

3 ETHICS AND CORRECTIONS

© iStockphoto.com/unomat

Test Your Knowledge

Test your knowledge about ethics in corrections by answering the following questions. Check your answers on pages 385–386 after reading the chapter.

1. Ethics and morality are the same thing. (True or false?)
2. What is the difference between deontological and teleological approaches to ethics?
3. The ethical formalism framework includes the belief that there is a universal law that includes clear rights and wrongs. (True or false?)
4. Utilitarianism follows the principle that what is good is that which results in the greatest utility for the greatest number. (True or false?)
5. Most religions include a universal set of rights and wrongs. (True or false?)
6. Noble cause corruption is the idea that it is okay to do the wrong thing if it is for the right reasons. (True or false?)
7. A correctional officer who engages in unethical behavior for personal gain is practicing official deviance. (True or false?)
8. There are characteristics of correctional work that make it more susceptible to ethical violations. (True or false?)

[Back to Chapter 3 Reading](#)

Learning Objectives

Upon completion of this chapter, the reader should be able to:

3.1 Explain the differences between ethics and morality.

3.2 Describe the different ethical frameworks.

3.3 Analyze why people are motivated to commit ethical violations.

3.4 Identify why corrections workers might be prone to ethics violations and how they might be prevented.

3.5 Discuss the impact the war on drugs has in creating ethical challenges in the field of corrections.

A NOVICE BOWS TO SUBCULTURAL PRESSURE

Mary K. Stohr

When I first started as a correctional officer at an adult male prison in Washington State, I was the second woman hired (and the first was hired a month before me). I was relatively well educated (two bachelor's degrees) and had worked at all kinds of jobs since age 10, but never in corrections. I was young (25), scared, and naive. My first reports were rejected by my sergeant as too wordy, and I was thought to be too soft on the inmates (I called the inmates Mr. this and Mr. that and treated them with courtesy). After about 4 weeks on the job and in an effort to help me, a well-meaning sergeant took me aside and said, "Stohr, I'm worried about you. I'm not sure you can do this job. You've got to learn to write better [meaning less and in a more spare fashion—he might as well have said, 'Just the facts, ma'am'], and you've got to treat the inmates with less respect, or you aren't going to make it on this job."

We were in a back area of the control room, and he pointed to an inmate at the control room window—we'll call him Mr. Smith. He said, "That man Smith, he's a dirty baby raper [which I took to mean that Smith was a child molester]. He's been hanging around the window when you're here because you are too nice to him. You've got to treat him differently, or he'll take advantage of you." Essentially, he said that I didn't

been hanging around the window when you're here because you are too nice to him. You've got to treat him differently, or he'll take advantage of you." Essentially, he said that I didn't have to be mean (he wasn't that kind of man), but I shouldn't be friendly either.

Well, I took this sergeant's advice to heart, as I knew he was trying to help me, and there were a few of the staff at the prison who wanted to see me and the other woman fail. I also paid attention to his advice, as he was well respected and had welcomed me to the job. (He was an uncle to the first woman hired.) I diligently studied the reports of other officers and tried to imitate them. As a result, my reports were suddenly accepted. But the thing I did that was small and that I regret was that I treated Mr. Smith with less respect than he probably deserved; not that he wasn't a child molester (I read his file when I became a counselor and had access to it), but he was still a human being, he was in my care, and how I acted was not professional. The next time Mr. Smith came to the window for his meds, I did not meet his eyes; he became Smith without the Mr., and I was quite abrupt with him. This kind of behavior characterized most of our interactions from then on. The sympathetic sergeant witnessed this and literally patted my back and said, "Stohr, you'll be alright," and that was it; I was accepted into the subculture, at least by him, but I wasn't entirely happy about it or proud of myself.

INTRODUCTION: TO DO THE RIGHT THING!

LO 3.1 Explain the differences between ethics and morality.

As you likely gathered from Chapter 2 on the history of corrections, ethical abuses have always been a problem for corrections workers. Their jobs are largely hidden from public view, somewhat cloaked in secrecy, with enormous amounts of discretion, and they deal with people in their care who have few rights and protections. Moreover, as we will discuss throughout this book, these are jobs (e.g., correctional officers, sergeants, lieutenants, and captains; probation and parole officers; correctional counselors; and numerous other positions) that do not always have professional status in terms of pay, training, experience, or educational requirements (these problems are all particularly true for correctional officers, less so for the other positions listed here) that would ensure that the best people are always hired and that they use their discretion wisely. Therefore, unqualified people are

officers, less so for the other positions listed here) that would ensure that the best people are always hired and that they use their discretion wisely. Therefore, unqualified people are sometimes in these demanding correctional jobs, and because of this, they are more likely to make bad and sometimes unethical choices.

It cannot be overemphasized, however, that the vast majority of correctional staff, whether a correctional officer working in an adult facility or a probation officer working with youth in the community, are ethical in their work practices—meaning that they do the right thing. It is those few bad apples who leave a negative impression of corrections work and workers. Luckily, there are things an organization and its managers and workers can do to minimize abuse of power and resources by staff and to correct the misbehavior of some staff. The development of codes of ethics, the professionalization of staff, and the routinization of policies and procedures are all key to preventing ethical abuses. In this chapter, we will review those efforts to reduce corruption and abuses in corrections, which might be both unethical and illegal (see In Focus 3.1), but first, we will discuss what ethics are and are not and the source of ethical and unethical behavior.

Defining Ethics: What Is Right (and Wrong)?

As mentioned in the foregoing, **ethics** are concepts and beliefs about, and the study of, what is right and wrong, and to be ethical is to practice in your work what is “right” behavior. But you might ask (rightly!), What is right behavior? In a larger sense, it is what is legal (what the law is), and in an organizational sense, it is what is legal, too, but also what is allowed and not allowed according to codes of ethics and policies and procedures of that workplace. So a person could sexually harass others in the workplace (e.g., make negative comments about them or undermine their work because of their gender), but this behavior, though unethical and perhaps prohibited by the workplace code of ethics and policies and procedures, may not rise to the level of illegal behavior.

Ethics: The concepts and beliefs about, and study of, right and wrong professional conduct.

Morality, we should note, is not the same as ethics, as it concerns what is right or wrong in the personal sphere,

Morality, we should note, is not the same as ethics, as it concerns what is right or wrong in the personal sphere, whereas ethics is concerned with the professional sphere. People tend to base their beliefs about what is right or wrong, ethical or unethical, and moral or immoral on what they have learned from any number of sources. For instance, it is not difficult to figure out the right thing to do in the case of the death of Jason Echevarria (as showcased in the Policy and Research section), because what we have learned from our family, schools, religious teachings, workplace policies, or other sources has helped us determine our own sense of right and wrong in such instances.

In Focus 3.1:

A Lack of Ethics: Florida's Youth Services International Private Prisons for Youth

In Florida, all of the juvenile prisons in the state are operated by private companies, and Youth Services International (YSI), a for-profit company owned by former hotelier James F. Slattery, operates about 9% of them (Kirkham, 2013). YSI also operates detention centers and boot camps. Slattery's company has been able to secure these contracts and many others in other states such as Georgia, Maryland, Nevada, New York, and Texas, worth more than \$100 million for the Florida contracts alone, despite the fact that the Justice Department has investigated complaints about them in several of these states. Auditors in Maryland found that YSI workers have encouraged fighting between inmates, and staff reportedly routinely fail to report "riots, assaults and claims of sexual abuse" (Kirkham, 2013). A Bureau of Justice Statistics report indicated that a YSI facility in Palm Beach, Florida, had the "highest rate of reported sexual assaults out of 36 facilities reviewed in Florida" (Kirkham, 2013). YSI had only 9% of the state contracts for youth beds in the state of Florida, but it had 15% of the cases of excessive force and injured youth (Kirkham, 2013). Local public defender's offices and the Southern Poverty Law Center have complained about the handling of youth and conditions at YSI facilities, with little response by ~~the state. In an investigation by a~~

Poverty Law Center have complained about the handling of youth and conditions at YSI facilities, with little response by the state. In an investigation by a *Huffington Post* (now *HuffPost*) reporter, in which official records were reviewed and former employees were interviewed, Kirkham (2013) found the following:

- Staff underreported fights and assaults to avoid scrutiny and the possible loss of contracts.
- Staff abused youth in the facilities by hitting and choking them, sometimes to the point of fracturing bones.
- Turnover of staff was high.
- Food was restricted and prepared incorrectly or in an unsanitary manner, and youth were encouraged to gamble with others to win their food portions.

When the reporter asked why, with this dismal record of care, YSI was continually offered contracts, the answer he received from those concerned about the treatment of juveniles both inside and outside the state of Florida was that YSI supported the political campaigns of Florida's and other states' politicians with hefty donations. The company has donated more in Florida to politicians than two of the largest companies in the state:

[They donated] more than \$400,000 to state candidates and committees over the last 15 years, according to the HuffPost's review. The recipient of the largest share of those dollars was the Florida Republican Party, which took in more than \$276,000 in that time. Former Florida Senate President Mike Haridopolos, an avid supporter of prison privatization, received more than \$15,000 from company executives during state and federal races. (Kirkham, 2013)

According to sources cited in the article, margins are narrow in the operation of correctional facilities (in other words, there is not a lot of fat in publicly operated prisons or jails), so if private prison

other words, there is not a lot of fat in publicly operated prisons or jails), so if private prison companies want to make money for their owners and investors, it means they have to cut staff pay or benefits, slash programming, or feed people less, and it appears that all three of these things are happening at YSI facilities, indicating unethical (if not illegal) behavior by politicians, company managers, and correctional officers on the line (notably, as of 2016 the Department of Juvenile Justice has reportedly severed ties with YSI, and a perusal of their website in 2020 [<http://www.djj.state.fl.us/programs-facilities/residential-facilities>] does not show YSI operating any correctional facility for children).

Discussion Questions

1. On the basis of the narrative, what factors led to the abuses reported in the YSI facilities?
2. What steps can be taken to reduce the incidence of such abuses in similar facilities?
3. How is staffing tied up in the nature and amount of the abuse?

Source: Based on Kirkham, C. (2013, October 22). Private prison empire rises despite startling record of juvenile abuse. Huffington Post, pp. 1–11.

ETHICAL FOUNDATION FOR PROFESSIONAL PRACTICE

LO 3.2 Describe the different ethical frameworks.

It is not clear how much of an ethical foundation most humans are born with, though it is clear that several institutions try to instill one in their members. The family is likely the most influential social institution to inculcate ethics and morality. Educational institutions, both K–12 schools and colleges, all in some way or another and usually in many ways, discuss what is right and wrong in many different situations. Diverse religions all convey a sense of right and wrong, and a key concept emanating from many of them is the Golden Rule, or “Do unto others as you would have done unto you.” Other institutions—such as the military, social and professional

concept emanating from many of them is the Golden Rule, or “Do unto others as you would have done unto you.” Other institutions—such as the military, social and professional clubs, even kids’ sports teams, and, of course, the work environment itself—all strive to instill a moral or ethical framework in their members. The larger culture and life experiences doubtless also contribute to one’s sense of right and wrong.

Much of the research on ethics also reviews the theoretical bases for decisions involving ethics (Braswell, McCarthy, & McCarthy, 1991; Pollock, 1994, 1998, 2010; Rohr, 1989; Solomon, 1996). The philosophical touchstones that are referenced as guides to human decision making are ethical formalism, utilitarianism, religion, natural law, the ethics of virtue, the ethics of care, and egoism.

Moral behavior is shaped by both deontological and teleological ethical systems, and these touchstones are subsets of them. **Deontological ethical systems** are concerned with whether an act itself is good, and **teleological ethical systems** are focused on the consequences of an act. If the act itself is moral or ethical, then someone who is guided by a deontological framework is not concerned about the consequences of the act. It is enough to just act in a moral fashion. Someone who is guided by a teleological ethical system does not care so much about the rightness or the wrongness of an act but about whether the consequences of the act are good. Pollock (1998, 2010) defined the ethical frameworks that derive from these ethical systems in her book *Ethics in Crime and Justice: Dilemmas and Decisions*.

Deontological ethical systems: Systems concerned with whether an act itself is good.

Teleological ethical systems: Systems focused on whether the consequences of an act are good.

Ethical Formalism

Pollock (1998) defined **ethical formalism** as “what is good is that which conforms to the categorical imperative” (p. 48).

Under this system, there is the belief that there is a universal law that includes clear rights and wrongs. The philosopher Immanuel Kant (1724–1804) noted that there is a categorical imperative requiring that each person act as they would like all others to act (very much like the Golden Rule mentioned in the

Immanuel Kant (1724–1804) noted that there is a categorical imperative requiring that each person act as they would like all others to act (very much like the Golden Rule mentioned in the foregoing). Kant also believed that people must seek to be guided by reason in their decision making. Ethical formalism falls under a deontological system, as the focus is on an act and its rightness (or wrongness), rather than on the consequences of the act and their goodness (or badness). It is a position that does not account for gray areas: An act is either right or it is wrong. So some acts, such as murder, lying, and stealing, are always wrong, even when the end of these acts is good.

Photo 3.1 A correctional officer opens a gate for an inmate. The security of an institution relies on the vigilance of officers when closing and locking gates.

©iStockphoto.com/EasyLight

Ethical formalism: Determines morality on the basis of a universal law that includes clear rights and wrongs.

Policy and Research:

Inmate with a Mental Illness Dies at Rikers

In a series of articles appearing in the *New York Times*, reporter Michael Schwirtz (2014a, 2014b) documented the abuse and neglect suffered by inmates with mental illnesses incarcerated in the Rikers Island jails. The Rikers Island jails are a complex of 10 jails on an island in the East River of New York City. Twenty officers from Rikers have been prosecuted for assaults on inmates in the past 5 years. In mid-March 2014, an inmate with a mental illness died from being left in an overheated cell at Rikers. But the particular subject of these articles is a 25-year-old inmate named Jason Echevarria, who was diagnosed with bipolar disorder. He was placed in a special mental health unit at Rikers because of his diagnosed mental illness and because he had behavioral problems when in the general population of the jail. He had a record of attempted suicides while

diagnosed mental illness and because he had behavioral problems when in the general population of the jail. He had a record of attempted suicides while incarcerated at Rikers (Schwartz, 2014a, 2014b).

Because there were problems with raw sewage coming out of toilets, on August 18, 2012, inmates were given a packet of powdered detergent they were to use to clean up their cells (Schwartz, 2014a, 2014b). By policy, inmates were supposed to be given detergent that was diluted by several gallons of water, but an inexperienced officer instead gave the full packets to inmates. Echevarria swallowed the toxic detergent, and as a result, his tongue and mouth skin were severely damaged as he vomited; he experienced extreme pain and expelled blood from his mouth over the course of several hours. A correctional officer claimed that he responded to Mr. Echevarria's cries for help by reporting his health problems to his captain, who told the correctional officer not to talk to him about this again unless the inmate was dead. Despite this warning, the correctional officer claimed that he reported to the captain twice more about the inmate's distress and even tried to call for medical assistance at least once but was prevented from doing so by the captain. Both the captain and the officer came off their shifts without getting any medical assistance for the inmate. Mr. Echevarria was dead the next morning. The medical examiner ruled that Mr. Echevarria's death was a homicide. The captain was demoted to an officer position, was arrested by the Federal Bureau of Investigation, and was prosecuted for violating the civil rights of Mr. Echevarria. The officer was fired and filed a wrongful termination suit, disputing the captain's claim that he was never told about Mr. Echevarria's health crisis.

Discussion Questions

1. Why aren't correctional facilities well suited to handle people with mental illnesses
2. Rather than incarcerating people with mental illnesses, what should public policy be instead?

Utilitarianism

Utilitarianism is defined as “what is good is that which results in the greatest utility for the greatest number” (Pollock, 1998, p. 48). So morality is determined by how many people were helped by the act. The philosopher Jeremy Bentham (1748–1832) believed that people will do a “utilitarian calculus” regarding how much pleasure or pain a given act will garner, and they will act on that to maximize pleasure. But when one’s pleasure conflicts with the greater good for society, then one must bow to the greater good under a utilitarian perspective. As utilitarianism is focused on the end—whether it is moral or immoral or ethical or unethical—achieved by an act, it falls under the teleological system.

Utilitarianism: Determines morality on the basis of how many people were helped by an act.

Religious Perspective

People who use a **religious perspective** to guide their decisions believe “what is good is that which conforms to God’s will” (Pollock, 1998, p. 48). This is a perspective that weighs what is right or wrong on the basis of one’s religion and covers all facets of living and relationships with others. How one treats others, how one lives one’s life, and one’s understanding of the meaning of life itself are all influenced by this religious perspective. Under this perspective, both the means and the ends are foci of interest and are perceived through the lens of what one believes one’s god or gods would want. Most religions include a universal set of rights and wrongs, much like ethical formalism, and they have, as mentioned already, a form of the categorical imperative or the Golden Rule. Although there is widespread agreement across religions on some matters, there is much disagreement about social practices, such as drinking alcohol, dancing, eating certain kinds of foods, exhibiting certain behavior on holy days, and wearing clothing that may be deemed inappropriate as well as the political and social status of women and other minority groups, such as LGBTQ+ people.

Religious perspective: A perspective that weighs what is right or wrong on the basis of one’s religion.

Natural Law

Adherents of an ethical framework based on **natural law** believe that “what is good is that which is natural” (Pollock, 1998, p. 48). Behavior is or should be motivated by what is universally understood to be right and wrong. Using reason, all humans can figure these rights and wrongs out. The major difference between a natural law believer and someone who is guided by a religious perspective is that, in the latter case, the supreme being or beings are the ones who determine what is right and wrong, whereas under a natural law perspective, these rights and wrongs are just clear and knowable through reason. Under this perspective, we know what truth and decency are, and so we just need to act on our natural inclination in that direction. These natural laws about what is right and wrong are believed to be cross-cultural and true over time; they are not relative to time or place. Moreover, out of these natural laws flow natural rights, such as those accorded to citizens under the Constitution of the United States.

Natural law: Adherents of this framework believe that what is good is what is known to be so.

Ethics of Virtue

Believers in the **ethics of virtue** think that “what is good is that which conforms to the golden mean [the middle ground between positions]” (Pollock, 1998, p. 48). Instead of focusing on the nature of an action, the question here is whether a person is virtuous or good. The end to be achieved is to live a good and moral life by performing virtuous acts. Such virtues include “thriftiness, temperance, humility, industriousness, and honesty” (Pollock, 1998, p. 43). Models of virtue provide examples for those interested in living with integrity and according to a code of ethics.

Ethics of virtue: A framework that emphasizes the virtue of one’s character over actions.

Ethics of Care

Relatedly, an **ethics of care** is centered on good acts. It is a

Relatedly, an **ethics of care** is centered on good acts. It is a deontological perspective. Those who subscribe to this framework believe that “what is good is that which meets the needs of those concerned” (Pollock, 1998, p. 48). Under this perspective, care and concern for others are paramount. This is a perspective that is regarded as more “feminine,” as it is believed that women, as a group, are more attuned to the needs of others. Carol Gilligan (1982) found in her research on moral development that women’s perspective differs from men’s in this area. Women are more likely to be concerned about the care of others as guiding how they behave. Peacemaking and restorative justice are thought to derive from the ethics of care framework.

Ethics of care: A framework centered on good acts in which care of and concern for others are paramount.

Egoism

The last ethical framework Pollock (1998) mentioned is one based on the individual—namely, **egoism**. Under this framework, the needs of self are most important, so acting to satisfy one’s own wants and needs under this framework is acting ethically. As the act is the focus here, egoism falls under the deontological perspective. Even when acting on behalf of others, it is believed that one is acting out of *enlightened egoism*, or helping and caring for others so they will do the same for you when you are in need of assistance.

Egoism: Needs of the self are most important; acting to satisfy one’s own wants and needs is acting ethically.

WHY PEOPLE BEHAVE UNETHICALLY

LO 3.3 Analyze why people are motivated to commit ethical violations.

Despite the influence of these ethical frameworks, there are several reasons why people behave unethically. The most obvious and perhaps the most common reason is for *personal*

this chapter). It was boldly stated that such inmates were not to be treated with respect by staff and were to be regarded with an additional dose of suspicion. Interactions with other correctional professionals over the years, in all kinds of correctional settings, reinforced this experience that correctional staff are motivated in their actions by "the victim's blood," especially when that victim is a child.

People who are attracted to work in corrections are also doers and people who want to make the world right. They will not hesitate to "run to the tower" to accomplish this feat either. We know of several stories of officers in federal prisons, state prisons, and jails who were thrilled to be called to engage in the quelling of altercations in corrections. These are stories of correctional staff who enthusiastically "ran to the tower" to "make the world right," but at least in a few of these cases, those officers admitted that more force by staff was used to stop fights and put down disturbances than was strictly necessary. Once the fists started flying, adrenaline took over, and the sense that force was being used to do good made its use, even its excessive use, justified.

Noble cause corruption, as with official deviance and deviance for selfish ends, is all the more likely to occur in environments where the behavior of actors is hidden and little supervised and the clients are powerless. These factors all accurately describe correctional environments. Most correctional work is done in some isolation from the larger community, and this is particularly true of prisons and jails. Even community correctional officers operate in environments in which the interactions are personal, and their content is not documented. Supervisors' span of control is stretched, and they don't always have adequate time to review an individual actor's behavior. Correctional clients are some of the most powerless people in the United States. By law, they have very few rights and legal protections, and thus, they are subject to the behavior of both ethical and unethical correctional personnel. Top all of these organizational and individual characteristics off with the fact that correctional staff have a great deal of **discretion** (defined here as the ability to make choices and to act or not act on those choices), and there is only one more ingredient necessary to make the perfect admixture for unethical behavior: the influence of a negative subculture.

Discretion: The ability to make choices and to act or not act on them.

Subculture

In fact, a key feature of correctional environments that would make staff and management more prone to engage in unethical behavior is the presence of a strong negative **subculture**. Subcultures are subsets of larger cultures with their own norms, values, beliefs, traditions, and history. They can be positive in their promotion of prosocial values and support of their members, but they can also be negative when they promote antisocial values and, in correctional work (or police work, too), unethical behavior. In an ethics training course conducted by one of the authors and a colleague for probation and parole managers, the participants identified several barriers to ethical practice in their workplaces. Most of these barriers Kauffman (1988, pp. 85–112) identified in his study of correctional officers, and Pollock (1994, p. 195) did so in her text on ethics and the negative side of subcultures (see In Focus 3.2).

Subculture: A subset of a larger culture, with its own norms, values, beliefs, traditions, and history.

In Focus 3.2:

Subcultural Values of Probation and Parole Officers

In ethics training exercises in 1994 and 1995, probation and parole managers in a western state identified the subcultural values of the community corrections officers they supervised (Stohr & Collins, 2009). They were as follows:

1. Always aid your coworker.
2. Never rat on coworkers.
3. Always cover for a coworker in front of clients.
4. Always support the coworker over the client in a disagreement.
5. Always support the decision of a coworker regarding a client.
6. Don't be sympathetic toward clients. Instead be cynical about them (to be otherwise is to be naive).
7. Probation or parole officers are the "us" and

6. Don't be sympathetic toward clients. Instead be cynical about them (to be otherwise is to be naive).
7. Probation or parole officers are the "us" and everyone else is the "them," including administration, the media, and the rest of the community.
8. Help your coworkers by completing your own work and by assisting them if they need it.
9. Since you aren't paid much or appreciated by the public or the administration, don't be a rate buster (i.e., don't do more than the minimal amount of work).
10. Handle your own work, and don't allow interference. (p. 63)

Discussion Questions

1. Which of these subcultural values do you think makes the workplace better for staff but can lead to unethical behavior?
2. How might correctional managers and workers concerned about unethical behavior in the workplace prevent some of the most destructive of these values from being embraced in the workplace?

HOW TO PREVENT UNETHICAL BEHAVIOR AND PROMOTE ETHICAL WORK PRACTICES

LO 3.4 Identify why corrections workers might be prone to ethics violations and how they might be prevented.

As you can see, a few of these subcultural values are positive in that they provide support of coworkers, but the ones that support coworkers can also lead to unethical behavior if the coworkers are wrong or engaged in wrongdoing vis-à-vis their clients or the work. Supporting coworkers, no matter what they do, can promote an unethical work environment. Most of the managers at that ethics training session reported that unethical behavior was common on the job and ranged from the routine, like rudeness to clients and their families, to the rare, like lying on reports and verbal and physical abuse of

unethical behavior was common on the job and ranged from the routine, like rudeness to clients and their families, to the rare, like lying on reports and verbal and physical abuse of clients. The subcultural values listed before, however, made it difficult for managers to address the unethical behaviors.

This is why the organizational and individual remedies to prevent unethical behavior, whatever its motivation and despite the subculture, are multifaceted and include at least these:

1. Hire people who are less likely to be motivated by personal gain. To do this, correctional organizations need well-developed selection processes, with extensive background checks on potential hires (Stohr & Collins, 2014).
2. Pay people a professional wage, as then they will be less likely to be tempted to engage in unethical behavior for personal gain.
3. Encourage professional development of employees through further education, training, and engagement in professional organizations, as employees who are immersed in a professional and learning subculture are more likely to encourage positive change in others and improve the workplace, and they may be less likely to be tolerant of a workplace subculture that fosters unethical behavior.
4. Develop an ethics code with employee input, and review it regularly in the department. By involving a cross-section of staff in the development of an ethics code, more staff are likely to feel like they “own it” and therefore support it.
5. Require extensive training in ethics at the beginning of employment and throughout an employee’s career. More and ongoing training will reinforce the need to behave ethically, and it will undercut negative subcultural influences.
6. Supervise people sufficiently, and check up on what they are doing and how they are doing it.
7. Provide support for positive changes in the workplace that will enhance the ability of workers to do the job right. Sometimes staff will claim that they cannot act ethically because there are not enough resources (e.g., time or staff) to do so; by ensuring there are enough resources—and this is hard to do in the public sector these days—managers make it possible for employees to do the work the right and ethical way.
8. Discipline violators of ethics, and if the violation of the rules or law is serious enough, fire them. Doing this will reinforce

the right and ethical way.

8. Discipline violators of ethics, and if the violation of the rules or law is serious enough, fire them. Doing this will reinforce a positive subculture that is supportive of ethical work practice.
9. Promote those who behave ethically, and include ethics-related measures in evaluations. By doing this, managers will motivate all to support ethical practice.
10. Encourage whistle-blowing (the reporting of wrongdoing or problems in the workplace), and make it possible for people to do so anonymously. Despite an ethical manager and workers' best efforts, there is sometimes illegal or unethical behavior going on in the workplace, and because of the power of subcultures, correctional workers need to be able to report this behavior without fear of reprisal.
11. Develop the means for all employees to provide input into the decisions that are made by and for the organization, as doing so is more likely to be a check on management; it uses the knowledge workers have; instills ownership of the work by those who do it; and leads to greater job satisfaction, less turnover, and more commitment to the job (Stohr & Collins, 2014).
12. Encourage involvement of outsider review and professional engagement (have an oversight board; support involvement in professional organizations; and provide access to researchers, politicians, and the media), as more openness is more likely to reduce unethical behavior and defuse the power of negative subcultures.

By using these remedies, the correctional manager and, where applicable, the correctional worker are more likely to turn the subculture into a positive support system that promotes ethical behavior. The remedies are also likely to increase professionalism and reduce abuse of clients.

Photo 3.3 Corrections officer interacting positively with an inmate.

Mikael Karlsson/Alamy Stock Photo

In Focus 3.3:

The Abuse of Solitary Confinement in Florida

In March 2016, the Florida American Civil Liberties

In March 2016, the Florida American Civil Liberties Union (ACLU) sent a letter to the U.S. Department of Justice Civil Rights Division requesting a federal investigation into the overuse of solitary confinement (also known as restricted housing and isolation) by the Florida Department of Corrections (FDOC; Simon & Wetstein, 2016). They noted that fully one in eight inmates in Florida prisons were held in solitary confinement. They also found that the numbers revealed a potential racial bias for men and women and those diagnosed with mental illnesses in Florida prisons, as African Americans were overrepresented among those in solitary when compared with the number of Black people in the general population. They also found that about 23% of those with mental illnesses in Florida prisons were kept in solitary confinement. Notably, much of this information was obtained through Freedom of Information Act requests, not provided voluntarily by the FDOC. Finally, the ACLU detailed a number of cases, from several prisons, in which inmates with mental illnesses and others placed in solitary died because of neglect or outright torture by correctional staff. Some of those cases from the ACLU letter (Simon & Wetstein, 2016) are summarized here:

Randall Jordan-Aparo died in 2010 “after being gassed three times while in a solitary confinement cell” (p. 4). He had been ill and was denied medical care despite the knowledge that he had a rare blood disorder.

Rommell Johnson died in 2010 after being gassed twice with chemical agents within a 5-minute span of time. He was asthmatic, and the medical examiner ruled that he died as a result of the gassing, which brought on a fatal asthma attack.

Darren Rainey died in 2012 “when he was tortured in a locked shower rigged to be controlled by guards from the outside, with its water temperature at approximately 180 degrees” (p. 4). Though his skin was literally falling off of his bones when he was found in the shower, the medical examiner ruled the death “accidental” and no one has been

skin was literally falling off of his bones when he was found in the shower, the medical examiner ruled the death “accidental,” and no one has been disciplined or fired as of March 2016.

Latandra Ellington died in 2014, alone in a solitary confinement cell, reportedly from heart disease. Her family claimed that she had no heart problems. “She had been placed there after she filed a complaint alleging that Sgt. Patrick Quercioli had engaged in sex with another prisoner, and threatened to kill Ellington” (p. 5). The family-sponsored autopsy found no heart disease “but found excessive bruising, and a lethal level of Amlodipine, a blood pressure medication, in her system” (p. 5).

Yalex Tirado died in solitary confinement in 2014 in a prison for juveniles, with no explanation for his death provided by the facility. “This is a prison where, as the Miami Herald has reported, the sodomizing of inmates with broomsticks by other inmates has been common, and where nine guards have been charged over the last two years with battery or facilitating the entry of contraband” (p. 5).

According to a study by Yale Law School professors, in 2015 Florida was not the state that used solitary confinement most (it was ninth in the country, with about 8% of its adult population in some form of solitary confinement, and Louisiana was first with about 14%; Flagg, Tatusian, & Thompson, 2016, p. 1).

Discussion Questions

1. How likely do you think it is that these deaths and the abuse of solitary are isolated incidents and not representative of regular practice in these Florida prisons? What evidence do you have to support your argument?
2. If you had witnessed abuses such as these, what action, if any, would you have taken to stop them?
3. If staff are found to be guilty in the deaths of these inmates, what punishments do you think they deserve? Do you think that the staff who witnessed these kinds of abuses but did not report them should also be disciplined in some way? Why, or

deserve? Do you think that the staff who witnessed these kinds of abuses but did not report them should also be disciplined in some way? Why, or why not?

Source: Adapted from Simon, H., & Wetstein, S. (2016, March 11). *Civil rights groups call for federal investigation into solitary confinement abuse in Florida prisons*. Miami: ACLU of Florida

WAR ON DRUGS = ATTACK ON ETHICS?

LO 3.5 Discuss the impact the war on drugs has in creating ethical challenges in the field of corrections.

Wars are a popular thing for politicians to wage. Wars on poverty, crime, and drugs were the brainchildren of several presidents and carried on by others since the 1960s. The terminology of war is powerful and connotes a level of serious attention to a topic that few other terms convey. Campaigns, assaults, and offensives are waged in wars with some urgency behind them. A war means that all available resources and attention will be devoted to that effort, and those who do not agree, well, are like traitors to a righteous cause. Yet these political wars, somewhat like wars waged with weaponry made of steel, are problematic, as they are fighting social ills—poverty, crime, and substance abuse—which, though admittedly harmful, are somewhat intractable and very complex and therefore require sustained effort and multifaceted solutions. Because of the nature of the problems, wars on them never seem to end because the problems do not end. Though the Iraq War seemed never to end (lasting at least 8 years), consider that the war on drugs was first mentioned by President Nixon in 1971 and has been waged by every president since. We currently spend at least \$51 billion each year on the war on drugs in this country, and that does not account for the millions who have passed through correctional doors as enemy combatants in the war and the billions it has taken to pay for their arrest, prosecution, and incarceration; nor does it account for the lost tax revenue and disrupted families and lives the war has left in its wake (the collateral damage). Many scholars, commentators, and even politicians now consider ~~the war on drugs to~~ be an abject

disrupted families and lives the war has left in its wake (the collateral damage). Many scholars, commentators, and even politicians now consider the war on drugs to be an abject failure in that it has not reduced the supply or use of illicit drugs, and instead, it has galvanized the illegal drug trade and corrupted government officials in this country and in Mexico and Central and South America (Cullen, Jonson, & Stohr, 2014). According to the Drug Policy Alliance (2019a, 2019b), an organization whose mission is to end the war on drugs, the following outcomes have resulted from the war on drugs:

Photo 3.4 The war on drugs led to drug seizures like these.

Gordon M. Grant / Alamy Stock Photo

- Amount spent annually in the United States on the war on drugs: more than \$51 billion
- Number of people arrested in 2014 in the United States on nonviolent drug charges: 1.56 million
- Number of people arrested for marijuana law violations in 2014: 700,993
- Number of those charged with marijuana law violations who were arrested for possession only: 619,809 (88%)
- Number of Americans incarcerated in 2014 in federal, state, and local prisons and jails: 2,224,400, or 1 in every 111 adults, the highest incarceration rate in the world
- Proportion of people incarcerated for drug offenses in state prison who are Black or Hispanic, although these groups use and sell drugs at similar rates as white people: 57%
- Number of people killed in Mexico's drug war since 2006: more than 100,000
- Number of students who have lost federal financial aid eligibility because of drug convictions: more than 200,000
- Number of people in the United States who died from drug overdoses in 2014: 47,055
- The Centers for Disease Control and Prevention found that syringe access programs lower the incidence of HIV infection among people who inject drugs by 80%. One third

- The Centers for Disease Control and Prevention found that syringe access programs lower the incidence of HIV infection among people who inject drugs by 80%. One third of all AIDS cases in the United States have been caused by syringe sharing: 360,836 people. U.S. federal government support for syringe access programs is \$0.00, thanks to a federal ban reinstated by Congress in 2011 that prohibits any federal assistance for them.

Other collateral effects of the drug war (Drug Policy Alliance, 2019b) include the following (see also [Figure 3.1](#)):

- Nearly 80% of people in federal prison and almost 60% of people in state prison for drug offenses are Black or Latinx.
- A 2015 report by Human Rights Watch found that deportations for drug possession offenses increased by 43% from 2007 to 2012.
- Simple marijuana possession was the fourth most common cause of deportation for any offense in 2013 and the most common cause of deportation for drug law violations. More than 13,000 people were deported in 2012 and 2013 just for marijuana possession.
- One in 13 Black people of voting age are denied the right to vote because of laws that disenfranchise people with felony convictions.
- One in 9 Black children has an incarcerated parent, compared with 1 in 28 Latinx children and 1 in 57 white children.

Description

Figure 3.1 Public Views on Drug Policy in the United States

Source: Pew Research Center (2014). Most recent data available.

Note: Survey conducted February 14–23, 2014.

So the point is that the war on drugs has been a huge resource suck, which has distracted our attention from drug treatment and real prevention, punished people with substance use disorders, ~~disproportionately~~ incarcerated

treatment and real prevention, punished people with substance use disorders, disproportionately incarcerated racial-ethnic minority group members, and likely cost trillions of dollars over time. (It has been going on for 48 years at the time of this writing.) More to the point, it has challenged the ethical behavior of corrections officials by forcing them to overincarcerate some relatively minor offenders who got caught in its net (notably, we have seen some retreat in this war as far as cannabis is concerned—several states have legalized either, and sometimes both, its medical or recreational use).

Correctional workers in prisons, jails, and detention centers or working in probation and parole and even their managers have little to no control over whom they are given to incarcerate or supervise in communities. But they are affected by the drug war because their facilities and caseloads have been crowded by such offenders, which has made carrying out their tasks very difficult and sometimes ethically challenging. They have been involved in drug monitoring and treatment to a much greater extent than if the war had not been waged. They have had to supervise people who—compared with robbers and rapists—do not really merit the use of incarceration and perhaps even community supervision. Therefore, we would add one more remedy to the list that will help organizations prevent unethical behavior, but this remedy must be understood by policy makers: Consider the likely outcomes of wars or other grand schemes on the ethics of the actors or soldiers tasked with carrying them out, and consider the larger social impact of waging war on your own citizens.

Ethical Issue:

What Would You Do?

You are a probation officer with a large caseload of low-level drug offenders (mostly pot smokers). Some may be addicted to marijuana, and others may not, but you need to monitor them and ensure that they attend programming and provide clean urinalysis (UA) samples. The department of corrections you work for is in transition, however, moving from more of a law enforcement focus to a greater treatment orientation. They have given you and other officers more leeway

is in transition, however, moving from more of a law enforcement focus to a greater treatment orientation. They have given you and other officers more leeway in decisions about whether to violate (write up) offenders who commit minor offenses. One of the UAs you take comes up dirty for marijuana, and you are faced with “violating” a client on your caseload who was convicted of felony drug possession (there was enough to sell). In all other ways, this client has done well, in that she has made all the meetings, been employed, and attended drug programming. Would you write a violation on this offender? (Doing so may result in jail time or a trip to prison.) Would it make any difference in your decision making if your client has two dependent children who will be placed in foster care should she be incarcerated? Why, or why not? Which ethical framework do you think best fits the decision you made?

SUMMARY

LO 3.1 Explain the differences between ethics and morality.

- Ethics encompasses the concepts and beliefs about, and study of, right and wrong professional conduct.
- Morality is not the same as ethics, as it concerns what is right or wrong in the personal sphere, whereas ethics is concerned with the professional sphere.

LO 3.2 Describe the different ethical frameworks.

- Deontological ethical systems are concerned with whether an act itself is good. Ethical formalism is a deontological ethical framework that determines morality on the basis of a universal law that includes clear rights and wrongs. Ethics of care is another deontological framework centered on good acts in which the care of and concern for others are paramount. Egoism places the needs of self as most important; acting to satisfy one's own wants and needs is acting ethically.
- Teleological ethical systems are focused on whether the consequences of an act are good. Utilitarianism is an

- Teleological ethical systems are focused on whether the consequences of an act are good. Utilitarianism is an ethical framework that determines morality on the basis of how many people were helped by an act. The religious perspective is another teleological framework that weighs what is right or wrong according to one's religion. Natural law is also from a teleological viewpoint; adherents of this framework believe that what is good is what is known to be so. Ethics of virtue is a teleological framework that emphasizes the virtue of one's character over actions.

LO 3.3 Analyze why people are motivated to commit ethical violations.

- Ethical work practice is a messy business—sometimes clear-cut but often fraught with anxiety. The nature of corrections work and the organization's attendant subcultures often create situations in which ethical dilemmas are common and their resolution difficult. Moreover, the kinds of people hired in corrections work, those with a noble cause bent, are sometimes more susceptible to engaging in ethical abuses, though that is not their intent.

LO 3.4 Identify why corrections workers might be prone to ethics violations and how they might be prevented.

- To reduce or avoid unethical behavior, hire people who are not motivated by personal gain, encourage professional development and ethics training, provide proper supervision and support, discipline ethics violations, promote ethical behaviors and interactions, and involve employees in decision making.

LO 3.5 Discuss the impact the war on drugs has in creating ethical challenges in the field of corrections.

- The war on drugs has placed a strain on the judicial and legal systems. Victims are placed in a system, and charges are often disproportionate to the crimes. They are often unable to get the help needed to get them out of the system and ~~overburden the resources,~~ drawing time and

are often disproportionate to the crimes. They are often unable to get the help needed to get them out of the system and overburden the resources, drawing time and attention away from more violent criminal activity.

Key Terms

Deontological ethical systems 64

Discretion 69

Egoism 67

Ethical formalism 65

Ethics 62

Ethics of care 67

Ethics of virtue 66

Natural law 66

Noble cause 68

Official deviance 67

Religious perspective 66

Subculture 69

Teleological ethical systems 64

Utilitarianism 66

Discussion Questions

1. Where do we learn our sense of right and wrong? Why do you think that some sources are more powerful in influencing people than others?
2. What makes the correctional workplace more susceptible to unethical behaviors than most workplaces? If you were to work in corrections, how would you make sure that you always made the "right decision"?
3. What can organizations do to prevent noble cause corruption? Do you think you are a person who could be corrupted this way?

Discussion Questions

1. Where do we learn our sense of right and wrong? Why do you think that some sources are more powerful in influencing people than others?
2. What makes the correctional workplace more susceptible to unethical behaviors than most workplaces? If you were to work in corrections, how would you make sure that you always made the "right decision"?
3. What can organizations do to prevent noble cause corruption? Do you think you are a person who could be corrupted this way?
4. Which ethical framework best describes your feeling about ethics? Why do you think this is applicable to you?
5. Discuss how the drug war has affected corrections and how it has threatened the ethical practice of workers.

Descriptions of Images and Figures

[Back to Figure](#)

The pie chart shows the following data:

- Favor Providing Treatment (67%)
- Don't Know (7%)
- Favor Prosecuting Drug Users (26%)