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BRAIN WORKS ACADEMY
NATIONAL OPEN UNIVERSITY
OF NIGERIA

COURSE CODE: CSS 829
SUMMARY

COURSE TITLE: Ethics in
Security Operations and
Criminal Justice

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What is Ethics?

—Ethics are moral standards that help guide behaviour, actions, and choices. Ethics are grounded in the notion of responsibility (as free moral agents, individuals, organizations, and societies are responsible for the actions that they take) and accountability (individuals, organizations, and society should be held accountable to others for the consequences of their actions). In most societies, a system of laws codifies the most significant ethical standards and provides a mechanism for holding people, organizations, and even governments accountable.||

ICT Ethics

ICT ethics are not exceptional from the above-mentioned view of ethics. In a world where information and communication technology has come to define how people live and work, security of lives and properties and who it has critically affected culture and values.

ICT: Ethical Issues Information and communication technology: To use, or not to use? You cannot run away from it directly or indirectly in this century and probably beyond. Analysing and evaluating the impact (positively and negatively) of a new technology, such as ICT, can be very difficult. ICT does not only involve technological aspects, but also epistemology since the main component of ICT is information which represents data, information, and knowledge. ICT assists and extends the ability of mankind to capture, store, process, understand, use, create, and disseminate information at a speed and scale which had never been thought possible before. Some of the impact and changes of ICT are obvious, but many are subtle. Benefits and costs need to be studied closely for a nation to progress and improve the quality of life for its citizens. Issues that have arisen from the adoption of ICT, such as the application of automated teller machines (ATM), can be summarized as follows:

- **Unemployment** The automation of work has caused creative destruction by eliminating some vocations and creating new ones. How does this affect the employment or unemployment of the work force of a nation?
- **Crime** Stolen and counterfeit ATM cards are used to steal millions of dollars each year throughout the world. The anonymity of the machines makes some crimes easier and creates many new types of crimes.
- **Loss of privacy** Transactions are transmitted and recorded in databases at banks, hospitals, shopping complexes, and various organizations, in the public or private sector. The contents of electronic communications and databases can provide important and private information to unauthorised individuals and organizations if they are not securely guarded.
- **Errors** Information input into the databases is prone to human and device error. Computer programmes that process the information may contain thousands of errors. These errors can create wrong and misleading information about individuals and organizations. Information and programme errors might result in financial loss, or even the loss of lives.
- **Intellectual property** Millions of dollars of software is illegally copied each year all over the world. This phenomenon has a great impact on the software industry. Local and foreign software industries need

Decisions making and the reality of everyday ethics

As a reminder, security and law enforcement involve decision making and most often than not it entails reactions in what psychologist will refer to as the ‘gut reaction’ nevertheless what is important is for us to know the best one can hope for in any decision or reaction made. Another question to ask ourselves is how can one ever know if he/she is even heading in the right direction when it comes to ethics? Short of relying entirely on one’s gut reaction—which is often referred to as intuition and is actually useful to some extent—the type of decision that you are required to make in such cases is the key. What you need to accomplish is choosing a defensible solution. An ethically defensible decision is one which you can live with and for which you are able to provide a reasonable, ethics-based rationale to observers.

There are several venues where we can look for such defences for our decisions:

- a. The principled decision:** This is a decision which is based upon a well-thought-out application of the ethical principles that have guided ethical decision-making through history. These principles are those that we discussed earlier, such as doing no harm, an attempt to serve justice, telling the truth and so on, and the approaches to decisionmaking offered to us by such philosophers as Aristotle, Kant and Mill, to name a few.
- b. The precedent decision:** This type of decision uses a kind of case law if you like. Similar situations that have already been resolved can provide a certain amount of guidance largely because their outcomes are already known. This is especially useful since judging potential outcomes is clearly a big part of making ethical decisions. However, precise predictions of outcomes are usually not possible.
- c. The patron decision:** This is a decision wherein we look to those who have more experience than we do in both our professional practice and in facing and dealing with ethical decisions. You need to be able to trust the judgement of your ‘patron’ and yet still be able to take full responsibility for the decision that you make based on such advice. In the end, decision-making is a process—one that we know a lot about in our operations or business as the case may be, but one that has special considerations in ethical practice.

Ethical Dilemmas: Not All The Same?

Not all ethical dilemmas are the same. According to Nash (1993), in her book *Good Intentions Aside: A manager's guide to resolving ethical problems*, corporate ethics guru she suggests that there are two types of problems in ethics: the acute dilemma—when you truly do not know what is the right thing to do; and the acute rationalization—when you do know the right thing to do but fail to do it. Nash indicates in her discussion of these different kinds of problems that ‘top officers often fail to achieve moral results, despite their good intentions, because they have thought only in terms of [acute dilemmas]’, the kinds of problems generally faced by these higher level superiors rather than those on lower levels of the hierarchy.

The police: Popular Conceptions about the Character of Police Work

Independent police oversight bodies as they currently exist have different mandates. Some focus on receiving, investigating and/or recording complaints; some have general oversight functions (over police performance in general, usually without focusing on specific cases); some provide policy guidance for police deployment; some mandates focus on personnel issues, usually specifically focusing on the selection and appointment of the national chief of police; some mandates focus on oversight over police detention and some have a mandate combining some or all of these functions.

1. *Dealing with complaints*
2. *General oversight: operational and policy compliance review*
3. *Direction-setting: policy input and priority-setting*
4. *Personnel management issues: —hiring and firing||*
5. *Oversight over detention facilities*

→ **Investigative and quality assurance models.** These share responsibility for investigations into allegations of misconduct with the police. They usually deal only with certain types of complaint and more serious complaints.

→ **Review and appellate models.** After the police have completed an internal investigation into a complaint, the boards under this model review the file and decide whether a specific case was competently or fairly handled and, if not, request that the problem identified be corrected.

→ **Evaluative and performance-based models.** These do not concentrate on individual complaints, but are geared to identifying patterns and practices of police misconduct and systemic failures to deal with them.

→ **Mixed models.** Oversight bodies may use a combination of two or more of the above models.

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. Some of the reasons they cite for the unacceptability of lying include:

I. Lies destroy confidence in the police. Both the suspect and the community at large will not believe even truthful information brought forward in the future by an officer who uses lying.

II. Lies are immoral because they are an illegitimate means to an ends. It goes against Kant's categorical imperative that we should never lie, regardless of the consequences of not getting a confession in what may be an important case.

III. The courts may disallow the evidence because the courts may determine that the evidence was obtained through tactics not warranted under Regina v. Rothman.

IV. The officer's religious beliefs and scripture prohibit or strongly discourage lying for interviews and criminal investigations.

Some officers have little issue with lying to suspects, taking a utilitarian and legalistic approach.

They argue the following:

I. It is for the greater good because lying justifies the end result (a classic utilitarian perspective that maximizes happiness).

II. The positive consequence of lying to find evidence outweighs the consequence of not lying and thus not retrieving evidence

Other officers take a different perspective, arguing:

a) It is their duty to do what they can to solve a crime. However, lying does not follow Kantian logic because the act itself is wrong. The duty is to solve crime, not to lie. Furthermore, Kant would argue that the officer is using the person as a means to an end to get a confession.

b) Solving a crime means you have to play at the criminal's moral level at times, and that as long as the evidence is admissible, anything goes.

Accountability and investigations

The police must remain autonomous and free from the influence of government and mass media. Law enforcement executives should not be forced into decisions based upon the dictates of a mayor, premier, prime minister, or the media. Law enforcement executives should remain autonomous and concern themselves with the effective and efficient operation of their agencies to achieve an ethical law enforcement agency with high standards and values. Likewise, officers on the line must remain impartial, and, in doing so, should avoid comment on political and judicial matters. This does not mean that officers do not have the right to comment like everyone else, but that their comments should not be made in their capacity as police officers. While the independence of law enforcement is important, oversight of law enforcement is also crucial. Oversight includes ensuring agencies are accountable to the public for resource allocation, are fiscally responsible, and have law enforcement policies and procedures. Law

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enforcement agencies must balance the need for accountability with the need for independence, but doing so can create tension.

According to Reiner (2010) there are four ways in which law enforcement is held accountable:

- 1. Officers are charged and prosecuted for crimes (under the Criminal Code or the Police Act).*
- 2. Officers are held civilly liable in court.*
- 3. Judges ruling on cases find the evidence brought before them is as inadmissible.*
- 4. Judicial review of policy forces changes upon the police.*

Griffiths (2013, p.58) further identifies six processes that hold police accountable:

- 1. Political accountability to governing authorities*
- 2. Legal accountability through the courts*
- 3. Accountability to administrative agencies*
- 4. Freedom of information legislation*
- 5. Community policing committees*
- 6. Special ad hoc mechanisms such as royal commissions*

Understanding Accountability through Complaint against the Police force

In Nigeria, just like in other countries where democracy is practiced, the Police Act allows for complaints against law enforcement officers (the police) to be made directly by an aggrieved party or by a complainant who is acting as a third party. The latter, called a third-party complaint, allows a person who is otherwise uninvolved in the incident to make a complaint. The rationale is to protect those people who have been victimized by police who do not want to complain (or are not capable of doing so) to be safeguarded. The third-party complaint rule essentially protects those who do not complain, and in doing so allows for the investigation of officers whose unethical conduct may have otherwise gone uninvestigated.

Complaints about police misconduct under the Police Act must be related to the following:

- i. Allegations of misconduct by individual police members*
- ii. Complaints concerning various aspects of the administration of a police department*
- iii. Matters that concern the maintenance of discipline within a police department and that do not directly impact the public*

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b. Breach of public trust encompasses a wide range of activities that are used as a —catchall.¶ When an officer engages in behaviour that is unethical, but not against the Criminal

iv. On or off duty, when in uniform, using profane, abusive, or insulting language to any person. The language can be used to intimidate people or disrespect them.

Police –public contacts and encounters A great deal of research on police-public encounters focuses on police behavior toward citizens (e.g., Engel, Tillyer, Klahm, & Frank, 2012; Mastrofski, Reisig, & McCluskey, 2002). However, citizen behavior can generate reciprocal reactions from police, and studies of citizen behaviour can be important for police policy – especially studies indicating what helps police remain safe and keep the peace by encouraging citizens to comply. Data on citizen behavior indicate that the majority of people conform to the law and to police directives most of the time. For example, Mastrofski and colleagues (1996) noted that there was 78% compliance without resistance in their Richmond, VA sample, 76% of citizens in Dai et al.'s (2011) Cincinnati sample complied with police directives. On the other hand, few citizens are noncompliant. Other data indicate that even when police use force against citizens, less than one-quarter of citizens engage in some form of resistance behavior such as arguing with the police (Eith&Durose, 2011).

Citizens' perceived treatment by state agents may affect their attitudes toward the police – in particular, whether police are legitimate. Treatment consists of both the outcomes received and the police-citizen interaction itself; the former is the focus of this section and the latter (procedural justice) will be discussed below. Distributive justice refers to fairness of outcomes in comparison with others or with earlier experiences

