

Julie China, JD

Guest Lecturers:

Br. Jim Christiana, SK PhD

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CJ/RE 332 ETHICS IN CRIMINAL JUSTICE

SPRING 2001

Description: Examines legal and religious perspectives on ethical issues within the context of an ecumenical and inter-religious dialogue in the field of criminal justice, with particular attention paid to contemporary Catholic ethicists. The goals are to assist students in their study and understanding of the personal and social dimensions of these ethical perspectives within a diverse, multicultural society, and learn effective methods for dealing with relevant ethical issues in the field of criminology and criminal justice.

Required Texts:

Leighton, Paul, and Jeffrey Reiman. *Criminal Justice Ethics*. Upper Saddle River, New Jersey: Prentice Hall, 2001.

Crank, John P., and Michael A. Caldero. *Police Ethics: The Corruption of Noble Cause*. Anderson Publishing, 1999.

Students will be able to:

- Discuss the meaning of morality and ethics and how they impact legal issues, criminology, and criminal justice;
- Discuss the foundations of applied ethics in criminal justice and develop and apply a model for moral decision-making and judgment;
- Discuss the relationship between morality and criminal guilt;
- Discuss the nature of crime and the moral issues that surround it based on a theory of harm and apply it to drug legalization, prostitution, corporate violence, and hate crimes;
- Discuss the moral issues surrounding policing, with specific interest in accountability and ethical codes, deception, seduction, and entrapment to catch criminals;
- Discuss the moral issues surrounding judicial processing and jurisprudence, particularly roles, responsibilities, and ethical codes for lawyers and officers of the court, as well as the policies and practices involved in processing defendants through the courts;
- Discuss the moral issues surrounding penology, its historical and civilizational foundations, the impact of racism and fairness in punishment, and the death penalty;
- Discuss emerging ethical and criminology issues arising from changes in technology, media, communications, and virtual realities; and
- Discuss the sources for the corruption of criminal justice and possible solutions in community policing and new visions of public order and service.

ORGANIZATIONAL THEMES: MARIANIST EDUCATIONAL PHILOSOPHY AND DIVERSITY

Organizational themes refer to underlying structural links that contribute to the choice of content, the pedagogy selected for participation of the teacher/learner and student/teacher in bringing the content to life, and fulfillment of the course objectives within a broader frame of education and building community.

1. The first set of organizational themes around which the course is constructed is drawn from the "Characteristics of Marianist Universities."
 - Educate for formation in faith;
 - Provide an integral quality education;
 - Educate for family spirit;
 - Educate for service, justice and peace; and
 - Educate for adaptation and change.
2. The second major organizational theme is diversity and the complex issues that are associated with theory and practice of criminology and criminal justice within diverse, multi-ethnic and multi-religious communities.

Two explicit objectives arise from these organizational themes:

1. The students will incorporate into their presentations and final project an awareness of the Marianist educational characteristics and how they impact on their reading of the sources and themes for the course and their personal philosophy and practice within the criminal justice field.
2. Students will develop an awareness and deeper appreciation for the diversity of theory and practice in criminology and criminal justice.

Evaluation:

- **Readings:** In order to participate each student/learner must be prepared to discuss the reading in advance of the class. Readings are assigned in the class syllabus. Teacher/learners will expect that you have read the specific materials and they will be adding new material with their lecture/discussions.
Class attendance: Attendance will be taken. Class lectures, small group discussions, video materials and various other activities will occur during class time so your presence is required. There is also a federal law requirement that we take attendance for those who have accepted federal money for education, so we count everybody.
 - You are responsible for insuring that your presence at a class is noted, particularly if you are late.
 - If you have more than three unexcused absences, your grade may be lowered by one or more letter grade.

There will be six essay exams based on the six parts of the Leighton/Reiman text and the Crank/Caldero text and materials/discussions covered in class. Reading comprehension quizzes may be given as needed. There will be a final exam.

Class project: Students are required to complete a class project. The class project is due April 26, 2001 and will be discussed on that day in class. **Choose one** of the following:

1. Contact Bro. Tom Spring in the Service Learning Office and make arrangements for a service opportunity. You will need at least 12 hours of volunteer time during the semester. Arrangements should be made before February 1, 2001.
Fill out your decision sheet (handout in class) by February 6, 2001 and turn it in;
 - Perform the service; and
 - Write a reflection on the experience in light of class discussions/reflections (3-5 double-space, typewritten pages). A suggestion on the theme: Connect Marianist ideals of community building and justice education with the importance of community service in the legal and criminal justice professions in light of my service experience. The reflection includes a detailed journal of the experience itself: Who, what, where, when, how, and why.
Your reflection must include your insights into the impact of diversity of theory and practice in criminology. Diversity issues also arise because of the complex demographics of the communities we serve.
2. Select a profession within criminology and the criminal justice field (including the legal profession) and interview at least three practitioners on the ethical codes and practices that they consider important to their sense of the profession and its practice. Put together a research paper that includes research on the selected profession and its code(s) of ethics and means of compliance, as well as how the profession seeks to educate its members on this area.
This will be a medium length paper (8-10 typewritten pages). You will be expected to have a minimum of six sources other than your texts.
Use the Scott Foresman Handbook for Writing for appropriate styles of
Working all quoted materials require an appropriate footnote Substantial rephrasing and recounting of arguments in your paper require an appropriate attribution of the original author.
Your research paper must include your insights into the impact of diversity of theory and practice in criminology. Diversity issues also arise because of the complex demographics of the communities we serve.

GRADE CALCULATION:

Participation including assigned presentations:	100 points (10%);
Attendance:	100 points (10%);
Tests:	600 points (60%);
Final Project:	100 points (10%);
Final Exam:	100 points (10%).

SYLLABUS: CRIMINAL JUSTICE AND ETHICS SPRING 2001

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<u>Day</u>	<u>Topic</u>	<u>Instructor</u>	<u>Comments</u>
January 16	Introduction	China Coleman	Read:
January 18	[Right and Wrong: The Morality of Ethics] Introduction to Morality and Ethics Bro. Tom Spring on Service Learning Option	C.R. Unni	Read: J. Reiman, Criminal Justice Ethics, 1-18 R. Nash, Teaching Ethics Ethically 19-26 D. Bazelon, The Morality of the Criminal Law, 28-41
January 23	[Philosophy, Morality and Ethics] Critical Review of Central Concepts	C.R. Unni	B. Lawson, Crime, Minorities, and the Social Contract, 42-49 Jean Hampton, <i>Mens Rea</i> , 50-72
January 25	[Ethics and Criminal Guilt] Theories of Punishment Discussion	C.R. Unni	Case Study, 73-83.
January 30	<i>Mens Rea</i>	China	Case Law Handouts
February 1	Test One		
February 6	[What should be a crime?]	China	J. Feinberg, Excerpts from <i>Social Philosophy</i> , 87-108 D. Richards, The Moral Foundations of Decriminalization, 109-114
February 8	[Drugs and Decriminalization]	Br. Christiana	A. Trebach and J. Inciardi, Excerpts from <i>Legalize It? Debating American Drug Policy</i> , 115-134
February 13	[Prostitution]	China	In re P: Let the 14-year old go ... 135-141 Prostitution and Civil Rights, 142-150 International Committee for Prostitutes' Rights ... 151-160
February 15	Corporate Violence	Coleman	J. Reiman, A Crime by any other Name, 161-170 AMA, The Brown and Williamson Documents ... 171-174 S. Glantz, et.al., Looking Through a Keyhole ... 175-184
February 20	Test Two		
February 22	[Moral Problems in Policing]	O'Neill	J. Kleinig, Ethics and Codes of Ethics, 234-250 J. Skolnick, The Ethics of Deceptive Interrogation, 251-260
February 27	[Moral Problems in Policing]	O'Neill	C. Klockars, The Dirty Harry Problem 264-285 US v. Tobias: It is not Entrapment ... 286-291
March 1	[Selective Enforcement] Review	China	J. Kleinig, Selective Enforcement and the Rule of Law, 292-302 J. Reiman, Against Police Discretion ... 303-310
March 6	Test Three		

March 8	Legal Ethics	China	P. Haskell, The Behavior of Lawyers, 313-328 T. Schneyer, Moral Philosophy's Standard Misconception of Legal Ethics, 329-344 Model Rules Handout
March 13	[Moral Issues in Judicial Processing and Jurisprudence]	China	A. Reed Amar and J. Cochran, Jr., Do Criminal Defendants have too many Rights? 345-361 K. Kipnis, Criminal Justice and the Negotiated Plea, 362-371 J. Weinstein, Considering Jury <u>"Nullification"</u> , 372-382
March 15	Test Four		
March 20	[Penology: Treatment of Inmates)	China	G. Newman, Excerpts from Just and Painful, 386-388 T. Gorman, Back on the Chain Gang, 398-415
March 22	Inmates' Civil Rights	China	Case Law Handouts
April 3	Death Penalty	Br. Christiana	s. Nathanson, Is the Death Penalty What Murderers deserve? 416-423 J. Reiman, Against the Death Penalty, 424-430
April 5	Death Penalty "Race and Capital Punishment"	Br. Christiana	National Council of Churches, Abolition of the Death Penalty, 435 AMA, Physician Participation in Capital Punishment, 436-442 M. Kastrup, Psychiatry and the Death <u>Penalty</u> , 443-448.
April 10	Test Five	China	
April 12	Emerging Issues	China	L. Tribe, The Constitution in Cyberspace ... 451-461 J. Reiman, Driving to Panopticon... 462-473
April 17	Emerging Issues	China	N. Strassen and E. Allen, Megan's Law ... 474-488
<u>April 19</u>	<u>Emerging</u> Issues	China	Media: 489-525
April 24	Test Six	China	
April 26	Class Projects Day	China	Projects are due and will be discussed during this class.
May 1	Police Ethics	Christiana China	Police Ethics: The Corruption of Noble Cause
May 3	Police Ethics	Coleman China	Police Ethics: The Corruption of Noble Cause
May 7- 10	Final Exam		Final Exam Week