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Ethics in Criminal Justice

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Question 1

Immanuel Kant was a German Theorist who made crucial contributions in the field of philosophy. Born on the 2nd of April, 1724, and died on the 12th of February, 1804, after his health failed. Though Kant was well versed in diverse fields of philosophy, he is best remembered for his contributions to metaphysics and ethics. Immanuel Kant's theory of ethics is grounded on deontology, which suggests that individuals act ethically because they must do so and the motives of these persons and not the outcome of their correct or wrong actions.

According to Xu & Ma (2016), deontology and utilitarianism are two rival concepts that guide people's moral decisions. The overall argument here is that people should not be morally correct due to the fear of the consequences and their integrity, principles, and values. Deontology provides people with the notion of human acceptance of morals and ethics. In addition to that, some of the conceptions outlined in Kant's theory include; the priori method (involving rational thinking via self-evident), the idea of personal volition, and the philosophy of liberty and moral incentive (Xu & Ma, 2016). From Kant's position, morals cannot be learned from experience but are instead learned from self-will. In this regard, the notion of morals is guided by a person's willingness to act. More fundamental is that all ethical verdicts are dependent upon a higher moral conviction.

Kant applied his deontology theory in identifying two types of duties; conditional and categorical imperatives (Kranak, 2019). Kant argued that a conjectural imperative is an onus that is required to achieve a precise target. It is a deed that people engage in to realize the desired outcome. Among police officers, duty is crucial because the police are bound by law to execute their mandate. An example is the supposed role of police on duty patrol, who is expected to

compose many search certifications before they are considered for a detective position. The police officers are expected to execute their duty regardless of their willingness to do it or not. Furthermore, the duty of law enforcement officers may come with individual or negative professional consequences. However, according to the deontological theory, police officers are required and are obliged to execute their mandate, regardless of the consequences attached to their work according to the categorical imperative.

The categorical imperative refers to the unconditional duty or rule. Regardless of the impact of the duty, it remains unchanged and must be executed. In this manner, the duty is isolated from the outcome (White, 2020). For instance, in law enforcement, the police officer is expected to charge a spouse with assault in a case of domestic violence. In such instances, the officer must execute his duty regardless of the wishes or the outcome because the law prescribes the duty. In addition to that, the categorical imperative does not necessitate a written policy. An officer who stops a violator must write them a ticket if the condition warrants the same. For instance, the danger of driving under the influence of alcohol or the driving history of a person warrants the issuance of the ticket. In addition, Kant says that people should never be used to achieve the desired outcome, but they ought to be treated respectfully regardless of the result (Kranak, 2019). In the policing perspective, a detective who assures an individual that they will not give evidence in court if they give their statement does not respect that witness and uses them as a means to an end. The law enforcement officer, in such instances, know that this is a promise they cannot keep because it is not up to them to decide who testifies in a criminal proceeding. According to Kant's theory of deontology, the witness, in this case, is used as a means to an end, which is against all the morals and ethical principles. In this regard, the law enforcement officer must decide whether they want to adhere to the consequentialist perspective, where the

consequences of their actions are crucial, or Kant's perspective, where the witness should not be used as a means to a pre-determined outcome. Also, coercion is another way that respect is not considered as per Kant's theory. Given that law enforcement officers yield considerable powers, they can use coercion as a means of producing a meaningful end to a case. In this perspective, the act of coercion is morally and ethically wrong since it does not allow the other party to consent to the deed.

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Question 2

The question of unethical behavior is not unique to policing and criminal justice but to daily life occurrences. Research shows that people behave unethically due to several reasons. Cultural differences play a crucial role in why certain entities behave in an unethical manner. Individuals have different cultural values, beliefs, and levels of moral upbringing that dictate their ethical conduct and determine how they view right from wrong (Wedell-Wedellsborg, 2019). For instance, one culture perceives certain acts as morally wrong, whereas in another culture, the same act is considered morally correct. A person from another country can engage in unethical conduct that is considered wrong in certain countries because they are unaware since they were taught differently in their culture. In addition to that, research suggests that people are

talented at rationalizing unethical acts that serve their interests. For instance, the success or failure of children determines how parents see themselves and how others see them. When their kids perform well in school, the parents will be elated, and they gain self-esteem based on their association with their children. In this perspective, the parents are motivated by personal interest to ensure that their children perform well in school. When the children cheat in their exams, the parents can justify the act via comparisons that aid them to disengage with the action morally. For instance, they can argue that other parents have done worse. Considering the unethical outcome of serving others, including one's kids, helps the parents establish a psychological distance that rationalizes unethical conduct.

Moreover, others engage in unethical behavior because they feel a sense of entitlement. Wealthy and privileged members of society are unlikely to follow the rules because they consider them unfair. Since they feel they deserve more than others, they knowingly violate societal norms and socially motivate contracts as they wish. The feeling of entitlement also drives people to be more aggressive, competitive, and selfish. According to Seuntjens et al. (2019), entitlement arises from being rich. Wealthy entities who are the upper class in society, based on their income, lie, cheat and steal more to get their desires. Consequently, these entities are also less generous and are likely to break the law on the roads, offer minimal aid to strangers in need, and do not give stranger attention.

Kant's deontological theory teaches people to consider their actions because it is universal (Neri, 2020). If one considers not paying their bus fare by jumping the turnstiles, they should consider the implications if all travelers did the same. In the context of law enforcement, an individual ought to consider the ramifications of their conduct, for instance, in an investigation where the chief investigator tricks a suspect into exposing himself. The universality rule that involves

officers lying to the media allows the detectives to contemplate the consequences of the deed, even in instances where the lie was intended to bring out the moral ramification. Law enforcement officers are called to fulfill their mandate regardless of the personal ramifications. This duty must be executed by an entity tasked with the responsibility when the task falls on them. For example, an officer who is hesitant to charge an acquaintance personally should consider their role and mandate when they decided to become law enforcement officers and the oath they took to perform the duties of a police officer. The admonition to duty must be executed in good faith and should not in a case where an officer is cognizant there is an absence of ethical and moral conduct in action. It is problematic to decide in such an instance. However, police officers should be guided by the stakeholders involved: the witnesses, training, oath, and societal norms.

To sum it up, Immanuel Kant understood that people ought not to be regarded as a channel for the desired outcome. The ethical verdict that an individual chooses ought not to infringe on their status. For instance, a police officer lying to a suspect to gain evidence in return, even if the deed produces the desired outcome that can assist in criminal proceedings, yet the investigator understands that the suspect will incriminate themselves. Like other members, police officers often stand guided by ethical and moral principles in society because they are also members of society.

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