

Legal and Ethical Issues in Criminal Justice

CRIM 514

Spring 2024

Course Syllabus

Class Meeting:	Synchronous/ Asynchronous Synchronous Classes- Tuesdays, 8:45pm-10:00pm EST, via Blackboard Class Collaborate Ultra (located in Blackboard Classroom, under “Course Tools”)
Instructor:	Joseph T. Moore, PhD Adjunct Faculty, Department of Criminology, Law and Society Jmoore82@gmu.edu
Spring semester:	Tuesday, January 16, 2024- Monday, April 29, 2024
Office Hours:	Mondays, 6-8PM Conference Call (973-222-4305)

COURSE DESCRIPTION:

Legal and ethical issues in the making and administration of criminal justice policy in the United States. Covers the legal framework governing each issue, competing values influencing policies and practice, and the history of legal reforms in the criminal justice system. Recurrent underlying themes are legalized discretion, gender and racial equality, due process, and procedural justice.

COURSE OBJECTIVES:

By the end of this course, you 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

Course Policies:

Course Communication and Materials:

Students must use their Mason email account to receive important University information, including messages related to this class. See <https://mso365.gmu.edu> for more information. In general, I will aim to respond to emails within 24 hours. Blackboard will also be used to post course materials. Log on to Blackboard at <https://mymasonportal.gmu.edu> with your username and password.

Enrollment:

Students are responsible for verifying their enrollment in this course. Schedule adjustments should be made by the deadlines published in the Academic Calendar, which is available from the Registrar's Website at https://registrar.gmu.edu/calendars/spring_2024/. The last day to add this class is Tuesday, January 23. The last day to drop without a tuition penalty is Tuesday, January 30 (see the Academic Calendar for later drop dates and associated penalties). After the final deadline to drop a class, withdrawing from this class requires the approval of the dean and is only allowed for nonacademic reasons.

Disability:

Disability Services at George Mason University is committed to upholding the letter and spirit of the laws that ensure equal treatment of people with disabilities. Under the administration of University Life, Disability Services implements and coordinates reasonable accommodations and disability-related services that afford equal access to university programs and activities. Students can begin the registration process with Disability Services at any time during their enrollment at George Mason University. If you are seeking accommodations, please visit <http://ds.gmu.edu/> for detailed information about the Disability Services registration process. Disability Services is located in Student Union Building I (SUB I), Suite 2500. Email: ods@gmu.edu | Phone: (703) 993-2474

Professionalism:

This course consists of various topics that pertain to legal and ethical issues in Criminal Justice. It is important that we respect each other's opinions although we may not agree. Although you may disagree with someone it is essential that it is done in a professional manner. If this policy is violated other avenues may be explored.

Honor Code Statement:

To promote a stronger sense of mutual responsibility, respect, trust, and fairness among all members of the George Mason University Community and with the desire for greater academic and personal achievement, the student members of the university community, have set forth this Honor Code: Student Members of the George Mason University community pledge not to cheat, plagiarize, steal, or lie in matters related to academic work.

As stated on the GMU website, the integrity of the University community is affected by the individual choices made by each of us. As a Mason student, you should follow these fundamental principles at all times, as noted by the Honor Code: (1) All work submitted should be your own, without the use of inappropriate assistance or resources, as defined by the assignment or faculty member; (2) When you use the work, the words, the images, or the ideas of others—including fellow students, online sites or tools, or your own prior creations—you must give full credit through accurate citations; (3) In creating your work, you should not take materials you are not authorized to use, or falsely represent ideas or processes regarding your work. If you are uncertain about the ground rules or ethical expectations regarding the integrity of your work on a particular assignment or exam, you should ask your instructor for clarification. Support for you to complete your work is available; no grade is important enough to justify academic misconduct.

Please review the honor code [George Mason University Honor Code 2023-2024 final version-SaveasPDF](#)

Any student use of Generative-AI tools should follow the fundamental principles of the Honor Code. It is important to utilize your own words when completing your assignments and cite sources that you use, utilizing in-text citations and a reference list. You should not completely rely on artificial intelligence (AI) tools as the information could be incorrect and provide incomplete analysis or a biased response. As indicated, in academia, it is important that one's writing is without bias and supported by facts and credible information. Although some indicate that there may be benefits to AI, if you use AI information you must indicate that you utilized it and provide the necessary credit for the ideas generated. It is important to note that the use of AI generated text or ideas without proper credit is a violation of academic integrity.

Note: AI statement is based on language initiated by the Stearns Center for Teaching and Learning.

Privacy:

Student Privacy is governed by the [Family Educational Rights and Privacy Act \(FERPA\)](#). Please review the FERPA link for additional information. To ensure that you are adhering to FERPA it is imperative that students use their Mason email.

Diversity & Inclusion:

It is important that all students feel included. In our classroom, we will focus on the important concepts of having a diverse and inclusive classroom environment.

COURSE REQUIREMENTS AND GRADING:

Course Evaluation Method

Students will be assessed on four requirements:

Discussion 14 discussion x 10 points each 140 points

Synchronous classes/Attendance 14 classes x 10 points each 140 points

Essays 2 essays x 60 points each 120 points

Final Exam 3 questions x 60 points each 180 points

Total: 580 points

Synchronous Classes/Attendance

Students are required to attend the synchronous classes and participate. If for some reason you cannot make the synchronous classes, please notify me in advance.

Discussion

Students are required to prepare required readings prior to class, and to participate in class discussion. Students are expected to post an initial post by Thursday of each week and respond to a classmate by Saturday of that week on Blackboard. There should be a total of at least 2 discussion posts each week.

Essays

Students are required to answer two essay questions offered throughout the course, which correspond to the major sub-systems within the criminal justice system: ethics and legal issues, 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. It is imperative to use examples, in-text citations, and credible sources to support your position and findings. The essays will be a take-home assignment, due in week 7. You will complete the essays and submit them in the classroom via Blackboard.

Final Exam

The final exam is a 3- question, long essay, comprehensive exam. 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 justice process. It is imperative to use examples, in-text citations, and credible sources to support your position and findings. The final exam will be a take home exam where you submit your final exam via

Blackboard in the classroom. The final exam needs to be submitted in Blackboard by Thursday, April 25, 2024.

Your final grade will be computed as follows:

A+	4.00	Satisfactory/Passing
A	4.00	Satisfactory/Passing
A-	3.67	Satisfactory/Passing
B+	3.33	Satisfactory/Passing
B	3.00	Satisfactory/Passing
B-	2.67	Satisfactory/Passing
C	2.00	Unsatisfactory/Passing
F	0.00	Unsatisfactory/Failing

Please note that according to the university website, although a B- is satisfactory for a course, students must maintain a 3.00 average in their degree program and present a 3.00 GPA on the courses listed on the graduation application.

Course Outline:

This outline is tentative and subject to change based on the discretion of the Professor.

Week	Reading Assignment	Class Topic
1	Albanese, Chapters 1-5	Introduction -concept of ethics/morals/laws, professional ethics, crime and law, ethical theories
2	Albanese, Chapter 6	Laws and Ethics - Legal mandates, code of ethics, policies as it relates to ethics.
3	Walker & Archbold, Chapter 1, 5-7 James et al. (2016)	Ethics in Law Enforcement - Application of ethics in law enforcement situations
4	Walker & Archbold, Chapters 2, 4	Ethics in Law Enforcement - Search and Seizure, interrogation, community-policing, de-escalation-techniques

5	Albanese, Chapter 7	Ethics in Court System- Legal mandates, discretion of the court
6	Department of Justice, U.S. Attorney (see required reading articles below) American Bar Association (see required reading articles below)	United States Prosecutor- the role of the prosecutor, the function of the Department of Justice
7	Tonry- Chapters 1-5 Assignment: Essays Due March 2, 2024	Sentencing- Ethical principles as it relates to sentencing and punishment
8	Albanese, Chapter 8	Risk Management- Police liability, ethical principles, accountability
9	Simon, Chapters 4 - 8	Corrections- Application of law and ethics in prison reform including discipline and security.
10	Tonry, Chapter 6 Resiak, Mpofu, Athanasou. (2016).	Corrections- Condition of probation and parole, drug treatment
11	Walker & Archbold, Chapters 2-3	Constitutional Standards/Police Practices - historical aspect, causes, remedies
12	Clemons (2014) Spohn (2015) (see required articles below) James, James, Vila (2016)	Discrimination- racial disparities in the criminal justice system, facilitating diversity & inclusion within the criminal justice system
13	Albanese, Chapter 9	Technology and Ethics- Criminal liability, Court liability, professional sanctions
14	Walker and Archbold, Chapter 10 Shane (2012)	Future of Accountability in Criminal Justice- Legal and ethical issues and best practices.
15	Final Exam due by April 25, 2024	<u>Exam</u>

Required Textbooks:

Jay S. Albanese. (2011). Professional Ethics in Criminal Justice: Being Ethical When No One Is Looking (Third 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.

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

Samuel E. Walker and Carol A. Archbold (2013). The New World of Police Accountability (Second Edition). ISBN-10: 1452286876. ISBN-13: 978-1452286877.

Articles:

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

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. 11

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

United States Department of Justice (DOJ). U.S. Attorneys' Manual. Available at: <http://www.justice.gov/usam/united-states-attorneys-manual>

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