Title page

Ethical dilemma

Case

1. Identify the facts and dilemma

As a prosecutor, I believe that children usually go out with adults. The older brother of the girl is guilty of a crime. The court waived him to an adult system, but the parents demand that he must be sent to the juvenile court. Keeping in view my ethical role I will send the boy to a juvenile court because in the adult system he will face challenges that can destruct his personality. Virtue ethics supports the decision of sending the child to a juvenile court. The ethical dilemma focuses on choosing the right course of action for an adult. The dilemma in the current scenario includes; whether the boy should be pushed to the adult system or to the juvenile system. Sending the boy to juvenile court will give the opportunity of changing his behavior. While in adult court he will not receive rehabilitative programs. The main ethical concerns reveal if it is appropriate to send the boy to an adult jail or not. Adult jails are capable of causing more damages to the offenders.

1. Relevant values

The value of worth is applicable in the present scenario because it explains usefulness and importance of decisions or things. Value is considered as something that is good, but all values are morally relative. In taking the decision, the prosecutor needs to determine its value and how it promotes good. The act is judged on the basis of four elements that include acts, humans and free will. It emphasizes on the decision to be made that affects others. Moral behaviors stress on what we do and its implications of others (Pollock, 2006, pp. 24). Moral values are also known as relative values that have dual functions because they protect self and others. It is important for the prosecutor to determine if the values are working appropriately or not. The prosecutor must consider the value associated with each action. The course of action offering high worth is ethical.

1. Moral dilemmas

Conflict with formal moral ethics emerges because of the prosecutor face "pressures of getting convictions rather than pursuing justice" (Pollock, 2006, pp. 253). The legal culture and past practices have a significant influence on his decision. This can affect the neutrality of the decision. Moral dilemma refers to the situation in which an individual has to choose between two actions.

* Sending the offender to the juvenile court.
* Sending the offender to adult court.

1. Immediate ethical issue

The immediate ethical issue faced by the prosecutor is to identify the right course of punishment for the boy. The boy can be sent to an adult jail or remain in a juvenile facility. The decision of the prosecutor will have direct impacts on the life of a boy. Positive law is written by the society and is weaker depicting that the prosecutor can take appropriate decision that will not eliminate the chances of boy's recovery. Sending him to the adult court can remove his chances of receiving the rehabilitative intervention. While in the juvenile system he will have a better opportunity of quitting his offensive behavior. The decision made by the prosecutor will also have long-lasting impacts on the life of a young offender.

1. Resolving ethical dilemma

In resolving the ethical dilemma, the prosecutor has to consider the outcomes of each action. Ethics of virtue states that one should act according to duties and by considering the consequences of actions. It states, “the virtues are implanted in us neither by nature nor contrary to nature: we are by nature equipped with the ability to receive them and habit brings this ability to completion and fulfillment” (Pollock, 2006, pp. 26). The resolution of the dilemma depends on the prosecutor's ability to take the right decision. Virtue ethics conforms to the principles of Golden means. The prosecutor must consider the outcomes of the actions. By sending the boy to adult jail, he will have fewer chances of overcoming his offensive behavior. This is because the adult system doesn’t focus on rehabilitative programs such as counseling and education. It is thus important to identify with action leads to the best results.

An ethical dilemma can also be resolved by applying the system of ethical formalism. The system relies on the philosophy that judgments will lead to maximum human welfare. In choosing the right course of action, the prosecutor will compare actions and their impact on the individual. In the present scenario, the prosecutor will choose the action that will promote human well-being. Formal ethics emphasize on formal characteristics of moral judgment and offer a complete solution. It also emphasizes on moral duties of an individual. Formalism is based on principles of absolutism. It is focused on addressing the needs of an individual such as in the present case the need of young boy is rehabilitation. An actual moral act is of greater value according to this system. To resolve the ethical dilemma, the prosecutor will send the boy to a juvenile facility because it provides a greater opportunity for human welfare. Application of the ethical formalism supports the decision of sending the boy to a juvenile facility. This is for his betterment and improvement. The other side of the system emphasizes on taking action that causes damage to the person in need. This indicates that sending the boy to adult jail is morally wrong because there he will lack adequate support in the form of counseling and intervention programs.

References

Pollock, J. M. (2006). *Ethical Dilemmas and Decisions in Criminal Justice.* Cengage Learning.