establish specific guidelines and must reinforce a myriad of ideas that directly impact the legitimacy of the law enforcement apparatus in an ever-changing society. Specific rules, regulations, and sanctions must be adhered to in order to maintain structure and order among and between individuals whom the law enforcement community must govern. Individuals who work within the legal community, especially law enforcement, are not far displaced from the average individual. Humans by nature are imperfect. Possibly, then, great value must be placed upon a strong ethical foundation to carry out the mission of law enforcement. Philosophers such as Plato have made the argument that ethical behavior is a set of ideas that cannot be taught but rather it is an essential element that is taught throughout an individual's upbringing. Even the most ethical person might argue that ethical behavior would be difficult to measure because ethical decision making varies by the individual; in fact, each person maintains a different set of values that they bring to their occupation. Moral reasoning is a key element that is fundamental to understanding ethics.

The Value of Ethics to Maintain Civility

Rokeach (1973) and Zho, He, & Lovrich (1998) would agree that a society would not maintain order if a sense of utility was absent. Behaviors vary amongst individuals as well as cultures, therefore members of society must agree upon what is best for the entire group to establish structure and order to achieve a desirable means to an end. The achievement of a positive outcome gives society what is called *terminal value*. Criminal justice agencies and practitioners must reinforce the values

that society has already agreed upon. Moreover, it is vital that the criminal justice community be highly committed to ethical standards that surpass those of an ordinary citizen. Philosophers like Plato realized that the concept of ethics might require an individual to evaluate his or her decision making from a broad perspective. In theory, *ethics* could be considered as the postulates that are solely based on the study of the right conduct and the good life (Sahkian & Sahkian, 1966: 31). Most important, when the good life is achieved, the end result or *end state* results from the realization that good is a counter reaction to immoral behavior.

Ethics can be considered to be judgments that involve the application of what an individual would consider to be moral. Philosophically, ethical values can be based upon an interpersonal belief of what is considered to be moral or immoral behavior based upon the observation of a variety of societal forces in action. Ethics can be considered those guidelines or a moral compass that determine whether a society lives harmoniously or thrusts itself into utter chaos. Most importantly, the criminal justice system acts as enforcers of the laws created based upon consensus and our own interpretation and insight coupled with the interpersonal beliefs of what is considered ethical behavior. Ethical behavior is based upon an *ethos*, or what one would call a particular set of values, that would either rationally support or conflict with a particular set of values that directly or indirectly affect an individual's actions. For example, Whisendhand (2006) clarifies ethics by examining the following set of values as a means to distinguish the moral character and guided beliefs of an individual or group. Does your ethos support or conflict with your ethics?

- Compassion
- Respect
- Discretion
- Accountability
- Integrity
- Respect for others
- Honor
- Loyalty

Let us make the assumption that we possess these values. Now, does your ethos agree? Most importantly, are your actions reflective of these values? Additionally, knowing what's right, being committed to it, and doing it are vital to performing the duties of a criminal justice practitioner.

THE PLATONIC CAVE

Ethical socialization within the criminal justice organization derives from interpersonal ideology and training. Criminal justice is broken down into two broad categories: law enforcement and corrections. Ethics, however, is construed simplistically as those moral choices between right and wrong behavior. Professionals who work within the criminal justice field are faced with moral dilemmas on a daily basis. Training on ethics in criminal justice must often highlight the dilemmas that are faced in this particular occupation. Plato eloquently explains such moral dilemmas in the dialogue between Socrates and Cephalus when Socrates says, "But what about this thing you mentioned, *doing right*? Shall we say it is, without qualification, truthfulness and giving back anything that one has borrowed from someone? Or might the performance of precisely these actions sometimes be right but sometimes wrong? This is the kind of thing that I mean. I'm sure everyone would agree that if I borrowed weapons from a friend who was perfectly sane, but he went insane and asked for the weapons back, and if you give them back you wouldn't be doing the right, and neither would someone who was ready to tell the whole truth to someone like that" (Plato, 1993: 8). The dialogue between Socrates and Cephalus shifts our attention to why moral choices are made with regard to absolute terms. Consequently, the absolute terms can and will result in individuals contradicting themselves when making ethical decisions.

The Platonic caves are those instances where moral choices may be considered right, yet the dilemma may contradict the proposed action. Plato ironically views the cave as a place that is dark and inferior yet when we remove our minds from that darkness, we view things in a different manner. There may be times that we are overcome by the shadows of the consequences of decisions that have been made, but once we have left the caves that consume normative thinking, realities of the decisions that are made begin to sink in. For example, a police officer notices a car slightly swerving and proceeds to stop it. The driver happens to be a sergeant in the same precinct. The sergeant is noticeably intoxicated, but he lives around the corner from the initial stop. The officer looks at “Sarge” and says: “Go home, sir, and sober up. See you at roll call.” This example is considered to be a Platonic cave. The sergeant is one of “you,” so you let him go. Would the officer’s reaction be the same if the intoxicated driver were a different individual who lived in the neighborhood? Of course the answers would vary, but nonetheless a decision was made that the officer perceived to be in the best interest for those involved. On the other hand, Plato’s analysis is based upon a moral premise that would otherwise consider the officer’s actions detrimental. Why? What if the sergeant had hit a tree or, worse, swerved across the line into oncoming traffic and killed himself or someone else? Platonic caves are part of the decision-making process whether the result is right or wrong. A Platonic cave is literally based on an individual’s judgment and discretion. Literally, the detriment of this line of thinking allows an individual to make concessions for a particular individual or group and does not do the same for others.

ETHICAL DECISIONS AND CORE ORGANIZATIONAL VALUES

Throughout the chapter it has been clarified that interpersonal accounts of what is either right or wrong are an important catalyst of what drives one’s desire to be ethical. Since the criminal justice system can be considered an organization, we can direct our attention to the hows and whys of the decision-making process. Kohlberg (1969) developed an insightful schematic that might provide important insight into the aspects of cognition as it relates to ethical decision making in organizations (Table 2.1). Since criminal justice is an organization, it is important that one indulges in asking pertinent questions that may address a myriad of complex issues revolving around ethical dilemmas. Furthermore, it would be wise to illustrate the central features that provide a succinct yet lucid look into one specific criminal justice organization—the police force.

Conti & Norman (2005) examined the organizational efficacy and ethics taught to recruits in a police academy. A recruit’s life can be based on one specific feature that he or she may be subjected to, and that is adherence to a single authority. It is this authority in which recruits are constantly under surveillance, and the moral imperative of the individual is shaped to carry out the function and the mission of a centralized administration. Often, police recruits are reminded that they cannot live like ordinary people and their behavior is held to a higher standard. A moral imperative is thrust upon recruits almost immediately. Recruits must insulate themselves from the judgmental attitudes of the general public that requires their assistance and the criminals who seek to test an officer’s standard of moral turpitude. Second, the recruit begins to become socialized into the organizational setting by being placed with other individuals of the same social position doing the same things in unison.

Lastly, all activities are scheduled around a higher authority that follows a predetermined structure. Most notably, the institution has designed a plan that compels the individuals involved to become what the institution wants them to become. One cannot assume that the example used is reflective as to whether it produces good or bad criminal justice practitioners, yet the steps that are taken are significant with the intention to transform an individual into an effective criminal justice practitioner in sequential stages. Of course, this process is rather antithetical because it differs from an individual’s natural and organic course.

TABLE 2.1 Kohlberg's Stages of Cognitive Moral Development

Stage	What is considered to be right
LEVEL ONE – PRECONVENTIONAL	
Stage One – Obedience and punishment orientation	Sticking to rules to avoid physical punishment. Obedience for its own sake.
Stage Two – Instrumental purpose for exchange	Following rules only when it is in one's immediate interest. Right is an equal exchange, a fair deal.
LEVEL TWO – CONVENTIONAL	
Stage Three – Interpersonal accord, conformity, mutual expectations	Stereotypical "good" behavior. Living up to what is expected by the people close to you.
LEVEL THREE – PRINCIPLED	
Stage Five – Social contract and individual rights	Being aware that people hold a variety of rules that are relative to the group. Upholding rules because they are the social contract. Upholding nonrelative values and rights regardless of majority opinion.
Stage Six – Universal ethical principles	Following self-chosen ethical principles, act in accord with principles.

Adapted from Kohlberg, L. (1969) Moral stages and moralization: The cognitive-developmental approach. In T. Lickona (Ed.), *Moral development and behavior: Theory, research, and social issues* (pp.34–39) Holt, Rinehart, & Winston.

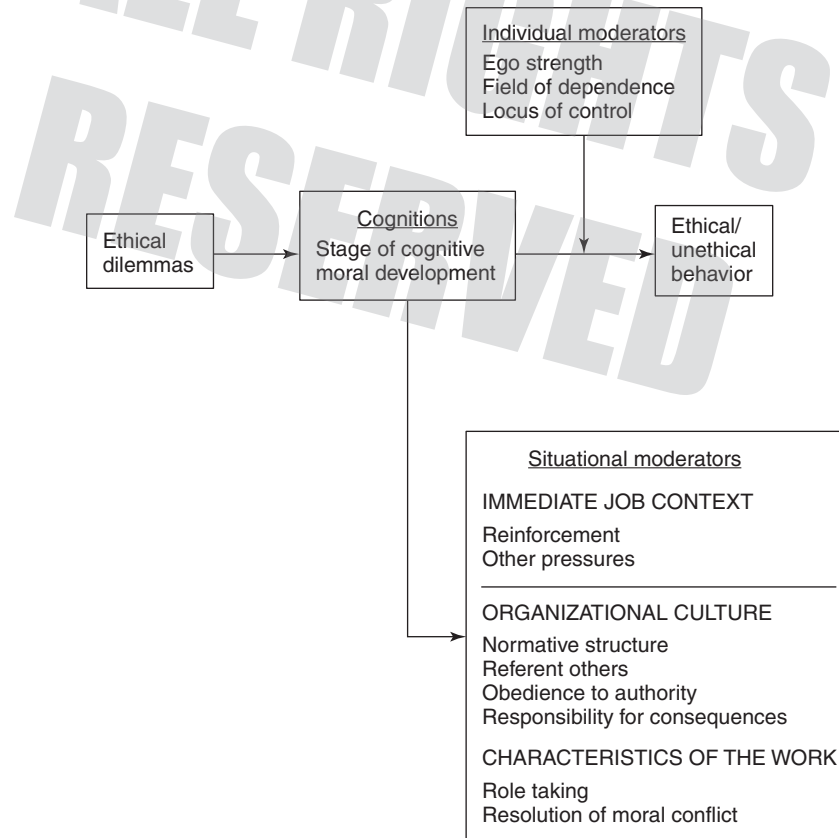


FIGURE 2.1 Interactionist model of ethical decisions in organizations

Source: Trevino, Linda Klebe. Ethical Decision Making in Organizations: A Person-Situation Interactionist Model. *The Academy of Management Review*, (11) 3, 1986 Jul.

ETHICAL DECISION MAKING WHILE NO ONE IS WATCHING

Let us suppose a group of police officers is involved in a major drug raid and found \$400,000 in cash and \$250,000 in illicit narcotics at the scene of the crime. These officers immediately realize that they may be alone for up to an hour and wonder who is going to know the specifics with regard to the size of the cache of drugs and money. Until this point, the officers had no trouble abiding by the rules and regulations of the department and are known amongst colleagues to be “stand up” officers of sound moral character. However, the allure of the drugs and the cash could possibly entice the officers to make an erroneous decision based upon self-deception. Any individual, let alone a police officer, could see this as hitting the “lottery.” Possibly, then, one might rationalize the taking the loot: a payment to secure my child’s college education, retirement, the house my wife always wanted, etc. Self-deception with regards to this type of dilemma can create a dangerous situation for the officers. Consequently, human nature may force the officers to behave unethically while they neutralize the negative consequences by rationalizing the good that would come from taking some of the drugs and money, while making the bad choice to steal the seized items.

Corruption within criminal justice organizations is not a new phenomenon. Within the police culture, to be specific, it has been noted that there is an unwritten rule called the “Code of Silence.” The code perpetuates itself via an “us vs. them” mentality. This code may create detrimental consequences for a unit or, in the worst-case scenario, an entire department. For example, the Rampart Division of the Los Angeles Police Department made major headlines in most newspapers and media outlets by engaging in illicit drug sales. It was alleged that the officers within the narcotics division had used street-level dealers and informants to sell confiscated drugs, while the officers acted as protection by tipping specific drug dealers off that they were being observed by fellow narcotics officers. The corrupt officers received substantial financial benefits and some were so boastful that they sold drugs out of the department. The scandal gave the LAPD a bad reputation that proved difficult to recover from (Renford, 2003). Afterwards, the LAPD became proactive in creating a culture that demanded integrity from the top to the bottom.

The more we consider the potential impact of every little decision that an organization must make for every situation, the more likely we are to make better ethical decisions. Individuals who are practitioners within the criminal justice field must realize that decisions may create a chain reaction. The outcomes of the reaction are based upon the ethics surrounding the decision. Additionally, we should ask the following questions when faced with an ethical dilemma, then internalize them to determine the ethical premises that are either of high priority or of low priority according to the persona that criminal justice organizations require:

1. Will the decision that I make violate the dignity and humanity of others?
2. Will my decision making affect my reputation?
3. Am I confident with the decisions that I make?
4. Do I have a personal agenda behind the decisions that I make?
5. Are my decisions done at someone else’s expense?
6. How would I react to a decision if it were made for me—would my reaction be positive or negative?
7. What are the principles that govern my actions?
8. If I cannot make a concrete decision, who can I rely on to do so?
9. Will my decisions impact the trust that I have built with others?
10. Will my decisions affect my credibility within my profession?

Individuals who are professionals within the criminal justice community seek to do the right things. Yet the decisions that are made sometimes create conundrums that conflict with the individuals’

moral nature and structure. One would imply that more training could equate to the likelihood of better ethical decision making. However, it is difficult to recondition the ideals of what is right and what is wrong because the world is not a utopia, nor does everyone analyze problems similarly. Who we are ethically has been already ingrained within the soul of each individual. Moreover, we must disagree to agree yet hope that what is agreed upon allows us the confidence to realize that we have made the right decisions based upon the pillars upon which the criminal justice community so heavily relies, not only to make communities safe, but also to maintain peace of mind and confidence in those who uphold the laws of the land.

ETHICAL DECISION MAKING AND RACIAL PROFILING

BOX 2.1

QUESTIONS SURROUND SHOOTING OF BASEBALLER'S SON

Robbie Tolan, son of a famous baseball player, was shot by a police officer while he stood in his own driveway. Tolan's attorney, David Berg, alleged that it was a classic case of racial profiling that led the police officer to shoot Tolan. The officers confronted Tolan and his cousin, Anthony Cooper, in the early morning hours of Dec. 31, suspecting that they had stolen the car they were driving. Berg said that if they had been white, this incident never would have occurred. The Bellaire, Texas neighborhood where Tolan was shot is an affluent suburb in southwest Houston and its residents are mostly white.

Source: Adapted from [cnn.com](http://www.cnn.com/2009/CRIME/01/08/baseballer.shot/) at <http://www.cnn.com/2009/CRIME/01/08/baseballer.shot/>

BOX 2.2

ONE MAN'S EXPERIENCE WITH DISCRIMINATION

I was preparing to board a shuttle bus from the train en route to Houston to see my wife and child. At the train station, we received specific instructions to stand away from the bus before loading. As I waited to board the bus, a man approached me and started asking me questions. I ignored him and wanted him to move away from me. Suddenly he displayed his badge and said, "I am with the Smithfield* Police Department Narcotics Division, "May I check your bags?" I was instantly surrounded by three officers who began to drill me with questions as to why I was going to Houston, who I was going to see, when I was returning, and why I was carrying a garment bag. They searched my belongings to the point that it was humiliating. I presented my identification and my employment I.D. fell to the ground from my wallet. The officers grabbed it and saw that my university I.D. read, "Julian Scott, PhD, Faculty, Criminal Justice Department." The officers' attitudes immediately changed from aggressive to worried. They tried softening the situation by attempting to exchange humorous chatter such as, "Wow, you have a PhD." I was finally released and allowed to continue my journey.

(Continued)

BOX 2.2 (Continued)

As I boarded the bus, I recognized that it comprised a variety people who differed in age, gender, and ethnicity. I peered out the window and began to observe the officers and the passengers they searched, African American or Hispanic males between the approximate ages of 18 and 35. I have never traveled on that train line again. However, the incident allowed me to examine my academic training immediately, then ask myself an important yet logical question: “Does a criminal or would-be criminal come from a distinct group of people, or are criminals indistinguishable regardless of race?”

Throughout the United States there has been a growing concern about racial profiling. Advocates would assert that profiling is essential to good police work. The term “profiling” refers to the police practice of viewing certain human characteristics as indicators of criminal behavior. Unfortunately, some law enforcement organizations have taken profiling to a higher level. Officers have unwittingly used factors as age, dress, time of day, geography, and race and ethnicity to separate what they believe to be a good person from a bad person. Being racially profiled is nothing new to many people who are professionals and law-abiding citizens.

There have been instances in poor urban areas where African American boys have been profiled as potential gang members, when it was later discovered that these boys were actually good kids. Subsequently, police departments in large cities have tried to resolve such issues by establishing programs that encourage mentorships with the youth through community policing. Many of the programs have been discontinued because the “good” kids have occasionally become victims of profiling practices and they have ultimately lost all confidence in the police or in the possibility of being treated fairly.

The killing of Trayvon Martin in Florida by George Zimmerman brought out many questions with regard to the autonomy of African American boys who live in integrated neighborhoods. The commentaries were mixed, but African Americans living in the area with sons have talked of losing trust in the decision-making practices of the police. In fact, some parents claimed to be just as afraid of the police as their children were. As young precocious children we have been taught that police officers are our “pals,” but in some communities they would rather see the police going than coming due to acts which the community has observed to be unethical practices by law enforcement.

In 1997 Charles and Etta Carter, an elderly African American couple, were stopped by the Maryland State Police on their 40th wedding anniversary. The State Police requested that a K-9 dog be used as supplementary assistance for this particular traffic stop. The couple’s belongings were rummaged through and, while the K-9 units found nothing, the dogs proceeded to urinate and defecate on the couple’s items. In subsequent litigation, the Maryland State Police were found to have acted excessively and decided to settle out of court. Unlike young African American males, the elderly community has a higher respect for law enforcement, yet they are oftentimes mistreated and traumatized by bad decision making. Think, for example, how a White police officer would react if an African American law enforcement officer devalued the dignity and respectfulness of his mother and father during a routine traffic stop. It is unfortunate that racism exists in society, but as moral individuals whose work shall be built by helping others we must look at what not to do while becoming more understanding of the differences among one another.

Research has shown that there is an accumulation of factors that causes an officer to react with suspicion which then leads the officer to racially profile individuals. Often, traffic violations have been cited as a pretext to stop a vehicle with the intention of possibly discovering an additional crime. Many call this phenomenon DWB (Driving While Black). Social scientists unraveled the phenomenon by gathering traffic data from the New Jersey State Police. The findings were rather startling.

Individuals opposed to racial profiling have asserted that the logic based solely on statistics creates faulty tautological reasoning. Statistics or over reliance on them may paint a picture leading to assumptions that African Americans commit a disproportionate amount of crimes than people from

other racial demographics. For example, statistics have demonstrated that there is little difference between a White drug trafficker and an African American drug trafficker. Many criminal justice advocacy and action groups complain that criminal justice organizations on the federal, state, and local levels have begun to concentrate more efforts on minorities while ignoring other groups. For example, in the small town of Hearne, Texas minority residents experienced unethical treatment by narcotics task force agents, which eventually garnered the attention of the ACLU. The Roberson County district attorney, John Paschall, allowed multi-jurisdictional drug task forces to conduct drug stings within a specific minority community in the town. The 2000 Census report documented Hearne's racial demographics as comprising 44 percent African American, 27 percent Hispanic, and 27 percent Anglo; however, the arrests by the drug task force sweeps conducted revealed that 39 percent of drug arrests were of African Americans (Census, 2000).

Shockingly, the task force relied upon the use of a shady informant who noted that the district attorney was the mastermind behind the operation. The district attorney supplied the informant with 29 names of individuals whom he wanted arrested for "so-called" drug offenses. The district attorney threatened the informant that he would build a case against him and ensure that every day that he spent in prison he would find another inmate who was willing to rape him on a daily basis in a brutal and sadistic manner. The informant had no choice but to comply with the district attorney's unethical, troubling behavior to keep from suffering abuse at the hands of fellow inmates. Additionally, a special agent showed the informant how to turn crack cocaine into a powdered form to induce buyers and supplied the informant with a tape recorder to record the alleged drug transactions. Task force officers denied the informant's ability to report any misconduct in terms of the informant's testimony being against the officers who were involved.

Subsequently, one of Paschall's daughters testified that she had overheard her father speaking with the task force commander saying: ["It was time to round up the niggers and make all the niggers shit in their pants . . . Hearne would be a decent place if we bomb all the niggers."] Unfortunately, this paints a very troubling picture as to the district attorney's motivations and character. The bogus sting operation cost individuals not only their livelihoods; some of the victims have yet to get their records cleared of the charges (Levy, 2005). The incident in Hearne clearly demonstrates that racial profiling is a serious anomaly. The lack of sensitivity and unethical behavior affected one specific racial group and their community. If an officer only arrested and targeted African Americans more than other groups, the arrest statistics would most certainly skew the statistics in the officer's favor; otherwise, it would justify the right to profile African Americans. Markedly, when someone reads a magazine or newspaper that sensationalizes drug arrests based upon race, the average individual does not break down the numbers or ask questions pertaining to statistics. The casual reader examines the statistics and correlates the numbers by race, then erroneously concludes that certain crimes are specific to a particular ethnic group. Unfortunately, profiling creates negative reactions from minorities, which leads to a severe level of distrust and detachment from the criminal justice system. Additionally, this detachment encourages minorities to withhold information from, or cautiously report criminal activities to, the authorities. Mistrustful feelings against the law enforcement community encourage minorities to vacillate against officers and tenuously make it substantially difficult for the police to solve crimes or gather important information from minority citizens. Advocates for profiling must really ask themselves these ethics-based questions: Is profiling a fundamentally sound practice? Has the criminal justice institution hit an amoral dilemma with regards to the human dignity of others who are different based upon not only the color of their skin but the perceived ethical values based upon their cultural inheritance?

THE CODE OF SILENCE

Police misconduct has been criticized across the country. Highly publicized and intense misconduct cases have created negative views and anxiety among police departments as well as the general public. The primary goal of the criminal justice system is to instill public trust. Moreover, if a code of silence actually exists, it would be plausible to say that the criminal justice system is paradoxically

a glass house. Despite perceptions of the public and the media portrayal that can create false perceptions, law enforcement officers do not condone egregious acts by their peers (Ferrell, 2014). An internal affairs investigation from 1992 to 2000 in the Houston Police Department revealed that more than 50% of all complaints were generated internally rather than externally. The complaints ranged from minor infractions to serious felony investigations. Concerns about ethical behavior are not uncommon—in fact, federal legislation has been recently passed to “investigate and initiate civil litigation to eliminate a pattern or practice” of misconduct by law enforcement under the authority of 42 U.S.C 14141 and 42 U.S.C. 3789 (c)(3) (Ferrell, 2014).

The key to regaining public trust can be initiated by departments through proper training, proactive supervision, and open communication with citizens. Ultimately, responsibility lies primarily with the individual officer but supervisors play a monumental role by taking a proactive approach in preventing misconduct. The public’s cause for concern is that police agencies are apt to diffuse internal complaints about misconduct. The reason is simple: liability issues. Police agencies do not want to give the perception that they are bashing an officer who has been fired or asked to resign. When the public watches the news about cases that involve police misconduct, it is likely to assume that the entire department is corrupt rather than just the officers who have been accused.

Police agencies must take the initial step by either creating an ethical behavior policy or reviewing the current policies. The rules that guide the agency should be structured in a way that it is lucid, succinct, and precise. Ethical practices are some of the greatest challenges faced by executive leadership within criminal justice agencies, yet what is more challenging is that all supervisors must be proactive in creating an organizational culture that is consistent with the agency. Gaining an officer’s acceptance of policy can be reached by explaining the benefits of compliance to the officer. When an officer understands pertinent rules and regulations that are being conveyed, then the officer is more likely to accept the ethical standards set forth by the agency (Papenfaus, 2003). Adherence to ethical standards is everyone’s responsibility. The clearer the standards, the better the agency will react to external or internal complaints that revolve around police misconduct.

BOX 2.3

A CASE STUDY IN ETHICS: THE ZIMBARDO PRISON EXPERIMENT

Zimbardo – Stanford Prison Experiment

Aim: To investigate how readily people would conform to the roles of guard and prisoner in a role-playing exercise that simulated prison life.

Zimbardo (1973) was interested in finding out whether the brutality reported among guards in American prisons was due to the sadistic personalities of the guards or had more to do with the physical prison environment.

Procedure: Zimbardo used a lab experiment to study conformity.

To study the roles people play in prison situations, Zimbardo converted a basement of the Stanford University psychology building into a mock prison. He advertised for students to play the roles of prisoners and guards for two weeks. Twenty-one male college students, chosen from 75 volunteers, were screened for psychological normality and paid \$15 per day to take part in the experiment.

Participants were randomly assigned to either the role of prisoner or guard in the mock prison environment. The prison simulation was kept as “real life” as possible. Prisoners were arrested at their own homes, without warning, and taken to the local police station.

Guards were also issued khaki uniforms with whistles, handcuffs, and dark glasses—to make direct eye contact with prisoners impossible. No physical violence was permitted. Zimbardo observed the behavior of the prisoners and guards.

The students selected to play prisoners were treated like any other criminal. They were fingerprinted, photographed, and “booked.” Then they were blindfolded and driven to the basement of the psychology building, where Zimbardo had had the basement set out as a prison, complete with barred doors and windows, bare walls, and small cells. Here the de-individuation process began.

When the prisoners arrived at the prison they were stripped naked, deloused, had all their personal possessions removed and locked away, and were given prison clothes and bedding. They were issued plain prisoner uniforms and referred to by their numbers only. The prisoners’ uniforms consisted of smocks with their numbers written on them, but no underclothes. They also had a tight nylon cap and a chain around one ankle.

On a normal “shift,” there were 3 guards to the 9 prisoners, taking shifts of eight hours each (the other guards remained on call)

Findings: Within a very short time both guards and prisoners were settling into their new roles, the guards adopting theirs quickly and easily.

Within hours of beginning the experiment, some guards began to harass prisoners. They behaved in a brutal and sadistic manner, apparently enjoying punishing the inmates. Other guards joined in, and other prisoners were also tormented.

The prisoners were taunted with insults and petty orders, given pointless and boring tasks to accomplish, were generally dehumanized.

The prisoners soon adopted prisoner-like behavior as well. They talked about prison issues a great deal of the time. They “told tales” on each other to the guards. They started taking the prison rules very seriously, as though they were there for the prisoners’ benefit and infringement would spell disaster for all of them. Some even began siding with the guards against prisoners who did not conform to the rules.

Over the next few days the relationships between the guards and the prisoners changed, with a change in one leading to a change in the other. Remember that the guards were firmly in control and the prisoners were totally dependent on them.

As the prisoners became more dependent, the guards became more derisive towards them. They held the prisoners in contempt and let the prisoners know it. As the guards’ contempt for them grew, the prisoners became more submissive.

As the prisoners became more submissive, the guards in turn became more aggressive and assertive. They demanded more obedience from the prisoners. The prisoners were dependent on the guards for everything and tried to find ways to please the guards, such as telling tales on fellow prisoners.

One prisoner had to be released after 36 hours because of uncontrollable bursts of screaming, crying, and anger. His thinking became disorganized and he appeared to be entering the early stages of a deep depression. Within the next few days, three others also had to leave after showing signs of emotional disorder that could have had lasting consequences. These were people who had been pronounced stable and normal just before beginning the experiment.

(Continued)

BOX 2.3 (Continued)

Zimbardo (1973) had intended that the experiment should run for a fortnight, but on the sixth day he brought things to a halt. There was real danger that someone might be physically or mentally damaged if the study was allowed to continue. After some time for the researchers to gather their data, the subjects were called back for a follow-up debriefing session.

Conclusion: People will readily conform to the social roles they are expected to play, especially if the roles are as strongly stereotyped as those of the prison guards. The “prison” environment was an important factor in creating the guards’ brutal behavior; none of the participants who acted as guards showed sadistic tendencies before the study. **The roles that people play can shape their behavior and attitudes.**

After the prison experiment was terminated, Zimbardo interviewed the participants. Here is an excerpt from a participant’s interview:

Most of the participants said they had felt involved and committed. The research had felt ‘real’ to them. One guard said, ‘I was surprised at myself. I made them call each other names and clean the toilets out with their bare hands. I practically considered the prisoners cattle and I kept thinking I had to watch out for them in case they tried something.’ Another guard said ‘Acting authoritatively can be fun. Power can be a great pleasure.’ And another: ‘. . . during the inspection I went to Cell Two to mess up a bed which a prisoner had just made and he grabbed me, screaming that he had just made it and that he was not going to let me mess it up. He grabbed me by the throat and although he was laughing, I was pretty scared. I lashed out with my stick and hit him on the chin although not very hard, and when I freed myself I became angry.’

Most of the guards found it difficult to believe that they had behaved in the brutalizing ways that they had. Many said they hadn’t known this side of them existed or that they were capable of such things. The prisoners, too, couldn’t believe that they had responded in the submissive, cowering, dependent ways that they had. Several claimed to be normally assertive people. When asked about the guards, they described the usual three stereotypes that can be found in any prison: some guards were good, some were tough but fair, and some were cruel.

Ethics: The study has received many ethical criticisms, including lack of fully informed consent from participants and the level of humiliation and distress experienced by those who acted as prisoners.

The consent could not be fully informed as Zimbardo himself did not know what would happen in the experiment. Participants playing the role of prisoners were not protected from psychological and physical harm from the guards. For example, one prisoner had to be released after 36 hours because of uncontrollable bursts of screaming, crying and anger.

Source: Haney, C., Banks, W. C., & Zimbardo, P. G. (1973). A study of prisoners and guards in a simulated prison. *Naval Research Review*, 30, 4–17.

Ethics is a matter that should be taken seriously. Working in the criminal justice system entails interacting with the American public and the community daily. Philosophically, ethics asks questions that pertain to how an individual comes to the conclusions of right and wrong. Individual beliefs vary; therefore, people must arrive at a satisfactory medium that allows civility and conformity within society. It is the duty of the criminal justice system to ensure that law and order is maintained and delivered based upon fairness and equity. Ethical behavior is expressed by an ethos that drives the rationality behind ethical decision making.

Individuals must understand that the criminal justice establishment is composed of various individuals of various walks of life and experiences. As individuals choose criminal justice as a career, we must understand that they are reshaped by the organization and must carry out the mission of the agency. Criminal justice relies not only on efficiency but also on effectiveness.

Ethical decision making is difficult. As individuals we must come to the best possible conclusions, although many different conclusions may not be incorrect. Criminal justice practitioners sometimes have to make split-second decisions. Those decisions impact not only the life of the officer but other people. Regardless of the training and the policies set forth by each criminal justice agency, the burden lies on the individual officers and the ideology that they have made a decision that they can live with.

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