

# **CRIMINAL JUSTICE ETHICS<sup>1</sup>**

CRIM 306-002 (3.000 credits)  
(Syllabus Last Revised: January 9, 2024)

*Spring 2024 Semester, Mondays, 4:30 p.m. to 7:10 p.m.  
Peterson Hall, 1105*

James P. Gillis  
Adjunct Professor  
jgillis5@gmu.edu  
Office hours by appointment

## **DESCRIPTION OF THE COURSE AND ITS OBJECTIVES**

The consistent, ethical application of the Constitution and criminal laws by those entrusted to work in this field is at the heart of the American system of justice. Criminal justice professionals are given tremendous individual discretion. The police officer's decision to arrest or not, the prosecutor's decision to charge or not, the judge's decision in sentencing the defendant, to name only a few, are issues that confront criminal justice professionals across the country every day. These decisions typically are made by the individual alone and are often unreviewable by others. Ethical decision-making is therefore critical to maintaining the public trust upon which our system of justice depends.

It would be absurd, however, to attempt to "teach" a college-aged student right from wrong. If she has not learned it by this time, there is little that could be accomplished in the space of a semester to change that. Instead, the objective of the course will be to engage the student in the kind of critical thinking that might anticipate and precede an ethical dilemma so that when it does arise, the student will already have the tools to recognize and confront it, the confidence to be guided by her own moral compass, and the courage to make and stand by the ethical decision. We will do this by examining some recurring ethical issues that present themselves in the criminal justice context and discussing how other practitioners have addressed them. After exploring general ethical principles, philosophies, and dilemmas, this course will examine how they may or should govern the actions of each of the principal actors in the criminal justice arena: law enforcement officers, prosecutors, defense lawyers, judges, and corrections officers. As part of the analysis, we will spend a fair amount of the course learning about some "bright-line" rules that apply to these actors, such as the limitations on a police officer's use of force, the obligations of a prosecutor to disclose exculpatory evidence, and the duty of a defense attorney to maintain client confidences. But we will also explore whether these rules can be accurately described as either "bright" or "lines" – whether they might instead be blurry borders with a certain ethical "thickness." So,

---

<sup>1</sup> Copyright © 2024 by James P. Gillis. Small portions of this syllabus have been adapted from syllabi prepared by other instructors.

we will discuss how a criminal justice professional might be guided when she finds herself in a situation near the edge of these boundaries.

While there will be some lectures, a good deal of emphasis will be placed upon directed reading or viewing beyond the text, group discussions, guest lecturers or panelists, and reliance upon the Socratic method.

## INSTRUCTIONAL PHILOSOPHY AND METHODOLOGY

This class will be taught in a manner that may be entirely foreign to some students, and some may find this disconcerting. In general, the philosophy of instruction that will guide this course is that classroom time should not be used for anything that the student could do alone while outside the classroom – such as the reading and watching assignments. The classroom, instead, should be the place for discussion, debate, exchanging of opinions and ideas, and generally opening one's mind to the experiences and viewpoints of others. Thus, while the in-class discussions will likely touch upon some parts of the reading assignment for a given week, during class the instructor will **not** be lecturing from the reading assignments. Nonetheless, the student **will** be responsible for reading and analyzing the material and **will** be tested upon it. Accordingly, if a student has any questions concerning the reading assignments – any questions at all – the student should raise them during class or make arrangements to speak with the instructor individually.

Some students have in the past expressed concern about the approach adopted for teaching this class, but there is a method to the madness. Many studies have shown that a student learns little from a lecture and that much of the information received in this way is not retained for long. Support for this can be found in an article published in the Harvard Magazine, <http://harvardmagazine.com/2012/03/twilight-of-the-lecture>, from which the following quote of Eric Mazur, Balkanski Professor of Physics and Applied Physics at Harvard University, is taken:

“It’s not easy. You get a lot of student resistance,” he continues. “You should see some of the vitriolic e-mails I get. The generic complaint is that they have to do all the learning themselves. Rather than lecturing, I’m making them prepare themselves for class—and in class, rather than telling them things, I’m asking them questions. They’d much rather sit there and listen and take notes. Some will say, ‘I didn’t pay \$47,000 to learn it all from the textbook. I think you should go over the material from the book, point by point, in class.’ Not realizing that they learn precious little by that, and they should actually be offended if I did that, because it’s an insult to their intelligence—then, I’m essentially reading the book to them.”

Phillip Dawson, Lecturer in Learning and Teaching at Monash University, made a similar point – and specifically concerning a class such as this one – in an article from The Conversation, <http://theconversation.com/are-lectures-a-good-way-to-learn-26905>:

Lectures should not be a default teaching approach, but should instead be used in a targeted way when they suit the specific goals of the class. For other goals, such as teaching ethics, provoking thought, or developing practical skills, more active approaches work better than lectures.

Any student who has any questions concerning how the course will be taught is strongly encouraged to raise them during the first week of class or to speak with the instructor individually.

## **COURSE REQUIREMENTS, POLICIES, AND GRADING**

### **Required Text:**

The text for the class is Banks, Cyndi. *Criminal Justice Ethics: Theory and Practice*. 5th ed. Thousand Oaks, Calif: Sage Publications, 2020. This *does not* represent an endorsement of any particular view expressed by the author in the text.

### **Confidentiality and Classroom Discussions:**

In order to encourage a robust, in-depth, and frank discussion of occasionally sensitive subjects, it is expected that a student who chooses to attend this section **will not repeat** in any attributable form *anything* said by another student during the class without that student's *express* consent. This prohibition does not apply to statements made by the instructor (but see the disclaimer below).

Two passages regarding academic integrity and diversity, from the General Information section below, bear emphasizing here:

Another aspect of academic integrity is the free play of ideas. Vigorous discussion and debate are encouraged in this course, with the firm expectation that all aspects of the class will be conducted with civility and respect for differing ideas, perspectives, and traditions.

\* \* \*

Diversity . . . entails different viewpoints, philosophies, and perspectives. Attention to these aspects of diversity will help promote a culture of inclusion and belonging, and an environment where diverse opinions, backgrounds and practices have the opportunity to be voiced, heard, and respected.

### **Attendance:**

**Attendance is mandatory.** This is a class in ethics. We will be grappling with some of the most fundamental questions of our society. Debating these issues in

community is essential to coming to an understanding of our own positions on these often-sensitive topics, but also, critically, an understanding of the positions of our fellow citizens as viewed from their vantage point. When a student misses a class, she deprives the class of her point of view and her classmates of the learning that they would otherwise receive from the comments and questions that she could offer during the class discussion. Accordingly, attendance is essential to the successful outcome of this class.

However, life happens. Therefore, a student may be absent from two classes for any reason or for no reason (with the important exception of the two classes with guest professionals, as discussed below). The student nonetheless be responsible for all content for the class missed and must take the corresponding quiz by the Friday following the class missed. *Absence at more than two classes may result in a **three-percent deduction** from the final grade for each class missed in excess of these two.* A student would be wise, therefore, to husband his two permitted absences in the event of a later illness or family emergency.

### **Laptops, Other Electronic Devices, and Recording:**

**Virtually every class will end with a short, twenty-minute quiz** on the assigned chapter(s) for that week, any outside reading/watching assignment for that week, and the previous week's lecture and classroom discussion. The quizzes will be administered online, in the classroom, and always using the Respondus Lockdown Browser. The mid-term and final exams will be similarly administered.<sup>2</sup> Therefore, it will be **essential for students to bring their laptops** to class each week. Also, **please be familiar with the Respondus program** before the first quiz (the instructor is no more familiar with it than the student might be). Assistance with the installation and use of the Lockdown Browser may be obtained through the Courses Support staff.

Other electronic devices (such as cell phones, tablets, etc.) are permitted in the classroom, but please be respectful of your peers and your instructor and do not engage in activities that are unrelated to class. Engaging during class in gaming, email, chats, or any other non-course-related content, aside from being disruptive, shows a lack of professionalism and may affect your participation grade.

**No part of the class may be recorded without the instructor's express written consent.**

---

<sup>2</sup> The Blackboard platform will be used so that "poor" questions can be identified by the program and appropriately discounted and so that, if necessary in the instructor's discretion, the results of the quiz or exam can be curved. Any reasonable accommodation will be made for a student with a disability or difference in learning that is documented by the Office of Disabilities and that would affect the student's performance on a Blackboard quiz or exam.

## TENTATIVE COURSE SCHEDULE

### PART ONE: AN INTRODUCTION TO ETHICS AND ITS IMPORTANCE TO CRIMINAL JUSTICE

WEEK ONE: January 22, 2024

An Introduction to the Course and Course Syllabus;

**Watching Assignments** (available in Course Content for Week One):

“Justice: What’s the Right Thing To Do? Episode 01 ‘The Moral Side of Murder.’” *YouTube*, YouTube, 4 Sept. 2009, [www.youtube.com/watch?v=kBdfcR-8hEY&t=1457s](http://www.youtube.com/watch?v=kBdfcR-8hEY&t=1457s). (*only the first half of program*)<sup>3</sup>

“Derek Sivers’ Ted Talk ‘How To Start a Movement.’” *YouTube*, YouTube, 2 Nov. 2015, [www.youtube.com/watch?v=gxFt1BZiMTw](http://www.youtube.com/watch?v=gxFt1BZiMTw).

“How To Speak So That People Want To Listen | Julian Treasure | Ted.” *YouTube*, YouTube, 27 June 2014, [www.youtube.com/watch?v=eIho2SoZahI&t=10s](http://www.youtube.com/watch?v=eIho2SoZahI&t=10s).

“Your Body Language May Shape Who You Are | Amy Cuddy | Ted.” *YouTube*, YouTube, 1 Oct. 2012, [www.youtube.com/watch?v=Ks-\\_Mh1QhMc](http://www.youtube.com/watch?v=Ks-_Mh1QhMc).

**Please plan to discuss** the significance of the lessons in these videos to the hypothetical involving the drunken police captain in the discussion case on page 330 of the text (ignore the introductory sentence).

**Submission of Week One Assignment:** Photograph with name, class year, and optional bio (see the full description of the Week One Assignment on BlackBoard). The purpose of this assignment is to assist the instructor when assessing a student’s class participation. If a student has a religious or other firmly-held objection to providing a photograph, please discuss this with the instructor.

WEEK TWO: January 29, 2024

Chapter 9: The Ethics of Criminal Justice Policy Making (excerpts only, to be posted in Course Content)

Chapter 11: Media Ethics and Criminal Justice (excerpts only, to be posted in Course Content)

---

<sup>3</sup> In one part of the discussion in this video, the speaker makes a regrettable reference to the physical characteristics of a person in the hypothetical. This flaw could have been avoided, and the same point could have been made, using a more creative example.

Watching and Additional Reading Assignments as listed in Course Content  
for Week Two

Short Blackboard Quiz<sup>4</sup> on assigned portions of Chapters 9 & 11 and  
Watching and Reading Assignments for Week One and Week Two

WEEK THREE: February 5, 2024

Chapter 12: Duty and Principle

Chapter 13: Considering the Consequences

Watching and Additional Reading Assignments as listed in Course Content  
for Week Three

Short Blackboard Quiz on Chapters 12 & 13, Week Three Watching and  
Reading Assignments, and previous class.

WEEK FOUR: February 12, 2024

Chapter 14: The Importance of Character

Watching and Additional Reading Assignments as listed in Course Content  
for Week Four

Short Blackboard Quiz on Chapter 14, Week Four Watching and Reading  
Assignments, and previous class.

WEEK FIVE: February 19, 2024

Chapter 15: Egoism, Pleasure, and Indifference

Chapter 16: A Sense of Justice

Watching and Additional Reading Assignments as listed in Course Content  
for Week Five

Short Blackboard Quiz on Chapters 15 & 16, Week Five Watching and  
Reading Assignments, and previous class.

Brief Review for Mid-Term Exam.

---

<sup>4</sup> **NOTE:** While all of the quizzes will be administered via the Internet through BlackBoard using the Respondus Lock-Down Browser, the quizzes must be taken *in class*. Without the express prior permission of the instructor, taking or attempting to take a quiz from any location other than the classroom will be regarded as **an honor code violation**.

WEEK SIX: February 26, 2024

Blackboard **Mid-Term Exam** Covering Assigned Portions of Chapters 9 and 11 through 16 and All Previous Watching and Reading Assignments and Classes.

PART TWO: ETHICAL PRINCIPLES APPLICABLE TO THE ACTORS IN THE CRIMINAL JUSTICE SYSTEM AND CERTAIN “BRIGHT LINES”

WEEK SEVEN: March 11, 2024

An Introduction to the Fourth, Fifth, and Sixth Amendments to the Constitution: *Miranda, Brady, Giglio, Jencks*, and FED. R. CRIM. P. 16

**Watching and Additional Reading Assignments as listed in Course Content for Week Seven**

**NOTE:** This material can be especially difficult and complex. You should be sure to attend these classes, to pay particular attention, and to take particularly copious notes. *Many* of the subsequent classes build upon this foundation.

Short Blackboard **Quiz** on Week Seven Watching and Reading Assignments.

WEEK EIGHT: March 18, 2024

Continuation of an Introduction to the Fourth, Fifth, and Sixth Amendments to the Constitution: *Miranda, Brady, Giglio, Jencks*, and FED. R. CRIM. P. 16

**Watching and Additional Reading Assignments as listed in Course Content for Week Eight**

*Somewhat lengthier* Blackboard **Quiz** on the Fourth, Fifth, and Sixth Amendments to the Constitution: *Miranda, Brady, Giglio, Jencks*, and FED. R. CRIM. P. 16 (including the class lecture for Week Seven) and Week Eight Watching and Reading Assignments

WEEK NINE: March 25, 2024

Chapter 2: The Nature of Policing and Police Culture (excerpts only, to be posted in Course Content)

Chapter 3: Use of Force, Investigations, Interrogations, and Lying (excerpts only, to be posted in Course Content)

Chapter 5: Lawyers and Ethics (excerpts only, to be posted in Course Content)

Watching and Additional Reading Assignments as listed in Course Content for Week Nine

Short Blackboard Quiz on Chapters 2, 3 & 5, Week Nine Watching and Reading Assignments, and previous class.

WEEK TEN: April 1, 2024<sup>5</sup>

Individual Group Discussions with Distinguished Law Enforcement Agents and Prosecutors

WEEK ELEVEN: April 8, 2024

Chapter 5: Judges and Ethics (excerpts only, to be posted in Course Content)

Watching and Additional Reading Assignments as listed in Course Content for Week Eleven

Short Blackboard Quiz on assigned portions of Chapter 5 and Week Eleven Watching and Additional Reading Assignments.

WEEK TWELVE: April 15, 2024

Individual Group Discussions with Distinguished Defense Lawyers and Judges

WEEK THIRTEEN: April 22, 2024

Chapters 7: The Nature of Corrections (excerpts only, to be posted in Course Content)

Chapter 8: Guarding Ethically (excerpts only, to be posted in Course Content)

Listening Assignment as listed in Course Content for Week Thirteen

---

<sup>5</sup> You will want to be present for the two panel classes. They are always the students' favorites, semester after semester. In any case, attendance at these classes is *mandatory*. They are *not* among your two allowed absences. A student who will not be present for either of these two classes must notify the instructor in advance and provide a *compelling, documented* reason.



Short Blackboard **Quiz** on assigned portions of Chapters 7 & 8 and Week Thirteen Listening Assignment.

WEEK FOURTEEN: April 29, 2024

Chapter 10: Ethics and the “War on Terrorism” (excerpts only, to be posted in Course Content)

Watching and Additional Reading Assignments as listed in Course Content for Week Fourteen

Short Blackboard **Quiz** on assigned portions of Chapter 10 and Week Fourteen Watching and Additional Reading Assignments.

Brief Review for Final Exam (as time permits)

**FINAL EXAM:** Monday, May 6, 2024, 4:30 p.m. – 7:15 p.m.  
Peterson Hall, Room 1105 (same as class)

**Cumulative:** All Chapters (assigned portions), Lectures/Classes, and Watching, Reading, and Listening Assignments from Part One *and* Part Two.

## GRADING

The ten weekly quizzes will each count for three percent (thirty percent total) of the final grade.<sup>6</sup> The mid-term exam will count for twenty-five percent of the final grade. The final exam will count for thirty-five percent of the final grade. The quizzes and exams will consist of true/false, multiple-choice, and multiple-answer questions.

**NOTE:** The quizzes, mid-term, and final are all closed book, closed notes with the following exception **only:** Students may bring to the weekly quiz a one-page, front-and-back, original **handwritten** page of notes. Students may bring to the mid-term four pages of front-and-back, original **handwritten** notes. Students may bring to the final exam ten pages of front-and-back, original **handwritten** notes.

---

<sup>6</sup> A student who is absent due to illness or family emergency will be permitted to take up to two quizzes within one week of the class. Nonetheless, these and any other absences will be deducted from the maximum permissible two absences discussed above. In exceptional cases, the instructor may permit a written assignment as a substitute for a missed class. Any make-up quiz will be taken either at the Learning Center (to be arranged by the student) or using the Respondus Lock Down Browser with video monitoring.

The notes must be handwritten, may not be typed, cut-and-pasted, or photocopied. The student may be asked to show the notes to the instructor.

Classroom participation will count for ten percent of the grade.<sup>7</sup> “Participation” will be measured by the student’s comments and questions during the classroom discussion and in online discussions, input during group breakout discussions and group exercises, responses to questions from the instructor during class, and preparedness. This last point is important: one generally cannot participate fully in the classroom discussions if one is not prepared by having read (or watched) the assignment and having given thought before class to the issues the assignment raises. ***A student who is unprepared when called upon in class will be considered absent.*** In general, the classroom time will not be used merely to lecture about materials that could have been read or watched by the student alone. Instead, the aim of the classroom time will be to take advantage of the group setting to examine, discuss, disagree with, or build upon the materials from the assignment that the student has already reviewed *before class*. “Participation” will also include the thoughtfulness of the comments of the student’s group during classroom discussions following breakout sessions, the quality of the group’s classroom exercises, and the group’s online discussions. ***Perfect attendance, standing alone, does not constitute class participation.***

The following grading scale will be used in this section:

A	100 – 93%	C+	79.9 – 77%
A-	92.9 – 90%	C	76.9 – 73%
B+	89.9 – 87%	C-	72.9 – 70%
B	86.9 – 83%	D	69.9 – 60%
B-	82.9 – 80%	F	59.9% and below

## GENERAL INFORMATION

### **Campus Resources:**

The Writing Center, University Libraries, Counseling and Psychological Services, and the Office of Disability Services are available to assist students. You are strongly encouraged to visit the website for the Center for Teaching & Faculty Excellence and, in particular, to explore and take advantage of the student support resources on

---

<sup>7</sup> Any reasonable accommodation will be made for a student with a disability that is documented by the Office of Disabilities and that would affect the student’s full classroom participation.

campus, a listing of which you can find here: <http://ctfe.gmu.edu/teaching/student-support-resources-onthecampus/>.

### **Accommodations for Students with Learning or Physical Differences:**

Disability Services<sup>8</sup> at George Mason University is committed to providing equitable access to learning opportunities for all students by upholding the laws that ensure equal treatment of people with disabilities. If you are seeking accommodations for this class, please first visit <https://ds.gmu.edu/> for detailed information about the Disability Services registration process. Then please discuss your approved accommodations with me. Disability Services is located in Student Union Building I (SUB I), Suite 2500. Email: [ods@gmu.edu](mailto:ods@gmu.edu) | Phone: (703) 993-2474.

### **Academic Integrity:**

George Mason University is an Honor Code university.<sup>9</sup> Its Honor Code contains clear guidelines regarding academic integrity. Three fundamental and rather simple principles to follow at all times are that: (1) all work submitted be your own; (2) when using the work or ideas of others, including fellow students, give full credit through accurate citations; and (3) if you are uncertain about the ground rules on a particular assignment, ask for clarification. The principle of academic integrity is taken very seriously, and violations are treated gravely. No grade is important enough to justify academic misconduct. When in doubt (of any kind) please ask for guidance and clarification.

Another aspect of academic integrity is the free play of ideas. Vigorous discussion and debate are encouraged in this course, with the firm expectation that all aspects of the class will be conducted with civility and respect for differing ideas, perspectives, and traditions.

### **Sexual Misconduct and Interpersonal Violence:**

George Mason University is committed to providing a safe learning, living, and working environment free from discrimination. The University's environment is meant to be experienced as vibrant and dynamic, and one that includes ample opportunities for exploration of self, identity, and independence. Sexual misconduct and incidents of interpersonal violence deeply interrupt that experience, and George

---

<sup>8</sup> The name for this office is, in my opinion, poorly chosen. What some may see as "disabilities," many others see as mere differences or even advantages. Otherwise, I fully concur with the statement in this paragraph, which is copied from that office's website.

<sup>9</sup> All students are expected to be familiar with the University's Honor Code, which may be found in the University Catalog.

Mason University is committed to a campus that is free of these types of incidents in order to promote community well-being and student success.

George Mason University encourages individuals who believe that they have been sexually harassed, assaulted, or subjected to sexual misconduct to seek assistance and support. *Confidential* resources are available on campus at Counseling and Psychological Services (caps.gmu.edu), Student Health Services (shs.gmu.edu), the University Ombudsperson (ombudsman.gmu.edu), and Wellness, Alcohol and Violence Education and Services (waves.gmu.edu). All other members of the University community (such as your instructor) are *not considered confidential resources* and are required to report incidents of sexual misconduct to the University Title IX Coordinator.

For a full list of resources, support opportunities, and reporting options, contact the University Title IX Coordinator at [integrity.gmu.edu](mailto:integrity.gmu.edu) and/or at (703) 993-8730.

### **Diversity:**

George Mason University promotes a living and learning environment for outstanding growth and productivity among its students, faculty and staff. Through its curriculum, programs, policies, procedures, services and resources, Mason strives to maintain a quality environment for work, study and personal growth. An emphasis upon diversity and inclusion throughout the campus community is essential to achieve these goals. Diversity is broadly defined and includes, but is not limited to, such characteristics as race, ethnicity, gender, religion, age, disability, sexual orientation, and gender identity. Diversity also entails different viewpoints, philosophies, and perspectives. Attention to these aspects of diversity will help promote a culture of inclusion and belonging, and an environment where diverse opinions, backgrounds and practices have the opportunity to be voiced, heard, and respected.

### **Communication:**

George Mason University uses only Mason e-mail accounts to communicate by email with enrolled students. Students must activate their Mason email account, use it to communicate with their department and other administrative units, and check it regularly for important university information including messages related to this class.

### **Enrollment and Add/Drop Period:**

Students are responsible for verifying their enrollment in this class. Schedule adjustments should be made by the deadlines published in the Schedule of Classes. (Deadlines each semester are published in the Schedule of Classes available from the Registrar's Website at [registrar.gmu.edu](http://registrar.gmu.edu).)

## **THE NECESSARY DISCLAIMERS**

The views expressed by the instructor do not necessarily reflect the views of the instructor's current or past employers or the views of George Mason University. Indeed, the views seemingly expressed by the instructor during a given class – and particularly questions posed to students – may not necessarily reflect the actual views of the instructor and may be posited solely to stimulate robust discussion, to provoke thoughtful responses, or to achieve other pedagogical objectives. Similarly, the views expressed in the textbook, or the Watching and Reading Assignments, do not necessarily reflect the views of the instructor, which may actually be quite the opposite.

If you are troubled by any statement made by the instructor or in the text or in the any Watching or Reading Assignment, please raise your concerns with the instructor – or, better still, in class. If you are troubled by something like this, it is likely that one of your classmates is as well. Your thoughts would be very welcome, and you are entitled to a thoughtful, respectful response. If you do not receive what you consider to be a satisfactory response from the instructor, you should feel free to raise the issue with the Dean.