Metropolitan Police Academy

1.7 Ethics and Decision-Making

Introduction

No matter what your assignment as a police officer is, you will have to make decisions every single day of your career. In many cases, the correct choice will be clearly defined by departmental general orders, standard operating procedures, and other official policies. In other cases, there will not be an official policy that explicitly states what the correct decision is. You will then have to weigh several different options and decide which one is the best thing to do. Understanding ethical decision-making will help you to analyze your options, pick one, and explain to others why you believe your choice to be the best choice.

Officers must ensure no one in the custody of law enforcement is deprived of any rights protected by the Constitution. Officers have a duty to act, intercede, and subsequently report misconduct. You must take an active role in the intervention of wrongful conduct.

As a law enforcement professional, you are responsible for a great number of things. The protection of persons who come into your custody is one of the more important responsibilities of your job. This extends beyond just your actions; it includes when you are on the scene and observe other officers' actions. Officers must ensure officers do not allow someone in the custody of law enforcement to be deprived of any rights protected by the Constitution. An officer has a duty to intervene, stop, and report excessive use of force, sexual misconduct, theft, false arrest, deliberate indifference to serious medical needs, or a substantial risk of harm to a person in custody.

For example: While investigating a burglary with your partner, you notice that he/she places items that belong to a victim in their pocket. What should you do? You have a responsibility to challenge your partner about what you observed. You also have a duty to notify a supervisor about what you observed.

1.7.1   Define the term ethics

Thinking Ethically

This lesson is designed as an introduction to thinking ethically. Everyone has an image of their "better selves" or how they behave when they act ethically or are at their best. Everyone probably also has an idea of what an ethical community, business, government, or society should look like. Ethics encompasses all these levels—acting ethically as an individual, creating ethical organizations and governments, and making society as a whole ethical in the way it treats everyone.

What is Ethics?

Simply stated, ethics refers to a set of rules of behavior about how human beings should act in the many situations in which they find themselves—as friends, parents, children, community members, businesspeople, teachers, professionals, and so on.

It is helpful to identify what ethics is NOT:

- Ethics is not the same as feelings. Feelings provide important information for ethical choices. Some people have highly developed habits that make them feel bad when they do something wrong, but many people feel good even though they are doing something wrong. Sometimes a person is uncomfortable doing the right thing, especially if it is hard.
- Ethics is not religion. Many people are not religious, but ethics applies to everyone, regardless.

- Ethics is not following the law. A good system of law does incorporate many ethical standards, but those driving application of the law can deviate from what is ethical. Law can become ethically corrupt, as some totalitarian regimes have made it. Law can be a function of power alone, designed to serve the interests of narrow groups. Some acting under the law may have a difficult time designing or enforcing standards in some critical areas and may be slow to address new problems.
- Ethics is not following culturally accepted norms. Some cultures are quite ethical, but others become corrupt or blind to certain ethical concerns. "When in Rome, do as the Romans" is not a satisfactory ethical standard.
- Ethics is not science. Social and natural science can provide important data to help us make better ethical choices. Science alone does not tell us what we ought to do. Science may provide an explanation for what humans are like. Ethics provide guidelines for how humans *ought* to act, and just because something is scientifically or technologically possible, it may not be ethical to do it.

There are some common terms that need to be defined before continuing with a discussion of ethics.

- **Morals** are an individual's belief system which may serve as the basis for ethical systems.
- **Ethics** are a set of rules, such as a code of ethics, for a community to follow, whether moral or not.
- **Integrity** is honesty and the adherence to moral and ethical principles.

Some of the earliest recorded writings are explanations of ethical theories or organized ways of thinking about how people ought to act and behave. The study of ethics continues up to the present day and has become a formal academic discipline. Philosophers have broken ethics down into several large areas of study:

- **Normative Ethics** is the study of right and wrong and a person's moral duty.
- **Applied Ethics** is the application of ethical principles to specific issues.
- **Professional Ethics** deals with specific issues relating to professions or groups.

Normative ethics is the broadest category, while applied and professional ethics are narrower. For example, normative ethics would ask the question, "Should people kill other people?" Applied ethics would ask, "Is it acceptable to kill in self-defense?" Professional ethics would, "When is it acceptable for police officers to use lethal force in the performance of their duties?"

Often trying to answer the question about what approach should be taken in a given situation involves weighing the ethical code's answer against personal moral beliefs to see if it is consistent.

Why Study Ethics?

Some ethical dilemmas seem to have straightforward answers, while others do not. Having a formal system for thinking about ethical decision-making provides a framework to analyze, critique, and defend ethical choices beyond simply saying, "I thought I did what was right!" For example, most everyone would agree with the statement "stealing is wrong." Opinions may be divided about whether it is morally acceptable to steal a loaf of bread in order to feed your starving family. Many likely believe that this is a morally acceptable choice, while others believe that it is wrong to steal in any situation.

Studying ethics allows one to make a logical argument about why a particular choice aligns with some larger concept of what is good. Without any knowledge of ethics, the attempt to resolve the question of whether it is permissible to steal food to feed starving people would be relegated to one group of people yelling, "It's fine!" while another group yells, "No, it's not!" Ethics allows someone to make the statement, "It is right or wrong to do this *because…*"

Why Ethical Decision-Making is Difficult

There are two fundamental problems in identifying the ethical standards we are to follow:

1. On what are ethical standards based?
2. How are those standards applied to specific situations?

If ethics are not based on personal feelings, religion, or science, on what are they based? Many philosophers, academics, and ethicists have helped answer this critical question. They have spent centuries thinking and arguing about ethics, trying to develop a consistent system of ethical beliefs that can be applied to every dilemma one faces.

1.7.2   Describe the Five Sources of Ethical Standards

The Utilitarian Approach

Some ethicists emphasize that an ethical action is the one that provides the most good or does the least harm. To put it another way, an ethical action produces the greatest balance of good over harm. The ethical corporate action, then, is the one that produces the greatest good and does the least harm for all who are affected: customers, employees, shareholders, the community, and the environment. Ethical warfare, then, balances the good achieved in ending terrorism with the harm done to all affected parties through death, injury, and destruction.

The utilitarian approach deals with consequences; it tries both to increase the good done and reduce the harm done. The utilitarian approach is like a scale: if the good results of an action outweigh the bad, it is acceptable to perform the action. You have probably heard this concept expressed in everyday life through the phrase, "The ends justify the means."

The Rights Approach

Others suggest that ethical action is the action that best protects and respects the moral rights of those affected. This approach starts from the belief that humans have dignity based on their human nature *per se* or based on their ability to choose freely what they do with their lives. Based on such dignity, humans have a right to be treated as ends and not merely as the means to an end. The list of moral rights, including the right to make one's own choices about what kind of life to lead, to be told the truth, not to be injured, to a degree of privacy, and so on, is widely debated. Some now argue that non-humans have rights, too. Also, it is often said that rights imply duties, in particular the duty to respect others' rights.

In other words, the rights approach argues that the ends <u>never</u> justify the means.

The Fairness or Justice Approach

Today it is said that ethical actions ensure all human beings are treated equally, or if unequally, then fairly based on some defensible standard. People, for example, are paid more based on the more challenging nature of the work they perform or based on the greater amount that they contribute to an organization. As such, it is said that is fair. On the other hand, there is great debate over CEO salaries that are hundreds of times larger than the pay of others. Many ask whether the huge disparity is based on a defensible standard or whether it is the result of an imbalance of power, and hence is unfair.

The Common Good Approach

Greek philosophers contributed the notion that life in a community is good in itself and an individual's actions should contribute to that life. This approach suggests that the interlocking relationships of society and citizens are the basis of ethical reasoning, and that respect and compassion for all others, especially the vulnerable, are required. This approach also calls attention to the common conditions that are important to the welfare of everyone. This may exist in the form of a system of laws, police and fire departments, health care, public education, or even public recreational areas.

This approach emphasizes the common good of the group above all. When thinking about ethics using this approach, benefits or harms to individual members do not generally outweigh the impact on the group as a whole.

The Virtue Approach

An ancient approach to ethics is that ethical actions should be consistent with certain ideal virtues that provide for the full development of humanity. These virtues are dispositions and habits that enable a person to act according to the highest potential of his/her character and on behalf of values like truth and beauty. Honesty, courage, compassion, generosity, tolerance, love, fidelity, integrity, fairness, self-control, and prudence are all examples of virtues. Virtue ethics asks of any action, "What kind of person will I become if I do this?" or, "Is this action consistent with my acting at my best?"

1.7.3   Explain how to apply the different approaches to ethics

Putting the Approaches Together

Each of the approaches helps to determine ethical standards of behavior. Questions remain, though, about how to apply the standards to problems to be solved.

First, some may not agree with the content of some of the specific approaches. For example, some may not agree on the same set of human and civil rights. Some may not agree on what constitutes the common good. Some may not even agree on what is good and what is harmful. The second problem is that the different approaches do not answer the question, "What is ethical?" in the same way. Nonetheless, the approaches provide important information with which to determine what is ethical in a particular circumstance. Often, the different approaches do lead to similar answers.

Finally, one must grapple with the reality that very few people live their lives entirely by one set of ethical standards. Many people make decisions based on two or more approaches, applying the approach that seems most appropriate to them for the particular situation.

Making Ethical Decisions

Making good ethical decisions requires a trained sensitivity to identifying and recognizing ethical issues, possessing a practiced method for exploring the ethical aspects of a decision, and weighing the considerations that should impact the choice of a course of action.

Having a method for ethical decision-making is essential. When practiced regularly, the method should become so familiar that it can be worked through automatically, without consulting the specific steps.

The more novel and difficult the ethical choice that is faced, the more a person needs to rely on discussion and dialogue with others about the dilemma. Only by careful exploration of the problem, aided by the insights and different perspectives of others, can a person makes good ethical choices in situations.

The below framework for ethical decision-making is a useful method for exploring ethical dilemmas and identifying ethical courses of action to take.

1.7.4 Understand the steps of the framework for ethical decision-making

Recognize an Ethical Issue

- Could this decision or situation be damaging to someone or some group?
- Does this decision involve a choice between a good and bad alternative, or perhaps between two goods or between two bads?
- Is this issue about more than what is legal or what is most efficient? If so, how?

Get the Facts

- What are the relevant facts of the situation? What facts are not known? Can you learn more about the situation? Do you know enough to make an ethical decision?
- What individuals and groups have an important stake in the outcome? Are some of their concerns more important than others? Why?
- What are the options for acting? Have you identified creative options?
- Have all the relevant persons and groups been consulted?

Evaluate Alternative Actions

Evaluate the options by asking the following questions:

- Which option will produce the most good and do the least harm? (The Utilitarian Approach)
- Which option best respects the rights of all who have a stake? (The Rights Approach)
- Which option treats people equally or proportionately? (The Justice Approach)
- Which option best serves the community as a whole and not just some member? (The Common Good Approach)
- Which option leads you to act as the sort of person you want to be? (The Virtue Approach)

Make a Decision and Test It

- Considering all of the approaches, which option best ethically addresses the situation?
- If you told someone whom you respect or told a television audience which option you have chosen, what would they say?

Act and Reflect on the Outcome

- How can your decision be implemented with the greatest care and attention to the concerns of all stakeholders?
- How did your decision turn out, and what have you learned from this specific situation?

You may have heard the phrase, "With great power comes great responsibility." Police officers are given broad powers by society but the powers are given with the expectation and requirement that officers execute them ethically. Applying the framework and testing decisions to see if they are ethical is one guard against abusing our power.

Part of the "great responsibility" we have inherited is the duty to act in specific ways in specific situations. When society questions police actions, the question is not just "Was this action in accordance with the law or policy" but also, "Was this action taken *right?* If you combine the five approaches to ethics and the decision-making framework with the rest of the knowledge you will receive in training, you should be able to answer "yes" to both of those questions.

Summary

In this lesson plan, you learned:
- How to analyze what ethics is and means
- The Five Sources of Ethical Standards
- How to demonstrate the different approaches to ethics
- The framework for ethical decision-making

You are training to be police officers, not philosophers, yet police officers must make ethical decisions frequently. This includes decisions that range from "should I take a free cup of coffee" to questions concerning life and death. MPD officers are morally bound to protect, preserve, and defend the constitutional rights of community members.

There are numerous ethical dilemmas encountered by MPD officers during the course of their duties and careers. The ethical dilemmas are no less important when faced at home or outside of work.