

CRIM 514, Section 001: Legal and Ethical Issues in Criminal Justice, CRN 13772

Spring 2023: Monday, 7:20pm – 10:00pm, Hanover Hall L002

George Mason University, Fairfax Campus

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Course Description:

This course covers laws and ethics that govern the operation of the criminal justice system. Professionals in the criminal justice system—law enforcement officers and agents, prosecutors, judges, defense attorneys, corrections officers, and probation and parole officers—are individuals who face moral, ethical, and legal dilemmas in their jobs daily. Ethical values and legal principles are closely related, but they may differ. An individual's ethical obligations may impose a standard of conduct that is higher than their duties under the law. The law may even allow unethical conduct. On the other hand, some criminal justice professions may not have adopted a formal code of ethics and instead operate within the boundaries imposed by law and individual morality. This course proceeds in four parts. After an introduction to major ethical systems and professional codes of ethics, the bulk of the course is spent studying the legal and ethical issues plaguing law enforcement, courts, and corrections, respectively. We then explore legal issues that impact the criminal justice system as a whole.

Course Objectives:

By the end of this course, students should be able to:

- Explain the similarities and differences among morals, ethics, and laws
- Describe the moral foundations for criminal laws
- Identify, describe, explain, and critique the legal mandates, limitations, and discretion of police officers, court actors, and corrections officers
- Explain the major ethical systems and professional ethics that are relevant to the criminal justice system
- Identify common legal and ethical dilemmas faced by professionals in the criminal justice system, as well as the analytical frameworks for resolving these dilemmas

Text: (required)

Jay S. Albanese. (2016). *Professional Ethics in Criminal Justice: Being Ethical When No One Is Looking (Fourth Edition)*. ISBN-10: 0131375652. ISBN-13: 978-0131375659.

Jonathan Simon (2014). *Mass Incarceration: on Trial: A Remarkable Court Decision and the Future of Prisons in America*. ISBN-10: 1595587691. ISBN-13: 978-1595587695.

<http://mutex.gmu.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=803014>

Michael Tonry (2016). *Sentencing Fragments: Penal Reform in America, 1975-2025*. ISBN-10: 0190204680. ISBN-13: 978-0190204686.

<http://mutex.gmu.edu/login?url=https://ebookcentral.proquest.com/lib/gmu/detail.action?docID=4083273>

Samuel E. Walker and Carol A. Archbold (2020). *The New World of Police Accountability (Third Edition)*. ISBN-10: 1544339178. ISBN-13: 978-1544339177.

REQUIRED ARTICLES/READINGS:

Cassia Spohn. (2015). Race, crime, and punishment in the twentieth and twenty-first centuries. *Crime and Justice*, 44, 49-97

American Bar Association. (2013). *Model Rules of Professional Conduct*. Available at: http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents.html

American Bar Association. (2011). *Model Code of Judicial Conduct*. Available at: http://www.americanbar.org/groups/professional_responsibility/publications/model_code_of_judicial_conduct.html

John Tyler Clemons. (2014). Blind injustice: The Supreme Court, implicit racial bias, and the racial disparity in the criminal justice system. *American Criminal Law Review*, 51, 689-713.

Lois James, Stephen M. James, and Bryan J. Vila. (2016). The reverse racism effect: Are cops more hesitant to shoot Black than White suspects? *Criminology & Public Policy*, DOI: 10.1111/1745-9133.12187

Policy Essays: Terrill, Deadly force: To shoot or not to shoot
Fridell, Racial aspects of police shootings: Reducing both bias and counter bias

Saul M. Kassin, et al. (2007). Police interviewing and interrogation: A self-report survey of police practices and beliefs. *Law and Human Behavior*, 31(4), 381-400.

Tracy L. Meares. (2014). The law and social science of stop and frisk. *The Annual Review of Law and Social Science*, 10, 335-352.

Danielle Resiak, Elias Mpofu, and James Athanasou. (2016). Drug treatment policy in the criminal justice system: A scoping literature review. *American Journal of Criminal Justice*, 41(1), 3-13.

Jon M. Shane. (2012). Police employee disciplinary matrix: An emerging concept. *Police Quarterly*, 15, 62-91.

John L. Worrall and Tomislav V. Kovandzic. (2008). Is policing for profit? Answers from asset forfeiture. *Criminology & Public Policy*, 7(2): 219-244.

Course Requirements and Grading:

Essays	35% of total grade
Attendance and Participation	40% of total grade
Final Exam	25% of total grade

Students will be assessed on three requirements.

Attendance/Discussion

Students are expected to read required readings prior to class, and to participate in class discussion. Students are expected to post discussion questions and responses on Blackboard no later than 24 hours prior to class. Attendance and discussion comprise 40% of the course grade.

Those students who have previously taken one of my classes know it is not unusual, during in-person instruction, for me to walk around the classroom and ask students questions. It is not an attempt to embarrass anyone, but an opportunity to generate discussion and debate, as I enjoy eliciting your opinions and interpretations of the material, which may be completely different from mine. The discussion also keeps everyone engaged and makes the class more interesting and enjoyable.

Essays

Students are required to answer two out of three essay questions offered throughout the course, which correspond to the major sub-systems within the criminal justice system: law enforcement, courts, and corrections. These essays will require a recitation and clear understanding of the law governing the topic, a synthesis of the required readings within the topic, and a thoughtful analysis of the ethical implications of criminal justice decision making. Two essays comprise 35% of the course grade.

Exam

The third requirement is a final exam, worth 25% of the course grade. All material from required readings and class discussion is eligible to be included in exam questions. The exam will test both your factual knowledge of legal and ethical issues in criminal justice and your ability to apply this knowledge to new situations across all stages of the criminal process.

Overall Grading:

The course is graded on the Graduate Regular scale. The following is the numerical conversion to the corresponding letter grade scale that we will be using:

A+	100 – 97%
A	96 – 93%
A-	90 – 92%
B+	89 – 87%
B	86 – 83%
B-	82 – 80%
C+	79 – 77%
C	76 – 73%
F	72 – 0%

University Policies:

Campus Resources:

The Writing Center, University Libraries, Counseling and Psychological Services (CAPS), Student Support and Advocacy Center, and the Office of Disability Services are available to assist students. Links to these sites, along with the University Catalog and the University Policies websites are below.

General University Information / Weather: www.gmu.edu
 Office of Disability Services: ods.gmu.edu
 Writing Center: writingcenter.gmu.edu
 Counseling and Psychological Services: caps.gmu.edu
 Student Support & Advocacy Center: ssac.gmu.edu/
 English Language Institute: eli.gmu.edu
 University Catalog: catalog.gmu.edu
 University Policies: universitypolicy.gmu.edu

Accommodations for students with disabilities:

If you are a student with a disability and you need academic accommodations, please see me and contact Disability Services at (703) 993-2474 or ods.gmu.edu. All academic accommodations should be identified at the beginning of the semester and must be arranged through Disability Services.

Honor Code:

GMU has an Honor Code, which requires all members of this community to maintain the highest standards of academic honesty and integrity. Cheating, plagiarism, lying, stealing, and research misconduct are all prohibited. All violations of the Honor Code will be reported to the Honor Committee. See <https://catalog.gmu.edu/policies/honor-code-system/#text> for more detailed information.

Enrollment:

Students are responsible for verifying their enrollment in this class. Schedule adjustments should be made by the deadlines published in the Schedule of Classes, which is available from the Registrar’s Website at https://registrar.gmu.edu/calendars/spring_2023/. After the last day to drop a class, withdrawing from this class requires the approval of the dean and is only allowed for nonacademic reasons. See the Schedule of Classes for selective withdrawal procedures.

The last day to add classes is Monday, January 30, 2023.

The last day to drop classes with 100% refund is Monday, February 6, 2023.

The last day to drop classes with 50% refund is Monday, February 13, 2023.

The unrestricted withdrawal period (100% tuition liability) is from Tuesday, February 14 to Tuesday, February 27, 2023.

Class Schedule:

As set forth below the subject matter that will be covered during the semester has been grouped by chapters. In addition, articles that relate to or expand on the material in the chapters will be posted on Blackboard. In preparing for class students should read the material prior to class. It is the student’s responsibility to stay abreast of assignments, changes to the schedule, etc., all of which will be announced via Blackboard with adequate notice.

COURSE OUTLINE:

This outline is tentative—content/dates are subject to change at the professor’s discretion.

WEEK	READING ASSIGNMENT	CLASS TOPIC
INTRODUCTION TO LAW AND ETHICS IN CRIMINAL JUSTICE		
Jan 23	Albanese, Ch. 1-5	Introduction
		<i>Introduction to law and the legal system in the United</i>

		<i>States, the aims and limits of the criminal law; major ethical systems; professional ethics</i>
LAW ENFORCEMENT AGENTS/OFFICERS		
Jan 30	Albanese, Ch. 6 Walker & Archbold, Part I	Law and Ethics in Law Enforcement
		<i>Legal mandates, limits, and discretion of law enforcement agents; historical remedies designed to curb potential abuses in police behavior</i>
Feb 6	Walker & Archbold, Part II James et al. (2016) and Policy Essays	Law and Ethics in Law Enforcement
		<i>Applications of law and ethics to the use of force</i>
Feb 13	Meares (2014) Kassin et al. (2007) Worrall & Kovandzic (2008)	Law and Ethics in Law Enforcement
		<i>Applications of law and ethics to search and seizure, interrogation, asset forfeiture</i>
JUDGES, PROSECUTORS, AND DEFENSE ATTORNEYS		
Feb 20	Albanese, Ch. 7 ABA, Model Rules of Professional Conduct ABA, Model Code of Judicial Conduct	Law and Ethics in Courts
		<i>Legal mandates, limits, and discretion of court actors; legal and judicial ethical rules; court reform movements</i>
Feb 27	DOJ, U.S. Attorneys' Manual, Titles 1 & 9	Law and Ethics in Courts
		<i>Applications of law and ethics to charging and plea bargaining</i>
Mar 6	Tonry, Ch. 1-2	Law and Ethics in Courts
		<i>Applications of law and ethics to sentencing and punishment</i>
PRISON, PROBATION, AND PAROLE OFFICIALS		
Mar 20	Tonry, Ch. 3-5	Law and Ethics in Courts
		<i>Applications of law and ethics to sentencing and punishment</i>
Mar 27	Albanese, Ch. 8 Simon, Intro & Ch. 1	Law and Ethics in Corrections
		<i>Legal mandates, limits, and discretion in corrections; major reform movements</i>
Apr 3	Simon, Intro & Ch. 2-4	Law and Ethics in Corrections
		<i>Legal mandates, limits, and discretion in corrections; major reform movements</i>

Apr 10	Simon, Ch. 5-7	Law and Ethics in Corrections
		<i>Applications of law and ethics to prison reform, including discipline and security; conditions of confinement; prisoners' access to justice and other rights</i>
Apr 17	Tonry, Ch. 6 Resiak et al. (2016)	Law and Ethics in Corrections
		<i>Applications of law and ethics to non-incarcerative sanctions; conditions of probation and parole; drug treatment</i>
SYSTEMIC ISSUES		
Apr 24	Clemons (2014) Spohn (2015)	Discrimination
		<i>Ascribed characteristics, including race</i>
May 1	Albanese, Ch. 9 Walker & Archbold, Part III	Liability of Criminal Justice Actors
		<i>Section 1983 liability for intentional deprivation of constitutional rights and immunity; criminal liability; insurance issues; professional sanctions</i>
May 15	Final Exam	EXAM 7:30pm to 10:15pm