**Organizational Values & Ethics in Policy Practice**

**Introduction**

The US Customs and Border Protection (CBP) is one of the most complex components of the Department of Homeland Security (DHS) being the largest element whose primary mission after 2001 is to keep America safe from the threat of terrorism. This however, is only among the many of its myriad of responsibly as the CBP (2012) also, "has a responsibility for securing and facilitating trade and travel while enforcing hundreds of U.S. regulations, including immigration and drug laws." the main functions of the CBP can be divided into 3 main headings: trade, travel and border security, the latter being the most complex of all. Trade wise - the task is to secure that all the goods going in and out of America are legitimate, are not posing any dangers and threats to the US and have paid all appropriate fees and duties. Travel wise - the task is to ensure that the US continues its ability to let the flow of people into and out of America efficient while ensuring that individuals or elements, in particular terrorist, do not get access to or find their way into American territory. Border and Security-wise, the task is nebulous and far reaching as this fall under the title of 'securing the homeland'. All American borders (air, land & sea), and across American territories, the task of the CBP is to ensure that the borders are secure, that within American towns and cities there are no possibilities of threats against the homeland. This means being able to patrol all borders and watch over all towns, cities and states, being on alert 24-7 and keeping on training for the latest technologies and approaches to enable the watch over America effective. The key word, according to CBP (2012) is 'vigilance'. Much of the motivation and function of this Federal agency can be surmised in its Mission Statement (CBP, 2012):

*"We are the guardians of our nation's borders, we are America's frontline. We safeguard the American homeland at and beyond our borders. We protect the American public against terrorists and instruments of terror. We steadfastly enforce the laws of the United States while fostering our Nation's economic security through lawful international trade and travel. We serve the American public with vigilance, integrity and professionalism."*

For such an organization, it is essential to enact and put in practice policies that govern the processes involved in the manner by which it is expected to accomplish a variety of tasks and organizational responsibilities within the scope of its jurisdiction and powers. To ensure however that members of the organization who each are assigned particular roles that in summation contributes to the functioning of the organization complete their tasks in a standard that is expected of the government and of society, ethical codes and organizational values are also in practice so as to allow for a structure of performance that protects professionalism and organizational integrity. In this paper, I will be looking into a sample policy governing organizational practice and will delve into it to show a certain policy issue that can arise from it from an ethical and values viewpoint. Additionally, said policy will be looked into from an analytical perspective that will also draw from organizational ethical and value practices.

**On Ethics and Morals**

Prior to discussing a policy issue from an ethical and moral perspective. It is important to define as well as clarify just what ethics and values are. To understand both, it is also important to take note of another concept – morals. Frank Navran (2010), an expert in organizational ethics clarifies these concepts as follows:

*“Values are our fundamental beliefs. They are the principles we use to define that which is right, good and just. Values provide guidance as we determine the right versus the wrong, the good versus the bad. They are our standards. Typical values include honesty, integrity, compassion, courage, honor, responsibility, patriotism, respect and fairness.”*

“*Morals are values which we attribute to a system of beliefs, typically a religious system, but it could be a political system of some other set of beliefs. These values get their authority from something outside the individual- a higher being or higher authority (e.g. society)... By that definition one could categorize the values listed above (honesty, integrity, compassion …) as “moral values” - values derived from a higher authority. That is a convenient way to differentiate them from what are often called utilitarian or business values, such as excellence, quality, safety, service, which define some elements of right and good in a business context.”*

*“Ethics is about our actions and decisions. When one acts in ways which are consistent with our beliefs (whether secular or derived from a moral authority) we will characterize that as acting ethically. When one’s actions are not congruent with our values - our sense of right, good and just - we will view that as acting unethically. Defining what is ethical is not an individual exercise however. If it were then one could have argued that what Hitler did was ethical since his actions conformed to his definition of right, fair and good. The ethics of our decisions and actions is defined societally, not individually.”*

The ethics and values thus in question here for the purpose of this discussion are the ones constructed and established in practice by the organization (CBP) and the community and society it represents and belongs to (the American government, the American people). It represents the culture, standards and belief systems of the American nation.

**Organizational Policy & Issue**

A key task of the CBP is to ensure that the nation is secure, In order for the organization to deliver on this task; it has a security policy that determines the manner by which it will operate in the governance of the task. Because of the mammoth nature of the organization and the bureaucratic system of management in practice, to complete this it regularly published a CBP Security Policy and Procedures Handbook that becomes the standard of practice across the board. The latest handbook was last edited and published in August 13, 2009 with the governing policy stating (CBP, 2009) -

*"1.1.1. U.S. Customs and Border Protection (CBP) Internal Affairs, Security Management Division is responsible for providing operating policies, procedures, and practices for the physical protection of personnel, infrastructures, and assets from deliberate or unforeseen threats."*

As the governing policy for security this sums up what is expected of employees and contractors and the organization itself in that regard. A policy issue however can arise from the policy it has on 'hold rooms'. This security policy booklet also specifies rules on mechanisms behind detention places either for initial interviews or short-term custody. Policy-wise, the 'holdroom' is said to must meet the following requirements (CBP, 2009):

*"1. In general, all hold rooms must have the following requirements:*

*(a) Located within a security perimeter*

*(b) Securely constructed for high attack resistance*

*(c) Minimum space as defined above*

*(d) No beds; a hold room is not designed for sleeping*

*(e) Furniture must be of solid construction and secure to wall or floor"*

While it is understandable that the task of CBP is to secure the borders and hold-rooms are an essential element to meeting this task, there are areas of ethical and moral value concerns in relation to the practice of human rights. While the CBP has a combined statutory authority under Title 8 of the United States Code (the Immigration and Nationality Act), certain practices of enforcement are questioned in terms of ethics and fatal ineffectiveness in terms of transparency which is also part of government standard policy. The 'hold rooms' practices while presented in a standard explanatory policy is at best a constructive assumption of practice to those outside of the CBP and questions of ethical and moral practice of the security policy come into question when issues like the death of a detainee surface as in the case of Lelis Rodriguez (Conroy, 2013) who was detained for 6 days in a hold room not designed for incarceration beyond 12 hours. According to Conroy, "he was, in fact, apprehended by Border Patrol agents in Texas and held at the agency’s Weslaco Station for three days (July 16-18), then transferred to the Harlingen Station for another three days (July 19-21). The two Texas Border Patrol stations are designed to hold about 300 detainees each for processing, but, sources contend, while Rodriguez was incarcerated, the holding areas were jam packed with up to three times that many people, some of whom had been incarcerated for as long as 20 days — and many, like Rodriguez, were moved every several days from one Border Patrol station to another...Rodriguez on July 29 was transferred to a deportation staging center in Port Isabel, Texas, where he collapsed after the blood vessels in his brain essentially exploded. He was rushed to a hospital and died two days later."

**Ethical Analysis**

To practice critical analysis of a situation or an event, it possible to put in practice the ethical practices of the organization, the standards of the industry and the expected common-ground morality of society that is contending with the issue. Mepham (2008) propounds on the ethical analysis of practice within medical organizations and medical practice. While his industry is different, as a social organization, the system of ethical analysis applies so that his reflection has relevance even in CBP administrative practice. He argues for non-maleficence in practice, beneficence, autonomy and justice. In effect in the medical community, ethical duties of professionals are presented like this:

*"• cause no harm (based on the fourth-century BC Greek ‘Hippocratic Oath’)*

*[non-maleﬁcence]*

*• effect a cure (or at least provide palliative treatment) [beneﬁcence]*

*• respect patients’ autonomy (not regarding them merely as ‘cases’) [autonomy]*

*• treat patients fairly (e.g. without sexual or racial discrimination) [justice]."*

One of the key ethical principles in play here is 'justice' that Mepham (2008) based on the work of Rawls. He writes:

*"Rawls’ concept of justice as fairness is an egalitarian theory that he claimed would be acceptable to ‘free and rational persons concerned to further their own interests’. His case rested on a reinterpretation of the social contract as a hypothetical one, made under conditions that would guarantee that the chosen principles of justice would be fair."*

Mepham (2008) then propounds on these principles as follows:

*"• Principle I: equal liberties for all - This states that each person should have as much liberty as is consistent with other people having the same amount of liberty.*

*• Principle II: the difference principle This would ensure fair equality of opportunity, while restricting social and economic inequalities to those that would beneﬁt the least advantaged members of society."*

From a personal viewpoint - I believe in the work of the CBP - being a member of the organization, I have a unique understanding of just how fundamental the organization’s tasks are in ensuring America's freedom, security and the continuance of its development and integrity as a nation under one constitution. I subscribe thus to the ethics of my organization - that governing professional conduct as a member of the organization and conduct of tasks and the scope of tasks prescribed to the organization by its mandate. I believe however that certain cases require further investigation to ensure that we also practice our ethical values beyond the notion of citizenship, in respect of the integrity of other peoples who, while their actions are suspect, also have certain inalienable human rights.

**Application & Opinion**

Based on Rawls' principle 1 and 2, the practice of security policy by the CBP confirms the notion of equal liberty for all in domestic practice. After all, it is the quest for justice and fairness and protection of the American people that has so far allowed for the mandate of the organization to build in scope and power for the purpose of protection. But if we take the notion of 'people' beyond citizenship, the likes of the Rodriguez (Conroy, 2013) have been treated without the notion of fairness and justice based on the 'hold rooms' policy. However, if Rodriguez was given special treatment based on personal unique needs (i.e. his medical condition, if it was given attention to), then the utilitarian principle would not have been practiced which according to Mepham is an essential notion of fairness. Mepham (2008) writes:

*"Rawls considered his development of ideas on justice as fairness was in the Kantian tradition of deontological ethics, and this is how most other philosophers have interpreted his theories. But justice can also be an important aspect of utilitarian theory...According to Mill, Justice is: 'The highest abstract standard which is involved in the very meaning of utility of the greatest happiness principle."*

The code of ethics of the American Society for Public Administration (ASPA, revised March 2013) propounds on its 4th code that it upholds social equity:

"4. Strengthen social equity. Treat all persons with fairness, justice, and equality and respect individual differences, rights, and freedoms. Promote affirmative action and other initiatives to reduce unfairness, injustice, and inequality in society."

Hold rooms are an essential part of the manner of policing until processing and deportation of individuals suspect of entering the US illegally or without the proper papers and permits. At the same time however, it follows organizational security principles based on mandate. But if deaths occur that are contrary to mandate, the administration of the hold rooms become a policy issue in terms of its purpose, what can be expected from it in terms of ensuring social equity. I think in ASPA's (2013) terms in this one case (Conroy, 2013), social equity has become an issue that requires examination of ethical and value principles of the CBP in relation to social justice.

**Resources:**

Aguilar, D. (2008). *Memorandum For: All Chief Patrol Ag(redacted), Subject: Hold Rooms Short Term Custody*. U.S. Customs and Border Protection. U.S. Department of Homeland Security. URL: <http://foiarr.cbp.gov/streamingWord.asp?i=378>

American Society for Public Administration (2013). ***CODE OF ETHICS* (revised March 2013). URL:** <http://www.aspanet.org/public/ASPA/Resources/Code_of_Ethics/ASPA/Resources/Code%20of%20Ethics1.aspx?hkey=acd40318-a945-4ffc-ba7b-18e037b1a858>

# Conroy, B. (2013). *DHS Investigating Death of Detained Honduran Immigrant. The Narcosphere.* URL: <http://narcosphere.narconews.com/notebook/bill-conroy/2013/10/dhs-investigating-death-detained-honduran-immigrant>

# Detention Watch Network (2013). *BORDER ENFORCEMENT AND SHORT-TERM DETENTION.* URL: <http://www.detentionwatchnetwork.org/node/2394>

# Mepham, T.B. (2008). *Bioethics: an introduction for the biosciences*. Oxford University Press.

# Navran, F. (2010). *Defining Values, Morals, and Ethics*. Navran Associates. URL: <http://www.navran.com/article-values-morals-ethics.html>

U.S. Customs and Border Protection Agency (2004). *Customs & Border Protection Directive, Subject: Secure Detention Procedures at Ports of Entry*. URL: <http://foiarr.cbp.gov/streamingWord.asp?i=10>

\_\_\_\_\_\_\_\_ (2013). *CBP Security Policy and Procedures Handbook., HB1400-02B (August 13, 2009)*. Public Intelligence. URL: <http://publicintelligence.net/cbp-security-procedures-handbook/>

\_\_\_\_\_\_\_\_ (2013). *CBP Mission Statement and Core Values. U.S. Department of Homeland Security.*URL:<http://www.cbp.gov/xp/cgov/about/mission/guardians.xml>

United States Office of Government Ethics (2000). *An Ethics Pamphlet for Executive Branch Employees (April 2000)*. URL: <http://www.cbp.gov/linkhandler/cgov/careers/neo_kit/additional_info/ethics_brief.ctt/ethics_brief.pdf>