Entrapment

This scenario was developed by B. Grant Stitt and Gene G. James and cited in *Moral Issues in Police Work* by F. A. Elliston and M. Feldberg. (Totowa, N.J.: Roman and Allanheld, 1985)

Position One: Gotcha!

A businessman has just checked into a hotel. He is unpacking when an attractive young woman dressed in a very short skirt and halter knocks at his door. She asks him to invite her in for a drink. A little later, when he offers her money to engage in sexual intercourse, she pulls out a badge, identifies herself as a policewoman, and arrests him for soliciting prostitution.

A customer in a bar asks the bar owner if he would like to buy a color television set very cheaply and adds, "Don't ask me how I got it." The owner purchases the television set and is then arrested (by the undercover officer) for receiving stolen property.

In situations such as these, the police are not investigating people they have reason to believe committed crimes; they are testing individuals to determine whether they will commit a crime if presented with favorable circumstances. They are offering people a temptation in the hope they will succumb; in other words, trying to entrap them into committing a crime.

Is police use of entrapment ethical?

Yes. The courts have ruled that the police are justified if defendants are "predisposed" to commit that kind of crime, meaning they have a history of committing crimes and are likely to do so again. If they have a predisposition to commit a crime and they commit a crime, they should be held accountable for their actions. Just because they were offered an opportunity by the police doesn't mean they are innocent of committing an offense.

Chronic criminal offenders commit the majority of crimes and are a threat to society. Police use of entrapment is a deterrent because of the fear of getting caught and not knowing who is or is not an undercover police officer. The fact that chronic criminal offenders have a history of committing crimes shows that they are a greater threat. Use of entrapment is a way of protecting society.

Position Two: Don't Abuse the Power!

A businessman has just checked into a hotel. He is unpacking when an attractive young woman dressed in a very short skirt and halter knocks at his door. She asks him to invite her in for a drink. A little later, when he offers her money to engage in sexual intercourse, she pulls out a badge, identifies herself as a policewoman, and arrests him for soliciting prostitution.

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Is police use of entrapment ethical?

No. The use of government power to help people commit crimes is an abuse of power because in some cases those who fall into the trap probably would have obeyed the law if they hadn't been presented with such an easy opportunity. Providing opportunities for crime is a strange way of keeping law and order. There is a difference between investigating someone who is "corrupted" and someone who is "corruptible."

If someone is susceptible to committing a crime there is no need to provide temptation, since he or she is likely to commit a crime anyway. Usual methods of police work are adequate.

The right to privacy and freedom from unwarranted governmental influence limits what the government can do to protect citizens from crime. Entrapment is a violation of those rights. Entrapment reduces trust between people and is a dangerous method in the hands of someone who would like to harass innocent people.

Equipment Donation

This scenario was adapted from *Ethics and the Fire Service: Curriculum Needs Assessment*, a report to the National Fire Academy, by Ann Murphy Springer and Phillip Stittleburg. (1990)

Position One: Donate the Equipment

You are the chief of a fairly large "combination" fire department—mostly volunteer, but partly paid. You recently acquired new OSHA-approved turnouts for your personnel—"state of the art" for safety and comfort. You also have replaced your older self-contained breathing apparatus (SCBAs) with new ones.

For many reasons, including space limitations, you want to get the older equipment out of the station. A smaller local all-volunteer department has requested your older turnouts and SCBAs. They are desperately in need of both. You know that your old equipment is no longer OSHA-approved or reliable, but you remember what it was like to try to equip a group of volunteers with extremely limited funds.

You decide to throw the equipment out in the "dumpster" but let the other chief know when and where so they can make a "midnight raid" and recover it.

Is your action ethical?

While it is true that the old equipment does not meet current standards, it is better than having no equipment at all, which is what the other department has now. You are completing your obligation by putting it in the dumpster. If the other department chooses to pick up the equipment they are taking any responsibility for its use.

Position Two: Don't Donate the Equipment

You are the chief of a fairly large "combination" fire department—mostly volunteer, but partly paid. You recently acquired new OSHA-approved turnouts for your personnel—"state of the art" for safety and comfort. You also have replaced your older self-contained breathing apparatus (SCBAs) with new ones.

For many reasons, including space limitations, you want to get the older equipment out of the station. A smaller local all-volunteer department has requested your older turnouts and SCBAs. They are desperately in need of both. You know that your old equipment is no longer OSHA-approved or reliable, but you remember what it was like to try to equip a group of volunteers with extremely limited funds.

You decide to throw the equipment out in the "dumpster" but let the other chief know when and where so they can make a "midnight raid" and recover it.

Is your action ethical?

If the equipment doesn't meet current standards there is no way we should be allowing another department to use it. It may be more dangerous to use it than to not have any, since it may give false confidence. While the motive to help them is good, donating substandard equipment is not the way to do it.

Also, we might be liable for damages or injury if the equipment fails in a critical situation. The responsible thing to do is to make sure the equipment gets thrown away.

Fast-Buck Freddy

This scenario was prepared by the Center for Ethics, Responsibilities, and Values, College of Saint Catherine, St. Paul, Minn.

Position One: Inform Them

You are Barb Wire, a manager at the This-Is-Your-Life Insurance Company. A few weeks ago you dismissed an employee (Freddy Fingers) for misappropriation of funds. His was the most blatant and outrageous act of this kind that you had encountered in your ten years with the company. The employee acted strictly out of his own self-interest. He had no intention of making restitution. The company's legal department determined, however, that prosecution should not be initiated. They do not want to subject the company to liability for a defamation action by the former employee.

The company has a policy stating that no one is to provide information about any terminated employee except dates of employment, last position held, and social security number. You may not verify attendance, salary, home address, performance level, or eligibility for employment.

This morning you received a phone call from a manager in another company. She indicated she is interviewing Freddy for a position as assistant controller. You temporarily put her off but promised to get back to her shortly.

What do you do?

We have a social and moral obligation to inform the other company of our problem with Freddy. It is possible that we would not have hired Freddy if his previous company had informed us of any problems they might have encountered. The new company may be inheriting a problem from us. If Freddy does have problems at the new company and they find out about his history, we might be considered liable or receive bad publicity for perpetuating the problem by not informing them or pursuing legal action.

I feel that our company made a mistake in not prosecuting Freddy. Informing his new employer is a way of making up for that mistake.

Position Two: Don't Inform Them

You are Barb Wire, a manager at the This-Is-Your-Life Insurance Company. A few weeks ago you dismissed an employee (Freddy Fingers) for misappropriation of funds. His was the most blatant and outrageous act of this kind that you had encountered in your ten years with the company. The employee acted strictly out of his own self-interest. He had no intention of making restitution. The company's legal department determined, however, that prosecution should not be initiated. They do not want to subject the company to liability for a defamation action by the former employee.

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This morning you received a phone call from a manager in another company. She indicated she is interviewing Freddy for a position as assistant controller. You temporarily put her off but promised to get back to her shortly.

What do you do?

There is no moral obligation to inform the new company of problems with Freddy. While Freddy's actions deserved punishment, the company lawyers must be trusted, since it is their job to figure out the best way to handle problems like this. Our primary responsibility is to the best interests of our own company, not to the competition.

If the other company is told about Freddy's problem it will simply make the problem worse, since Freddy will probably sue us, leading to bad publicity for everybody. If their interview and job screening processes work right they will be able to decide if Freddy is trustworthy. It is not our job to protect the other company from harm.

Interracial Friendship

Position One: Keep the Friend

You are in the first year of attending an integrated high school and have made friends with several people who have a different racial background than you. Melissa, who has been your friend since fourth grade, refuses to be friends with them and continually makes comments about how dumb and lazy they are even though you have asked her several times to stop. Should you continue to be Melissa's friend?

You decide that instead of rejecting Melissa you will have a better chance of changing her mind if you keep her as a friend.

Defend your position.

Position Two: Refuse to Be Friends

You are in the first year of attending an integrated high school and have made friends with several people who have a different racial background than you. Melissa, who has been your friend since fourth grade, refuses to be friends with them and continually makes comments about how dumb and lazy they are even though you have asked her several times to stop. Should you continue to be Melissa's friend?

You decide that in fairness to your new friends and to be consistent with your principles you must refuse to be friends with Melissa until she changes her attitude.

Defend your position.

Marginal Chemical

This scenario was developed by Popper and Highson and cited in *Ethical Problems in Engineering* by R.J. Baum and A. Flores. (New York: Center for the Study of Human Dimensions of Science and Technology, 1978)

Position One: Go Over His Head

The Marginal Chemical Corporation is a small outfit by Wall Street's standards, but it is one of the biggest employers and taxpayers in the little town where its plant is located. Production has been going up an average of 6 percent a year; so has the pollution from the plant's effluents that are dumped into the large stream that flows by the plant. This stream feeds a large lake that has become unfit for bathing or fishing.

The number of complaints from town residents has been rising about this situation and you, as a resident of the community and the plant's senior engineer, also have become increasingly concerned. Although the lake is a gathering place for the youth of the town, the city has applied only token pressure on the plant to clean up. Your boss, the plant manager, has other worries because the plant is being caught in a cost/price squeeze, and is barely breaking even.

After a careful study, you propose to your boss that, to have an effective pollution-abatement system, the company must make a capital investment of $1 million. This system will cost another $100,000 per year in operating expenses.

The boss's reaction is, "It's out of the question. As you know, we don't have an extra million around gathering dust—we'd have to borrow it at 10 percent interest per year and, with the direct operating expenses, that means it would actually cost us $200,000 a year to go through with your idea. The way things have been going, we'll be lucky if this plant clears $200,000 this year, and we can't raise prices. You can create a lot of new production—and new jobs—for a million bucks. And this town needs jobs more than it needs crystal-clear lakes, unless you want people to fish for a living."

He does agree to spend $10,000 to remove one pollutant and offers to pay for any system you can find that will pay for itself via product recovery.

What do you do?

This issue is important enough to take more drastic action. If your boss can't be persuaded, you need to go over his head to his supervisor or the board of directors. If that doesn't work you will need to talk to pollution control officials.

The issue is important enough to justify serious concern. The pollutants may detract from fishing and recreational use of the lake but it is very possible that they could also endanger drinking water for the town. We have a moral obligation to protect our environment from harm, even if no one else objects or complains.

Position Two: Do What He Says

The Marginal Chemical Corporation is a small outfit by Wall Street's standards, but it is one of the biggest employers and taxpayers in the little town where its plant is located. Production has been going up an average of 6 percent a year; so has the pollution from the plant's effluents that are dumped into the large stream that flows by the plant. This stream feeds a large lake that has become unfit for bathing or fishing.

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He does agree to spend $10,000 to remove one pollutant and offers to pay for any system you can find that will pay for itself via product recovery.

What do you do?

Blowing the whistle on your boss will never work. You will probably lose your job and your reputation. The company will get a bad rap, which could harm sales and lead to layoffs or the closing of the business. The town would be more upset about the loss of the company or tax revenues than they are now about the pollution.

It would be better to keep trying to persuade your boss and try to find a process that he will approve.

You have a clean conscience because you have done everything you can and it hasn't worked. Your boss has the power and authority over major decisions like this and he hasn't responded. It's his decision, not yours.