Ethics in Criminal Justice

CJ 3750

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Week 7
Crime Fighter or Public Servant?

- Majority of police officers are honest and ethical people.
- Police actions often result in *harsh scrutiny*.
- Police feel they are often treated unfairly by public and media.
- No other CJ profession wields as much discretion as a PO.
Crime Control Model

- Criminals are the “enemy”
- Police are the “army” to protect society
- “Good people” accept and understand that the police are in a “war” and they are the experts
Police as Public Servants

- Criminals are not a distinct group
- Police have limited ability to affect crime rates
- The police serve “all” people, including criminals
Packer’s Model of Policing

- Most important function: crime control
- A failure law enforcement – breakdown of order
- The criminal process guarantees social freedom
- Efficiency is a priority
- Empahsis on speed and finality
- Presumption of guilt
Due-Process Model

• The possibility of error exists
• Finality is not a priority
• Insistence on prevention and elimination of mistakes
• Protection of process and innocence are equally important
• Shortcuts negate efficiency
• Coercive power of state is abusive
Community Policing

- A move away from a position of anonymity
- Direct engagement with the public
- Pro-active crime prevention
- Decentralized operations
- Move decision-making downward to PO
- Encourage citizen initiative
Authority & Power

• **Authority** is the unquestionable entitlement to be obeyed that comes from fulfilling a specific role.

• **Power** is similar to authority, but implies resistance.

• **Persuasion** overcomes resistance thru signs, symbols, words and arguments.

• **Force** is physical and exercised through mental domination and control.
Social Contract

- Society gives up complete liberty in return for guaranteed protection
- Police power is apart of the *quid pro quo*
- The police have the power to protect us, but the power may be used against us

Cohen & Feldberg (1991)
Social contract & ethical standards

- Fair access
- Public trust
- Safety & security
- Teamwork
- Objectivity

Cohen & Feldberg (1991)
Formal Ethics for Police Officers

- An aspiration or ideal describing the perfect professional
- Principles or guidelines that relate to the value system of the organization
- Mandatory rules of conduct that serve as the basis of discipline
Law Enforcement Code of Ethics

- IACP promulgated a code of ethics
  - Widely adopted by agencies
  - May not relevant to the realities of most Pos
  - Criticized for being
    - Vague
    - Confusing
    - Impractical
  - Praised as
    - An ideal
    - Something to aspire to
    - A goal, not a descriptive average of behavior
Four themes of IACP Code

- Principle of justice or fairness
- Service
- Importance of law
- Personal conduct
Policing and Professionalism

- Body of specialized knowledge
- Pre-professional & continuing education
- Legal autonomy to exercise discretionary judgment
- Lateral movement
- Authorized self-regulation
- Professional association
  - Is policing a profession?
The Police Subculture: An extreme

- Members are typically homogenous
- Uniquely stressful environment
- Participate in a basically closed social system
Police Attitudes

• Cynicism – view all citizens with suspicion
• Use of force – embraces force for all situations wherein a threat is perceived
• Police as victims – public misunderstanding, low wages, and vindictive administrators

Scheingold (1984)
Normative Orders of Policing

- Law
- Bureaucratic control
- Adventure/machismo
- Safety
- Competence
- Morality

Herbert (1996)
Police “Themes”

- Coercive territorial control
- Force
- Illicit coercion
- Importance of guns
- Suspicion
- Danger
- Uncertainty
- Solidarity
- Maintaining the “edge”
“Cop Code”

- “cover your men”
- “don’t back door it”
- “don’t go into somebody’s area”
- “CYA”
- “Know the boss”
A weakening subculture

• Increasing diversity of police recruits
  – Reduced the level of social homogeneity in police organizations

• Police unions
  – Formalizing the relationship between line and management

• Civil litigation
  – Increased the risks associated with the “Thin Blue Line”
Discretion, Duty, Discrimination

- Discretion – the ability to choose between two or more courses of behavior
  - Police style impacts discretion
    - Legalistic
      - Least amenable to discretionary enforcement
    - Watchman
      - Depends on definitions of groups and individuals
    - Caretaker
      - Treats citizens depending on their relative power and position within society (Wilson, 1976)