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# ***Making Ethical Decisions***

## ***A Practical Model***

By JOHN R. SCHAFER, M.A.



# **ETHICS**

**A** rookie police officer smelled alcohol on his partner's breath as he entered the squad car at the beginning of the shift. The senior officer admitted he drank one glass of wine with dinner but insisted that he could drive safely. To avoid a confrontation, the rookie did not protest. Shortly thereafter, the squad car driven by the senior officer collided with another vehicle. The driver of the other vehicle died 3 weeks later from the severe injuries sustained in the accident. The traffic officer investigating the accident smelled alcohol on the senior officer's breath but did not report this fact nor did he ask the senior officer to take a breath test. A

subsequent lawsuit alleged that the senior officer caused the accident because he drove under the influence of alcohol. During the internal affairs inquiry, the rookie faced a high-stakes ethical dilemma, tell the truth or lie to protect the senior officer. Because the rookie failed to take action when he encountered his first ethical dilemma, he struggled with an even greater ethical quandary. If the rookie lies, he gains immediate trust and acceptance from fellow police officers. If the rookie tells the truth, he risks alienation and the possibility of administrative action.

Ethical conflicts arise when the actions of one person or a group of people interfere with the interests of

another person, group of people, or the community as a whole. Unfortunately, ethical decision-making models, no matter how elaborate, cannot adequately portray the complexity of ethical dilemmas.<sup>1</sup>

Contrived scenarios in the classroom differ significantly from real-life ethical dilemmas. In the classroom, detached participants review facts, calmly discuss options, and provide idealized solutions that neatly fit a prescribed code of ethics. Choosing the right answer in an artificial setting requires little effort. On the other hand, making the right decision in real life demands strength of character because the reality of circumstances often blurs the line between right and wrong.

Police officers must develop decision-making strategies before they confront ethical dilemmas. The process officers use to make ethical decisions does not differ from the decision-making process used by ordinary people who face ethical dilemmas in their everyday lives.

### IDENTIFYING ETHIC CODES

Ethic codes and guidelines protect professionals from themselves, as well as from those who, they perceive, abuse the power of their profession.<sup>2</sup> Nonetheless, the inherent power of a code of ethics rises no higher than the collective moral character of those who subscribe to the code. Theoretically, a code of ethics sets guidelines for ideal behavior. However, in reality, it represents minimum standards of behavior. These minimum standards often become the goal, rather than a “trip wire” to signal unacceptable behavior.<sup>3</sup> Typically, after achieving minimum standards, motivation to achieve higher moral and ethical standards becomes less ardent.

Ethic codes encompass a wide range of issues but cannot include every possible scenario. Necessarily vague guidelines provide flexibility for individual interpretations and for unique circumstances.<sup>4</sup> Nonspecific issues confound the ethical decision-making process because individuals must rely on objective standards, as well as subjective values when seeking solutions.

### Mandatory Ethics

The foundation of ethic codes rests either on the rule of law or administrative policies. Federal,

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*Special Agent Schafer is assigned to the FBI's Lancaster, California, resident agency and also serves as a member of the FBI's National Security Division's Behavioral Analysis Program.*

state, and local governing bodies enact legislation to ensure a minimum standard of legal conformity. Ethic codes based on the rule of law carry legal sanctions. Administrative policies, often based on the rule of law, impact employment status or violate the values of the group that agreed to the set of self-imposed ethical standards. In either case, violating mandatory ethics can trigger legal or administrative sanctions, a change in job status, the permanent loss of employment, or any combination thereof.

### Aspirational Ethics

Aspirational ethics represent the optimum standard of behavior.<sup>5</sup> Unlike mandatory ethics, aspirational ethics differ among individuals depending on their personal values, cultural influences, and sense of right and wrong. Aspirational ethics serve as an internal standard against which an individual judges personal behavior. For example, no law obligates a person strolling on a

beach to save a child drowning 50 feet from shore. Conversely, a person may feel a moral obligation to assist the drowning child because aspirational ethics compel a person to strive for optimal moral and ethical outcomes.<sup>6</sup>

### Personal Orientation

Personal orientation takes into account individual values, cultures, religious beliefs, personal biases, and other idiosyncrasies.<sup>7</sup> The degree to which outward behavior differs from internal behavior expectations contributes to the amount of intrapersonal conflict experienced as a result of making an ethical decision. Conflicting feelings regarding a perceived duty and the need for peer acceptance also contribute to intrapersonal stress.<sup>8</sup>

### Ethical Decision-Making Process

The ethical decision-making process consists of three questions: What should I do? What will I do?<sup>9</sup> How does the decision I make

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comport with my personal orientation?<sup>10</sup> Ethical decisions engender fear—a fear of change in the status quo. People strive to maintain equilibrium in their lives and seldom act in a manner that disrupts this equilibrium.<sup>11</sup> When confronted with an ethical decision, a person’s ability to make objective decisions often becomes warped by this inherent tendency to maintain equilibrium.

In a classroom setting, anyone who answers other than, “The rookie should tell the truth,” risks indignation and ridicule. In reality, however, an array of emotions clouds the answer. When making an ethical decision, a person conducts a personal risk-benefit analysis.<sup>12</sup> Many ethical dilemmas present both short- and long-term solutions. An inverse relationship exists between short-term and long-term ethical solutions. Short-term solutions often benefit the individual and harm society, while long-term decisions tend to hurt the individual and benefit the community.

#### *Short-term Solutions*

Reporting the senior officer carries certain short-term risks. The rookie not only brings into question the senior officer’s ability to drive but, by inference, his suitability for duty. The rookie places himself in an awkward position when he reports the senior officer. Ideally, the rookie makes the right ethical decision; however, in reality, he most likely will lose the trust of his fellow officers and suffer certain social sanctions, including ostracism. In this scenario, the personal risks of confronting the senior officer far outweigh the personal benefits. The

rookie knew the answer to the question, “What should I do?” but chose not to act accordingly. Studies confirmed that people confronted with ethical decisions do less than they believe they should do.<sup>13</sup> People tend to choose a course of action that benefits themselves first over the benefit of others or the community at large.

#### *Long-term Solutions*

Long-term ethical solutions present a more complex set of circumstances with higher personal risks and an intangible measure of worth. For example, the rookie may save a life if he reports the senior officer; however, the life spared becomes immeasurable because, in reality, the loss never happened.

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Without knowing the true impact of his ethical decision, the rookie’s words, “Because of my actions today, I saved a life,” ring hollow to police peers and especially to the senior officer. In reality, the rookie exposes himself to detrimental consequences without realizing the rewards of the sacrifice rendered. More likely than not, the rookie will second-guess his decision to

knowingly place himself in a precarious social and professional predicament.

People who make bad initial ethical decisions often get caught in the “ethical trap.” As a result of a primary ethical decision with an adverse outcome, a secondary ethical dilemma results. Solving a secondary ethical dilemma becomes inherently more difficult because not only does the secondary decision need a resolution but the primary decision, now judged as errant, requires justification. If the rookie tells the truth, he faces both administrative sanctions for failing to report the senior officer and, ironically, the same social sanctions he feared when he decided initially not to report the senior officer. If the rookie lies, he may save himself and the senior officer from legal and administrative action, but, depending on the rookie’s personal orientation, he may experience life-long guilt and regret. The life lost from the accident never can be recovered, and, in retrospect, a decision to report the senior officer becomes blatantly obvious. The rookie now must face the consequences of his decision and wonder, “If I only had the courage to make the right decision in the first place, I could have saved a life.” Once ensnared in the ethical trap, few people escape.

#### **FINDING RESOLUTIONS**

People compare the “fit” of various ethical decision-making options to their personal orientation.<sup>14</sup> A good fit maintains personal equilibrium; whereas, a bad fit increases intrapersonal conflict, stress, and guilt. Rationalization hastens the

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return of intrapersonal equilibrium. Primary ethical decisions with good outcomes resolve more easily. For example, if the senior officer completes his shift without incident, the rookie can rationalize his decision to allow the senior officer to drive under the influence of alcohol because nothing happened. Primary ethical decisions with bad outcomes take an extra measure of rationalization to resolve. In extreme cases, no amount of rationalization brings equilibrium. Making appropriate primary ethical decisions may cause some degree of discomfort in the short term but may save a lifetime of guilt, remorse, and shame.

### **AVOIDING THE ETHICAL TRAP**

Living an ethical life reduces the number of ethical dilemmas a person faces. Unethical people instinctively refrain from inappropriate behavior in the presence of an ethical person, especially a person who holds unethical people accountable. If the rookie historically made ethical decisions regarding both large and small unethical acts, then the probability of the senior officer coming to work intoxicated lessens significantly. In the event the senior officer came to work intoxicated, the rookie could offer the senior officer two options, take the day off and go home or face the consequences. If the rookie habitually made ethical decisions, the act of reporting the senior officer will meet the expectations of the rookie's peers. In fact, the other officers probably would experience more shock if the rookie did not act ethically. In this event, the senior

officer likely would become the victim of his own bad decision, rather than the victim of betrayal.

Modeling ethical behavior can motivate others to act ethically. The next time a merchant offers a police officer a free cup of coffee or a meal, the police officer could say, "I appreciate your generous offer, but I'll pay my way this time." Learning how to tactfully make ethical decisions may provide the necessary courage for others to act in a similar manner. Practicing ethical decision making on small matters renders larger ethical decision making less formidable.



Time constraints also may restrict clear thinking.<sup>15</sup> When circumstances limit the time available to evaluate ethical decisions, officers should seek temporary solutions.<sup>16</sup> For example, after the rookie first smelled alcohol on the senior officer's breath, he could excuse himself to make an urgent telephone call. This temporary solution provides additional time for the rookie to review more permanent solutions. During this reprieve,

consulting a trusted friend, ethic codes, or legal guidelines could provide a more objective perspective. Officers should avoid making ethical decisions when time prevents a thorough review of the available options. Notwithstanding, sometimes, no amount of thorough analysis can lift the burden of the decision.<sup>17</sup>

### **CONCLUSION**

An ethical decision consists of a series of choices, not simply one decision. Making bad primary ethical decisions increases not only the number of choices but also the future impact of those choices. More important, a bad primary ethical decision spring-loads the ethical trap, resulting in an increased potential for legal or administrative action or unresolved intrapersonal conflict.

Ethical dilemmas challenge the intellect because of the conflicting answers to the questions, "What should I do?" and "What will I do?" If a person must choose between two options that do not oppose one another, selecting an option becomes a matter of choice and not a decision between right and wrong. In most cases, choosing right over wrong takes courage because people who make ethical choices often subject themselves to social and professional ridicule. Ethical decisions build personal character, but not without pain. ♦

### **Endnotes**

<sup>1</sup> Nancy D. Hansen and Susan G. Goldberg, "Navigating the Nuances: A Matrix of Considerations for Ethical-Legal Dilemmas," *Professional Psychology: Research and Practice* 30, no. 5 (1999): 495-503.

<sup>2</sup> Concept derived from David J. Miller, "The Necessity of Principles in Virtue Ethics," *Professional Psychology: Research and Practice* 2, no. 2 (2000): 107.

<sup>3</sup> Jody L. Newman, Elizabeth A. Gray, and Dale R. Fuqua, "Beyond Ethical Decision Making," *Consulting Psychology Journal: Practice and Research* 48, no. 4 (1996): 230-236.

<sup>4</sup> Todd S. Smith, John M. McGuire, David W. Abbott, and Burton I. Blau, "Clinical Ethical Decision Making: An Investigation of the Rationales Used to Justify Doing Less Than One Believes One Should," *Professional*

*Psychology: Research and Practice* 22, no. 3 (1991): 235-239.

<sup>5</sup> Supra note 3, 1.

<sup>6</sup> Supra note 3, 2.

<sup>7</sup> Concept derived from Tory E. Higgins, "Making a Good Decision: Value from Fit," *American Psychologist* 55, no. 11 (2000): 1217-1230.

<sup>8</sup> Concept derived from Gerald P. Koocher and Patricia Keith-Spiegel, *Ethics in Psychology: Professional Standards and Cases* (New York, NY: Oxford University Press, 1998), 19.

<sup>9</sup> Supra note 4, 1.

<sup>10</sup> Concept derived from supra note 7, 1224.

<sup>11</sup> Jo-Ellen Dimitrius and Mark Mazzarella, *Reading People* (New York, NY: Ballantine Books, 1999), 16.

<sup>12</sup> Supra note 7, 1218.

<sup>13</sup> Supra note 4, 3.

<sup>14</sup> Supra note 7, 1224.

<sup>15</sup> Supra note 11.

<sup>16</sup> Supra note 11.

<sup>17</sup> Augustus E. Jordan and Naomi M. Meara, "Ethics and the Professional Practice of Psychologists: The Role of Virtues and Principles," *Professional Psychology: Research and Practice* 21, no. 2 (1990): 107-114.

## Technology Update

### ***The FBI Intelligence Bulletin Is Online Weekly***

**T**he FBI has begun producing the *FBI Intelligence Bulletin*, a weekly online publication containing information relating to terrorism in the United States. Its publication resulted from the FBI's meeting with state homeland security directors and local law enforcement officials in late February. The *FBI Intelligence Bulletin* is intended to provide information to patrol officers and other law enforcement personnel who have direct contact with the general public. It is hoped that these contacts could result in the discovery of crucial information and aid in prevention efforts against terrorism.

The *FBI Intelligence Bulletin* is transmitted each Wednesday through the

National Law Enforcement Telecommunications System (NLETS), the Regional Information Sharing Systems (RISS), and Law Enforcement Online (LEO). The recipients include duly authorized members of all law enforcement agencies who have registered with these networks.

The content of the *FBI Intelligence Bulletin* may be altered or expanded in future issues, although the publication will not be used to transmit threat warnings or urgent information. Interested agencies may register for access to these online systems by having their administrative offices contact each network directly for instructions. ♦