

Justice 300X Ethics and Justice

Spring 2019

Professor: Dr. J. Robert Duke, DPA, Assistant Professor
Office: 501c Gruening, Phone: 474-5715, Email: jrduke@alaska.edu
Office Hours: by appointment
Class Meetings: May 6 to May 17, Mon-Fri
Course Description

This course is designed to familiarize students with some of the theories used to analyze the ethical nature of conduct. Additionally, the course will explore the ethical problems and challenges encountered in the various components of the justice system (law enforcement, litigation, sentencing, corrections, and policy making). While short in duration, the nature of a two-week three credit course is intensive. Diligence is required, and there is no room for procrastination.

Course Objectives

This course has two primary purposes: 1) to acquaint students with traditional models for assessing the ethical nature of conduct, and develop an ability to apply the models; and 2) familiarize students with ethical issues which arise throughout the criminal justice system.

Text

Justice Crime and Ethics, Braswell et.al., Seventh Edition, ISBN # 978-1-4377-3485-0

Method of Instruction

This course is presented in dual classroom/web-based format. There is a Blackboard internet learning site for this course, and each student is enrolled in that site. Students should access the Blackboard course early and become familiar with its layout. You will be accessing much of the course instruction material through that site. The syllabus, assignments, and non-text readings are all available through this website.

All email communication between the instructor and the students will be addressed to the students' UAF webmail accounts. Personal hotmail, gmail, yahoo, etc. accounts will not suffice. Students must set up their UAF webmail accounts by the second day of class. You will have access to all your classmates' emails through the Blackboard site.

During the course students will be assigned two writing assignments [one as a short group assignment (shared with the class on Day 7) and the other a research paper 8-10 double-spaced pages—due January 14th at Midnight]. These assignments are weighted heavily considering both substance/content and correct grammar/punctuation (see rubric in Black Board). There will also be an oral presentation assignment at the end of week 2 (see rubric in Black Board). Finally, you will be given two exams (one each week) that cover the materials from the assigned readings, guest presentations, and class discussions. The 10 Discussion Boards are also graded.

Grades

Journal/Reflective Essays	30%	300 points
Code of Ethics	5%	50 points
Research Paper (6-8 pages)	20%	200 points
Presentation/Prezi	20%	200 points
Discussion Boards	25%	250 points
Total:		1000 points

Grading Scale

97% and 100% (A+) (e.g. 970 to 1000 points)

94% and less than 97% (A)
90% and less than 94% (A-)
87% and less than 90% (B+)
84% and less than 87% (B)
80% and less than 84% (B-)
77% and less than 80% (C+)
74% and less than 77% (C)
70% and less than 74% (C-)
67% and less than 70% (D+)
64% and less than 67% (D)
60% and less than 64% (D-)
0% and less than 60% (F)

Course Policies

a. Plagiarism

Plagiarism will not be tolerated and will adversely impact your grade. Plagiarism consists of representing the work of another as your own. You are encouraged to use the work of others, but give appropriate credit to the "true" author through proper citation or use of quotations.

b. Classroom Conduct

Students are required to read and abide by the Student Code of Conduct. Students are required to assist in fostering a suitable learning environment in the classroom. This means students are required to silence pagers and cell phones during class, not text during class, nor participate in any other activity that will distract those around you. Profanities, rude and other dismissive statements, gestures, or actions will not be tolerated and subject the offender to removal from class. Open and vigorous debate of the topics is encouraged, but so is civility.

*******Tentative Reading and Assignment Schedule*******

Note: The Readings and Assignments are subject to change and/or be adjusted according to need as perceived by the instructor. We will discuss any changes to the schedule in class. **Students should come to the first day of instruction having read the first two chapters of the text. In addition, each student should complete the first discussion board (see the Start Here Menu to the left of the Home Page Screen).**

Discussion Board:

Write a one sentence definition describing your own personal ethic. Feel free to include any religious, ideological, parental, or other influences in your definition. Also, introduce yourself to the class by discussing your degree, your current occupation, your passions, and anything else you'd like to share. Read and comment to two other colleagues in the class.

Here's my personal ethic as an example:

"It's much more complicated than this, I advocate a position of a continued search for the most reasonable ways to handle human interactions. This sometimes leads to conflicts of interest (and, unfortunately, open conflict). When these "conflicts of interests" arise, I advocate a micro (personal) and macro (the entire civil society) method of seeking out alternatives that do the best job of upholding human dignity. Unlike John Rawls, I am not confident that human kind can always set aside these conflicts of interest; especially for big issues like civil rights, slavery, etc. So, I have abandoned the idea of pretending that we all have not yet been born (the original position) and devising a system that protects the weakest without hurting any other groups or individuals. Amartya Sen's idea (borrowed from Adam Smith) of an imaginary impartial arbitrator is equally implausible to my way of thinking. Instead, I advocate the idea of a system of dispute resolution that codifies a way for individuals and groups to imagine the "final position", e.g. every generation dies all too soon and another generation takes our place. Like the ancient Roman values of Auctoritas (ability to rally support), Dignitas (worthiness), Pietas (devotion), and Gravitas (depth of personality), I think that it is only with great attention to the detail of taking care of each other and taking care of our children's birthright that we can find ethical behavior. I think we do this by remembering that it is our duty to leave a world better for all children, not just our own. I think by focusing on the fact that once dead (I know pretty morbid :P), none of the infighting will matter for this generation. The infighting gives us nothing but internal and external strife. Given this, it's in all our best interests to find solutions that will make it possible for our children to never know these intractable dilemmas (see an example below of how this might work). From a micro position, for individual decisions, I try to find the human dignity in the problem and enhance it in some way. I recognize that all of this is a tall order--not just to do--but also to clearly explain. I welcome your thoughts and questions. I don't completely understand it all myself...I certainly understand how some religions bang gongs or light incense to express thoughts, prayers, and feelings that can never fully be expressed in words. Together as we move through this class I hope each of us can help one another light some incense.

Appendix:

Consider a conflict among heirs to property (micro) or two countries or ethnic groups (macro) fighting over territory: Perhaps by using timed solutions: i.e., starting today I build no more improvements on the contested property or soil (maintaining it properly during that entire time), in 10 years ownership of the contested property/territory passes to you, but I get to rent at extremely low rates for an additional 10 years (while you make reasonable efforts to maintain the property/territory), then at market rates for the following 10 years, after which I must vacate the territory or buy the properties from the owners, etc. In this manner, the current generations find ways to live together (trading theoretical rights for income; and income for peace) while also ensuring that the next generation grows up knowing that the relationship will be different (and hopefully learning to accept it).

If we had done this in 1776, as George Washington and others proposed, we might have eliminated slavery without a civil war. For instance, in 1789, we could have prohibited any future imports of slaves. In 1810 (Washington figured we wouldn't be strong enough to fight off an interfering European superpower for 20 years--he was right--see War of 1812), we could have agreed that no slaves could be acquired even by birth (children born to slaves would have been free) and anyone still enslaved in 1830 would automatically be freed. I'd have gone further faster, but let's face it, I have the benefit of 20:20 hindsight and the luxury of being able to claim I would be more righteous than my predecessors.

References:

Rawls, John, *A Theory of Justice*, 1971 (Harvard Press).

Sen, Amartya, *The Idea of Justice*, 2009 (Harvard Press)."

Day 1 (May 6) Exploratory thoughts on ethics, and traditional ethical theories: Chapter 1 (Ethics, Crime, and Justice: An Introductory Note to Students); and Chapter 2 (Utilitarian and Deontological Approaches to Criminal Justice Ethics)

Day 1 Discussion Board on Blackboard

Question 1:

You have a friend, Sharon. You both work for the same department. She's the court liaison officer who makes sure cases are filed with the district attorney; and makes sure officers' subpoenas have been served. You find out that Sharon has recently moved in with William, the lead public defender in your jurisdiction. You ask Sharon if she's uncomfortable with this situation, since it might appear that she is in a conflict of interest position.

DIRECTIONS:

If your last name begins with A-M, you are to take the position that this is *not* a conflict of interest for your agency. Give your rationale, and use supporting material from our book.

If your last name begins with N-Z, you are to take the position that this *is* an unethical conflict of interest, and provide your reasons why you believe this to be the case.

Use text quotations to support your responses.

Day 2 (May 7) Group Assignment Workshop

Day 3 (May 8) Peacemaking approach to ethics: Chapter 3 (Peacemaking, Justice and Ethics); Chapter 14 (Restorative Justice and the Peacemaking Ethic); Differing Ethical Perspectives Inherent in the Criminal Justice System. Discussion of Crime Control vs. Due Process Models and Personal vs. Professional Ethics

Writing Assignment 1, due Sunday, Jan. 7th by Midnight via Black Board.

Day 3 Discussion Board on Blackboard

Website Research: Go to as many as ten police departments, probation departments, corrections departments, district attorney offices, or public defender websites in any state of your choosing. How many are men and how many are women? How many are minorities? Report your findings on the Discussion Board: is this a fair representation of the population? Is the result acceptable? Then respond to two other colleagues.

Day 4 (May 9) Differing Ethical Perspectives Inherent in the Criminal Justice System. Discussion of Crime Control vs. Due Process Models and Personal vs. Professional Ethics cont.'d; Ethical Issues in Policing: Chapter 4 (How Police Officers Learn Ethics); Chapter 6 (Using Ethical Dilemmas in Training Police);

Day 4 Discussion Board on Blackboard

Dating in the Workplace. If you are 35 and older you will create arguments for why dating in the workplace should be perfectly acceptable. If you are 34 and younger you will argue why dating should NEVER be allowed in the workplace. Feel free to share your company's actual views on workplace dating, and/or share strategies to avoid awkward and compromising dating situations. Answer and respond to two other colleagues in the class.

Day 5 (May 10) Ethical Issues in Policing cont.'d: Chapter 7 (Police Ethics, Legal Proselytism, and the Social Order: Paving the Path to Misconduct); Chapter 5 (Deception in Police Interrogation);

Read Day 4 supplemental materials on Blackboard

Day 5 Discussion Board on Blackboard

To what extent are you willing to use Investigative Subterfuge in an interrogation? You have a flasher who has made a major change in *modus operandi* from "only" flashing to now committing sexual battery on a victim. You have a suspect who has come to the station voluntarily for questioning and you think there is a very good chance that he is the perpetrator. While the suspect is waiting, another investigator hands you an envelope that has "suspect fingerprints" written in large black letters. This investigator suggests to you that you leave the envelope face up where the suspect can see it and then have an investigator wearing a lab coat

examine the suspect's fingers while going "hmm..., yes..., there's the whorl, and 7 distinct ridges...I'm satisfied—Detective, can I see you outside?"

Later, the suspect confesses. Are you comfortable with this approach? Defend your answer. Write and respond to two other colleagues in the class.

Day 6 (May 13) Ethics and the Courts: Chapter 8 (What Ever Happened to Atticus Finch? Lawyers as Legal Advocates and Moral Agents); Chapter 9 (Prosecutor Misconduct)

Read Day 5 supplemental materials on Blackboard

Exam #1 - 10:30 a.m. in the classroom

Crawford Slip Method to develop the mid-term exam.

Day 6 Discussion Board on Blackboard

Would you modify your personal ethic after this first week of readings, discussions, and case studies? If so, how would you modify your ethics? Defend your answer and respond to two classmates' posts.

Day 7 (May 14) Ethics and the Courts cont.'d: Chapter 10 (Criminal Sentencing: Goals, Practices, and Ethics); Chapter 11 (Crime and Punishment: Punishment Philosophies and Ethical Dilemmas)

Read Day 6 supplemental materials on Blackboard

Writing Assignment #2 - due on Saturday, May 14th by 5:00 p.m. via email to the professor
Day 7 Discussion Board on Blackboard

You have a big case going to trial. The defense files a motion to suppress key evidence that you seized using a warrant but which you did not specifically describe in the warrant (you saw photos in a drawer that gave you the idea that the suspect might have taken pictures of himself wearing the same clothes described by a witness. Given this, you search the stack of photos and, in fact, find the suspect wearing the outfit in question.) The key to your seizure of the evidence is whether or not the warrant allowed you to search for photos. You did not state in the warrant that you had probable cause to search for photos nor did you think to state that your training and experience led you to expect suspects to take photos of themselves holding "trophies", flashing gang signs, posing with contraband, etc. However, while you are on the stand, the judge interjects and asks you: "is it

possible that when you opened the drawer, the photo or portion of the photo was in plain sight?" It wasn't, and you suspect that the judge knows this but is giving you a "slow pitch". Do you swing for the fence or do you allow yourself to be "struck out"?

Respond to at least two colleagues no later than midnight. Use text quotations to support your responses.

Day 8 (May 15) Ethics and the Courts cont.'d: Chapter 12 (To Die or Not to Die: Morality, Ethics, and the Death Penalty); Ethical Issues in Corrections: Chapter 13 (Ethical Issues in Probation, Parole, and Community Corrections)

Read Day 7 supplemental materials on Blackboard

Guest visit from local probation officer

Day 8 Discussion Board on Blackboard

You arrest a suspect on a moderate drug offense. The suspect offers to "work off" the charge by "giving" you a "big fish". Do you entertain the offer? What if the person isn't being honest with you and is really getting even with a rival?

Respond to at least two colleagues no later than midnight. Use text quotations to support your responses.

**** Group Writing Assignment: Developing a Code of Ethics for an Agency:**

Developing a Code of Ethics. You will draft a Code of Ethics for an imaginary Justice agency. You can decide what type of Justice Agency you want to be: Police, Probation, Corrections, Prosecution, Public Defender, etc. Knowing what you know now, come up with a code that your people can live by.

A Code of Ethics identifies the values of an organization. Anything that affects the ethics of an organization are appropriate standards for agencies to address (i.e., financial integrity, ethics, relationships within the agency, interactions with other agencies and the public, etc.). Limit yourself to about 10 rules. For example, you might start out by saying something like:

1. We will not break the law in order to enforce the law.

2. We will not forget who put us here.

3. Etc.

List any rules that are important to you. Be prepared to present your code in class on the 10th meeting, May 17th, 2019.

Day 9 (May 16) Ethical Issues in Corrections cont.'d: Chapter 15 (Keeping an Eye on the Keeper: Prison Corruption and its Control); Chapter 16 (Ethics and Prison: Selected Issues)

Read Day 8 supplemental materials on Blackboard

Day 9 Discussion Board on Blackboard

As a deputy district attorney you are evaluated by the number of cases you clear and upon the number of cases you dismiss versus take to trial. High clearance rates and wins in court contribute to your continued employment, but especially towards future promotion. How does this impact your desire to plea bargain? Do you push for cases to go to trial that may not result in a guilty verdict—even though the suspect deserves to go to trial? Do you offer harsh plea bargains to poor defendants who couldn't afford a professional defense (e.g. take the deal for 10 years or we go for a conviction on your third strike)?

Respond to at least two colleagues no later than midnight. Use text quotations to support your responses.

Crawford Slip Method to study for and build the final exam.

Day 10 (May 17) The Future of the Justice System: Ethical Issues on the Horizon:
Readings to be announced

Read Day 9 supplemental materials on Blackboard

Exam #2 – 10:30 a.m. in class

If you knew full well that your whistle blowing would cost you your job, and probably force you out of your profession altogether, would you do it? Or would you keep your mouth closed and go about your business? Is there a moral violation that is so heinous that you could not allow it to slide? Or are there relative ethical issues which are not so grievous?

Suppose you know of a Field Training Officer, named Ken, at your organization that is considered a very competent officer. Ken has literally covered your back from danger, listened to your troubles and, in years past, loaned you money when the weekend cost a little more than you intended. Ken has a female trainee to whom you overhear him state twice: "we going out for that drink this weekend?"; and once you hear him tell the trainee "we need to get together this weekend and talk about what it's going to take for you to pass your training..." When you confront Ken about this situation, Ken looks you right in the eye, gives you the finger, and tells you to "F----ing mind your own business!"

You alert your supervisors about this situation, and they shrug their shoulders saying, "What can we do? Ken is veteran troop and has a good reputation as a trainer." When you go over your supervisors' heads and notify the Chief of Police of the possible sexual harassment, he tells you that if word got out, you would be fired without hesitation. You have three more years before you are fully vested with your retirement.

What would you do? Would you drop the matter, since you did your due diligence in alerting your supervisors, or do you pursue this with the Board/Council? If this situation involved your son or daughter rather than you, what would you tell them to do?

Respond to at least two colleagues no later than midnight. Use text quotations to support your responses.

Oral Presentations - see assignment on Blackboard for details

*****Final Paper*****

Due on May 17th at Midnight

6-8 page research paper on a Ethics Topic or Case Study related to the Justice System; or, a topic approved in advance by the instructor.

SUPPORT SERVICES

UAF eLearning Student Services helps students with registration and course schedules, provides information about lessons and student records, assists with the examination process, and answers general questions. Our Academic Advisor can help students communicate with instructors, locate helpful resources, and maximize their distance learning experience. Contact the UAF eLearning Student Services staff at 907. 455.2060 or toll free 1.800.277.8060 or contact staff directly – for directory listing see: <http://elearning.uaf.edu/contact>

UAF Help Desk

Go to <http://www.alaska.edu/oit/> to see about current network outages and news.

Reach the Help Desk at:

- e-mail at helpdesk@alaska.edu
- fax: 907.450.8312
- phone: 450.8300 (in the Fairbanks area) or 1.800.478.8226 (outside of Fairbanks)

Student protections and services statement: Every qualified student is welcome in my classroom. As needed, I am happy to work with you, disability services, veterans' services, rural student services, etc to find reasonable accommodations. Students at this university are protected against sexual harassment and discrimination (Title IX), and minors have additional protections. For more information on your rights as a student and the resources available to you to resolve problems, please go the following site: www.uaf.edu/handbook/

DISABILITIES SERVICES

The **UAF Office of Disability Services** operates in conjunction with UAF eLearning. Disability Services, a part of UAF's Center for Health and Counseling, provides academic accommodations to enrolled students who are identified as being eligible for these services.

If you believe you are eligible, please visit their web site (<http://www.uaf.edu/disability/>) or contact a student affairs staff person at your local campus. You can also contact Disability Services on the Fairbanks campus by phone, 907.474.5655, or by e-mail (uaf-disabilityservices@alaska.edu).

TITLE IX PROTECTION

University of Alaska Board of Regents have clearly stated in BOR Policy that discrimination, harassment and violence will not be tolerated on any campus of the University of Alaska. If you believe you are experiencing discrimination or any form of harassment including sexual harassment/misconduct/assault, you are encouraged to report that behavior. If you report to a faculty member or any university employee, they must notify the UAF Title IX Coordinator about the basic facts of the incident.

Your choices for reporting include:

1. You may access confidential counseling by contacting the UAF Health & Counseling Center at 474-7043;
2. You may access support and file a Title IX report by contacting the UAF Title IX Coordinator at 474-6600;
3. You may file a criminal complaint by contacting the University Police Department at 474-7721.

Rubrics:

1. Writing Rubric:

	Category	Novice	Competent	Proficient
Percent of Overall Grade: 200 pts. total	Percent of Category:	79%	89%	100%
50% of paper grade: 100 Pts. Possible	Formatting: Are the necessary parts to a research paper present?	Clear research effort present** even if there are some deficiencies in the formatting, writing (spelling & grammar) or content. <i>**Turning in intermediate assignments throughout the semester shall be evidence of clear effort.</i>	Contains a clear beginning, middle, and an end, but may not have the exact content specified. May be missing some formatting, such as an abstract.	All specified components are present: Cover page, Abstract, Introduction, Literature review (something like an Argument of Discovery), Evaluation (something similar to an Argument of Advocacy), Conclusion, and a list of references.
10% of Grade (20 Pts)	Thesis: Does the writing tell the reader specifically what the paper is about and what position will be supported or questioned?	Difficult to identify, bland statement or obvious point.	Promising, but slightly unclear, or lacks originality. Paper title doesn't connect w/thesis.	Easily identifiable, plausible, novel, sophisticated, insightful, and crystal clear. Connects well with paper title.
10% of Grade (20 Pts)	Use of Evidence: Does the author provide examples to demonstrate understanding of the ideas; and, to help others understand the ideas?	Very few or weak examples. Generally, fails to support statements. Demonstrates little understanding of ideas.	Evidence used to support some points. Points lack supporting evidence. Demonstrates general understanding of ideas.	Primary source info used to buttress every point w/at least one example. Demonstrates mastery of topic.
10% of Grade (20 Pts)	Analysis: Does the author build towards proof of the thesis with inter-mediate "mini-theses"? Is there evidence or examples to support this progression of the evidence?	Weak attempts to relate evidence to arguments.	Quotes or examples appear w/out analysis.	Evidence clearly relates to mini-theses. Fresh and exciting analysis.
10% of Grade (20 Pts)	Logic & Argumentation: Does the authors arguments sound logical?	Logic often fails and may be unclear. Fails to account for most counter-arguments.	Arguments clear and usually flow logically. May miss some likely counter-arguments.	Ideas flow logically. Reasoning sound, anticipates counter-arguments.
10% of Grade (20 Pts)	Mechanics: Grammar, spelling, and sentence structure.	Grammar/Spelling/Sentence structure is very problematic. Does not conform to APA.	Strong grammar, spelling, and sentence structures with only occasional lapses. Conforms with APA format.	Grammar, spelling, and sentence structure are excellent. Conforms to APA format.
Total Points Possible at Level:		158 pts.	178 pts.	200 pts.

2. Discussion Board Rubric:

Discussion Board Assignment Rubric	Outstanding	Satisfactory	Does Not Meet Standard
Frequency and Depth 30%	Responds to discussion question by Thursday with 100 – 200 words. At least three responses to classmates' posts of 100 – 200 words each.	Responds to discussion question by Friday with 100 – 200 words. At least three responses to classmates' posts with 100 – 200 words each.	Responds in any length to discussion post by Sunday deadline. Responses to classmates' posts may be fewer than two and/or may not reach expected length.
Quality of Engagement 35%	Postings consistently demonstrate that the student is reading the source and others' posts.	Inconsistent demonstration of thought regarding the source material and classmates' posts, but when it's there, it does demonstrate some reflection and cognition.	Lack of demonstration of thought regarding source material and/or classmates' posts. Posts appear to be rushed, without reflecting serious thought or effort.
Use of Source Materials 20%	Postings consistently incorporate references to the text, source material and own research.	Posts sometimes draw on specific information from source material. Posts may not always use examples or independent research.	Posts rarely or never draw on specific information from source material. Posts generally do not use accurate or relevant examples.

<p>Mechanics 15%</p>	<p>Posts are well organized using proper grammar and formal writing mechanics.</p>	<p>Posts are inconsistently organized. There are some run-on paragraphs or stream of consciousness writing. Posts may have some grammar, spelling, and/or punctuation mistakes. The tone posts reflects formal writing but may have some informal elements.</p>	<p>Posts show little if any organization, and/or frequent spelling, grammar, or punctuation mistakes.</p>
--------------------------	--	---	---