Jus-455 Legal Traditions

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For the project, I chose the first scenario which involves staff working in a juvenile detention center. The story covers matters of law in which offenders are put in correction units under the guidance of correction officers. The scenario further incorporates ethical matters whereby, one of the offenders is seen to behave unethically and offending others. The scenario covers a broad aspect of law enforcement efforts among the minors and at the same time brings up the ethical concern.

Ethics are very crucial in making the society a better place to live for every individual. The actions of people in a society greatly impact the ethical behaviour portrayed and influences law enforcement. For instance, when society upholds equality for all individuals, law is able to act in ensuring that individuals are accorded equal rights. The society should have a say on law enforcement because enacted law directly effects and affects social changes in the society (Shum and Yam, 2011). The society and law present a mutual relationship in which law is developed by putting into practice the societal processes while the enacted law simultaneously influences social change. For instance, the societal practice of upholding equality for all people is further reflected in the law development in which law dictates equality for all humankind.

The perception of society on legal matters greatly shapes the view of legal actors like the lawyers, judges, legislators and involved parties in the call for fairness in the way judgement is passed. Morals are viewed as what an individual perceives to be right or wrong and is categorized as a personal belief while ethics is what the society perceives to be right or wrong (Shum and Yam, 2011). The American law makes judgement independent of moral and ethical view and what society may perceive unethical or immoral to some people may be considered legal by law. Societal change of ethical view tends to affect the guidelines provided in the law. For instance, the societal view of same sex marriage as morally right influenced the change of law to consider same sex marriage legal.

The case study delves into an issue that has happened in a correctional facility where Darren has broken some of the rules to create peace for everyone and ensure that the plight of other offenders is enhanced. The ethical theory that would be relied upon to address the ethical dilemma that has been presented in this case is the utilitarian theory. Also referred to as utilitarianism, the theory suggests that the best course of action that should be taken is one that creates the greatest benefit for all the people who are involved. An action is considered to be moral if it creates maximum benefit or well-being for the largest proportion of the population (Scarre, 2014). The theory would address the dilemma with relative ease and would be effective in addressing future issues that arise in the correctional facility.

An individual can separate personal morals from ethics by assessing what is best for everyone within a given scenario. It means that one must stop thinking about an issue based on their personal morals but instead assess the situation at hand. An example is Joe in the scenario; the actions by Darren do not seem to align with his personal morals. However, the action is appropriate according to utilitarian ethics since it allows calm and orders to be maintained within the correctional facility. If one does not separate personal morals from ethics, they may have a hard time coming to terms with the actions that could have been undertaken. Doing this is important since it allows an individual to avoid any guilt about an action that might have been undertaken.

The time it is appropriate to let your morals guide your actions is when the action that has been undertaken goes against your personal morals and ethical theories that have been developed. In such a case, there is no moral or ethical reasoning that tends to support the action that is being perpetrated. Another time that would be appropriate to let your morals guide your actions would be where an action is done leads to damage or injury to another person. In such an instance, no ethical theory would support such action and thereby when one is in such a situation; they should let their morals guide the actions or decisions that they make in such a scenario.

If I were faced with this dilemma, I would use the same method that was applied by Darren. The course of action is supported by the utilitarian theory, which suggests that an action is appropriate when it favors the well-being of the majority of the population. In this case, Brian is causing a lot of noise, havoc, and displaying violent behavior against some of the other offenders or inmates in the correctional facility. If the action that was taken by Darren had not been taken, there is a possibility that he would have easily injured other inmates and caused a lot of noise which is irritating for other inmates who were trying to have their meals. The action would also be effective since it ensures that a similar scenario does not happen in the future.

My responsibility as a professional in such a scenario is to ensure that the same does not happen in the future. Despite the fact that Brian is an offender or inmate, there are rights that protect his welfare and well-being within the correctional facility. It is also my responsibility to ensure that actions like those of Darren do not happen in the future. If such actions are allowed, there is a great likelihood that the corrections officer may start to use violence against the inmates to instill fear and compel them to do various actions that are wrong and unconstitutional.

My ethical responsibility takes precedence over my personal views in the given scenario. My personal view is that the actions by Darren are wrong and should not be allowed. However, my ethical responsibility suggests that I should let the ethical theory of utilitarianism takes its course in this scenario within the correctional facility. When there is a conflict between the two, there is a great likelihood that one may be confused over what course of action to do. In my opinion, one should follow their ethical responsibility since personal views are often affected by biases, and this may lead to wrong decisions that are not guided by ethical reasoning.

The society’s changing views of acceptable behavior is changing in many ways. Such changes have many impacts. For example, the given scenario is no longer acceptable, although it was very common in the past. One of the impacts is that there are increased lawsuits that are being filed today due to behaviors that are now considered to be unacceptable by society. As changes happen in regard to acceptable behavior, it is imperative that practitioners in the criminal justice system also respond in the same manner by ensuring that laws are developed to implement the changes that are being made.

Various crimes are handled differently depending on the type of crime committed as well as the severity of the crime. Also, there are different correctional centers for different categories of people: for those who are above the legal age are put in the same facilities while the below eighteen are put in juvenile facilities. All in all, they are all correctional facilities aimed at rehabilitating and helping the criminals conform to the societal and legal laws. In this case study, we will be dealing with the juveniles facility showcasing the different ways in which the inmates, as well as the staff, interact, and interrelate within the facility.

Notably, Joe worked in a juvenile institution, and he lived the work that he did. Besides, he related to his other staff colleagues properly, and they all had civil understanding as well as respect. He only got to look after fifteen offenders, which gave him a chance to know almost all of them. As stated in the case study, most of the inmates were suffering from mental health issues. Notably, this meant that more effort was to be put by the staff to manage the different juveniles with their different mental issues while still maintaining peace within the facility. On the fateful day mentioned, Darren, who was Joe's co-worker, took it upon himself to reprimand a juvenile by the name Brian. Granted, Brian had been exhibiting behaviors that were irritating to most of the other juveniles and posed a threat to an outbreak of confrontation from them. Observably, his interruption was much needed as it acted to prevent any confrontations from the other six juveniles who were also feeding on the same table. Nevertheless, his way of handling it seemed very cruel and inhumane. Sure he justified it as tough love but shouldn’t there be a line between tough love and cruelty?

There were various ways in which he would have handled the issue without treating Brian like he did compare him to a dog. The best action would have been talking to Brian and making him understand how his behavior affected the other people as well as the right way to do what he was doing. Despite him having a mental health issue, he had an understanding of sorts which is seen in the fact that Darren expected him to understand his instruction. In most cases, what we do is as a result of what we have learned and of Darren had chosen to use the right educative channel then the behavior would have been rectified (Desai, 2006). While teaching Brian the right way to take his food, he would have put a punishment to be suffered in the case that Brian repeated the same offence. With this, no cruelty would have been displayed. Having a mental illness necessitates that Brian is treated with more care, unlike the other juveniles who were alright and healthy.

The government acknowledges that in severe cases, the juvenile should be diverted to a mental institution for better health care especially because some studies have shown that mental illness patients in juvenile have increased mental problems which prove difficult for the correctional staff to handle. Therefore, if the mental illness is prevalent, they should be referred to a mental institution instead of a correctional center. Also, in the cases, that they are put in correctional centers, then a specialist in mental illnesses should be among the team providing health care in the institution which can be achieved by having various sessions with the patients in the course of a week (Espinosa, 2015). Some mental illnesses can be suppressed with the right medication and therapy techniques. In the case of Brain, he should have been reprimanded by getting the right way to behave while eating, and still, Darren should have reported the issue to the specialist assigned to the institution.

Notably, mental problems in juvenile systems are a big issue that a lot is being done to help handle it. So far, one of the most preferred ways to handle it is by conducting a mental health test before appearing to court. With the test results, then it is decided if the juvenile should be tried in court or sent to a mental institution for better care.

**References**

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