

Case study on the ethics of the police law essay



**ASSIGN
BUSTER**

This paper will discuss decisions made by police in a scenario. This paper will critique decisions that the police in the scenario have made. I will be discussing whether or not the decisions made by the police were ethical or not and I will discuss what I would have done in the situation. I will be discussing ethical considerations. I will discuss a number of topics related to ethics such as NSW Police Oath of Office, Statement of Values and Code of Conduct. I will also be talking about human rights, coercive and excessive force, discretion, power, authority, reporting misconduct and loyalty. Numerous policies and legislation need to be followed to perform the role of a police officer and to maintain ethical standards and to make ethical decisions. Ethical decisions are made every day by police and it is important to be ethical to be a police officer.

The first decision by police that I will critique is Senior Constable Cullen's decision to keep Scott's Ipod. Senior Constable Cullen demanded Scott to give the Ipod that he stole. Senior Constable Cullen did not give the Ipod to the lawful owner. Instead he decided to keep the Ipod for himself. The decision to keep the Ipod is the wrong decision and is an unethical decision. An ethical decision involves obvious ethical standards. An ethical decision is being able to distinguish if a decision is lawful, moral and the correct decision which will impact a number of stakeholders.

NSW Police Oath of Office requires states: police to keep the peace, to the best of your ability, faithfully according to law (Oath of Office, Clause 7, Police Regulation, 2008.). The Oath of Office is a legally binding promise that all NSW Police officers take. The Oath of Office is legislation and has to be followed in order for police to function ethically and responsibly. In the

scenario Senior Constable Cullen decided to keep Scott's Ipod. Senior Constable Cullen did not follow the Oath of Office and failed in his duties to perform to the best of his ability. This makes the decision that Senior Constable Cullen made one that is unethical, unjustified and against legislation.

The decision to steal Scott's Ipod also breaches NSW Police Statement of Values. The Statement of Values outlines the collective values of the NSW Police. It provides employees with clear guidelines on the conduct required to support the values of the NSW Police Force (pp. 49, Policing Issues and Practice Journal, May 2007, the NSW Police Force Revised Statement of Values and Ethics). The NSW Police Statement of Values states: Excellence; having the highest professional standards and integrity. Senior Constable Cullen did not follow this value when he made the decision to take Scott's Ipod and not give it back. Having excellence is to have high standards and to act morally and ethically, have good character and to be honest which Senior Constable Cullen did not show in his decision of stealing the Ipod.

Senior Constable Cullen also breached the NSW Police Force Code of Conduct and Ethics policy. This policy states that NSW Police employees act professionally, honestly and to be ethical. The Code of Conduct and Ethics policy guides NSW Police to act ethically and have good conduct. The NSW Police Force Code of Conduct and Ethics states: An employee of the NSW Police Force must not make improper use of their position or NSW Police Force information or resources. Senior Constable Cullen breached this policy when he stole Scott's Ipod. Senior Constable used his position as a police officer for an unlawful purpose. He stole the Ipod for personal gain. This

policy states that a NSW Police employee cannot use their position as leverage to perform an unlawful act such as stealing. Senior Constable Cullen had no justification under any law, legislation or policy to steal Scott's Ipod, therefore his decision is an unethical, unlawful decision without any justification.

In Senior Constable Cullen's decision, he used inappropriate discretion when he stole Scott's Ipod. Discretion is acting according to your own judgment wherever your authority leaves you free to do so (PPP123 Study Guide, 2010, p. 23). Senior Constable Cullen has discretion whether to arrest and charge Scott and keep his Ipod. Although he used his discretion to steal the Ipod, it was an unlawful use of his discretion because it is against the law to steal. Discretion is supposed to be applied in good faith and to uphold the spirit of the law. The way Senior Constable Cullen used his discretion was unethical, was not done in good faith and was not justified.

Senior Constable Cullen has breached an important human right when he made the decision to keep Scott's Ipod unlawfully. Human rights are the rights and liberty in which all humans are entitled to. Article 17 states: No one shall be arbitrarily deprived of his property. Everyone has the right to own property alone as well as in association with others. (Article 17, United Nations, Universal Declaration of Human Rights 1948). Police can breach human rights justifiably such as taking property. The justification for taking property would be for the gathering of evidence or if a person is in custody. Police officers are not justified in taking property of others for their own personal use. All humans in the world are entitled to human rights. Police are required to protect everyone's human rights in order to keep the peace,
<https://assignbuster.com/case-study-on-the-ethics-of-the-police-law-essay/>

uphold standards of living and to keep society a safe place. This shows that Senior Constable Cullen violated human rights by taking Scott's Ipod and therefore this decision is an unethical one.

There are numerous potential consequences for Senior Constable Cullen for stealing the Ipod. It is a criminal offence to steal property belonging to another. Senior Constable Cullen may face criminal prosecution for his decision to steal the Ipod. By not following the NSW Police Force policies and legislation such as, the Oath of Office, Code of Conduct and Ethics and Statement of Values, human rights declaration and proper use of discretion, Senior Constable Cullen may face disciplinary action by NSW Police. Senior Constable Cullen may also be terminated from the NSW Police Force for his actions if he cannot justify why he took the Ipod from Scott. He may also be sued by Scott for taking his Ipod. I would not have made the decision to steal Scott's Ipod. I would have no justification to steal Scott's Ipod. I would also not be following legislation and policy if I took Scott's Ipod without giving it back. If I was the police officer in that situation, I would give the Ipod back to Scott who is the rightful owner.

The second decision made by police that I will critique is Senior Constable Cullen's decision to push Scott heavily into the fence. Pushing Scott heavily into the fence is considered excessive force. Excessive force is defined as: force than cannot be justified (PPP123 Study Guide, 2010, pp70-71). Senior Constable Cullen has to justify his decisions and the actions he takes and he is held accountable for his actions. Senior Constable is accountable for his action because he has original authority. Original authority is defined as: acting from your own will. It is granted and exercised as a result of holding <https://assignbuster.com/case-study-on-the-ethics-of-the-police-law-essay/>

the office of constable (PPP123 Study Guide, 2010, p. 69). Due to the fact that police officers have original authority, they are all accountable for their own actions. No one else is accountable for the decisions they make. The Police Act 1990, Statement of Values, Code of Conduct and Police Regulation 2008 states that Police officers are held accountable for their actions and must justify the decisions they make and the actions they take. Senior Constable Cullen was not justified in pushing Scott heavily into the fence.

Coercive force would have been a better option to take. Coercive force can be used when: the amount of force used to be adequate to the intended outcome. Only the minimum amount of force is necessary to achieve the outcome. (PPP123 Study Guide, 2010, p70). Coercive force is making someone do something they would not otherwise have done. Instead of pushing Scott heavily into the fence, I would have instructed Scott to turn around and would have handcuffed him because by law I am justified in handcuffing a person when they have escaped or tried to escape and I need to handcuff Scott to prevent future escape when I start talking to him. That would have been the minimum force needed at that moment. Pushing Scott hard into the fence was not necessary and there were other coercive force options available like handcuffing him and telling him he's under arrest. The consequences of his actions may have resulted in a civil lawsuit against him and being charged with assault and being terminated from the NSW Police Force.

The third decision that I will critique is Constable Black's decision to not report the misconduct of her partner Senior Constable Cullen. Senior Constable Cullen made a number of unethical decisions like pushing Scott

<https://assignbuster.com/case-study-on-the-ethics-of-the-police-law-essay/>

hard into the wall and stealing Scott's Ipod. Constable Black did not address the misconduct of her partner. Misconduct is where a breach of some form of policy, law or other stringent requirement occurs (PPP123 Study Guide, 2010, p. 118).

If a police officer is acting in a way which you consider to be misconduct, the police officer is legally required to report misconduct (cl. 49 Police Regulation 2008 & Point 10 Code of Conduct and Ethics). Constable Black might not have reported the incidents because she thought there might be ramifications to her career and possible the career of her partner Senior Constable Cullen. Her inactions of not reporting misconduct may jeopardise her career. Constable Black does not have the moral courage to report the misconduct of Senior Constable Cullen. Moral courage is to stand up for yourself and take a stand on what you think is the right thing to do. As a police officer, Constable Black should be aware that she can report misconduct to the Commissioner, Internal Witness Support Unit, Corruption hotline, NSW Ombudsman and many other avenues.

Constable Black is loyal to her colleague, but loyalty doesn't work once your career is on the line. Constable Black can be loyal to her partner in situations such as lawful arrests and general policing functions. Loyalty in policing is valuable because it allows police to pursue their goals and objective effectively (PPP123 Study Guide, 2010, p122). Although when her partner starts to do things which are in contradiction with law, policy and guidelines, Constable Black need not be loyal to her partner, but to be loyal to the NSW Police Force and to report the crime. I do not agree with Constable Black's decision of not reporting misconduct of her colleague Senior Constable

Cullen. There is no justification for her to not report misconduct. If a complaint was made against Senior Constable Cullen about him stealing the Ipod, Constable Black would be questioned as to what she did about him stealing the Ipod and why didn't she report it to anyone. This might have potentially caused an end to her service in the NSW Police Force. If I was Constable Black, I would suggest to Senior Constable Cullen to give the Ipod back. If he still decided to keep the Ipod, I would then report his misconduct by following the relevant avenues.

In conclusion I have critiqued 3 decisions that the police officers made in the scenario. The two police officers were Senior Constable Cullen and Constable Black. I discussed the potential consequences of their decisions and what I would have done in their situation. I talked about various weekly topics including discretion, NSW Police Oath of Office, Statement of Values, Code of Conduct. I also discussed human rights, coercive and excessive force, discretion, power, authority, reporting misconduct and loyalty. To be ethical and to be justified for your actions, A police officer must follow legislation and policies such as Statement of Values, Oath of Office and Code of Conduct and Ethics and NSW Police standard operating procedures which is readily accessible. I came to a conclusion that the options that Senior Constable Cullen took were not justified, were not ethical, nor were they following NSW Police guidelines, standard operating procedures and legislation. I also came to the conclusion that Constable Black's decision of not reporting misconduct is unethical, not justified and breached Clause 9 of the Police Regulation 2008 which states that all NSW Police officers are legally required to report misconduct.