

# Us criminal justice: ethics and professional behaviour



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Ethics and professional behaviour are an important part of criminal justice administration. “ Ethics involves making moral judgements about what is good or bad, right or wrong.” Ethics help us to make right choices when we are in a dilemma which involves moral issues. The Criminal justice administration faces ethical issues very often and it is important to deal with them in a professional manner. The administration suffers with issues in certain situations that are hard to handle and it is the duty or rather we can say the criminal justice administration are obliged to make moral judgements of what is right or wrong and this is done with the help of proper critical thinking. Good ethics contribute to professional behaviour. Law enforcement plays a major role in professional behaviour and ethics. The unethical acts by criminal justice are serious and there are possibilities for conflicts in the areas of criminal justice leading to unethical decisions. It is necessary that ethics and professional behaviour are practiced every time. If the administration is unethical and there is no professional behaviour then it is obvious for the society to lose faith in the criminal justice system. Ethics and professional behaviour are directly related to each other. Lack of ethics lead to lack of professional behaviour which means a weak criminal justice administration.

Ethics are moral values or moral judgements which we make in order to decide what is right or wrong, good or bad. For making this type of decision, one needs to have a sound mind and the moral principles do not apply themselves, a thinking mind is required to asses’ facts and interpret situations. Moral agents make moral judgements and it is our duty to use the ethical principles in a right way. Moral principles mean something only when

manifested in behaviour. For this, force should be embodied in action and this action requires an insight. Ethical persons are motivated to do what is morally right but they can only do so if they know what it is. It is important that “ the ethically motivated persons should learn the art of self-critique, moral examination to become attuned to the pervasive pitfalls of moral judgement: moral intolerance, self-deception, and uncritical uniformity.” (<http://www.criticalthinking.org/pages/ethics-without-indoctrination/494>). Morality and character can be cultivated without being indoctrinated by putting in the critical thinking into the heart of ethical curriculum, critical thinking for everyone. Hence, it can be said that without critical thinking ethics and professional behaviour can't be maintained. Thus, critical thinking plays a major role.

Our greatest training is ethics and leadership is required in order to boost its growth. It is seen that most departments don't conduct ethics training and the consequences of these unethical behaviour is devastating. “ One of the more detrimental consequences of unethical behaviour is subjecting of an agency to civil litigation.” Litigations have various forms: racial and sexual discrimination, sexual harassment suits etc. Lack of ethical behaviour leads to loss of jobs of the officers and many a times the unemployment compensation is not even offered. It is also noticed that many a times the officers commit suicide as they fail to deal with the unethical acts. Hence, one should try and prevent any kind of unethical act as it will help us to save the lives of our officers. The most extensive ethics training survey conducted by law enforcement was undertaken in 1997. This in return, has produced several recommendations for changes in how one should address the ethics

today. Hence, ethics training should highly be encouraged and seminars should be conducted so that our officers deal with unethical behaviour without fearing anything and should join hands to eliminate it.

The fundamental duties of Law Enforcement Officers include: serving the mankind, safeguarding lives of the people and property, protecting the weak against oppression, maintaining law and order, and to respect the Constitutional rights of everyone. They are honest in thought and deed and obey the laws of the land and regulations of their department. He should make sure that his personal feelings and friendships don't influence his decisions. He should see that he doesn't makes any kind of compromises for crime and that he will enforce the laws accordingly and appropriately without any favour or malice. The officer should realise that his badge is a symbol of public faith and it is his duty to be true to the ethics of the police service. All these areas should be stressed in the seminar on law enforcement.

Ethical training overrules all other training needs. Ethical training emphasizes the importance of thinking before acting. It adds value to the organization and to the community. The study of ethics increases sensitivity to the issues of right or wrong and the right way to conduct oneself. Only through studying ethics is it possible to define and detect unethical behavior. The study of the ethics enables the development of tools that enhances one's decision making. The training in ethics helps to develop analytical skills and reasoning abilities which are required to understand the theoretical as well as practical aspects of criminal justice system. The expected benefits of training the officers are:

- To recognize the ethical problem,
- To make a sound choice and right decision,
- To accept his responsibility.
- Provides ethical tools to deal with ethical problems.

Ethics training should provide tools that assist them to think and act ethically in both their personal and professional lives. Ethics training encourages the professional to be an integrated person and this integrity must be personal as well as professional. Ethics training can be thus viewed as Risk Management because their motto is to prevent injuries to people and that's what ethical training aims at. Thus, it can be said that ethics training program provides tools which helps make a right decision which will contribute to the betterment of the community even.

## **Answer to Question 2**

Police agencies have got various functions which include preventing and controlling the conduct and behavior that threatens property or life, maintaining security etc. Sometimes the police agencies even take care of those who are incapable of taking their own care, for example physically challenged or mentally ill people. It is their duty to resolve the conflicts that arise and to identify the problems that give rise to danger. The police agencies differ depending on the three levels – local, state and federal levels.

Local agencies deal with emergency services, routine patrol, and detention for juveniles, community relations, record keeping, creating agendas etc.

The primary purpose of these local agencies is to uphold the laws of the jurisdiction and investigate crimes at local level.

State agencies are supposed to maintain public relations, safety and the criminal investigations.

“ Federal agencies are specialized, having separate mandates to enforce certain types of federal laws (there are about 200 federal crimes).”

([http://www. faculty. ncwc. edu/mstevens/111/111lect05. htm](http://www.faculty.ncwc.edu/mstevens/111/111lect05.htm)) It deal with matters affecting the entire country i. e. terrorism, organized crime etc.

### **Comparison:**

Local, State and Federal agencies share the same roles and functions as it is mentioned above.

### **Contrasts:**

The difference lies only in cases of certain jurisdictions that affect the funding, operation and support.

Local levels: The officers here are supported largely by the support staffs, detectives, jailers and protect the citizens and to enforce the laws passed at all levels of the government. They differ from the state and federal level as their activities are confined only to the jurisdictions they have been assigned.

State Levels: The officers working under state level enforce local, state and federal laws; many are even found enforcing state traffic, civil or criminal laws. Even the officers in the state prison are taken as a part of law enforcement efforts different from others in that they enforce state laws within state institution.

Federal levels: Different types of agents are employed including the special agents, ranging from the FBI (federal bureau of investigation), Bureau of alcohol to the Indian Affairs bureau. Their task is not to enforce state or local laws but to intervene when matters at global level are concerned.

The law enforcement field is changing in its organizational strategies, methods and various aspects. Organizational management aims in improving the services, and the trends of development at various levels of the policing organizations. As we all know that the police agencies are bestowed with routine functions at numerous operational levels. These agencies highly contribute to the criminal justice systems and contribute to the other organizations. The trends on which the future policing will operate depend upon the way each of the organization is affected. It is these trends which clarify the operational aspects within the policing organizations. The management employs different levels of people to make decisions based on the success of the organization. The organizational management differs at all the three levels as the local levels are confined to the jurisdictions assigned where as the state levels enforces laws of state, locals as well as federal and the federal levels looks after the matters relating to the global level.

### **Answer to Question 3**

The safeguards against application of criminal laws are the criminal procedures. These procedures are designed to enforce the constitutional rights of criminal suspects and defendants. The constitutional provisions are mentioned in the IV, V, VI and VIII Amendments to the U. S Constitution.

**Fourth Amendment: (Exclusionary Rule)**

The right to be free from unreasonable searches and arrests is covered by the fourth amendment. The people shall be free and it is the right of the people to be secure in their houses against any kind of seizures. The warrants against the person shall only be issued if there is an authentic cause and the warrant shall be supported by an oath or affirmation which includes the details of the place to be searched. Since fourth amendment prohibits unreasonable searches hence, a warrant isn't required often. " The U. S. Supreme Court has held that the Fourth Amendment doesn't require a warrant for all searches; rather it prohibits unreasonable searches."

([http://www.encyclopedia.com/topic/Criminal\\_Procedure.aspx](http://www.encyclopedia.com/topic/Criminal_Procedure.aspx) )

**Fifth Amendment: (Miranda warnings)**

It deals with concerns which require proper procedures to be followed, like the death penalty, multiple trials for same criminal offence which is also referred to as Double Jeopardy, self incrimination etc. It states that no person shall be held to answer for a capital unless on presentment of a Jury, no person shall be subject for the same offence twice put in jeopardy of life, and that no person shall be deprived of liberty, property without the process of law.

**Sixth Amendment: (Right to Counsel and Speedy trial)**

It provides that the accused shall enjoy the Right to public trial by an impartial Jury of State in all criminal prosecutions; he should be informed of the nature and cause of the accusation, he should be made to confront with



the witnesses against him and to have processes to obtain the witnesses in his favour.

The federal courts must comply with all the criminal procedures that are listed in the Constitution. For State Courts, the Supreme Court has adopted an approach called the “selective incorporation” approach where fundamental rights are protected which include freedom from unreasonable searches, freedom from cruel punishment; assistance of counsel, protection against double jeopardy etc.

In juvenile proceedings, juvenile courts must afford to the juveniles basic constitutional protections. It is also been held that the Fourth Amendment requires that a juvenile who is arrested without a warrant should be provided with a probable cause hearing. The exclusionary rule applies to federal adjudications.

In juvenile proceedings, the juveniles are entitled to the Fifth Amendment protection against self-incrimination despite the non-criminal nature of the proceedings. The Fifth Amendment applies since a juvenile defendant's liberty is at stake.

The Sixth Amendment applies to juveniles just as it applies to the adults accused of crime.

Discuss the impact that these safeguards (e. g., Right to Counsel, Miranda Warnings, and speedy trial, the exclusionary rule, etc.) have on the day-to-day operation of adult and juvenile courts.

It has been seen that under the automobile exception, warrantless searches of an automobile may be permitted if the police officer believes that a certain automobile holds the evidence of a crime. This exception is in no ways a violation of the Fourth Amendment because the vehicles are mobile and the drivers don't really have much privacy. This reduced expectation of privacy permits the officers with probable cause to search a vehicle and inspect the passenger and driver's belongings. However, it is not required by the states to adopt this exception as expanded protections are provided by New Hampshire under the Fourth Amendment.

The Exclusionary Rule deals with the protection of the rights to be free from unreasonable searches. It holds that the subject matter that is obtained illegally by the officers must not be used as evidence.

To make an arrest, police needs to have an arrest warrant and if the police believes that there is a probable cause and there was no time to create the warrant then he can make a warrantless arrest.

“ In dealing with juveniles, police issue Miranda Warnings to youths prior to custodial investigation.” ([http://cliffsnotes.com/study\\_guide/A-separate-system-for-juveniles.topicArticleId-10065,articleid-10059.html](http://cliffsnotes.com/study_guide/A-separate-system-for-juveniles.topicArticleId-10065,articleid-10059.html) ) At the time of the arrest it is important that the officer reads out the Miranda warnings to the arrestee, which says that the arrestee might obtain the right to counsel and the right to remain silent. In case these warnings are not read out then the statements he would make after the arrest may be excluded from the trial.

Hence, it is visible that these constitutional safeguards affect the adult and juvenile courts and has a huge impact.

## **Answer to Question 4**

### **Impact of globalization on the U. S. criminal justice system**

Globalization refers to the global outlook of different nations of the globe who unite in terms of economy, society and politics. Globalization talks of all the nations as a whole and thus, it has been successful in reuniting all the nations together as one. Globalization aims at helping nations communicate with each other and therefore, the whole process of globalization is an amalgamation of integration and interaction among people belonging to different nations, cast, and organizations of various nations. Economic integration through investment and trade, political interaction, information technologies and culture constitutes its various magnitudes which directly affect the environment. Globalization has a huge impact on the lives of people and has greatly affected the world. Movement of materials and goods within national boundaries is easily possible, it is easy to procure external financing opportunities, the markets are now interrelated and nations are ready to provide their support, any kind of information can now be sent from one part to another with the help of satellites and internet, due to globalization people communicate through social networks and make friends across the globe etc.

As technology advances and the power of technologies improve, it is obvious that the opportunity for cyber crimes will also increase. With the advance in technologies, a day will come when it will be real difficult to catch hold of these cyber criminals so it is necessary that a Criminal justice system is

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formulated which keeps themselves updated with the new technologies. Technological advances have a great influence in crime fighting. Crimes can be prevented by the use of advanced technologies like DNA analysis, radio frequency, surveillance developments etc. Because of globalization the people can even use intelligence databases which are usually carried by the police. Also, bilateral transfer of information between the countries will lead to changes in the country's criminal justice system. Globalization has improved the technologies and in a way has brought various nations close together.

An anti-terrorism legislation investigates the terrorist cases and the process of screening, investigating has changed. A desire to improve the persisting relations has been expressed and jurisdiction programs and activities have been adopted to improve relations. Hence, it can be said that globalization has had a great impact in improving the U. S criminal justice system.

### **Comparison among Civil Law, Common law, and Islamic Law and Socialist Law traditions**

The four legal traditions are as follows:

Civil Law systems: It is the largest and most prevalent system of justice in the world. It is also referred as Continental justice, Roman law or Germano-romanic justice. Roman law is practiced in places like Germany, France and throughout Latin America. " The object of civil law is the redress of wrongs by compelling compensation or restitution." ([http://www. differen.com/difference/Civil\\_law\\_vs\\_criminal\\_law](http://www.differen.com/difference/Civil_law_vs_criminal_law)) Legal scholarships are sophisticated in this kind of system and it has respect for tradition whereas in case of common law anybody can get a scholarship. The leaders of the <https://assignbuster.com/us-criminal-justice-ethics-and-professional-behaviour/>

continental justice are considered above the law whereas in common law nobody is above the law.

**Common law systems:** These traditions exist in the U. S, Australia, England, Canada, India and colonies of Africa. They believe that any law originates in customs. In this system, the lawyers make interpretations and the precedents have control over the judges. Public trial is a very important constituent of this law system.

**Socialist law systems:** This kind of tradition exists in Africa, Asia and parts of Latin America wherever there has been a communist revolution. It is also referred to as Communist Justice or Marxist Leninist justice. It is a positive law which aims at improvement. Administrative law prevails here as the decisions are mostly taken by the non-officials and neither judges nor lawyers are permitted to make law.

**Islamic systems:** Famous as Muslim or Arabic justice. All the procedures and practices in this law are derived from the Koran. These are in the form of commands or orders which rule the life of an individual. It is the only law which believes that each and every law is of divine origin. Like in Roman or Common law, it might happen that an unlawful/unethical behavior is tolerated but in case of Islamic law never. Since, only a few verses of the Koran are used in Islamic law hence, it is mandatory that the religion plays an important role.

### **Impact of cyber crime and technology on worldwide justice systems**

Cybercrime or criminal crime is a criminal activity where a computer is a source, target and place of the crime. It comprises of embezzlement, forgery, <https://assignbuster.com/us-criminal-justice-ethics-and-professional-behaviour/>

theft, fraud or blackmail and all this involves the presence of computers. Cybercrime ranges from email spam's to threats of cyber wars, few of its forms are examples of simple theft such as stealing credit cards, bank account passwords etc. As the technology advances and the power of technologies improve, the opportunity for cyber related crimes will also gain momentum. So, it is important that the criminal justice systems keeps up with the advancing technologies or else it would get difficult to get hold of these cyber criminals. Cyber crime has huge impact on the victims and the criminal justice system despite the presence of network security programs and organizations who work to counteract these crime related threats, cybercrime continue to increase. It shouldn't mean that because cybercrime occurs therefore, we will stop using internet to work or play. Majority of sites on the internet are legitimate and our lives are highly enhanced because of the cyber tools. User's susceptibility to cybercrime can be reduced by the conduct of training programs by the employers as a part of security plan. Measures have been taken by the organizations to reduce the spread of cybercrimes. Globalization has greatly influenced the lives of the people by bringing in new methods and technologies and it has its own negative impact too. Advancement in the technologies has also contributed to the increased number of cybercrimes.

### **The policing systems on a worldwide scale**

Statistics say that more than 800, 000 people are employed by 17, 500 police agencies at national, state, county and municipal levels. " These agencies comprise of 50 federal law enforcement agencies, 49 state police departments, special police agencies 1, 721 in number, 3, 086 sheriff's

departments and 12, 502 municipal police departments.” ([http://cliffsnotes.com/study\\_guide/polce-systems.topicArticleId-10065,articleId-9950.html](http://cliffsnotes.com/study_guide/polce-systems.topicArticleId-10065,articleId-9950.html))

Federal police agencies: these are a part of the executive branch of national government. Major federal law enforcements agencies are :

Federal Bureau of Investigation (FBI): Their duty is to protect the nation from crimes such as organized crime, terrorism, civil-right crimes, and violent crimes. It is also their duty to assist other agencies (local, state and federal) through its crime statistics, training academy etc.

The Bureau of Alcohol, Tobacco and Firearms (ATF): the job of this agency is to find out the use of explosives and firearms by the criminals.

The Drug Enforcement Administration (DEA): All the federal drug-control laws are enforced by DEA. The agents arrest drug traffickers.

The Secret services: This service aims at protecting the President and other officials of federal government.

The officers of federal law enforcement are being stationed overseas in order to combat the crimes such as terrorism, money laundering etc.

### **State Police**

The tasks of the State Police agencies involves –

- To assist the local law enforcement organizations in cases of criminal investigations.
- To maintain crime records for the State.
- To train municipal and county police; and

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- To patrol the state highways.

The Directors of the State police are appointed by the Governor. The California Highway patrol is the nation's largest State Police Force.

### **County Police**

The responsibility of policing the rural and unincorporated areas in the United States is of the Sheriffs. These sheriffs perform various kinds of duties which consists law enforcement and other court duties. They also serve as officers of county courts. Bailiffs are provided by the sheriff's office to provide security and to manage the defendants on trial. The sheriffs even transport prisoners from one court to another as required.

### **Municipal police**

The responsibility of dealing with the violent crimes rest on the shoulders of city police and these are the ones who swear to protect the nation from the crimes. Big city police departments are headed over by the Chiefs who are appointed by the mayors.

### **Major crimes and criminal issues that have a global impact on justice systems and processes**

The fall of the Soviet Empire lead to the downfall of various national armies all over the world. " For example, in Somalia and Yugoslavia, the end of cold war meant a rapid escalation of instability and conflict as the former allies lost interests in keeping the governments in power." (<http://www.themontrealreview.com/2009/Contracting-peacekeeping-operations-to-the-private-sector.php>) The experiences of the U. S with security companies in Afghanistan and Iraq lead to serious problems like misconduct of the

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operations and dishonest business practices. A revolution in peace keeping was brought about by the Cold War; and this peacekeeping tried to keep neutrality. As mentioned above, post Cold-War the need for a new and improved peacekeeping was felt and there was increased instability. The rise and rapid fall of new world order in peacekeeping was seen in the 1990's and Bosnia, Rwanda and Somalia became the nadir in the three acts of peacekeeping. It was realized that some changes need to be made and thus Brahmi Report was brought in the 2000's. The recommendations brought improvements in the U. N. Department of Peacemaking Operations. It is noticed that inspite of the implementations in the peacekeeping order, the pace is still slow and inefficient. The three failures of the 1990's i. e. Bosnia, Somalia and Rwanda it was decided that a new improved peacekeeping order is required which was mentioned in the Brahmi Report of 2000 which resulted in an improved peacekeeping. It was also seen that few militaries targeted their own citizens and were involved in wars with their neighbors. For instance, Rwanda's interfering in the Democratic Public of Congo) Today's century peacemaking techniques help the peacemakers to reduce the harm to the peace making order. It took three years for the Democratic Republic of China to gain strong troop strength and the attacks continued for about six years.

In the same way missions in Darfur and the DRC suffered from low troop numbers. In the U. S, the Secretary of Defense hired a company to consult with the armed forces to unveil cost-saving measures. This showed that PMSCs had a great role to play. The deaths of 30 U. S military servicemen and the videos of their naked corpses led to the " Somalia Syndrome". The

infamous case of Rwanda in 1994 threw light on the consequences of lack of action by the international community. PMSCs have been active in Somalia since the beginning of the decade. The serious issues include illegal fishing, piracy, and the dumping of toxic wastes. Each of the three Somali governments has engaged separate PMSCs to secure the maritime trade and counteract such activities. The criminal jurisdiction and responsibilities should be resided with the U. N. as no other State have ensured that crimes should be looked into and answered other than the PMSCs. The UN has taken up the responsibility for the forces which are put under its commands on various occasions.