Ethics in Criminal Justice

CJ 3750

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Week 9
Nobel Cause Corruption

- When officers employ unethical means to catch criminals
  - “The end justifies the means.”
  - “Dirty Harry” syndrome
  - Testilying
  - Distorting the order of facts
  - Coercion
Lying in police investigations

- Deception is considered by police and courts as natural
  - Blue lies are used to control someone when force could be used
    - “We’re only going to HQ to talk.”
  - Accepted lies are used in undercover OPS
    - Must meet certain standards
      - Furtherance of legitimate purpose
      - Clear relationship between deception and purpose
      - Deception will better serve the public interest
  - Tolerated lies are necessary evils
  - Deviant lies
Entrapment

- Occurs when an otherwise innocent person commits an illegal act because of police encouragement or enticement.
  - Two approaches to determine entrapment
    - Subjective looks at the defendant’s background, character, and predisposition toward crime.
    - Objective examines the government’s participation and whether it has exceeded accepted legal standards.
Police and the Media

- Should the police intentionally lie to the media?
  - Does public safety trump the right/need to know?
- Should the media have the complete power to publish or report crime activities regardless of the negative effect on the public?
Undercover OPS

- Seriousness of the crime being investigated
- Do other alternatives exist
- Is the OPS in the spirit of the law
- Are the public aware that these OPS occur
- Is the goal prosecution or intelligence
Informants

- Individuals who are Pos but assist by providing information about criminal activity
  - Police officers
  - Businesses
  - Civic leaders
  - Citizens
  - Criminals
Justifying Undercover OPS

- Ethical when its targets are persons who freely choose to commit crime
- Ethical when used for a good and important end
- When reasonable suspicion of criminal activity exists
- Special risks justify special precautions
Criticisms of UC OPS

• Lying is immoral
• Government should not make deals with criminals
• This action increases crime
• The sanctity of private places
• Government should operate openly
Ethical Points

- Religious ethics would probably condemn because of the deception.
- Ethical formalism would also condemn because of categorical imperative.
- Utilitarian ethics would justify if the argument could prove that there is a greater benefit to society.
Interrogation

• Seldom viewed in a positive way.
  Deceptive techniques include:
  – Calling the questioning an interview
  – Obfuscate need for *Miranda*
  – Misrepresenting the seriousness of the offense
  – Using manipulative appeals to the conscience
  – Using promises of lesser sentences
  – POs pretending to be a lawyer/priest
  – Fabricating evidence
The CODE of SILENCE

• Considered a type of noble-cause corruption
  – Reinforced by the subculture of police.
    • Thin Blue Line
    • Blue Curtain of Secrecy
Teleological arguments

• Negative reasons
  – Rationale that the end justifies the means
  – Egoism – not in best self-interest
  – Utilitarian – reduces police effectiveness

• Positive reasons
  – Egoism – protect oneself
  – Utilitarian – lack of punishment of the officer is more harmful than good.
Deontological arguments

- Negative
  - Obligations to discretion and secrecy
  - Punishing “good” officers

- Positive
  - Sworn duty to uphold the law
  - Silence is complicity
Reducing corruption

- Increase police salaries
- Eliminate unenforceable laws
- Establish civilian review boards
- Improve training
• **Education and training**
  - HS vs BA/BS
    • Are high school educated officers more at risk for corruption than college educated officers?
  - Ethics training
    • Basic
    • In-service
  - Integrity Testing
    • Police the police
  - Internal Affairs/Civilian Review
    • IA Model – the police investigate themselves
    • Civilian Review Model – an independent civilian agency/body audits complaints and investigations.
• Early Warning and Audit Systems
  – A small percentage of officers account for a disproportionate amount of complaints.
  – Involves
    • Greater supervision
    • Additional training
    • Counseling
  – Can result in
    • Reassignment
    • Retraining
    • Transfer
    • Fitness for duty evaluation
    • Dismissal