

Investigation of police brutality and problems behind it



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Law enforcement has established to be an important part in modern day society. The law enforcer more commonly known as the police officer has the primary functions to fight crime and maintain the peace in an effective and efficient manner.

Over the last decades the role of the law enforcer has evolved which has provided researchers the opportunity to explore and study the nature of policing by the utilization of specific models. Most researchers have identified a trend in the increased number of cases related to police brutality which are generally blamed for the presence of highly regarded values that exist within the law enforcement culture.

This culture believes that force is justified because it should be able to protect the rights of innocent civilians.

In today's law enforcement culture criminals are profiled by their colour, race, age, religion, social status and their ethnicity this increases the likelihood of innocent members of the public to become potential targets of the police force.

International and domestic outrage was expressed over the Abner Louima case in 1997, which involved the wrongful arrest and torture of a Haitian immigrant by local police officers. The exposition of the case will utilize Deontology as the framework for understanding the ethical dilemma that is present in the Abner Louima case.

This essay will also seek to analyze ethical problems that are present identifying deontology as the ethical theory to evaluate the problems.

Inherent ethical problem and dilemma in the case

Every modern day society has law enforcement forming an integral part of the everyday life. Researchers have identified that the nature of the policing is made up of particular models. The most discussed model is the crime fighter that sees every criminal to be the enemy (Dudley, 2001). The police officer is deemed as the protectors of the citizens by enforcing the law. An equally discussed model is the emergency operator model this model describes the police officer as the person who must respond to an emergency situation, whilst enforcing the law in the given situation, such as a drink driving offence.

A less discussed model is the social peacekeeper model which investigates and resolves the root causes of criminal behavior, this model aims to provide an explanation of the law enforcement institution and how it operators with multiply expectations, roles and responsibilities.

A commonly discussed model which is highlighted in most modern day movies is the social enforcer model which justifies the use of intimidation and exploitation techniques to achieve the objectives of the law enforcement institution.

In the case of Abner Louima it is evident that the ethical dilemma is the portrayal of the police officers in question, the crime fighter model is by far the greatest influential model within the law enforcement institution and has created a strong cultural acceptance dictating that criminals are dealt with harshly. Hence introducing an ethical dilemma with the Abner Louima case.

Deontological Ethics

Deontology believes that human beings act in an ethical manner if they have the motivation and appeal from a higher source (Salzmann, 1995). This empowers the individual to feel needed and powerful within the society.

Deontology provides an explanation of ethics to be based on regulations and rules that are established within society (Beauchamp, 1991). This implies that one's actions are deemed to be morally acceptable if the reason is based on social, legal and political legislation that exists within the society. Within these ethical regions obeying these legislations provides evidence that the actions of individuals are acceptable.

The police brutality in the Abner Louima case highlights the threat that police brutality poses against the stability of society because it fosters a climate of hostility towards criminals and suspects. This in turn leads to the retributive justice approach to every criminal offence and offender. It is considered this retributive justice approach will inhibit the ability for the law enforcement institution to effectively fight crime.

Deontology can be successfully used to identify and assess the nature of the problem. Police officers have created their own sub culture that is identified with specific values and ideals. These ideals legitimize the application of coercion and intimidation against criminal suspects. Deontology would take the view that police actions are immoral in nature because they go against established rules and regulations. They violate the civil liberties of human beings by creating distrust and suspicion towards them.

Analysis

The police have an institutional culture which comprises of diverse values and attitudes. This culture contains hazards that lead to an alternative code of conduct among police officers. This culture influences the operating procedures for police personnel in society. The common elements of this culture have been closely associated with belligerency, violence, and aggression (Dudley, 2001).

The introduction of new police officers does not influence this sub culture and they can only flourish through proper education from senior police officers. These officers outline the code of conduct towards criminal elements which is essential to adhere in order for new officers to survive in their new environment. The individual gender, race, social status and ethnicity play a critical role in shaping police officers attitudes and notions (Bayley, 2005).

The institutional culture perceives minorities as being a threat to police authority. Any acts of disrespect for police authority by minorities are responded with a harsh approach. Excessive use of force becomes legitimized in order to punish the criminals.

In the case of Abner Louima, Justin Volpe was the police officer who assaulted Abner Louima and charged him with various false offenses. Abner Louima was arrested and placed into police custody and repeatedly beaten and tortured by a number of police officers.

Deontology would argue that such acts are not justified. The current US legal system places a number of restrictions on police behavior. This is done in order to safeguard the interests of the individual. The institutional culture
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tends to perceive the due process as a mechanism that safeguards the criminals. Hence the application of force is justified against minorities who are in accordance with the stereotypes of criminals. Justin Volpe and the other police officers were justified according to the institutional culture to resort to physical and psychological abuse against the victim. Such actions according to deontology would be ethically not permitted due to several reasons. Some duties are universal according to the ethical system like the right to protect innocent people (Delattre, 2004). It focuses on the nature of actions rather than determining the implications. Hence it is essential that the police act as guardians of innocent people. They cannot apply excessive force against suspects because it is based upon their stereotypes and perceptions. Deontology also uses the intrinsic values of specific actions in order to determine their ethical nature. In addition the Abner Louima case demonstrates the justification of deception and fraud against criminal offenders. This is because police work is deemed to be a dangerous and hazardous environment in which loyalty and dedication supersede the legal concerns and processes (Delattre, 2004). Acts of misconduct perpetrated by officers are tolerated with a strict code of loyalty. Anyone who resists such a code faces severe implications by other police officers. The police culture is often believed to have a set of core values that help to shape its identity. A large number of police officers perceive the general public with distrust and apprehension. Hence stereotypes influence police officers to initiate brutal actions against people who might not have perpetrated an offense (DeSantis, 2002). The general public is defined as dishonest. Force is an important component of police culture because it is defined in terms of defensive purposes. A perceived threat means that police officers can apply

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force in order to safeguard their interests (Johnson, 2004). This threat can not necessarily be a physical danger to the officer but it can involve suspicious or uncooperative behaviors and actions. Force is used because it serves to implement the law in an efficient and effective manner. In addition, it helps to restore the dignity and respect of police officers (Johnson, 2004). It is considered to be a lesson to criminal offenders and perpetrators who have broken the law. Some police officers consider themselves to be the victims because of their low pay, poor working conditions, and legal policies. These variables help to create a victim complex which can be countered only by adhering to a set of alternative rules and regulations. Some police officers believe that criminals do not deserve access to civil liberties. Hence force is legitimized because the general public will eventually seek to support the police departments. These officers believe that law abiding citizens do not need to be victims of their actions. The Louima case demonstrates that none of the actions by the police officers were morally defensible or good.

Deontology argues that certain actions are ethical because they are based upon prohibitions. Hence the brutal assault on Louima was not justified because it was based upon mere suspicion and stereotypes. However deontology does not apply a moral absolutism in its principles and approaches. The use of force against hardcore criminals like rapists, pedophiles, and drug traffickers would be necessary in certain circumstances. In addition, if force was applied for self defense then the police officer would be perfectly justified in using it. Police discretion has often been identified as a mechanism that can be abused in several ways.

Their ability to make decisions is enhanced through this process because it helps them to respond to specific situations. Hence deontology would

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legitimize the police brutality in the Louima case. The police officers acted using their own discretionary abilities when they targeted the offender (Johnson, 2004). The moral actions were perfectly in line with this line of reasoning. This is due to the fact that the officers were assaulted during the scuffle at the bar. Hence the natural reaction would be to act against suspected offenders to uphold the honor and dignity of the police officers.

Conclusion

Police brutality has been a major problem in the United States as demonstrated by the Louima case of 1997. A major ethical dilemma was the frequent misuse of police powers against criminal offenders. Often police brutality occurs because of the pervasive nature of institutional culture. The occupational hazards associated with policing legitimize the frequent application of force against suspects. These suspects can be declared criminals if they belong to specific stereotypes and profiles of the police officers. Many police officers use force as a means to uphold their dignity and esteem. They believe that disobedience to the law is tantamount to challenge to the authority of the police officers. Some police officers believe that they are victimized by excessive public interference and poor working conditions. Hence force becomes legitimized against criminals while protecting the rights of innocent people. Deontology is an ethical system that believes in the appropriate nature of rules and regulations. Hence a higher moral imperative is used in order to justify ethical principles.

Deontological ethics in the above case would argue that the actions of police officers were not justified. They went against the due process and rule of law. In addition, they were based upon suspicion and apprehension as the <https://assignbuster.com/investigation-of-police-brutality-and-problems-behind-it/>

police officers needed to respond to public attacks. However an alternative explanation would be that the officers were under stress since they were in the middle of a fight. Hence the application of force could be justified because they were acting on their own discretion.