



NSU Criminal Justice News



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Volume 1, Issue 7

March, 2006

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THE POLICE BEAT



Police Ethics

Joe Morris
Associate Professor

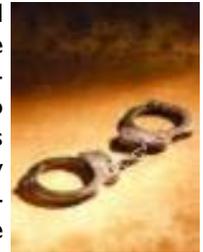
You have had an emotionally and physically exhausting shift and are looking forward to the next two days off. Today you have dealt with a suicidal person who you were able to talk out of killing herself. You received a call of a person screaming for help and heard the screams when you arrive. You announce your presence and were answered by more screams. With weapon drawn, you force open the door and find a nude woman laying in a bathroom in obvious labor. Before you can get your gun reholstered, you see the baby exit the woman. You call dispatch for medical assistance and pick up the baby and find her stillborn. After medical assistance arrives, you are dispatched to a barking dog call and listen to an irate woman who is tired of her neighbor's dog.

It is fair to say that you have put in a "hard day's work." While relaxing at home, you turn on the TV and hear a news reporter talk about a patrol sergeant who was arrested after stealing drugs that were seized for evidence. What did you hear? An officer who has sworn to protect and serve arrested for intentionally violating the law for personal gain? The newspaper has a story of another officer being arrested who was caught keeping some of the money seized in a drug raid. You sit back, close your eyes and wonder, "what is going on here?"¹

What is going on is an eye-opening reality check. Unethical behavior has become increasingly prevalent in what many are calling the "morally deficient society."² How do we deal with this? How can we instill ethics in those who are sworn to protect and serve?

According to *Justice, Crime and Ethics*, there are two ways to learn police ethics: (1) learning on the job under pressure; and (2) learning police ethics in an environment free from such pressures. The latter, less common way of learning police ethics also allows the police officer to be more objective and have a clearer and open mind.³

Police corruption is a broad area of concern. For some observers, it includes everything from a free meal to the receipt of kickbacks from attorneys and tow truck drivers, to police organized theft. Many of the problems of police corruption are linked to the tremendous discretion possessed by the patrol officer. Discretion used appropriately is acceptable and desired, but when these discretions are influenced by offers of money, drugs, or sexual favors, the use of discretion becomes tainted and the actions corrupt.⁴



Often, situations arise that confront police officers and offer temptations of their own, for example, cash and drugs found at the scene of the crime. There are other dilemmas confronting police officers who do not give in to the temptations of corruption. In many ways, crime control efforts seem to foster a philosophy that the "end justifies the means." Officers must walk a fine line between doing the ethical "thing" as opposed to overzealousness and the use of unnecessary force.⁵

To avoid corruption in the ranks, police departments must attempt to recruit and hire honorable men and women. These persons must be educated and trained to deal with

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Police Ethics, continued

whatever problems and dilemmas they may confront during their career. Perhaps more important is the creation of an organizational climate that fosters candid and open public examination of police practices, and a responsiveness to line officers and the dilemmas they confront.⁶ These efforts should go a long way towards providing an environment that not only condemns corruption but roots it out where ever it rears its ugly head. This makes it a better place for the police officers as well as the citizens they are sworn to protect.

Resources

¹ Goodman, Debbie J., Enforcing Ethics. 2nd ed., Upper Saddle River, N.J.: Pearson/Prentice Hall. 2004. Page 1.

² Goodman, Debbie J., Enforcing Ethics. 2nd ed., Upper Saddle River, N.J.: Pearson/Prentice Hall. 2004. Page 1.

³ Braswell, Michael C., Belinda McCarthy, and Bernard McCarthy. Justice Crime and Ethics. 5th ed., Anderson Publishing. 2005. Page 49.

⁴Braswell, Michael C., Belinda McCarthy, and Bernard McCarthy. Justice Crime and Ethics. 5th ed., Anderson Publishing. 2005. Page 47.

⁵Braswell, Michael C., Belinda McCarthy, and Bernard McCarthy. Justice Crime and Ethics. 5th ed., Anderson Publishing. 2005. Page 47-48.

⁶Braswell, Michael C., Belinda McCarthy, and Bernard McCarthy. Justice Crime and Ethics. 5th ed., Anderson Publishing. 2005. Page 49.

THE COURTHOUSE

The Changing of the Guard

Shirley Snyder
Assistant Professor



The Supreme Court is the final arbiter of the truth. What does that mean? The Court interprets the United States Constitution and tells the rest of the country, its citizenry, its state governments, the legislators, Congress, the President, and all other officials and non-officials what that document means. Is that a difficult task? It would seem so. This Court may be on the verge of changing its mind again about how that manuscript is interpreted.

The Constitution came into being through the efforts of our "forefathers" who met in Philadelphia to accomplish the task of revising the Articles of Confederation, a document originally conceived to "provide the basis for a "perpetual union" among the states".¹ Those Articles failed to set up a solid basis for the governance of this new country of very independent states, protective of their own individual and states' rights.

So, the framers met in Philadelphia to make this document stronger and better prepared to guide this new entity, or to dispose of the Articles. Not surprisingly, this group of esteemed leaders and wealthy landowners determined that the document was beyond repair. Instead, they set about the daunting task of creating a document which would, for all times, set down a strong foundation for an ever evolving creation, America. The result of those meetings was the United States Constitution adopted in 1787 and ratified by the last state in 1790.² This document, created over 200 years ago, continues today to protect and preserve the

rights of the individual in this society as well as defining and limiting the powers of states and the country itself.

The Constitution is composed of 4,543 words,³ and is a document broad in its language and its meaning. The power and authority established within the four corners of the Constitution and its durability is a powerful legacy to its framers, considering the document's brevity. Over time, the Supreme Court has written volumes and thousands of pages of decisions on its interpretation. The Court by its own admission has deemed itself to be the final judge of the meaning of this document.⁴ In fact, the various members of this Court have, over the period of more than 200 years, often in intense legal dissension, fought about the meaning of this document. At times, the Court has changed direction and reversed its decisions regarding the meaning of the document.

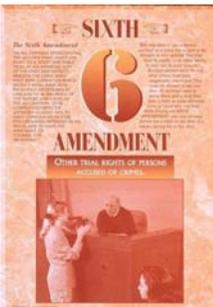
One asks how can that be? Do the words change so much that the meaning is dramatically different? Does not a paragraph mean the same yesterday, today, and tomorrow? How is it possible that this manuscript is interpreted to have one meaning by the Supreme Court and then be found to have another meaning at a different time? What happens to make the Court scratch its collective "head" and return a conclusion unlike its last?

We know that the well-worn principle of "precedent" requires that the Court use and follow decisions made in prior cases as authority for subsequent cases with similar issues and facts which come before the Court. We know that the doctrine of "stare decisis", Latin for "let the decision stand", requires that the Court allow those prior decisions to stand. The Court is to use prior decisions as authority for subsequent decisions and that the

The Changing of the Guard, continued

decision will continue to be the law. The conclusion from the principle of precedent and the doctrine of stare decisis is that the interpretations previously made by the U.S. Supreme Court would remain static and should stand the test of time on their own authority.

The Court is to follow precedent and the doctrine of stare decisis. With that information, it may come as a surprise that the Court does change its mind. What is the only variable that changes here? The membership of the Court changes and when the membership changes, the mindset of the collective shifts. That movement results in a change in the legal philosophy of the Court. Those differences in legal opinion with the appropriate numbers in the Court's membership, changes the decision making power of the Supreme Court and results in the reversal of longstanding decisions from the Court.



www.billofrights.com/6thAmendmentPic.jpg

Let's look at an example. The 6th Amendment reads, in part: "In all criminal prosecutions, the accused shall enjoy the right to ... have the Assistance of Counsel for his defence [sic]."⁵ This Constitutional protection appears to be clear; defendants prosecuted for crimes have a right to legal representation during prosecution. But, the Court's repeated attention to the 6th Amendment suggests it was not clear. Historically, this amendment was provided because the states feared the power of the federal government and wanted to prevent criminal prosecutions without the protection of legal representation. The Supreme Court first interpreted this amendment to mean that those accused of crimes could have the assistance of counsel and pay for it. Subsequently, the Court changed its decision on this constitutional protection. Determining that it penalized the indigent unable to pay for counsel, the Supreme Court determined that the founders meant to protect those unable to pay as well as those able to pay for the services of legal representation. The Court at first spoke to representation for those charged with felonies that were unable to pay for counsel. As such, counsel should be provided without charge to the one charged. The Court then expanded that to include misdemeanor charges for which imprisonment "might" be a possibility. The Court fine-tuned its decision to restrict this right to counsel to protect all prosecuted with crimes where they would "actually" (not might) be imprisoned for their crime if convicted.

The Supreme Court has changed its collective mind on prior rulings of law, at least the majority of the minds on that Court for particular decisions. The Court does strug-

gle with those reversals and individual members argue vehemently for and against those decisions. Upon making one of those reversals or modifications to prior decisions, the Court is placed in the unenviable position, also required by the principle of precedent and the doctrine of stare decisis, to explain itself. The Court uses prior decisions, applicable parts of the Constitution, and legal philosophies and opinions of its current members, or at least the majority of them, to explain away the obvious; why the prior decision and the Court's previous interpretation of specific protections provided by the U.S. Constitution, is no longer correct.

This is the part where people become passionate and disagree because the decisions affect rights protected under this document. This manuscript shelters the citizenry and others in the union and prevents overreaching by the government while allowing the government to carry on the business as usual of its particular branches. This is where some rally to hold the line drawn by the framers of the Constitution while others pray for changes more in line with their particular moral and ethical convictions. Here, with each legal challenge, the Court is called to stand for what the framers originally determined to be the "meaning" of this document. This is where the Court steps up to the plate and reasons, on a case-by-case basis, the exactness of this document. This is where the rights and privileges of every citizen of the country are expanded or restricted. This is where the power and the authority of the branches of the government are limited or extended.

Numerous opportunities to change prior decisions made by the Supreme Court will avail itself of the Court's time in the next 20 years. One of the more significant issues that should make its way up the appeal process to the high Court will involve a challenge to the right of women to have abortions. Others surely will include questions to the Court on what is reasonable for searches and seizures and questions to the Court regarding the extent of power and authority exercised by the President of the United States during these times of international unrest and potential terrorist threats.

What can be done to change Court membership or to have it remain the same? Remember that federal judges, including the Supreme Court justices, serve in their appointed positions for life. Those judicial appointments fall within the authority of the President with confirmation by the Senate. So, citizens who desire a change in membership in the federal judiciary must

The Changing of the Guard, continued

address their concerns through their congressional representatives who take part in confirming federal judges and justices on their constituents' behalf.

The Supreme Court through its members is very powerful and its decisions are law. The new members chosen within the last few months have taken their positions on the high Court, and their philosophies will help change the landscape concerning the authority of the federal government as well as the rights of the individual for a long period of time. As such, it is imperative that citizens appreciate the immensity of that power and consider it thoughtfully.

Resources

¹ Stephens, Otis H., Jr. and John M. Schebb II. American Constitutional Law. 3rd Edition. Belmont, CA. Wadsworth, a division of Thomson Learning, Inc. 2003. Page 3.

² ibid. Page 3.

³ NARA. The National Archives Experience. "The Constitution of the United States. Questions and Answers." http://www.archives.gov/national-archives-experience/charters/constitution_q_and_a.html. Page 3 of 10. Last visited March 15, 2006.

⁴ *Marbury v. Madison*, 1 Cranch 137 (1803).

⁵ Findlaw: "U.S. Constitution: Sixth Amendment." <http://caselaw.lp.findlaw.com/data/constitution/amendment06/>, Last visited: March 15, 2006.

COUNTER-POINT

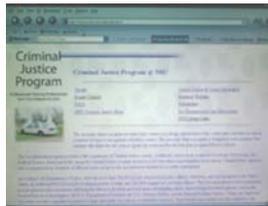
Criminal Justice In the Information Age (Part II)

Bill Shaw
Assistant Professor

Hundreds of related agency web sites are available to the public, like the Louisiana Police Officer Standards and Training Council (<http://www.cole.state.la.us/POST/post.htm>). Access it to learn about basic requirements for a Louisiana Peace Officer. Need information about the latest changes in the Louisiana laws and enforcement practices? Several sites will help—the Louisiana Commission on Law Enforcement <http://www.cole.state.la.us/>; the Louisiana Attorney General's Office and Department of Justice <http://www.ag.state.la.us/>; the Louisiana Constitution <http://senate.legis.state.la.us/Documents/Constitution/>. Surprisingly, however, Louisiana is one of the few states that has not posted any of its penal or procedural laws to the web. Let's hope this changes soon.

If you want to know how criminals really think, many of them, such as <http://www.brandonhein.com/>, maintain their own web pages from prison. This opens a whole new area--sites devoted to prisons, their operations, rules, and regulations. There is a site dedicated to prisoners on death row. The link <http://ccadp.org/louisiana.htm> will take you to the site for those on death row in Angola. If you just want to know about Angola prison, try <http://www.angolamuseum.org/>.

For the Criminal Justice educator, there are sites that list all of the criminological theories. Cecil Greek's



Criminal Justice Web Site (<http://www.criminology.fsu.edu/p/cjl-main.php>) is probably the most famous and informative. It's been up and running for at least 8 years. That's how long I've been using it. It's packed with all kinds of Criminal Justice information. If it has anything to do with CJ and CJ education, chances are Cecil Greek has it on his site.

The best web site for free, peer-reviewed research is hosted by the Department of Justice—the National Criminal Justice Reference Service, <http://ncjrs.org/>. There are literally thousands of documents for view or downloading. And, of course, we mustn't forget the NSU library's database of journals that are available to anyone associated with the university, http://www.nsula.edu/watson_library/database/. Most higher education institutions provide this kind of service now. They pay thousands of dollars for full access to these resources.

Want some gross, forensic photos to show your criminal investigation classes? Try <http://medstat.med.utah.edu/WebPath/FORHTML/FORIDX.html#4>. If you have a power point projector, a computer, and an Internet connection these will get you started. These are only listed to make a point. There's lots of information out there.

Courts are also on the web with many sites dedicated to posting the latest supreme and lower court rulings, such as <http://www.uscourts.gov/> and <http://www.findlaw.com/casecode/supreme.html>. It is no longer necessary to leave the office to do good, solid research and class preparation, whether you are teacher or student. Both have access to the same materials. Remember, we aren't far from the day when every piece of information available to mankind will be on the net, waiting for someone to tap into it and use it.

Criminal Justice in the Information Age, continued

If ignorance is bliss, then we face the prospect of the most miserable period in the history of mankind. Ignorance is as dead as a virtual armadillo on the information highway. However, I think that it's better to think in terms of information as power. That being the case, law enforcement and the rest of the criminal justice system, including training and academic aspects of that system, have all the power of the net available to them. Law enforcement will change over the next decades, even in the next few years. We still have to ride the streets, catch the bad guys and protect the public. But, that job has moved into cyberspace as well as the solid,

familiar, three-dimensional world. Our attention and training must be focused there, too. Every agency and every officer has an obligation to learn how to train on and patrol those streets, too.

The Criminal Justice Paradigm Shift Continues

Dick Tanous
Assistant Professor

Though numbers and statistics change over time involving crime there remains constants. One of those constants has been with the criminal justice system within this country. As the old adage goes "...the more things change; the more they stay the same..." In the past, the criminal justice philosophy has been either strict punishment (incarceration) or rehabilitation. Now it is becoming evident that criminal justice must have a greater understanding of how personality disorders, mental illness, the under-educated, additive disorders, and environmental influences affect the rates of crime, drugs, and alcohol-related incidences.

Alcohol

- * **3** Million violent crimes occur each year
- * **35%** involve the use of alcohol at time of offense
- * **2** out of **3** were simple assaults
- * **3** out of **4** spouse victims reported the offender had been drinking
- * **36%** convicted offenders... were estimated to have been drinking at the offense

Alcohol and Crime
BJS Bulletins 1998 & 2002

The buzzwords continue; restoration, proactive, re-organization, etc. Buzzwords are often utilized to bring attention to the person who speaks them. Buzzwords make one look cutting edge, in-the-know. We all know

individuals, managers, administrators, and politicians who like to use buzzwords. The individual and/or organizations truly committed toward a paradigm shift can be observed through their actions.

Drugs

- * **70%** jail inmates in local jails had committed drug offenses or used drugs regularly
- * **55%** of convicted jail inmates were using drugs in the months before the offense
- * **50%** of convicted jail inmates were under the influence of drugs or alcohol at the time of their offense
- * **29%** at the time of the offense
- * **74%** of all jail inmates reported some past involvement with drugs

Drug Use, Testing, and Treatment
BJS Bulletins May 1998 & 2002

Often we see individuals and organizations that talk of philosophical organizational changes but often only cover the old with a new facade. There are those individuals, organizations, and jurisdictions that truly commit to paradigm shifts. The recognition of criminal justice's true success cannot be based on the number of people in the system but rather our ability to bring partnerships and relationships together in changing the criminal justice aspect of our society. In successful Community Policing, Community Corrections, Drug Courts, and other successful initiatives, we find some commonalities. Success is the coming together as equal partners; educators, mental health providers, life skill instructors, addictive disorder providers, prosecutors, public defenders, judges, law enforcement, probation/parole experts, and corrections administrators.

Paradigm Shift, continued

It is blatantly obvious in the review of the statistical literature that the critical issues common to the majority of offenders are that they have addictive disorders and are tremendously under-educated. Both the aspect of addictions and the learning disabilities are characteristic to those incarcerated.

To often the criminal justice system attempts to bring about change in an individual as a result of the offense rather than the causation; the individual's character failure as a result of mental illness, addictions, and the lack of education. The character failures are more often than not, a multitude of issues, not one or the other but a combination of some or all of these missing parts. No one program can focus on these multi-issues, we must look at the total individual, meaning we must work on fixing all the areas of failure.

Yes we must hold the individual accountable for their actions by establishing consequences but in addition there must be treatment, employment counseling, community involvement, family involvement, medical care and mental health aftercare when needed.

For true change and success we must be willing to merge our criminal justice philosophy with an understanding of the philosophies of educators, treatment providers, and other academically trained disciplines with whom we have not previously accepted as viable

and equal partners in our paradigms of the past. Once these are accomplished, there shall be a true paradigm shift that occurs in the criminal justice system and in particular, the law enforcement discipline.

Education

- **22.8%** had high school diploma
- **14.7%** had GED
- **62.5%** no High School Equivalency—LA State & Parish Inmates

- Highest Grade level completed

*	6th—18
*	7th—15
*	8th—28
*	9th—73
*	10th—72
*	11th—88
*	Total 294

- Age Group Respondents

*	17—21 84 inmates
*	22+ 431 inmates

Calcasieu Parish Corrections Education /Survey, Dick Tanous—1998

- **68%** of State Inmates did not receive a high school diploma
- **66%** who did not complete high school had a learning disability

"Education and Correctional Populations" BJS 2003

ALUMNI NEWS



Award Given to Christina Carde Outstanding Criminal Justice Senior At Northwestern State University

The Criminal Justice Program at Northwestern State University awards a **Criminal Justice Outstanding Senior Award** each spring to one criminal justice major who exemplifies the model that the program desires to promote in its students. This year the Criminal Justice Program is pleased to award the Criminal Justice Outstanding Senior Award to Criminal Justice major, Christina Carde. Ms. Carde has been found to be an intelligent, serious student, committed to excellence in her class work and studies, and often setting the

standard for excellence in a course. As additional evidence of her appropriateness for this award, Christina has worked to complete her degree requirements while juggling the responsibilities of the military as well as family. The Criminal Justice program believes that Christina has strength of character, the highest standards of excellence, and integrity that will serve her well in anything she determines to accomplish. The program also, believes that Christina is a perfect model of the kind of student to be chosen to represent the Criminal Justice Program as "outstanding senior".

If you would like to receive an electronic copy of the **NSU Criminal Justice News** please send an email with your name, address, and phone number to: crim_just@nsula.edu or visit the Criminal Justice website at <http://www.nsula.edu/criminaljustice>.

The 2006 Criminal Justice Distinguished Alumni Awards

The Criminal Justice Program at Northwestern State University has established the *Distinguished Alumni Award* to acknowledge accomplishments in the field of criminal justice to two of its alumni yearly. The program desires to recognize former students who have distinguished themselves in the field and the program is honored to hold these individuals as the benchmark for future alumni in the pursuit of excellence in their professional plans and goals. This year, the Criminal Justice program is pleased to award the first annual Criminal Justice Distinguished Alumni Awards to two individuals, **Wayne S. Thompson, Jr.** and **Glen Denning DeVanie**.



Wayne S. Thompson, Jr. graduated from Northwestern State University in 2003 with honors. He is currently employed by the Louisiana State Police and has been most valuable in removing impaired drivers from Louisiana Roads. Wayne has led Troop D in DWI arrests every year since graduating from the Louisiana State Police Academy and was second in state in fiscal 2005 with 101 DWI arrests. Wayne has earned numerous certifications in law enforcement. Two of the most difficult and demanding certifications obtained by him are *IACP Certified Drug Recognition Expert* and *Accident Reconstructionist*. During his short time with the Louisiana State Police, he has received 5 awards/recognitions. Wayne Thompson was also, a member of the U.S. Army, graduated from the Military Police School and served a tour of duty in Bosnia. He received 19 awards for his military service.

Glen Denning DeVanie was a criminal justice major and an Alexandria deputy marshal at the time of his death in

the spring of 2003. Law enforcement had always been Glen's goal in life beginning with his involvement in the Law Enforcement Explorer Program at a very young age. Alexandria City Marshal James Byrd recognized the talent and love for the profession that Glen possessed right after Glen graduated from high school and quickly hired Glen as a Deputy City Marshal at the age of eighteen. He was known in the community as an established, well-respected businessman, and as a loving husband and father. While acting in the line of duty rushing to the aid of a fellow police officer, Glen lost his life, swerving to avoid a collision with another vehicle, and losing control of his own vehicle. Northwestern State University awarded a Bachelor of Arts Degree in Criminal Justice in May 2003, posthumously to Glen, with his wife receiving the diploma on Glen's behalf. In 2003, the Glen Denning DeVanie Memorial Scholarship was established to honor Glen, and is awarded to students who are working toward their Criminal Justice Degree to encourage them to take their learning experience along with Glen's legacy into the future.



The Criminal Justice Program believes that Trooper Wayne Thompson and Glen Denning DeVanie have been credits to their professions, credits to Northwestern State University, and truly deserving of the Criminal Justice Distinguished Alumni Awards for the year 2006. Wayne Thompson and Glen Denning DeVanie will be honored at the Liberal Arts Spring Banquet to be held at Northwestern State University's Natchitoches campus, in April 2006.



G.S.R.C.P.I.—The Digital Case File

Experienced law enforcement investigators always respond to a felony or serious incident. The scene is secured, analyzed, processed, and dissected. Now the real work begins: Investigators must manage the endless mass accumulations of **PAPERWORK**. The Paperwork appears on the investigator's desk, in the investigator's in-box, and is produced by assisting investigators and outside agencies. When not managed properly, paperwork will quickly stall the investigative process. Sound familiar?

The solution is here!!

In the past, case files consisted of hardcopy documentation gathered into a folder. As the investigation developed the paperwork increased. Then mammoth paper



case files are carried into the courtroom. Do you realize that your paper case file is the only representation of your hundreds of investigative hours? That paper case file can be lost, damaged, or destroyed. The most organized investigators have experienced the loss of something crucial within the paper case file; hopefully not the entire thing!

Imagine a digital case file. The Digital Case File will manage all documentation related to an investigation through a structured case file containment process. The process manages all agency documentation, evidence collection, and outside agency responses.



(Continued on page 8)

Digital Case File, continued

The management system also incorporates all audio/video evidence, scanned documents, and photographs. The Digital Case File is easily archived for immediate access and short-term storage.

Case File on a Disc:

- **Secured** documentation and multimedia.
- **Constructed** on a standard computer.
- **Archived** to a departmental server.
- **E-mailed/Couriered** to prosecutors.

The Digital Case File course was developed and is taught by Detective Michael Myrick of the Montgomery, Alabama Police Department. For additional information, or to sign up for a class please contact G.S.R.C.P.I. at www.GSRCPI.org or by phone 1-888-283-0966.



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The NSU Criminal Justice News wants to provide a medium for news of interest to our readers. If you have ideas about issues you would like to see addressed in this newsletter, find one of our articles particularly motivating, or liked or didn't like an article, please contact us with your feedback. We would love to hear from you.

Please contact the Criminal Justice Program at: NSU Criminal Justice News, Criminal Justice Program, 343C, Keyser Hall, N.S.U., Natchitoches, La 71497; or Email us at: crim_justice@nsula.edu, or snyders@nsula.edu.

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