

## **Ethical Justice Instructor Manual**

*Note: The content in this manual is adapted from Ethical Justice (2013) with permission. Original citations can be found throughout the textbook.*

### **Chapter 1: Ethics in the Criminal Justice Professions**

*Ethics* involves the study of individual or group character, which is composed of many different elements, including a variably developed morality, ideals, values, and virtues. *Morality*, a significant contributor to the development of ethics, is most commonly associated with individual feelings or beliefs regarding actions. Ethics are the specific situational rules of conduct constructed from morality and other elements of character. A *moral dilemma* exists when available choices and obligations do not allow for moral outcomes, and an *ethical dilemma* arises when the available choices and obligations in a specific situation do not allow for an ethical outcome. Ethical dilemmas commonly occur along one of the following themes:

- Truth vs. Loyalty
- Individual vs. Group
- Immediate vs. Future
- Justice vs. Compassion

*Professional ethics* are the specific ideals, principles, values, and constraints imposed on practitioners by the mandates of their profession and workplace. Professional codes of ethics include three different kinds of directives: ideals, principles, and requirements.

#### **Relative Justice**

*Justice* is generally defined as fair and impartial treatment during the resolution of conflict. However, differing views of what is considered “fair” have resulted in the development of multiple and competing models of justice. Examples include

- Retributive/Corrective: Focuses on the administration of punishments that are proportionate to the nature and severity of any wrongs committed.
- Compensatory/Restorative: Focuses on making victims whole again and reintegrating offenders back into society.
- Distributive: Focuses on the equitable distribution of benefits and burdens across all members of society equally.

#### **Legal Justice**

*Legal justice* is the result of forging the rights of individuals with the government’s corresponding duty to ensure and protect those rights. The United States Constitution contains amendments that establish the rights of its citizens. These rights are guaranteed to all citizens.

*Due process* refers to the preservation of federal and state constitutional rights; the rights of citizens as described in these constitutions may not be violated or taken away without strict adherence to the law.

#### **The Pillars of the Criminal Justice System**

The *criminal justice system* is the network of government and private agencies intended to manage accused and convicted criminals. The criminal justice system is composed of multiple interrelated pillars, consisting of academia, law enforcement, forensic services, the judiciary, and corrections.

- Academia: The pillar of the criminal justice system composed of those criminal justice researchers and educators working in colleges, universities, academies, and institutions around the world—anywhere that criminal justice professionals seek information, knowledge, formal education, or specific training.
- Law enforcement: The pillar of the criminal justice system that deals with reported crime.
- Forensic services: The pillar of the criminal justice system that deals with the examination and interpretation of evidence—physical, behavioral, and testimonial alike.
- Judiciary: The pillar of the criminal justice system that deals with the adjudication of criminal defendants, to include exoneration, punishment, treatment, and efforts to reform.
- Corrections: The pillar of the criminal justice system that deals with the probation, incarceration, management, rehabilitation, treatment, parole, and in extreme cases the execution of convicted criminals.

The criminal justice system is *adversarial* in nature. This means that criminal defendants are entitled to an adequate defense and due process of law, while the burden of proving guilt is on the state or government (prosecution). The state has the greater burden of proof, and must prove a defendant's guilt beyond a *reasonable doubt*. Attorneys for the prosecution work for the government at the city, county, state, or federal level and are charged with seeking the truth regarding criminal matters on behalf of citizenry. Attorneys that work for the defense are not necessarily interested in the truth, but rather are ethically bound to zealously advocate for the best interest of the accused—their client. The defense is not required to prove innocence in an adversarial justice system. In fact, the defense is not required to prove anything. The defense need only demonstrate that there is a reasonable doubt with respect to the prosecution's theories.

### **The Value of Professional Ethics to Criminal Justice Practitioners**

There are significant benefits for the individual criminal justice practitioner. They include employability, preparedness, trustworthiness, resistance to serious corruption, and protection.

### ***Key Terms***

*Academia*: The pillar of the criminal justice system composed of those criminal justice researchers and educators working in colleges, universities, academies, and institutions around the world.

*Adversarial system*: A “jurisprudential network of laws, rules and procedures characterized by opposing parties who contend against each other for a result favorable to themselves. In such a system, the judge acts as an independent magistrate rather than prosecutor; distinguished from an inquisitorial system” (Black, 1990; p. 53).

*Corrections*: the pillar of the criminal justice system that deals with the probation, incarceration, management, rehabilitation, treatment, parole, and in extreme cases the execution of convicted criminals.

*Criminal justice system*: The network of government and private agencies intended to manage accused and convicted criminals.

*Due process:* The preservation of federal and state constitutional rights; the rights of citizens as described in these constitutions may not be violated or taken away without strict adherence to the law.

*Ethical dilemma:* A type of ethical issue that arises when the available choices and obligations in a specific situation do not allow for an ethical outcome.

*Ethics:* The specific institutional rules of conduct constructed from morality and other elements of character (e.g., motivation, libido, courage, loyalty, integrity, and empathy); they are, consequently, the result of reflection and deliberation (EACC, 2007).

*Forensic services:* The pillar of the criminal justice system that deals with the examination and interpretation of evidence—physical, behavioral, and testimonial alike (Turvey and Petherick, 2010).

*Judiciary:* The pillar of the criminal justice system that deals with the adjudication of criminal defendants to include exoneration, punishment, treatment, and efforts to reform.

*Justice:* Fair and impartial treatment during the resolution of conflict.

*Law enforcement:* The pillar of the criminal justice system that deals with reported crime.

*Legal justice:* The result of forging the rights of individuals with the government's corresponding duty to ensure and protect those rights.

*Moral dilemma:* Predicament that exists when available choices and obligations do not allow for moral outcomes.

*Morality:* A significant contributor to the development of ethics and most commonly associated with individual feelings or beliefs regarding actions.

*Professional ethics:* The specific ideals, principles, values, and constraints imposed on practitioners by the mandates of their profession and workplace.

### ***Multiple-Choice Questions***

1. Which of the following is true regarding ethics?
  - a. Ethics involves the study of individual or group character.
  - b. Morality is a contributor to the development of ethics.
  - c. Ethics are the specific situational rules of conduct constructed from elements of character.
  - d. All of the above**
2. Which of the following is not considered one of the five interdependent pillars of the criminal justice system?
  - a. Academia
  - b. Forensic services
  - c. Crime scene investigation**
  - d. Corrections
3. Which of the following is a common theme for an ethical dilemma?
  - a. Immediate vs. Future
  - b. Justice vs. Compassion

- c. Truth vs. Loyalty
  - d. All of the above**
4. Which of the following is not a professional code of ethics directive?
- a. Values**
  - b. Ideals
  - c. Principles
  - d. Requirements
5. Which model of justice focuses on making victims whole again and reintegrating offenders back into society?
- a. Retributive
  - b. Corrective
  - c. Distributive
  - d. Restorative**
6. \_\_\_\_\_ is the pillar of the criminal justice system that deals with the adjudication of criminal defendants to include exoneration, punishment, treatment, and efforts to reform.
- a. Corrections
  - b. Judiciary**
  - c. Forensic services
  - d. All of the above
7. \_\_\_\_\_ is the pillar of the criminal justice system that deals with the probation, incarceration, management, rehabilitation, treatment, parole, and in extreme cases the execution of convicted criminals.
- a. Academia
  - b. Judiciary
  - c. Forensic services
  - d. None of the above**
8. Which of the following is true regarding an adversarial system?
- a. The burden of proving guilt is on the state or government.**
  - b. The defendant has the greater burden of proof.
  - c. Defense attorneys are interested in the truth.
  - d. The system is grounded in the principle that defendants are presumed guilty unless proven innocent.
9. The \_\_\_\_\_ refers to the preservation of federal and state constitutional rights.
- a. 14<sup>th</sup> Amendment
  - b. 15<sup>th</sup> Amendment
  - c. United States Constitution
  - d. Due process**
10. \_\_\_\_\_ exist when available choices and obligations do not allow for moral outcomes.
- a. Ethics
  - b. Ethical dilemmas
  - c. Morality
  - d. Moral dilemmas**

### ***True/False Questions***

1. Morality is the specific situational rules of conduct constructed from elements of character. True or **False**?
2. There are no truly universal moral imperatives or obligations. **True** or False?
3. Legal justice is the only model of justice that unifies all the citizens within a given region. **True** or False?
4. The criminal justice system is adversarial in nature. **True** or False?
5. In an adversarial system, the defense is required to prove innocence. True or **False**?
6. The terms *ethical dilemma* and *moral dilemma* are synonymous. True or **False**?
7. An adversarial system is defined as a network of government and private agencies intended to manage accused and convicted criminals. True or **False**?
8. Justice is defined as the fair and impartial treatment during the resolution of conflict. **True** or False?
9. Professional codes of ethics include six different kinds of directives. True or **False**?
10. Criminal justice practitioners that submit to a worthy code of professional ethics are better protected from the negative consequences of unethical behavior. **True** or False?

### ***Essay Questions***

1. Is the criminal justice system adversarial in nature? Explain your answer.
  - **The *criminal justice system* is the network of government and private agencies intended to manage accused and convicted criminals.**
  - **The criminal justice system is *adversarial* in nature. This means that criminal defendants are entitled to an adequate defense and due process of law, while the burden of proving guilt is on the state or government (prosecution).**
  - **The state has the greater burden of proof, and must prove a defendant's guilt beyond a *reasonable doubt*. Attorneys for the prosecution work for the government at the city, county, state, or federal level and are charged with seeking the truth regarding criminal matters on behalf of citizenry. Attorneys who work for the defense are not necessarily interested in the truth, but rather are ethically bound to zealously advocate for the best interest of the accused—their client. The defense is not required to prove innocence in an adversarial justice system. In fact, the defense is not required to prove anything. The defense need only demonstrate that there is a reasonable doubt with respect to the prosecution's theories.**
2. Explain the difference between *ethics* and *morality*. Provide one example of each.

- ***Ethics* involves the study of individual or group character, which is composed of many different elements, including a variably developed morality, ideals, values, and virtues.**
  - ***Morality*, a significant contributor to the development of ethics, is most commonly associated with individual feelings or beliefs regarding actions.**
  - **Ethics are the specific situational rules of conduct constructed from morality and other elements of character.**
  - **Examples will vary.**
3. List and describe the five interdependent pillars of the criminal justice system.
- **The *criminal justice system* is the network of government and private agencies intended to manage accused and convicted criminals. The criminal justice system is composed of multiple interrelated pillars, consisting of academia, law enforcement, forensic services, the judiciary, and corrections.**
    - **Academia:** The pillar of the criminal justice system composed of those criminal justice researchers and educators working in colleges, universities, academies, and institutions around the world—anywhere that criminal justice professionals seek information, knowledge, formal education or specific training.
    - **Law enforcement:** The pillar of the criminal justice system that deals with reported crime.
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