

How do ethics influence public policy? assignment

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How do Ethics Influence Public Policy? LaShan Lewis – PAD 510 Instructor: Dr.
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Ethics is the branch of philosophy dealing with values relating to human conduct, with respect to the rightness and wrongness of certain actions and to the goodness and badness of the motives and ends of such actions. The field of ethics (or moral philosophy) involves systematizing, defending, and recommending concepts of right and wrong behavior (<http://dictionary.reference.com/browse/ethics>). Ethics exists everywhere whether it is in government or non-government agencies. Careerists can provide inputs to the policy process that differ from the contributions of elected officials.

Those inputs may take the form of special knowledge passed to elected officials in a particular policy area. They may also involve representation of concerns to elected decisionmakers on behalf of interest groups, which ??? though their views are important and their stake in the controversy is great ??? might not be heard in the normal pull and haul of interest group politics. An aspect of internal responsibility is the commitment to ethical

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considerations. Ethical problems may vary considerably but often concern one or more of three elements.

At one level, there are questions of ascribed ethics, situations in which we discuss the demands that stem from our notions of civil virtue. John Rohr has argued, for example, that the Constitution, if properly and carefully considered, provides a variety of regime values that should guide administrative behavior (Cooper, 2007). Chapter 1 Introduction Criminal justice is the application or study of laws regarding criminal behavior. Those who study criminal justice include the police, those working in a judiciary capacity, and lawyers who either defend or prosecute those accused of a crime.

It is important that the criminal justice system include the word justice, since laws applied to those accused of a crime should be fair (www.wisegeek.com/what-is-criminal-justice.htm). Justice also refers not only to the fair trial accorded to the citizens of most countries, but also to the just retribution for victims of a crime, as for example, seeing an offender jailed. Criminal justice is always a goal. All involved in the arrest, prosecution, defense or judgment of a suspect aim to be fair.

However, this goal is not always met, accounting for the flexibility in the application of laws, the changes to laws that are unfair, and the judiciary power of interpretation (www.wisegeek.com/what-is-criminal-justice.htm). A criminal justice system is a set of legal and social institutions for enforcing the criminal law in accordance with a defined set of procedural rules and limitations. In the United States, there are separate federal, state, and

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military criminal justice systems, and each state has separate systems for adults and juveniles (law.rank.org/pages/858/Criminal-Justice-System.html - Cached - Similar). Criminal justice is the system of practices and institutions of governments directed at upholding social control, deterring and mitigating crime, and sanctioning those who violate laws with criminal penalties and rehabilitation efforts. The rights of the accused are rights that protect those accused of crime (http://en.wikipedia.org/wiki/Criminal_justice). According to Dye, The deterrence strategy in criminal justice policy focuses on punishment ??? its certainty, swiftness, and severity.

The effectiveness of deterrence depends on:

- * The certainty that a crime will be followed by costly punishment. Justice must be sure.
- * The swiftness of the punishment following the crime. Long delays between crime and punishment break the link in the mind of the criminal between the criminal act and its consequences. And a potential wrongdoer must believe that the costs of a crime will occur within a meaningful time frame, not in a distant, unknowable future. Justice must be swift.
- * The severity of the punishment.

Punishment that is perceived as no more costly than the ordinary hazards of life on the streets, which the potential criminal faces anyhow, will not deter. Punishment must clearly outweigh whatever benefits might be derived from a life of crime in the minds of potential criminals. Punishment must be severe (Dye, 2008). There is a variety of legal ways to induce Capital Punishment in the United States. Some examples: electric chair, lethal injection, and firing squad. Although there are many methods of capital <https://assignbuster.com/how-do-ethics-influence-public-policy-assignment/>

punishment, the most humane and accepted way is that of “ Lethal Injection” ([http://www.associatedcontent.com/article/1753868/capital_punishment_a_grave_concept.html? cat= 17](http://www.associatedcontent.com/article/1753868/capital_punishment_a_grave_concept.html?cat=17)). When it comes to the death penalty, there are other options, such as life imprisonment without parole and rehabilitation. The addition of restitution to life imprisonment is also a nice addition, as it sends the prisoner to work. The money made by the prisoner when working is sent to the victim’s family, creating extra closure. And for those convicted between the ages of 18-30 there is the alternative of rehabilitation. Due to their youthful age in this range, it is believed that the idea of change can be instilled in their minds.

Boundaries can be set, morality can be learned, and life can be started over again ??? creating a fresh start for the young prisoner ([http://www.associatedcontent.com/article/1753868/capital_punishment_a_grave_concept.html? cat= 17](http://www.associatedcontent.com/article/1753868/capital_punishment_a_grave_concept.html?cat=17)).

com/article/1753868/capital_punishment_a_grave_concept.html? cat= 17).

Main Research Question The main research question for this study: Is the Death Penalty an Effective Deterrent to Crime? Some individuals believe that the death penalty sends a message to those who are seeking to be destructive and violent. While on the other hand some individuals view the death penalty as being morally wrong and inhumane.

One would think that before a person does a heinous crime that they might consider the consequence of the punishment that is to be expected. The theory of deterrence is based on the idea that the threat of punishment must be severe enough to counter the benefits or pleasures that the criminal would receive from the crime. In addition, the punishment must be administered swiftly so that potential criminals will see a clear cause and-
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effect relationship between the crime and the punishment. When punishment deters potential criminals from committing crimes, it is called “ general deterrence. Another kind of deterrence, “ specific deterrence. ” refers to the inability of convicted criminals to commit further crimes as a result of their punishment. There is no doubt that capital punishment serves as a specific deterrent: The executed criminal will never kill again (<http://www.enotes.com/does-capital-article>). Sub-Questions 1. Is the Death Penalty cruel and unusual? 2. Should the Death Penalty be reviewed? 3. Measure the difference among death penalty state versus non death penalty states. Significance of the Study This research addresses issues surrounding the death penalty as a deterrent to crime.

This study will compare the pros and cons of the death penalty and the comparison of death penalty states versus non death penalty states. Capital punishment, the death penalty, or execution is the killing of a person by judicial process as punishment for an offense. Crimes that can result in a death penalty are known as capital crimes or capital originates from Latin capitalis, literally “ regarding the head” (Latin caput). Hence, a capital crime was originally one punished by the severing of the head (http://en.wikipedia.org/wiki/Capital_punishment). Research Design and Methodology

Based on the secondary data that I have gathered, a large part of my design is qualitative research but I will be using some quantitative data in the analyses of the statistical information obtain from various reports. The reason for my research design is to determine the effectiveness of the death penalty as a deterrent to crime. Research information available will be used for the literature review and statistics available will be used to measure the <https://assignbuster.com/how-do-ethics-influence-public-policy-assignment/>

crime rate. This research defines criminal justice and capital punishment. It also reviews the death penalty reports from 2009.

Under the Eighth Amendment to the U. S. Constitution, individuals convicted of a crime have the right to be free of “cruel and unusual” punishment while in jail or prison. This means that after a criminal defendant is convicted and sentenced, the Constitution still acts to guarantee his or her fundamental rights concerning conditions of confinement and treatment by corrections personnel. No universal definition exists, but any punishment that is clearly inhumane or that violates basic human dignity may be deemed “cruel and unusual.” (http://criminal.findlaw.com/crimes/criminal_rights/cruel_unusual_punishment/).

The constitution and the bill of rights guarantee’s that as American’s we cannot be punished if that punishment is considered cruel and unusual. However, who defines what is cruel and unusual? A lot of American’s feel that the death penalty is cruel and unusual. That feeling is even stronger when you ask the rest of the industrialized world. However, is it truly cruel and unusual? The Supreme Court says no it is not. The constitution tells us that we cannot take life, liberty, or the pursuit of happiness without due process of the law.

So once that person has gone through the due process, we can take that life away from them (http://www.associatedcontent.com/article/361781/is_the_death_penalty_cruel_and_unusual_pg2.html?cat=17).

For most of recorded history, capital punishments were often deliberately painful. Severe historical penalties include the breaking wheel, boiling to death, flaying disembowelment, crucifixion, impalement, crushing, stoning, execution by burning, dismemberment, sawing, scaphism, or <https://assignbuster.com/how-do-ethics-influence-public-policy-assignment/>

necklacing ([http://en.wikipedia.](http://en.wikipedia.org/wiki/Cruel_and_unusual_punishment#History)

[rg/wiki/Cruel_and_unusual_punishment#History](http://en.wikipedia.org/wiki/Cruel_and_unusual_punishment#History)). Capital punishment has in the past been practiced in virtually every society, although currently only 58 nations actively practice it, with 95 countries abolishing it (the remainder having not used it for 10 years or allowing it only in exceptional circumstances such as wartime. It is a matter of active controversy in various countries and states, and positions can vary within a single political ideology or cultural region (http://en.wikipedia.org/wiki/Capital_punishment).

As criminal justice professionals, we took an oath to protect and to serve. In order to do this, we must educate ourselves on the issues that most affect society and make proactive measures to ensure that every person that enters into the criminal justice system is treated fairly, and their sentence is justified. In more recent years, there have been several differing opinions and demands for reform based on a variety of categories such as possible deaths of innocent people, mentality of offenders and the appropriate age to put a person to death.

Execution is definitely not a fail safe sentence. Over 115 people in 25 states have been released from death row since 1973 after being exonerated based on DNA evidence and other scientific evidence that proved their innocence ([http://www.associatedcontent.](http://www.associatedcontent.com/article/572085/reasons_why_the_death_penalty_needs_pg3.html?cat=17)

[com/article/572085/reasons_why_the_death_penalty_needs_pg3.html?cat=17](http://www.associatedcontent.com/article/572085/reasons_why_the_death_penalty_needs_pg3.html?cat=17)). America is well on its way to solving some of the issues of the death penalty. As an educated society, people expect solid, visual evidence that show them what makes the sentence work or not work.

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This aspect is accomplished through studies and interviewing people who have been sentenced to death or those who have been exonerated of the death penalty. Educating ourselves through studies will help us change the sentence to conform to the demands of society, as it is an ever evolving issue ([http://www. associatedcontent.](http://www.associatedcontent.com/article/572085/reasons_why_the_death_penalty_needs_pg4.html?cat=17)

[com/article/572085/reasons_why_the_death_penalty_needs_pg4. html? cat=17](http://www.associatedcontent.com/article/572085/reasons_why_the_death_penalty_needs_pg4.html?cat=17)). According to the Death Penalty Information Center, Facts about the Death Penalty, updated November 29, 2010: STATES WITH THE DEATH PENALTY (35)

AlabamaFloridaLouisianaNew HampshireSouth Dakota

ArizonaGeorgiaMarylandNorth CarolinaTennessee

ArkansasIdahoMississippiOhioTexas CaliforniaIllinoisMissouriOklahomaUtah-plus ColoradoIndianaMontanaOregonVirginia U. S. Gov't

ConnecticutKansasNebraskaPennsylvaniaWashingtonU. S. Military

DelawareKentuckyNevadaSouth CarolinaWyoming STATES WITHOUT THE DEATH PENALTY (15) AlaskaMassachusettsNew Mexico*Vermont-plus

HawaiiMichiganNew YorkWest VirginiaDistrict of Columbia

IowaMinnesotaNorth DakotaWisconsin MaineNew JerseyRhode Island *Two inmates remain on death row in NM [http://www. eathpenaltyinfo.](http://www.eathpenaltyinfo.org/documents/FactSheet.pdf)

[org/documents/FactSheet. pdf](http://www.eathpenaltyinfo.org/documents/FactSheet.pdf) by DEATH ROW INMATES BY STATE: January 1,

2010 California 697 S. Carolina 63 Connecticut 10 Florida 398 Mississippi 61

Kansas 10 Texas 337 Missouri 61 Utah 10 Pennsylvania 222 U. S. Gov't 59

Washington 9 Alabama 201 Arkansas 42 U. S. Military 8 Ohio 168 Kentucky

35 Maryland 5 N. Carolina 167 Oregon 32 S. Dakota 3 Arizona 135 Delaware

19Colorado 3 Georgia 106 Idaho 17 Montana 2 Tennessee 90Indiana 15 New

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Mexico 2 Louisiana 85 Virginia 15 Wyoming 1 Oklahoma 84 Illinois 15 N.
Hampshire 1 Nevada 78 Nebraska 11 TOTAL 3261

Race of Death Row Inmates and death row inmates by state source: naacp
ldf “ death row, u. s. a. ” (january 1, 2010) when added, the total number of
death row inmates by state is slightly higher because some prisoners are
sentenced to death in more than one (<http://www.deathpenaltyinfo.org/documents/FactSheet.pdf>). Recent Studies on Race States Without the
Death Penalty Have Better Record on Homicide Rate- A new survey by the
New York Times found that states without the death penalty have lower
homicide rates than states with the death penalty.

The Times reports that ten of the twelve states without the death penalty
have homicide rate below the national average, whereas half of the states
with the death penalty have homicide rates above. During the last 20 years,
the homicide rate in states with the death penalty has been 48% – 101%
higher than in states without the death penalty (<http://www.deathpenaltyinfo.org/facts-about-deterrence-and-death-penalty>). Limitation
of the Study This study relies on all secondary data, there is no original data
being used for this study. The secondary data has been obtained from online
articles, journals and textbook data.

There were several charts provide visualization of the death rate over
several years. Organization of the Study This research paper provides
detailed data in which must be organized effectively. This study includes two
chapters. Chapter One is the Introduction and provides background
information about Criminal Justice and Capital Punishment. This first chapter

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also includes the research question, the significance of the study, the research design and methodology and finally, the organization of the study. Chapter Two includes a complete review of the literature provided by previous authors.

This information includes articles and other research on the Death Penalty. This literature provided a variety of viewpoints surrounding the death penalty. Chapter 2 Review of Literature According to a survey of the former and present presidents of the country's top academic criminological societies, 88% of these experts rejected the notion that the death penalty acts as a deterrent to murder. (Radelet & Lacock, 2009) Consistent with previous years, the 2009 FBI Uniform Crime Report showed that the South had the highest murder rate.

The Consistent with previous years, the 2009 FBI Uniform Crime Report showed that the South had the highest murder rate. The South accounts for over 80% of executions. The Northeast, which has less than 1% of all executions, again had the lowest murder rate (<http://www.deathpenaltyinfo.org/documents/FactSheet.pdf>). Despite the gains made by anti-death penalty advocates over the past few years, including getting more people to accept the fact that the death penalty does not deter criminals, a series of studies indicate the opposite conclusion.

According to an Associated Press article on foxnews.com, the studies, conducted over the past six years show that the death penalty does deter potential murderers (http://www.associatedcontent.com/article/277437/studies_indicate_that_the_death_penalty_pg2.html?

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cat= 17). The purpose of this research is to determine whether the death penalty is an effective deterrent to crime. I have determined that based on the studies and reports that I have viewed the death penalty can be a deterrent to crime if we consistently review the laws and policy and apply the concept as required.