

Ethical Dilemma in the Criminal Justice System

Name

Institution

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Ethical dilemmas permeate the criminal justice. At every level, in each segment of the system, people are exercising discretion that will impact on the fate of an individual and/or the security of the community. Incongruous laws, regulations, policies and practices create conflicts and distort the basis upon which judgments are made. Very often these conflicts result in an ethical dilemma. Which is the appropriate course of action? What is the moral/ethical rationale for the decisions that were made? What purposes or principles are served? Some decisions are morally right while they are ethically wrong. Similarly, other decisions are ethically right and morally wrong. It requires the personnel making the decision think critically on the consequences of each decision and how it will influence the society involved at large. The most appropriate and the most beneficial action should be taken (Ehrenreich, 2009). The law can be referred to as social equalizer. The criminal justice system is a far-reaching and a large segment which ensures laws are followed to the letter. This makes citizens remain loyal to the state. It is the best method of punishing law breakers, and realizing the innocent people. The criminal justice system faces challenges from conviction to prosecution of criminals. The defendant is ineffectively presented. There is overcrowding, over loaded prosecutors, unfeasible caseloads with public defenders and much more. These challenges make enormous cases to be reported without convictions or arrestors. Prosecutors fail to concentrate on serious crimes. Lawmakers, attorneys and intellectuals have identified these challenges which require action, discussion and change (Weinstein, 2004). The challenges have put extreme pressure in the criminal justice system, causing misuse of resources, manpower and time. These situations cause ethical dilemmas, which require critical decisions.

The Parole Board As the chair of the parole board, Robert knows the state prisons are critically overcrowded. Advocates are threatening the corrections system with Federal suits. One alternative is to broaden the parole eligibility criteria to allow more inmates to be released to community-based supervision. However, reviewing the current “risk assessment” results, Robert is concerned that any further relaxation of standards may result in the release of inmates more likely to re-offend than he considers “safe”. Robert just received a call from the Governor asking him what the parole board can do ease the overcrowding that will be the basis of the federal law suits. The Governor reminds Robert that if these suits are successful, inmates will be released under a federal process outside the parole board’s control. What does Robert, as chair of the parole board, tell the Governor?

In this case, the fact is clear that the prisons are crowded. This is a critical condition which requires a quick action. Prisoners are human beings with the right to good health and survival. The overcrowded prisons are hazardous environments to live in. This is because contagious disease such as tuberculosis can easily spread amongst the prisoners. This will increase the mortality rate in the prisons. Prisoners should be protected from such occurrences. Additionally, the overcrowded makes it hard for the officers in charge to keep law and order. The main purpose of a prison is to rehabilitate the law breakers and make them acceptable again in the society. It is the role of the officers in charge to monitor the behavior of every prisoner and correct them when they seem to be going astray. It cannot be possible for the officers to man an overcrowded prison. Therefore, the prisoners only spend time in prison and are released after

completing their jail time without any corrections. This makes them repeat the same crime as they did not face the correct punishment and rehabilitation (Weinstein, 2004).

One alternative is to solve the overcrowding is broadening the parole eligibility criteria to allow more inmates to be released to community-based supervision. This will ensure more and more prisoners are released to the public under supervision. The released prisoners will be expected to report to the officer in charge after a specified time. They are not expected to move away from the local area unless permitted to do so. The parole should only release those prisoners who have shown unsusceptible behavior for the time they have been in prison. The crime they had committed has to be critically analyzed before the release. On one side, allowing a larger number of inmates to be released will reduce the number of prisons. Those released will not come back to the prison, and they will be supervised. They will sign an agreement that they will not commit another crime for a period of say twenty years (Ehrenreich, 2009). On the other hand, releasing too many of prisoners on parole will be dangerous. First of all, the prison is already overcrowded. Therefore, there is little supervision to know the prisoners who are behaving appropriately to receive the parole. Secondly, the large number, which will be released, will force the government to release inmates without clear consideration of the crime which had brought them to prison. Ultimately, dangerous people will be released back to the society. They will commit other crimes and punish those who had reported them earlier. They will end up in the prison again within a short period. This will not have solved the overcrowding problem. As chair of the parole board, Robert should tell the Governor to consider the consequences of releasing a large number of inmates to the public. He should advise the Governor to advocate for another option rather than this one. He should make him understand that, funding an emergency expansion of the prison will be the best option to solve the problem (Weinstein, 2004).

The Warden William is the warden of a century-old correctional facility. Despite his best arguments, his operating budget was severely cut for the previous fiscal year. This eliminated overtime for correctional officers and froze hiring of replacement employees. Almost all of the rest of his budget is dedicated to food and medical services for inmates, and fixed utility costs. He was staffed for his average population (same as capacity population), but those numbers have skyrocketed due to an aggressive arrest and prosecute campaign. The facility is dangerously overcrowded with no foreseeable sign of relief. The major problem is staffing. William is concerned for the safety of his employees as well as the inmate population. He thought that, if the officers feel threatened, they may report off for medical reasons, resign or simply not report for duty; any of which would only exacerbate the problem. William does have an off-site work release program which could handle the additional inmates. However, there is no “risk assessment” or screening process in place which means the designation of inmates to community-based work release would be based on unsupported security guess work. The union representatives for the security officers have a meeting with William to hear how the warden intends to ensure the safety of his members (Nelesen, 2005).

The budget cut will affect the correctional facility since it cannot function with a deficit. The correctional officers who were paid on overtime and froze hiring of replacement officers helped the facility retain law and order. The safety of the employees is endangered. This will make them reassign or fail to report to work which will worsen the situation. William is faced with an ethical dilemma on what to tell the union officer. Firstly, the budget is already cut, and no corrections can be made in this fiscal year. Therefore, the situation has to be faced with the little money that is available. One alternative is to use the money available to cater for the employees more than the inmates. This means that the money set aside for food and medical

services for the inmates reduced to pay the employees overtime and other needs. This will make them attend their duties normally. The inmates do not have an idea of the budget cutting and will think the change was planned to be like that. However, this will be morally wrong. The inmates have their rights and require food and health services. Depriving them off the right to good food and health for the sake of employees will solve one side of the problem and deteriorate another one. The next option would be to give set the money from the inmates use and wait for the employees to react as they will find appropriate. This will worsen the situation since the facility will of function successfully with fewer officers. The security of the facility will not achieve its main purpose of a correctional facility (Barack, 2009). Therefore, William should suggest that, the department to seek for financial assistance from another source and use it in that fiscal year. He should then argue the officer to take the claims to the financial department. This is in the efforts for making the facility be considered in the next fiscal year. As well, be given some additional money to pay the debt. They should also be given enough money to cater for employees and the inmates in the next fiscal year (Nelesen, 2005).

The District Attorney Martha ran a successful campaign for district attorney on a very conservative platform generally critical of plea bargaining and reduced prison sentences for convicted felons. The city's police chief, following his mayor's directive to "take back the streets from gun-toting drug dealers" has launched a very aggressive arrest campaign, resulting in a dramatic increase in criminal cases. A review of sample cases clearly shows many of these arrests lack supportive probable cause and/or have very weak evidentiary support. As cases, most are "losers". Martha knows from the criminal records that most of the arrestees are heavily involved in the city's drug culture, even if the current case is weak. She also knows that anything other than aggressive prosecution of these cases will portray her as unsupportive of the mayor

and the police and renege on her campaign pledge. Martha's chief of staff has asked her for some directive to her prosecutors as to how she wants these cases handled (trial, plea bargain, dismiss, etc.). What direction should Martha give?

Despite the fact that Martha is in an ethical dilemma, there lies a responsibility for her to give directions on what is to be done. It is unethical for her to dismiss or reduce prison sentence for the prisoners while they have been convicted with such a crime. It will reflect well and morally right decision if she directs prosecutors harshly convict the victims. It is of great importance for her to cooperate with other law keepers to enforce law and ensure no one breaks them. Those who break the law should be judged accordingly. However, she will have contradicted her words and campaign conservative platform of a critical of plea bargaining and reduced prison sentences for convicted felons. It is morally wrong for her to go against her words, which she used and got her in the seat. If she goes by harsh punishment of the prisoners, she will have betrayed them (Harcourt, 2001). This is morally unacceptable by the society and will not give her another chance when she comes back for campaign next time. Therefore, it is her quite role and responsibility to make the right decision regarding the situation. The best action for her to take is direct the prosecutors to subject the criminals into the law accordingly. This is so because, they are human beings. They know what is good and what is bad. They do crimes knowingly, but may be because of situations. Once they are subjected to law, they accept knowing that they had done something wrong. This makes them not to repeat the same mistake. However, this will be morally wrong but ethically right (Kaplan, 2008).

The Officer About 3:00am on a deserted street corner, Linda, a police officer confronts a young man acting in a manner which she recognizes from her experience and training as

consistent with the mannerisms of a drug-deal “look-out”. Linda confronts the man and asks for his identification. She also asks him if he would empty his pockets for her. From one pocket, the officer has recovered several vials, which she recognized as crack cocaine; in the other pocket she finds \$400 in cash. Linda remembers her sergeant at roll call chastising other officers for bringing in petty drug cases that just take time from patrol and clog the system. The department is getting complaints about overloaded dockets from the prosecutors’ office and there is no more room in the local jail. Earlier, in the locker room, fellow officers were griping about their colleagues who make themselves unavailable to handle calls for service because they are off processing some time-consuming minor arrest. With his pockets now empty, the subject still has not produced any positive identification. At this point, Linda knows nothing about the suspect, and she cannot find out unless she arrests and charge him so, the suspect can be fingerprinted and positively identified. Linda cannot arrest and charge the suspect without the contraband. At this point the police dispatcher calls for Linda and asks if she is available to as back-up for a “burglary in progress” call. What does Linda tell the dispatcher?

Linda is caught up in an ethical dilemma. It is unethical not to arrest and charge the suspect after discovering the business he is conducting, which is illegal. On the other hand, she fears because of her job condition, which is not entertaining such cases calling them ‘petty’ cases, which only clog the system. Ethically, Linda should tell the dispatcher that she is not available since she is committed elsewhere verifying and arresting a drug dealer suspect who is not being identifying. However, it will be morally wrong not positively responding to the call of her boss since the system itself is unable to absorb the petty cases (Kaplan, 2008). Therefore, Linda should free the suspect and participate as a back-up in the burglary in progress. This will also be a vent to secure her job. According to this case, Linda should assess the situation and avail for the next available

task. This is because it will take long and no positive response for her colleagues who make themselves unavailable to handle calls for service because they are off processing some time-consuming minor arrest (Harcourt, 2001).

In conclusion, Ethical dilemmas crop up several times in the criminal justice system. They affect the judges, prosecutors, police officers and other staff in the workplace. At every level, in each segment of the system, people are exercising discretion that will impact on the fate of an individual and/or the security of the community. Incongruous laws, regulations, policies and practices create conflicts and distort the basis upon which judgments are made. Ethical dilemmas are evident for supervisors, managers and other staff conducting business in especially the criminal justice system. Most ethical dilemmas come from federal laws and different perspective in these organizations. Failure to deal with ethical dilemmas around the criminal; justice system can cause instability in the country, decreased citizen loyalty, and negative press. Some decisions are morally right while they are ethically wrong. Similarly, other decisions are ethically right and morally wrong (Barack, 2009). It requires the personnel making the decision think critically on the consequences of each decision and how it will influence the society involved at large. The most appropriate and the most beneficial action should be taken. The criminal justice system is facing serious challenges from prosecution of suspects to the conviction of law offenders and representation of defendants. Overcrowding, understaffing and overburdened public defenders are some of the hindrance the effectiveness in the criminal justice system. These ethical dilemmas require the staff involved to make a wise to avoid worsening the situation (Kaplan, 2008).

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