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THE IMPORTANCE OF ETHICS IN CRIMINAL JUSTICE

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In criminal justice systems, the application of *ethical norms* has come to be recognized as a crucial part of the process of doing justice. Whether an action is performed by law enforcement, corrections, judges, lawyers or justice policy makers, we expect that decision-making will be ethical, and when it is not, we anticipate that those who violate ethical norms will be held accountable. The field of *normative ethics* sets standards of conduct to assist in determining how to act, and it draws on sources such as religions, natural law, and written law in shaping ethical standards. *Applied ethics* is concerned with resolving issues that raise questions concerning what is right or wrong and what is good or bad. Criminal justice professionals, who often possess the right to control others through the application of force and coercion, must understand how to act in situations where ethical dilemmas arise if they are to avoid accusations of abuse of their powers. Ethical theories about how to act and the rightness or wrongness of acts provide a foundation from which to analyze ethical dilemmas and arrive at a correct conclusion or resolution.

POLICE ETHICS

Of all the elements in criminal justice systems, policing is the most likely to provoke ethical dilemmas. In the early days of law enforcement in the United States, the police relied unhesitatingly on physical force and coercion to maintain control

of the streets and paid little attention to ethical standards. An institutional culture, comprising the values, attitudes, and norms of law enforcement, developed throughout policing, and this culture encouraged and condoned corruption and the use of force, including lethal force, within the community. Research on policing began to identify the nature of policing and developed models and expectations of the crime fighter, the emergency operator, the social enforcer, and the social peacekeeper (Kleinig, 1996). Above all, commentators suggested that police themselves developed the notion that the cause of crime fighting was noble and therefore sometimes justified unethical conduct.

Police culture supported corruption, excessive use of force, a cynical and suspicious approach to the community, and the notion that police themselves were victims. Codes of ethics were devised, published, and promoted but were often flouted in favor of the noble cause (Crank & Caldero, 2000). Frequently, police managers reasoned that police abuse and corruption was caused by the individual acts of “rotten apples” and rejected explanations that these acts were indicative of systemic abuse. However, studies have shown that corruption and racism, in particular, are systemic within law enforcement, including, in particular, the tendency of police to stereotype persons in a practice known as *racial profiling* (Reiner, 1985; Skolnick, 1966; Walker et al., 2000, p. 95).

How do we explain instances of noble cause corruption within law enforcement? To a great extent, it can be linked to the extensive discretionary powers possessed by law enforcement that can be employed for good or bad ends and purposes. While opponents of broad police discretionary powers contend that the police should be limited by laws and internal rules, regulations, and codes of ethics, others argue that curtailing discretion will impede crime fighting and endanger the community.

Generally, public opinion accepts broad policing discretionary powers, as long as those powers are not directed at them. Police misuse of force is a major issue in the exercise of police discretion and despite codes and rules of ethics that regulate its use, many situations place law enforcement in the position of having to make a determination about the degree and application of force and coercion. Of course, police may subsequently be accountable for rule violations, but by that time, innocent persons may have fatally suffered at their hands. Police culture and the influence of past histories of violence play an important part in determining the level of violence that law enforcement considers acceptable in any given policing situation. As well as force and coercion on the streets, police have powers over individual citizens during interrogation and investigation, and here, questions may arise about entrapment, the rights of persons apprehended by police, and practices like police lying and deception, which tend to be accepted modes of policing. Indeed, some argue that the public has no choice but to accept a certain level of police corruption and abuse in the interest of public safety and in serving the noble cause.

CASE STUDY: VIDEO SHOWS POLICE OFFICER USING BATON TO HIT MAN

On June 18, 2010, jurors in Manhattan watched a video showing a police officer, charged with assault, hitting a suspect with a baton over and over as he lay handcuffed on the floor of a housing project on West 93rd Street, Manhattan. Nevertheless, as the police officer's lawyer also pointed out, the video footage (shot from five different angles from lobby cameras) also shows the suspect, Walter Harvin, struggling with the officer David London, resisting his directions, and shoving him with his hands before the officer hit him.

Officer London has been charged with second-degree assault, filing false reports, falsifying business records, and making a false written statement; if convicted, he could face up to 7 years in prison.

The video shows Officer London in uniform, closing the door of the building and then opening it as he saw Mr. Harvin approaching. The prosecution claimed Mr. Harvin did not have his key, but when the officer asked him whether he lived there, Mr. Harvin ignored his questions. They exchanged words, and then Mr. Harvin pushed the officer's hand away and entered the building. The video then shows Mr. Harvin turning and pushing the officer with both hands as

he followed him in and tried to stop him. Officer London's partner came into the building, and then as Mr. Harvin stepped into the elevator, Officer London grabbed him and tried to spin him around. Mr. Harvin drew himself up, but Officer London took out his baton and struck Mr. Harvin near the face, causing him to fall to the ground. There, the officer began hitting him repeatedly with more than a dozen blows from his baton.

Mr. Harvin tried to avoid the blows until he was handcuffed by the two officers, and even after that, Officer London struck him again with the baton a few times. Officer London's lawyer claimed that Mr. Harvin had threatened to kill Officer London, but the prosecution said that even though Mr. Harvin should have cooperated with him, the fact that he did not was no justification for the beating he suffered and that Officer London used excessive force.

On June 28, 2010, Officer London was acquitted of the charges. Mr. Harvin, an Iraq war veteran, did not give evidence at the trial because he could not be located. Prosecutors indicated he had suffered some mental problems after returning to the United States from Iraq.

Source: Eligon, John. 2010, June 18. "Jurors Watch Video of Officer Hitting Man With a Baton." *The New York Times*, A16.

DISCRIMINATION

There is a consistent belief among many that racism exists in multiple forms within the justice system at certain decision-making points. This can be seen in decisions about who and when to arrest, in granting alleged offenders bail, in jury selection, and in conviction and sentencing. Numerous studies have shown that while there may not be systemic racism, individual acts of discrimination do take place at certain points within the criminal justice system where decisions are made and also that racism may be present in complex forms that are hidden from obvious view (Georges-Abeyie in Russell, 1998, p.32; Pope & Feyerherm, 1990). This means that all those who exercise decision-making powers within the system should always act ethically and make decisions that are free from explicit or implicit racial bias and discrimination.

CASE STUDY: IN DALLAS, DISMISSAL OF BLACK JURORS LEADS TO APPEAL BY DEATH ROW INMATE

Thomas Miller-El is an African American charged with shooting two white hotel clerks during a robbery in 1985. One of the hotel clerks died, and Miller-El, age 50, was due to be executed by the State of Texas in 2002. The 2005 Supreme Court case decided in Miller-El's favor (Death Penalty Information Center 2015). In 2002, he had asked the Texas Board of Pardons to commute his sentence and appealed his case to the U.S. Supreme Court on the grounds that the jury that convicted him was chosen using racial discriminatory standards that have been applied by the Dallas County district attorney's office in many cases. The district attorney's office opposed the appeal, arguing that there is no evidence of any racial discrimination.

The jury in the original trial comprised nine whites, one Filipino, one Hispanic, and one African American. Three other African Americans were excluded from the jury by prosecutors, as were seven of eight other African Americans interviewed as prospective jurors.

Racial discrimination in jury selection is prohibited by the Constitution, and until 1986, to establish race discrimination, an accused had to meet a heavy burden of proof because he or she had to show a pattern of discrimination. In 1986 in *Batson v. Kentucky*, the U.S. Supreme Court lowered the standard, determining that if the accused was able to show that the prosecution appeared to be using its peremptory challenges to jurors to exclude minorities, the trial judge could call for an explanation.

Miller-El was convicted and sentenced 1 month before the *Batson* ruling, but the decision applies to his case retroactively. To date, both state and federal courts have upheld his death sentence, determining that no racial

discrimination occurred during jury selection. Miller-El's argument is that the courts considered only the number of challenges to jurors (10 out of 11 prospective African American jurors) and failed to consider other evidence showing that prosecutors in Dallas County had for years excluded blacks from juries as a matter of routine practice. This argument is supported by four former prosecutors whose terms of office cover the period from 1977 to 1989 and who confirmed that the Dallas County office did apply a policy of excluding blacks from juries. Further supporting this argument is a 1986 article in a local newspaper citing a 1963 internal memo in the district attorney's office advising prosecutors not to include "Jews, negroes, Dagos, Mexicans or a member of any minority race" as a jury member. Further, in the early 1970s, the prosecutor's office employed a training manual that contained advice on jury selection to the effect that a prosecutor should not include any member of a minority group because "they almost always empathize with the accused."

The *Dallas Morning News* has examined 15 capital murder trials from 1980 through 1986 and has revealed that prosecutors excluded 90% of African Americans qualified for jury selection. Nevertheless, the assistant district attorney in the Miller-El case disclaimed any notion that he had challenged the 10 African American jurors on grounds of race. He claimed that he was trying to assemble the best possible jury and that his office had no policy of racial discrimination. Despite these claims, at least three of the potential African American jurors challenged in the Miller-El case supported capital punishment and wanted to be on the jury.

Source: Rimer, Sara. 2002. February 13. "In Dallas, Dismissal of Black Jurors Leads to Appeal by Death Row Inmate." *The New York Times*.

LEGAL ETHICS

As professionals, lawyers are subject to detailed rules and codes about how to act in relation to their clients and to the justice system generally. For example, their

duty to the court is specified, and there are particular rules about how prosecutors must conduct prosecutions and what tactics and strategies defense lawyers may or may not employ in representing their clients. Ethical norms are therefore highly developed within the legal profession, and accountability for violations is ensured through professional associations and the courts, both of which have the power to discipline and even disbar lawyers for unethical conduct. In cases where an ethical rule is unclear, a lawyer can seek advice from within the profession, which facilitates the task of keeping standards within the permissible boundaries regulating a lawyer's conduct and practice.

Among the general public, however, there is only very limited awareness of professional ethical rules and significant misunderstandings exist about the operation of the common law adversarial system of justice, a system that gives lawyers a good deal of control over the court process. For example, the public routinely faults defense lawyers for "defending persons they know to be guilty" based on a lack of understanding of the linkage between the protection of an accused persons rights and the role of the defense lawyer in ensuring those protections are enforced. Lawyers are required to adhere to the principles of partisanship and neutrality. They must put the interests of the client above the public good and, in representing a client, disregard questions of personal morality so that the client's interests always take precedence over those of the lawyer.

The primary duty of a prosecutor is not merely to secure a conviction but to ensure that justice is done. Prosecutorial work brings into play a special set of ethical issues that result from the wide discretion that prosecutors (like

CASE STUDY: PROSECUTOR WITHHOLDS EVIDENCE

In 2004, Ernest Ray Willis was released from death row after spending 17 years there for a crime he did not commit. He was convicted in 1987 of setting a house on fire and killing two women. During his trial, the prosecutor referred to him as a "rat," "an animal," "a mean vicious dog," and "a satanic demon." Jurors had to decide during the sentencing procedure whether Willis posed a future danger to society, and they answered in the affirmative and sentenced him to death.

It was discovered during a postconviction investigation that a state psychologist had examined Willis before trial and reported that he would not present much of a future danger to society, but this information, which could have helped him avoid a death sentence, was

never given to his lawyer. However, the prosecutor did know of this report because a FedEx record showed that it had been delivered to his office; additionally, the psychologist remembered personally meeting with the prosecutor and advising him that Willis would not make a convincing death penalty case. The prosecutor has denied lying about the psychologist or the report.

A federal judge ordered the state to retry Willis or set him free, determining that suppressing the report plus other factors violated his rights. Following the investigation, the new district attorney requested Willis's immediate release from jail. The original prosecutor maintains that Willis was guilty and has no second thoughts about his prosecution of the case.

Source: Gier, Kelly. 2006. "Prosecuting Injustice: Consequences of Misconduct." *American Journal of Criminal Law*, 33(2), 192.

the police) enjoy in the operation of functions such as deciding what crime to indict persons with and the practice of plea bargaining. As well, the right of the prosecutor to determine, within a limited framework of rules, what evidence is to be put before the court and what evidence is made available to the defense can give rise to serious ethical conflicts. In the United States, many prosecutors are elected officials, and this raises further ethical issues including community pressures about how to exercise the prosecutorial function in the context of promises made and expectations raised during the election process. Whether the primary concern is for the victim, the community, reelection, or discovering “the truth,” prosecutors must make choices and decide their constituency, either generally or in a particular case. The likelihood that judges and prosecutors may become corrupt or act unethically likely increases according to the extent to which they enjoy wide discretionary powers. However, because judges generally perform their functions transparently and in public, the risks of impropriety are reduced. The same cannot be said about prosecutors who conduct much of their business behind closed doors and do not open processes such as plea bargaining to public scrutiny.

PUNISHMENT

What is the ethical rationale for punishment and how do we justify its imposition? The sociological approach to understanding why we punish focuses on how the current modes of thinking affect the climate of tolerance and intolerance. Social theories about punishment treat it as a social phenomenon and explore relations between punishment and society. Philosophical theories apply utilitarian and retributive theories asking questions about the goals of punishment and its overall purpose. According to these theories, punishment is justified according to theories of deterrence, retribution, just deserts, rehabilitation, incapacitation, and restorative justice. Many believe that punishment deters crimes of both repeat offenders and potential offenders. Deterrence theory was first proposed by utilitarian philosophers who contended that it is the fear of the consequences of criminal actions that deters crime. However, numerous studies have failed to show conclusively that deterrence works, partly based on the fact that much crime does not seem to be committed based upon a rational decision weighed on the basis of the potential consequences (Beyleveld, 1979, cited in Hudson, 1996, p. 23; Ten, 1987, p. 9; Blumstein, Cohen, & Nagin, 1978, p. 66).

The theory of retribution contends that punishment can be justified because it is deserved and that persons ought to be held accountable for acts that harm society. Retributionists argue that the punishment imposed should always be proportionate to the wrongdoing, a standpoint known as *just deserts*. Retribution is considered justified in terms of criminals owing and paying a debt to society, that society ought to censure those who violate its norms and rules and that punishment has an

expressive function (in that society is expressing its condemnation of an offender) that ought to be communicated to an offender.

Retribution or just deserts theory, began to gain ground over alternative versions of the purpose and justification of punishment in the 1980s. It has emerged as the premier rationale for punishment and, consistent with its emphasis on proportionality, has led to the development of sentencing guidelines and sentencing commissions charged with determining the extent of punishment that ought to be imposed for a particular crime. It focuses only on the harm involved in the crime and the culpability of the offender. Critics of just deserts argue that it lacks any principled basis for determining commensurate sentences for crimes and completely ignores social and other factors that ought to be taken into account in arriving at an appropriate sentence (Hudson, 1996, p. 46; Tonry, 1994, p. 153). Critics of retribution argue that it is nothing more than vengeance, but Nozick (1981, p. 366) points out that unlike retribution, revenge possesses no limits and may be inflicted on an innocent person, perhaps a relative, and not necessarily on the offender.

The concept of rehabilitation is that punishment ought to be concerned with healing an offender so that he or she may return to society after punishment with little or no chance of becoming a repeat offender. Crime is regarded as a social disease to be treated and cured. In order to determine the appropriate punishment the offender's social and economic background must be fully taken into consideration.

Previously, indeterminate sentences were imposed that made the release of the offender contingent on the successful completion of rehabilitation programs. The decision to release was exercised by boards based on their assessment of an individual's progress through rehabilitation and was not determined exclusively by the court. In the 1970s, opinion turned against rehabilitation as the proper rationale and basis for determining punishment when meta-studies of rehabilitation programs purported to show that "nothing works" (Martinson, 1974). The discredited rationale of rehabilitation was replaced with the now dominant theories of just deserts and incapacitation.

Incapacitation theorists argue that the public ought to be protected from the chance of future offending by those who are already convicted criminals and that placing offenders in custody for lengthy periods of time is justified in pursuit of this end. Opponents of incapacitation contend that offenders are therefore being punished on the basis of predictions of their likely future conduct and that this is arbitrary, unfair, and entirely speculative (Morris, 1994, p. 241). They question the ethics of punishing persons for crimes they have yet to commit.

Restorative justice proponents emphasize community involvement in determining an appropriate punishment and maintain that a process through which a victim confronts the offender with the harm suffered will help restore that offender to the community with an enhanced capacity to support social cohesion and not reoffend. Restorative justice calls for a return to community punishment practices that disappeared with the emergence of the state as the exclusive authority for administering

punishment and providing solutions to crime. This form of justice has generally been employed to deal with minor offenses but has been accepted in some jurisdictions as the most appropriate means of punishing juvenile delinquency.

CORRECTIONAL ETHICS

Over the last two decades, criminal justice policies focusing on crime control, including so-called “zero-tolerance” practices and incapacitating offenders for very lengthy periods of time under laws such as “three strikes and you’re out” have caused an explosion in the size of the prison population (Harrison & Beck, 2003). Commentators now regularly describe U.S. policy as favoring “mass imprisonment” (Christie, 2000).

Within justice systems, police and corrections officers have always been empowered to exercise a degree of physical control over citizens, and now, contemporary crime control strategies bring even greater numbers of citizens into direct contact with law enforcement and corrections staff. Heightened tensions between the public and criminal justice officials arising from policies of mass imprisonment make it essential that ethical standards of treatment and conduct are observed in prisons and jails.

Similar to law enforcement, corrections work possesses an institutional culture that has developed over time in conjunction with changes in prison operations, staffing, and disciplinary regimes. An understanding of that culture is vital to an appreciation of the ethical challenges faced by corrections staff. The organization and management of corrections developed from early individualistic methods of controlling persons in custody to fully fledged bureaucratic and managerialist regimes of control with detailed rules and procedures covering both prison staff and those incarcerated and the permitted interactions between them. Historically, prisoners had few rights and were treated harshly and with high levels of brutality, but in the contemporary period, prisoners regularly test the scope and content of their rights in the courts. *How does ethics relate to corrections when prisoners are in custody, sometimes under maximum-security conditions and sometimes within lightly guarded facilities? Commentators argue that a person is sent to prison “as” punishment and not “for” punishment, and this means that practices such as highly controlled visitation, strip searches, and punishing prisoners through removal of so-called privileges should be prohibited because they amount to the imposition of additional and unauthorized sanctions (Kleinig, 2001, p. 7). Adopting an ethical standard would therefore mean respecting the dignity, humanity, and rights of prisoners, as well as refraining from imposing any further forms of punishment.*

The nature of the relationship between guards and prisoners and between guards and their coworkers also raises questions about normative conduct. It is obvious that there is a significant power dynamic between inmates and guards. Guards, in the absence of rules that incorporate ethical standards and norms,

potentially have the power to seriously abuse prisoners (Kleinig, 2001, p. 10). Guards are required to demonstrate an ability to manage prisoners but must also accept that they are dependent on having good relations with prisoners in order to protect their personal safety. Guards possess a personal authority derived from character and personality, as well as a legal authority, the source of which are institutional rules and regulations. Therefore, an ethical framework that regulates these interactions is required. One extreme school of thought argues, however, that the nature of incarceration is such that it is virtually impossible to apply ethical standards of conduct and that degradation and brutality are inescapable (Smith, 2001, p. 30).

Research has revealed the prison guard code and the “gray wall of silence” that incorporate key tenets of the business of guarding, including, “always aid an officer in distress,” “don’t rat,” and “never make a fellow officer look bad in front of inmates” (Kauffman, 1988, pp. 86–117). The institutional culture of corrections valorizes the dangers and tensions of incarceration and how these elements combine to engender a sense of suspicion about events in a facility that are out of the ordinary or seem to be violations of prison rules. However, research reveals that guards, despite their apparent absolute dominance, in fact, must negotiate the extent of their domination with inmates through a process of contestation (Lombardo, 1989, p. 94). This process can result in the “corruption of authority” and means that rulebooks are often jettisoned in the interests of flexibility and of establishing a *modus vivendi*. Similar to law enforcement, individual discretion and its exercise are an important part of being a guard and are influenced by the guard culture and by relevant rules and the overall prison disciplinary regime. Studies of this culture reveal that corrections industry recruits are socialized into adhering to the elements of the prison guard code, which focuses on solidarity between coworkers against inmates (Kaufman, 1988, p. 198).

The use of force by corrections staff is a major ethical issue within corrections. In the past, violence was prevalent and expected. Nowadays, despite rules regulating the application of force and accountability, including actions in the courts, some prison systems continue to permit extralegal levels of coercion and force against inmates. The guard culture contends that force is always justified because only the threat of violence or violence itself will ensure control within the facility, and violence deters inmate attacks on guards (Kaufman, 1988, p. 141).

Reprisals for attacks by inmates are considered essential and entirely appropriate within the guard culture. Nevertheless, there is also an appreciation within corrections that violence begets more violence and that inmate resistance cannot be repressed by the constant application of force (Kaufman, 1988, p. 71). Nowadays, the use of force is regulated by rules and by the courts, the state, and the federal government. Other forms of conduct that violate ethical norms include institutional and guard attitudes toward rape in prison and the promotion of corruption through smuggling, drug trafficking, and similar activity.

CASE STUDY: SEXUAL ASSAULT AT WOMEN'S PRISON IN ALABAMA

In May 2015, the U.S. Department of Justice announced it had reached an agreement with the state of Alabama to compel the state to carry out reforms at the maximum-security Julia Tutwiler Prison for Women at Wetumpka, Alabama, where inmates had for many years been subjected to sexual assaults, including rape, sodomy, forced oral sex, and fondling at the hands of prison staff. The Tutwiler Prison opened in 1942 and was named after Julia Tutwiler, a prison reformer and advocate for improved conditions in women's prisons.

In January 2014, the Justice Department issued a letter with its findings that the prison had subjected female prisoners to a "pattern or practice" of sexual abuse in violation of the

Eighth Amendment's prohibition on cruel and unusual punishment.

Justice Department investigators found that prison staff helped organize a "strip show" for prisoners, that male staff openly watched women shower and use toilet facilities, that women who reported abuse were commonly placed in segregation with limited or no access to a telephone or visitors, and that complaints of abuse often resulted in punishment and threats of physical abuse by staff. It was found that prison staff treated women who reported sexual abuse "with the presumption that they were lying, subjecting them to polygraph examinations as a prerequisite to investigating the allegation."

Source: "Justice Department Acts to End Sexual Assault at a Women's Prison in Alabama," Sari Horwitz, *The Washington Post*, May 28, 2015.

Probation and parole were originally linked to plans for the individualized treatment of prisoners, but in their contemporary form, they are focused almost exclusively on punishment and enforcement of court sanctions (Petersilia, 1999, p. 480). Parole officers have always been closer to law enforcement. Now, probation officers are adopting a police posture toward probationers, as many are now armed and often collaborate with law enforcement officers in raiding premises. Accordingly, both probation and parole officers exercise substantial degrees of control over probationers and parolees and face ethical concerns similar to those in corrections and law enforcement.

ETHICAL CRIMINAL JUSTICE POLICY MAKING

Crime control and how to punish offenders are key elements of justice policy making. For example, the development of private prisons as an option for punishment is an important issue in criminal justice policy and raises significant ethical issues, such as whether the state or government should ever permit outside agencies to punish citizens, whether the profit motive is compatible with the exercise of the right to inflict punishment through incarceration, and how private prisons resolve issues connected with the use of force.

Ethical considerations ought to play a significant role in criminal justice policy making, but since the 1970s, this enterprise has typically been more concerned with formulating punitive policies rather than with examining alternative options for punishment and exploring the ethical basis for certain policy approaches.

Most policy making is the outcome of a cost–benefit analysis, and that process does not generally incorporate ethical models or arguments. Normally, it is essential in designing policies to advance a justification for a particular approach to a policy issue. Policies may be justified on ideological, empirical, or ethical grounds. Those grounded in an ethical approach are analyzed under a process that has determined the “rightness or wrongness,” or the “good or bad” of a particular approach.

There are two central concerns. First, it is necessary that policy makers should always act ethically in formulating policies, and secondly, there exists an ethical responsibility in making policy about subjects like punishment that have inherently ethical requirements. This latter kind of policy making can be termed “morality policy making,” and there is a clear linkage in contemporary policy making between morality policy making and so called “moral panics” (Mooney 2001, p. 116). A moral panic arises when an event is constructed and portrayed as a danger or menace to society and its values. Good examples are the various “wars” declared by different administrations—for example, the war on poverty, the war on drugs, and the war on terrorism. Media—and therefore, public attention to particular forms of criminality—have influenced mandatory minimum sentencing, the war on drugs, truth-in-sentencing laws, and legislation designed to combat sexual predators and superpredators. The media frequently construct issues like drug abuse as moral panics, and the outcome is often badly conceived laws that are fundamentally unethical. The present mass incarceration of offenders is the result of policy choices based on converging policies and decisions that cannot be said to represent a rational and coherent response to crime.

Elected officials and representatives who react hastily to perceived constituency concerns and to the views of the general public, which are themselves, heavily influenced by media representations of an issue as a moral panic, usually formulate policies. Surveys have revealed that the public has a general tendency toward favoring punitive measures toward offenders. In the U.S., imprisonment is generally regarded as the appropriate form of punishment for most criminality but this is not so in other western countries where minor crimes are punished much more leniently. As for the ultimate penalty of capital punishment, which is a major moral issue for many, it has found steady support since the 1970s, and this is usually reflected in political platforms and in legislative approaches to punishment.

An ethical responsibility includes an obligation to act with integrity. For example, a legislator can be said to act unethically when he or she proposes changes in legislation in the expectation that such action will ensure his or her reelection, knowing that it is unlikely to achieve its aims and might even cause fresh injustice. Other acts of policy making that could be considered unethical include

CASE STUDY: PRISON AND AMENITIES

What standards and conditions should be applied to imprisonment? The topic of what level of amenities should be supplied to prisoners resurfaces in the media periodically. Those politicians who wish to demonstrate a "tough-on-crime" approach protest that prisoners are provided access to weight-lifting equipment, televisions, radios and "good" food (Banks, 2005, p. 137). In Maricopa County, Arizona, former sheriff Joe Arpaio's policies of housing inmates in tents without air conditioning in the more than 110°F summer weather, clothing inmates in pink underwear and striped uniforms, chain gangs for both men and women, and providing basic and unappealing food such as bologna on dry bread exemplify this attitude. Such politicians argue that if prisoners have standards of incarceration that are superior to the standard of living of the man on the street, then they cannot be said to be suffering punishment. The media fuel this debate by reporting that prisons are "holiday resorts" where prisoners enjoy extravagant amenities and conditions (see Lenz, 2002). In response to this political discourse, the No Frills Prison Act was passed in 1996; it bans televisions, coffeepots, and hot plates in the cells of federal prisoners. It also prohibits computers, electronic instruments, certain movies rated above PG, and unmonitored phone calls (Lenz, 2002).

The underpinning assumption to this legislation is that a deterrent effect will be achieved "by making a sentence more punitive, that is, making the inmate suffer more" (Banks, 2005, p. 138). Thus, it is assumed that an inmate will be "less inclined to reoffend knowing the harsh conditions in prison" (p. 138). The problem is that there is no existing research that can support this assumption. Some have argued that state costs are saved to the prison system and to the taxpayers through this approach, but again, this is not supported given that the 31 states that allow inmates televisions in their

cells do not pay for them (prisoners or their relatives pay for them), and cablevision is paid for out of profits from the prison commissary, vending machines, and long-distance telephone charges (Finn, 1996, pp. 6-7).

Interestingly, prison administrators are often in favor of permitting amenities in the prisons because staff rely heavily on a system of rewards and punishments to maintain control in their institutions (Lenz, 2002, p. 506). They recognize that keeping inmates busy provides important benefits to inmate order and inmate activities. In other words, bored and unhappy prisoners are more likely to cause security problems that staff who are in short supply will have to respond to.

Placing telephone calls from prison to wives, husbands, and relatives used to be an inexpensive process, and until the 1990s, inmates could place and receive calls at rates similar to those charged outside. This might be considered a basic amenity for all inmates. Now, however, the prison telephone system has been turned over to private enterprise and is a \$1.2-billion-a-year industry. Companies in this business commonly set rates and fees greatly in excess of those charged by commercial providers to persons outside prisons. After a series of complaints, the Federal Communications Commission (FCC) commenced an investigation. The practice is for phone companies to pay hundreds of millions of dollars (\$460 million in 2013) in concession fees to state and local correctional systems for exclusive contracts to control the telephone services offered in prisons. According to the FCC, the fees, which are legal, are used to fund a range of prison costs from inmate welfare to salaries, and some end up in the revenue funds of the state concerned. Eliminating the fees has been fiercely opposed by prison and jail officials. In one case, a company fee for using its prison phone service included a charge for processing the bill and another charge if the bill was paid over the telephone (Williams, 2015).

responding to a particular event or series of events by formulating policies that are arbitrary, lack reason or good judgment, and have failed to take account of relevant ethical considerations.

CASE STUDY: ANTI-MUSLIM RACIAL PROFILING ON PLANES MUST STOP

- Khairuldeen Makhzoom, a student at the University of California Berkeley, was kicked off a Southwest Airlines flight after a fellow passenger complained about his use of Arabic. An Arabic-speaking Southwest employee allegedly asked him, "Why would you speak in Arabic on the airplane? It's dangerous. You know the environment around the airport. You understand what's going on in this country." Makhzoom was then searched publicly while a crowd in the airport terminal watched, and he was interrogated by the FBI.
- Hakima Abdulle, who was wearing a hijab, was removed from a Southwest Airlines flight after a flight attendant told her she could not switch seats with another passenger. The flight attendant later said she "did not feel comfortable" with Abdulle.
- Three Muslim passengers and one Sikh passenger were removed from an American Airlines flight after the captain and crew reportedly "felt uneasy and uncomfortable with their presence on the flight and as such, refused to fly unless they were removed from the flight."

Source: CREDO Action. https://act.credoaction.com/sign/Stop_Airline_Profiling

The so-called "war on terrorism" provokes significant ethical questions and issues. A central issue concerns the normative considerations applicable to the war on terrorism. Questions include why the U.S. declared such a war after September 11, and created a special prosecution and detention regime for alleged terrorists instead of giving the criminal justice system the responsibility for responding to those acts. After all, terrorist acts normally constitute offenses under the criminal law and can be prosecuted and punished as such. Another issue concerns the extent to which, if at all, torture or so-called "enhanced interrogation" can be applied to alleged terrorists in custody, even in the cause of averting further acts of terrorism.

Third, there is the question of the extent to which rights and freedoms ought to be restricted within the U.S. in order to fight the war on terrorism. The argument in this case is that we ought to be prepared to surrender some or even all of those rights and freedoms in the interest of reducing the risk of further acts of terrorism. Those rights include privacy and freedom from intrusive surveillance. Furthermore, pursuing the war on terrorism requires the establishment of specially constituted courts or military commissions to undertake the trials of alleged terrorists raising the further question of what legal protections and rights those accused should enjoy before such courts or commissions. These are complex issues that impact fundamental values and ethical norms.

The difficulties of ethical terrorism policy making are compounded by questions concerning the fact that there is no single "correct" definition of terrorism and that the nature of the war on terrorism has been shaped almost entirely by the events of September 11. It is clear that although termed a "war" in the same way that previous initiatives were described as a war on crime or a war on drugs, the war on

terrorism is aligned much more to a conventional war but lacks its attributes. Policy makers have constructed the war on terrorism not as an issue of crime control but as involving issue of national security and, in doing so, have sought to justify exceptional measures, such as illegal international rendition and techniques that some have termed torture (Ackerman, 2004). By defining the campaign against terrorists as a war, the Bush administration justified measures such as the USA PATRIOT Act, which significantly increased surveillance powers over citizens and diminished individual rights and freedoms. The debate is concerned with whether such measures are ethically appropriate in all its circumstances. Some argue that such measures are immoral simply because they disregard customary and international rules concerning the treatment of detainees (by categorizing them as “unlawful combatants”), the rules of war, humanitarian laws of war, and prohibitions against torture and degrading treatment (Emcke, 2005, p. 237).

It has also been argued that depicting a counterterrorist strategy as warfare has the effect of elevating the level of activity inferior to that normally required by actual conventional warfare as if it were a conventional war between states. Thus, through this process of categorization, the U.S. has somehow been empowered to conduct “battles” within the ambit of a never-ending war. For example, in the pursuit of the war on terrorism, the U.S. deploys unmanned aircraft or drones in the air space of another state’s territories, without that state’s knowledge, in order to conduct assassinations of “known” terrorists. Sometimes these attacks cause so-called “collateral damage” to civilians, and some ask whether it is ethically correct to cause injury and death to innocent civilians in this way and whether the effects of this strategy actually mimic the acts of the terrorists themselves (Wilkinson, 2001, p. 23). Therefore, some argue that the war on terrorism might, in fact, constitute an evil that is greater than terrorism itself (Wilkinson, 2001, p. 115). In defending the war and its consequence, some suggest that so long as citizens can rely on the legislature and the courts for oversight, there is sufficient protection against excess (Ignatieff, 2004, p. 8). Yet others point to the lack of executive transparency and the administration’s active concealment of surveillance activities that have only come to light through the activities of whistleblowers. In other words, the modern state has the capacity, if it possesses the will, to conduct a wide range of activities in pursuit of a goal that it alone deems critical to public interest and that many would judge illegal—and certainly immoral or unethical.

ANALYZING ETHICAL DILEMMAS

Ethical theories attempt to provide a means to respond to critical ethical questions such as, “How ought I to act in this situation?” Thus, for criminal justice professionals, ethical theories provide a foundation and a source of knowledge about how to go about the business of acting ethically in everyday situations. They help provide structure in an otherwise complex environment. A number of ethical theories exist,

each offering a varying perspective and approach to ethical dilemmas. It is necessary, therefore, to be aware of the various arguments and perspectives to fully engage with the analysis and resolution of ethical issues. The principal ethical theories are deontology and consequentialism (also termed utilitarianism). However, more recently, virtue ethics has gained a foothold in ethical theorizing. Less significant theories include the Greek theories of hedonism, stoicism, and ethical egoism. Contemporary theorists such as John Rawls (1973) and Carol Gilligan (1982) have added social justice and feminist ethics (also termed the ethics of care) to the theoretical vocabulary.

Principles, Consequences, or Character?

The principal theories of deontology and consequentialism take contrasting positions on the question of how we ought to conduct ourselves in varying situations when faced with the question, “How ought I to act?” Consequentialists believe that the task of identifying the right way to act in a given situation always depends on the goodness of the consequences of acting in a particular way for everyone affected. Therefore, consequentialism always looks at outcomes in determining the proper course of action.

In contrast, deontology rejects consequentialism and argues that rules and principles that place limits on our activities and actions ought to guide us in making ethical decisions. Thus, it argues that certain acts are always wrong in themselves and lack moral support and cannot be employed to justify pursuing any ends, even those ends that are morally sound. For example, deontologists absolutely reject the act of lying and argue that lies are wrong because of their nature even if they result in or produce good consequences. Deontologists emphasize notions of obligation and duty and believe, for example, that it is right to keep promises regardless of the effects of carrying them out. Often, applying the primary theories will result in similar moral outcomes. For example, a deontologist will argue that stealing goods or breaking promises is always wrong and a consequentialist would come to the same conclusion but for different reasons, arguing that it is the consequences of such acts on the public welfare that renders them wrong, not their inherent wrongness. Conflicts will arise between these theories, however, when performing an act normally considered unethical results in an increase in the utility achieved in the result.

Aristotle’s virtue ethics has enjoyed resurgence in ethical theorizing partly because the two principal theories seem to offer little except a choice between a focus on the consequences or a set of absolute rules about how to act. Virtue theories aim to provide us with a picture of the good life and how it can be realized. A good life was seen as one in which one’s full potential as a human person is satisfied. This contrasts with more modern ethical theories, which see the good life and morality as separate notions. To the ancient Greek virtue theorists, the chief goal was to achieve a good life and realize our true nature, and to them, satisfying this aim was the test of the moral worth of a particular act.

From the 16th century onward, these concepts were abandoned, and modern ethical thinking has discouraged notions of final ends and purposes and the concept of the good life. Postmodernism has also impacted ethical thinking, and Bauman (1993), for example, argues that there are few ethical choices that can be considered as absolutely good or correct and that such choices are largely based on the application of impulses. He argues that uncertainty and ambivalence, which are the characteristics of postmodernism, apply equally to morality (itself diverse in nature, irrational, and subject to the exercise of power relations) so that moral codes are often the outcome of political claims of universalism. Richard Rorty goes further than this, arguing that philosophy itself is dead in the sense that claims to universal rules and principles are no longer possible or accepted in contemporary societies (Rumana, 2000, p. 4).

A Matter of Principle

Immanuel Kant is regarded as one of the greatest modern philosophers and as most responsible for shaping and explaining deontology. In answering the question, "What ought I to do?" Kant believed that a person should categorically act in a rational manner and in accordance with duty and obligation and take no account of the consequences of acting (Benn, 1998, p. 172). Kant expressed this notion as the *categorical imperative* and contended that all other considerations were irrelevant. This notion gives rise to the question of how to determine the nature and extent of a duty or obligation. Kant's response to this was to state that it could be determined by applying the test of whether an individual is willing that a particular act be followed by *all* persons at all times. If so, this gives the act the status of a rule, and it withstands the test of a universal law. Although this seems straightforward, it can pose difficulties. For example, Kant stated that the rule against lying was a categorical imperative, and therefore, it was wrong to lie under any circumstances (Rachels, 1999a, p. 125). In reality, however, a person may lie when faced with moral choices about how to act, such as when it is both wrong to lie and wrong to allow innocent people to be murdered. Thus, two categorical imperatives may conflict with each other. How then should this conflict be resolved? One suggestion is to treat moral rules not as absolute categorical rules but as generalizations. This would mean that while we should generally always refrain from telling lies, we may abrogate this rule if factors exist that should override this imperative.

Kant advanced the important notion that we should always respect others because they are rational human beings with dignity (Hill, 2000, p. 64). Thus, a person should not be treated as a means to an end but as an end in himself or herself. Thus, we ought not to use people to satisfy our own ends; we should always respect others' rights, promote their welfare, and avoid causing them harm. In this way, we will be promoting the worth and dignity of every person, as, for example, in the criminal justice process, where the right to a fair trial is afforded. This rule would also require that prisoners be treated with dignity, compassion, and humanity.

Considering the Consequences

Consequentialists or utilitarians look to the consequences of an act to determine their rightness or wrongness and disregard all other considerations. The question to ask when faced with an ethical question or dilemma is, therefore, which action will bring about the best possible consequences for everyone affected? This principle is known as the principle of utility, and it imposes a duty to act in ways that produce the greatest happiness for everyone affected. Underlying this theory is the thinking of the classical utilitarians, Bentham and Mill, who regarded happiness as equivalent to pleasure and believed that humans look for pleasure and try to avoid pain, which explains how we make choices about how to act (Rachels, 1999b, p. 65). More recent thinking substitutes the idea of “preference satisfaction” for “happiness,” so that we should not aim for pleasure over pain but instead should determine how we can best satisfy human preferences, interests, or desires.

Utilitarians can be categorized as *act utilitarians* and *rule utilitarians*. The former argue that it is possible to measure whether an act causes more pleasure than pain and therefore whether it has more “utility.” Given the complications in applying such a rule, act utilitarians follow rules of thumb that rely on past experience. Rule utilitarians link consequentialism with moral rules and contend that following specific moral rules will result in better consequences. Thus, rule consequentialism aligns, to an extent, with deontology. An example of rule utilitarianism is that it is generally better to follow the rule that one should speak the truth even when it means that doing so in a specific instance would cause more pain than pleasure on the basis that, in the long term, telling the truth produces greater benefits overall. Consequentialism is criticized for placing the outcome of an action above the ideals of justice. Also, critics argue that it would require us to give all our resources to others because such an act would promote the general welfare and pleasure of others.

It can be seen that the choice between duty and consequences involves evaluating absolute rules about conduct against a calculation as to which act will provide the most pleasure for the greatest number of people. Consequentialism enjoys a primary role in punishment policy making in the form of the theory that argues that punishment deters crime. It is claimed that imposing more severe penalties for certain crimes to deter others from committing similar crimes benefits everyone.

A Question of Character?

Virtue ethics does not ask, “What ought I to do?” but, “What kind of person should I become?” According to virtue theorists, the correct course of action can only be determined once that question has been answered. Virtues comprise those personal qualities that we develop through habitual action and that aid us to become persons of excellent character during our lives. Virtues are natural and acquired qualities, such as intelligence, honesty, generosity, loyalty, integrity, dignity, and self-control.

In contrast to deontology's absolute prohibition on lying and consequentialism's acquiescence in lying if the consequences are beneficial, virtue ethics takes the position that lying is dishonest and that dishonesty is a vice, not a virtue. Virtue ethics can, however, be problematic. For example, when a suicide bomber gives his life for a cause he or she believes in, is he or she acting courageously? If being generous is a virtue, how generous is one required to be? Aristotle believed that a good life included happiness in the form of well-being or flourishing and that virtues promote such happiness (Tessitore, 1996, p. 20). Aristotle thought that we should always act in ways that will bring about flourishing, and he advanced the notion of the mean or the golden mean, which means that when required to make decisions, we should seek the mean or the average between extremes. An example is not being too stingy or too lavish but generous, that is to say, the golden mean. It is easy to see how this idea can be applied to everyday ethical behavior. When applied to questions of conduct, this idea would advocate a middle course between forms of radical action.

Aristotle also advocated the notion of practical wisdom, which involves thinking about the circumstances, reasoning correctly, and making the right choices. Those who live with practical wisdom are said to have a kind of insight or perception that guides them in making the right decisions (Darwell, 1998, p. 213). Critics argue that virtue ethics has to be regarded as contextually and historically tied to an ancient time period, namely Athenian society of the fifth century, which took it for granted that virtues were possessed only by those with great wealth and high social status (MacIntyre, 1984, p. 11). Women and slaves were not considered human, and therefore, virtue ethics could not apply to them. Even so, modern philosophers attracted by virtue ethics and its focus on character link it to modern-day social life and the community, emphasizing the need to learn virtues within the family and the community (Blum, 1996, pp. 232–233). As for Aristotle's list of virtues, while some see it as arbitrary, others argue for the universality of virtue, whatever the nature of a society or its culture (Hinman, 1998, pp. 334–335).

A major criticism of virtue ethics is that it gives us no guidance about how to act in relation to ethical issues. For example, it provides no assistance about ethical questions like the imposition of capital punishment. However, in favor of virtue ethics, it can be argued that it fulfills an essential role in supplementing other ethical approaches that provided us guidance in deciding how to act (Rachels, 1999a, p. 189). It is also claimed that developing and possessing a virtuous character or a moral self is a prerequisite for resolving ethical dilemmas. Some modern philosophers argue that virtue ethics can stand alone as the ethical basis for ethical action because an action will be correct and moral if taken by a virtuous person acting in character in particular circumstances (Hursthouse, 1999, p. 26). Of course, virtue ethics seems very relevant to the criminal justice system, where power and authority are susceptible to abuse.

Indifference, Pleasure, or Selfishness?

The ethical theories of stoicism, ethical egoism, and hedonism do not enjoy much support among moral philosophers, despite the fact that egoism and hedonism, in

their celebration of self-gratification, might be said to resonate with the values of modern consumer society. Stoicism is historically specific, like virtue ethics, and contends that the path to virtue lies in adopting an attitude of indifference toward external differences and in cultivating a life of indifference, accepting that while some things are within our power to change and influence, others are not (Prior, 1991, p. 209). Stoics believe in predestiny and the notion that whatever happens has a rational explanation and is always for the best. In some respects, stoicism echoes the claims of virtue ethics about individual character because stoics argue that developing the appropriate stoic frame of mind leads to virtue.

Hedonism comes in the forms of psychological hedonism and ethical hedonism. The former imagines a life devoted to the pursuit of pleasure and assumes that all action aims to achieve pleasure and avoid pain. Ethical hedonism is a moral version of hedonism and asserts that seeking pleasure is right conduct because pleasure alone is good (Feldman, 1997, p. 109). In this sense, hedonism seems unsatisfactory because it is difficult to accept that seeking pleasure can constitute the sole basis for deciding ethical issues. The theory of ethical egoism contends that right action is action that promotes one's own self-interest regardless of the interests or concerns of others.

Egoism is categorized as psychological egoism and ethical egoism. The former holds that all persons are motivated by and act according to egoist concerns. It rejects all altruistic explanations of behavior and contends that acts that may seem unselfish are always performed for egotistical reasons. An ethical egoist argues similarly that morality and reason are satisfied by promoting one's own greatest good and self-interest before anyone else's. The focus on self-interest does not exclude action that might help others as long as the primary goal is our own interests.

Ethical egoism as a theory seems to lack a principled foundation, and some argue that it resembles racism in its attention to the interests of one group alone (Rachels, 1999a, p. 94). Others suggest that it precludes any development of sustained relations between persons because an ethical egoist is so focused on his or her own good that this precludes acts such as assisting those in need unless such action first served a self-interest (Hinman, 1998, p. 154). In terms of criminal justice, ethical egoism would seem to supply justification for acts that are corrupt or inhumane.

Social Justice

John Rawls's (1973) theories seek to fix fundamental principles that would govern a morally good society, and in this sense, his search for a set of rules is Kantian in nature. His concern is not with the individual ethical actor so much as with justice in the sense of fairness, and he regards justice as a founding principle capable of providing guidance concerning how a society should conduct itself. According to Rawls, a moral person is one who possesses a sense of justice and the potential to pursue a concept of good (p. 121). Achieving this potential requires us to create a just society and to agree on its governing principles.

Rawls (1973) imagines a group of persons who collectively agree on the nature of this society from a position of ignorance about their class or social position and without taking account of any natural assets or abilities. His argument is that they would choose two principles of justice, one concerned with the equal right to basic liberties and the other with social and economic inequalities (p. 60). The first principle would provide personal liberties such as the right to vote and stand for public office and freedom of speech and assembly. The second principle, part of which is known as the *difference principle*, would comprise an equal distribution of primary goods and services, as well as burdens and responsibilities. However, certain inequalities would be considered just if they benefit everyone, especially the least advantaged (p. 75). Thus, there would be no injustice if the least advantaged were better off in an unequal situation than they would be with equality. Consequently, a just society that desires to treat all with equality would give more attention to those victimized by injustice or to those who enjoy a less favorable position because of unfair treatment. This echoes the Kantian principle that persons should always be treated as ends in themselves and not as means to an end.

Rawls (1973) sees his principles as purely hypothetical but nevertheless argues that they would be accepted by free and rational persons and would make explicit his notion of “justice as fairness” (p. 11). Rawls describes three stages of moral development in a life, beginning with the *morality of authority* developed by parents, then the *morality of association* arising through contact with the school and the neighborhood, and then the *morality of principles* where individuals follow moral positions as a result of earlier moral development and because they seek the approval of the wider society (pp. 473–476). Rawls suggests that in a society that seeks to achieve social justice, his principles will create harmony and cooperation and reduce injustice. In terms of relevance to the criminal justice system and its institutions, Rawlsian notions of social justice assist in overcoming inequalities in access to justice, as well as forms of discrimination within the system.

The Ethic of Care

Feminist ethical theories focus on the centrality of gender and are critical of other established theoretical approaches for giving too much prominence to the individual, to impartiality, and to universality (Hinman, 1998, pp. 367–369). Feminist theories give importance to relationships, care, and connectiveness. Seminal research by Carol Gilligan and Lawrence Kohlberg argue that moral development varies according to gender and that gender shapes the nature of moral inquiry (Hinman, 1998, p. 370). Thus, Gilligan contends that women see moral life in terms of care and responsibility, asking if relationships would be maintained or harm suffered because of an intended action, whereas men see the application of rules in a fair, impartial, and equal manner as the prime consideration (Flanagan & Jackson, 1993, p. 70). Men also show a concern for individual rights and autonomy, but women are more likely to resolve ethical issues by applying solutions

that affirm relationships and minimize harm. This does not mean that women should be regarded as inherently emotional beings entirely lacking rational attributes. Both men and women are the products of social conditioning, and gender is socially constructed so that men too may follow an ethic of care rather than an individualistic ethical approach (Rachels, 1999a, p. 168).

Some question whether the ethic of care possesses the weight and dimensions sufficient for an ethical theory and suggest that it is best viewed as complementing virtue ethics (Blum, 1994, p. 208). Also problematic is the scope of the care ethic itself because while it is obvious that the ethic of care applies in close family relationships, the question is to what extent does it, for example, apply to the needy throughout the world? While some regard the familial obligation as absolute and other obligations as secondary, others emphasize the depth of a relationship outside the family circle. Still others argue that our duty can be broad enough to include a communal identity, such as membership in an ethnic group (Blum, 1994, p. 249).

Robin West (1997) advocates linking the ethic of care with the ethic of justice so that public institutions will be obliged to exercise compassion or care when dispensing justice (p. 9). She contends that a combined project of care and justice would mean reading and interpreting the law compassionately, for example, taking account of the life circumstances of an accused in a death penalty case. The notion of peacemaking has close links with the ethic of care but represents a distinct ethical philosophy variously termed peacemaking, peacekeeping, or peacemaking criminology (Braswell & Gold, 1998, p. 26). Peacemaking also calls attention to relationships, caring, and mindfulness (thinking about our actions and the needs of others in the long term). In terms of criminal justice policy making, peacemaking claims nonviolence as a fundamental principle and argues that violence and coercion in forms such as capital punishment or the excess use of force in policing should be rejected.

CONCLUSION

This exploration of ethics in criminal justice highlights the importance of the theoretical underpinnings of normative and applied ethics to the resolution of ethical issues and dilemmas and reveal the nature and scope of the multiple ethical questions that arise in “doing justice.” In law enforcement and corrections, in particular, where there is daily direct interaction with suspected offenders and inmates, the level of ethical practice of an agency is greatly influenced by its institutional culture. Codes of ethics and accountability mechanisms, such as civilian oversight and the courts, can resolve individual cases of improper conduct, but systemic racism, corruption, or abuse conduct has proved difficult to eradicate. Sometimes, as in the case of terrorism, questions about “how ought I to act” are fundamentally about human rights and human dignity. Theoretical approaches toward ethical dilemmas and issues apply various mechanisms to evaluate and test the questions that arise,