

**Getting a Clue: The Ethical Failure of Higher Education
to Address a Failed Investigative Paradigm**

Raymond Rodriguez
Kaplan University

Abstract

In recent years, advances in the “hard sciences” coupled with the increasing incidence of post-conviction exoneration of accused parties have forced a new criminal investigative paradigm on law enforcement practitioners. Central to the new paradigm is an increased reliance on tangible, scientific evidence. The increasing importance of scientific evidence must be addressed by programs of higher education. Central to the issue is the need for change by reforming curriculum in undergraduate criminal justice higher education to facilitate the transition to the new investigative paradigm. This research explores the relationship of criminal justice curricula and the perpetuation of a failed investigative paradigm. Discussion is also presented on ethical concerns associated with the failure to reform curricula in criminal justice programs to include these inter-disciplinary investigative paradigms that will better protect the rights of the accused and will better serve society, thereby restoring public confidence in the criminal justice system.

On January 31, 2000, Governor George H. Ryan of Illinois declared a death penalty moratorium for Illinois inmates. In his press release, Governor Ryan stated, "I now favor a moratorium, because I have grave concerns about our state's shameful record of convicting innocent people and putting them on death row..."(Ryan, 2000). It is well documented that, since the 1977 reinstatement of the death penalty in Illinois, twelve inmates have been executed while seventeen have been exonerated. Mistaken eyewitness identification, false or coerced confessions, the use of jailhouse informants, inadequate defense counsel, police misconduct, and overzealous prosecutors have all been cited as reasons for conviction of the innocent. In a subsequent March 9, 2000 press release Governor Ryan said, "I can draw only one conclusion: our system is broken..." (Ryan, 2000). The clear implication for law enforcement professionals is that there will be a greater reliance on scientific forensic evidence in the future due to the failure of the traditional paradigm of criminal investigations.

There have been 180 persons exonerated by DNA evidence since 1989 when DNA was first used for such a purpose (The Innocence Project, 2006). This fact, in addition to bold action such as Governor Ryan's moratorium, has apparently caused public support for the death penalty to waver. A recent Gallup poll indicates that public support for the death penalty has fallen from 80 percent in 1994 to 66 percent (Nation, 2000). Yet, prosecutors have been able to block post-conviction testing because thirty-three states have statutes of limitation set at six months or less when bringing new evidence of innocence (Longley, 2000).

One Illinois case illustrates the failure of the type of subjective evidence that emanates from the failed investigative paradigm of motive, means, and opportunity. This case involved Dennis Williams, an African-American sentenced to death in 1979 for the shooting deaths of a

white suburban couple in the City of Chicago, was convicted and sentenced to death twice, the first conviction being overturned due to ineffectiveness of counsel. Williams' second conviction was based primarily on the testimony of a woman, an alleged accomplice, who was jailed for perjury for recanting a statement incriminating Williams and his codefendants. Police misconduct and overzealous prosecution became issues in this case when Northwestern University journalism students investigating the case as a class project, in 1996, discovered an 18-year-old police file indicating that four other suspects might have committed the crime. One of the suspects was dead, but the others confessed. After those confessions were corroborated by DNA tests - which exonerated the original defendants - the three guilty parties were convicted of the crime. This was the first time in Illinois that anyone had been convicted of a murder for which innocent persons had previously been sentenced to death.

Since the death penalty was reinstated in 1977, the number of murders has dropped more than 18 percent, while the number of persons sentenced to death has risen over 700 percent. A quantitative analysis of archival homicide, death penalty, and exoneration data yielded the following results: an inverse correlation was found between the number of homicides committed and the number of those executed, and linear correlations were found between the number of persons on death row and the number executed, and the number of those executed and the number exonerated by DNA evidence. In short, as more defendants are sentenced to death and executed for fewer crimes, more are found to be innocent (Rodriguez, 2002).

In a qualitative pilot study, conducted by the author, several sobering issues were revealed. Participants included supervisors of field forensic investigations units and directors of training in law enforcement agencies. The participants unanimously agreed that, in their experience, the curricula of undergraduate and graduate higher education programs in criminal

justice are not relevant to practice, particularly in the area of investigations, due to a lack of emphasis on the relationship between the physical and natural sciences and the investigation of crime. Even worse, field supervisors and training directors find severe deficiencies in law enforcement continuing professional education, citing a lack of confidence in training due to low student performance expectations, disinterested instructors, failure to include technological advances in criminal investigation, and a propensity for law enforcement agencies to design training to reduce liability rather than improve the administration of justice (Rodriguez, 2002).

Three times in one two year period, the author was involved in investigations where circumstantial evidence met the traditional investigation paradigm of motive, means, and opportunity, which was sufficiently compelling to ensure conviction for a charge of homicide. In all three cases, however, detailed analysis of the physical evidence and reconstruction of the events that occurred not only proved that these “perfect suspects” were not guilty of homicide, but also that the deaths were, in fact, suicides. These facts, coupled with the state’s dismal record of convictions in capital cases, indicate that it is not only likely that others are incarcerated for murders that they did not commit, but also that some may be incarcerated where no crime was committed at all.

These concerns, along with issues of race and class disparities, are at the core of Governor Ryan’s January 2003 commutation of sentence for Illinois death row inmates. In his announcement of the commutation, Governor Ryan stated, “Our capital system is haunted by the demon of error: error in determining guilt and error in determining who among the guilty deserves to die.”

A tremendous need exists for highly skilled field forensic investigators. According to the membership directory of the International Association for Identification, there are only twenty-

four individuals in the State of Illinois who have attained a Senior Crime Scene Analyst credential, less than half of whom are engaged in field investigations. When balanced against the annual total of index offenses reported to the Illinois Uniform Crime Report, which has exceeded half a million crimes annually for the last decade, it is evident that it is unlikely that any individual crime in Illinois will be investigated by a highly competent forensic field investigator, hence the reliance on the sort of evidence cited as justification for the death penalty moratorium. Criminal defendants suffer most when prosecutions are not based on indisputable physical evidence, as it is just as likely that exculpatory evidence will be missed as proof of guilt (Rodriguez, 2002).

Could, as suggested by Governor Ryan, the increase in all areas of forensic analysis be influenced by a fundamental shift in the investigations paradigm toward a greater reliance on physical evidence? If so, it is clear that forensic services should be expanded to meet the growing needs of law enforcement agencies. Given that laboratory directors cite a lack of trained personnel as one of the main barriers to expansion and that only one of the ten public forensic laboratories offers services in crime scene investigation and computer crime investigations, it is also clear that the implications for higher education and continuing professional education are significant (Rodriguez, 2001). The question then is whether institutions of higher education and law enforcement training agencies are equipped or motivated to meet the challenge of providing broad based forensic science programs necessary to serve the criminal justice system, criminal defendants, and the public, who are the main stakeholders.

Clearly, the traditional investigation paradigm of establishing motive, means, and opportunity, as is currently taught in higher education, pre-service, and continuing law enforcement training, is, as Governor Ryan suggests, broken. This failure has broad implications

for higher education, particularly in programs involved in the education and training of law enforcement officers. If, as educators, we are concerned with respecting what students know, making curriculum relevant to students, meeting student needs, and fostering social justice, we must be willing to engage in research that improves the practice of the professions we serve.

The Situated Nature of Criminal Justice Curriculum

The first step in understanding the conflict between the practice of criminal justice as a profession and the situated nature of criminal justice curricula is to recognize that criminal justice, as a field of practice, is largely diverse and, necessarily, multi-disciplinary. As a field of practice, criminal justice higher education should be based on a needs assessment of the profession and respond accordingly, essentially practice informing theory (Vella, 1994). However, there is vagueness and confusion in these programs because of a need for a fundamental self-evaluation and self-definition identified more than twenty years ago (Morn, 1980).

Since Morn (1980) first identified this need, little has been done to define the academic theoretical underpinnings of the field of practice. As a field of practice, criminal justice arose from multiple intellectual traditions; however, theory development continues to break along traditional academic discipline lines, which fails to achieve the genuine multi-disciplinary and multi-theoretical nature of practice (Merenin & Worrall, 1998).

A distinction must be made between the fields of criminal justice and criminology. The primary focus of criminology is the study and explanation of crime as social phenomena, while the main focus of criminal justice studies is on the agencies designed to deal with crime (Zalman, 1981). Historically, criminal justice and applied criminology programs grew out of the discipline of sociology toward a more career oriented perspective to improve practice. Sociologists

criticize the symbiotic relationship between the practice of criminal justice and criminal justice as an academic discipline as a corruption of the discipline that has inhibited academic inquiry (Farrell & Koch, 1995). The development of criminal justice programs as separate departments has caused some to urge sociology departments to “strengthen their political positions on campuses by fostering administrative protection of the discipline” (Fabianic, 1991).

Contemporary criminal justice programs are most often organized within one of two orientations. The social justice/criminology orientation emphasizes social inequities based on race, gender, or class and the theoretical biopsychosocial causes of crime. Programs oriented toward Law enforcement administration emphasize organizational theory, management theory, and civil and criminal liability. Both of these orientations are somewhat limited in their usefulness to the vast majority of criminal justice practitioners because most practitioners have no authority to institute social programs to redress social inequities, nor are most promoted to managerial positions (Rodriguez, 2002).

The practice of criminal justice, however, is primarily responsible for promoting safety, the investigation of crime, including the individual motivations that precipitate a crime, and protecting the constitutional rights of individuals. Social scientists may not believe that the investigation of crime is a worthy, rigorous academic discipline; however, the reality is that a criminal investigation is or should be viewed as a serious qualitative and quantitative research project that includes structured interviews, axiological coding, and triangulation, as well as the collecting and analysis of data in the form of physical evidence. The difference is that in criminal investigations, unlike most social science research, the criminal justice practitioner cannot accept a confidence level of 95%.

A successful criminal investigation involves an appropriate synthesis of investigative theory and methodology with scientific theory and methodology across the broad array of disciplines in the field. The scientific forensic examination of the crime scene is dependent on a broad knowledge base across academic disciplines. Key analyses in these investigations include bloodstain pattern analysis, trajectory analysis, wound ballistics and wound pattern analysis, serological examination, gunshot residue analysis, and firearm examination. These analyses are based on and, therefore, require specific knowledge of the academic disciplines of physics, trigonometry, forensic pathology, biology, chemistry, and criminalistics. The identification, preservation, collection and analysis of physical evidence is a complex task that requires a broad knowledge base that is lacking in contemporary criminal justice programs, hence the lack of relevance identified by practitioners (Rodriguez, 2002).

Notwithstanding the high stakes involved in the practice of criminal justice or the lasting social damage that occurs when justice goes awry, criminal justice has failed to achieve recognition as a serious, legitimate academic discipline:

Reflection on its current status within academe is an important part of the assessment process for a relatively new discipline. One indication of the acceptance of a new discipline and its integration and legitimacy in higher education is the presence of Ph.D. granting programs. This study reports on some aspects of those program locations and finds them to be small in number and hosted by public institutions. Institutions of higher education that are regarded as highly prestigious in general do not host Ph.D. criminal justice programs, and those academic institutions that host prestigious Ph.D. programs in the social and behavioral sciences do not host a large percentage of the doctoral programs in criminal justice (Fabianic, 1998. p. 399).

Several possible explanations exist for the failure of the academy to accept criminal justice as an autonomous, legitimate academic discipline, including a lack of acceptance of interdisciplinary or multidisciplinary reference frames, the differentiation of worth associated with liberal education and professional knowledge, and the proclivity of academicians to maintain a single discipline focus in academic research.

The first involves a failure on the part of academia to truly accept interdisciplinary or multidisciplinary frames of academic study and achievement. Where students view undergraduate education in the starkly utilitarian terms of practical vocational objectives, academics show an apparent bias against the practical world, focusing instead on issues of enhanced citizenship, intellectualism, and creating fuller persons without acknowledgement that for many the practical and material challenges of the practice of a profession can and does constitute a rich source of meaning (Freeland, 2000).

Consistent with the differentiation between the values of a liberal education and the practical, working world, the latter is deemed intrinsically unworthy in traditional academic circles (Freeland, 2000). This is reflected in a significant portion of academic research, which continues to be single discipline based, arcane, and out of touch with the real world (Waks, 2002). This type of research defines discipline knowledge, a critical element in effective teaching, which is the foundation of an undergraduate education (Lazerson, Wagener, & Shumanis, 2000).

A second, subtler, explanation for the reticence to offer full acceptance to criminal justice as a legitimate academic discipline may stem from the proportion of adult students in such programs. Adult students are consistently stigmatized with respect to intellectual potential and capacity to benefit from higher education, these stereotypes being shared by some individual educators, as well as academic organizations (Peterson & Provo, 2000). This view is consistent

with Sissel, Hansman, and Kasworm (2001), who advise that adult students are viewed as cash-cow boons that are at-risk burdens, while systematically marginalized, taken for granted, and systematically ignored by higher education.

Curriculum as a Practitioner's Lens

If, as Pollack (1996) suggests, the main obligations of a scholar are to speak truth to power and consider the political consequences of their work, then we must set aside the chauvinisms of academic discipline and entrenched theoretical frames to critically reflect on the consequences of choices in curriculum selection. Curriculum is the nexus through which power in academia is deployed by determining the manner in which and condition on which knowledge is selected, organized and evaluated. Curriculum selection defines the boundaries of what is to be known, what knowledge is of most worth, creates a lens through which problems are defined, and, ultimately, provides a basis for reflection on practice (Popkewitz, 1997). However, when there is a fundamental chasm between practitioners and academicians in judging the worth of a body of knowledge, we must critically reflect on whose interests are being served (Rodriguez, 2002).

Is consideration of the problems and needs of the practice of a discipline a corruption of the academic integrity of the discipline? Is academic inquiry inhibited when that inquiry is focused on the needs of practitioners? Should academic knowledge be produced and curriculum be designed to meet the needs of practitioners and, by extension, the needs of the larger society or to strengthen the political positions of academic departments in decline? All of these questions can be answered by a critical reflection on whose interests are served and the goal of knowledge. The goals of knowledge production and research should be to serve society and

social justice, not to gratify the self-serving interests of academic departments or entrenched research interests of individual academicians (Rodriguez, 2002).

Gumport (1988) advances the notion that curriculum development is a process of knowledge construction situated by institutional and faculty values, including the scholarly interests of the faculty. It follows then that as academicians designate and ritualize knowledge categories and define the knowledge most worth knowing within disciplines they also define non-permeable curriculum boundaries (Gumport & Snyderman, 2002). In this model, clarity of vision occurs when the values and research interests, and by extension, curriculum selection provide a spirit of collegiality by addressing the needs of practice.

In the criminal justice context, this does not seem to be the case. There is some evidence that criminal justice practitioners feel that academicians have an underlying disdain for practitioners based, in part, on the inequitable educational levels between the groups (Caldwell & Dorling, 1995). This, coupled with the reality that criminal justice practitioners believe that academicians engage in research that is arcane, insipid, and overly dependent on manipulations of statistical data seeking the greater truths, rather than focusing on the needs of practice (Waks, 2002), lead to a sort of curricular myopia that results in many practitioners concluding that their undergraduate preparations were not relevant to the practice of their profession (Rodriguez, 2002) and, further, some to declare that their graduate education was useless in practice (Waks, 2002).

According to Mezirow (1997), meaningful learning comes as a result of new information fitting into well-developed symbolic frames of reference. Law enforcement officers develop their frames of reference through years of formal observation and lived experience, during which they define their own understanding of subject matter mastery and necessary competencies, as well as

goals and objectives to attain them. It is the responsibility of educators to recognize the learner's goals and objectives, respect what they already know, and find ways for learners to reach their goals and objectives in an autonomous, socially responsible manner, consistent with the universal values of truth, justice and (literal) freedom (Mezirow, 1997).

If practitioners question the relevance of criminal justice programs and programs of continuing professional education, while the innocent are being convicted, the current social construction of these programs should rightfully be questioned with the goal of visioning different frames and assumptions to construct change by balancing practitioner's understanding of mastery with those of higher education and in-service trainers (Sissel, Hansman, & Kasworm, 2001).

Curriculum Reform and Barriers to Curriculum Reform

There is scant recent literature on college curriculum, having been in a state of decline since the early 1990's. In fact, college curriculum and curricular reform represented less than 5% of the literature added to the ERIC database in 1996. Much of the literature on college curriculum centers on the themes of democracy, citizenship, international studies, and diversity, which are treated primarily as issues of practice (Kezar, 1999).

The lack of significant, fundamental literature in curriculum reform stands in stark contrast with the lived reality of the increasing complexity of real world practice. Changes to meet future needs are driven by the identifiable forces of demographics, technology, and knowledge. The reality of increasing population, the explosion of technologies over the past decade, and access to information doubling available knowledge every five to ten years should have increased the literature of pedagogical and curricular change to meet the contemporary complexities faced by graduates, but this is not reflected in the research (Bowman, 1999; Kezar, 1999).

The main barriers to curriculum reform center on:

- The issues of the history of elitism in the academy.
- The structural organization of academic institutions.
- The failure of academics to genuinely network with practitioners.
- The assumption that curriculum is already in a settled condition.
- A lack of focus on multidisciplinary and interdisciplinary research and academic preparation.
- The focus on the notion of “key skills” rather than broader, more meaningful reform.
- The apparent unwillingness of academicians to focus a critical lens on their own practice.

For all the scholarly works focusing on marginalization, diversity, and other issues centering on social inequities, college professors, themselves, remain a privileged class, who are allowed by society to remain students all their lives, and have an apparent bias against the practical world (Waks, 2002; Freeland, 2000). Although the reality is that from 1960 to 1980, higher education underwent a fundamental transition from an “ivory tower to a public utility”, the traditions, mores, and organizational structure of the academy has not met the challenges of the new dynamic (Waks, 2002, p. 3).

In an era where 60% of young Americans attend college and college classrooms see increasing numbers of nontraditional age students (whose primary goal is the acquisition of the knowledge and skills necessary to secure economic opportunity) the academy maintains the notion that the primary purpose of higher education is nurturing the life of the mind. Freeland (2000) suggests that, while increasing numbers of students see undergraduate education as a

means of securing lucrative careers, the central message of the academy has not varied from its elite, privileged roots; “The best and highest form of education is the liberal arts and sciences in the form they have traditionally been offered, and those who question this are uninformed or misguided” (Freeland, 2000, pp. 1-2).

The increasing numbers of nontraditional students and faculty challenge the historic elite traditions and mores of the academy by bringing with them all the differences of the larger society to campus, which engenders an inherent contradiction for faculty in attempting to teach nontraditional students while maintaining traditional faculty identities and mores (Waks, 2002). Increasing numbers of women and ethnic minorities contribute to the general higher education trend toward increasing proportional enrollment of nontraditional students, as well as the trend toward increasing selection of occupational and professional programs over the social sciences and humanities. This occupational orientation on the part of students has eroded the liberal orientation of higher learning, which should spur a reevaluation of curricular models defined and codified when higher education was reserved for the economic and social elite (Freeland, 2000; Waks, 2002).

The differentiation between the needs of students and the values of faculty contribute, at least in part, to a trend of neglect of undergraduate students by a tenured faculty retreat from the undergraduate classroom. Although the increasing demands for research and publication contribute to the phenomenon, the diversity in preparation, social class, ethnic differences, and occupational orientation of students play a significant role in the retreat from the undergraduate classroom. According to Waks (2002):

The faculty members of the expanding university were doctoral graduates of the elite graduate schools, struggling to retain their self-images as members of a learned class.

But many of the new students had little background, desire, or need to learn what the faculty considered essential to teach (p. 3).

The context of the formal organization of the academy contributes to setting boundaries with respect to what constitutes and legitimizes knowledge. The dynamics of knowledge legitimization is dependent on social construction, much of which is dependent on the categorization of knowledge along the structural units of the academy (Gumport & Snyderman, 2002).

As academic organizations are the primary sites for the creation and evolution of knowledge and the ritualized categorization of that knowledge through the formal organizational structures of departments and degree programs, they also define non-permeable boundaries of what is worth knowing, which is perpetuated by hiring faculty with particular research and teaching interests (Gumport & Snyderman, 2002). In stark contrast to the call for multidisciplinary approaches to address contemporary complexities of practice and agility in facing the issues of the larger society (Collins, 2002), colleges and universities resist fundamental changes to retain the essential structural characteristics of their origin (Gumport & Snyderman, 2002):

About 85 institutions in the Western World established by 1520 still exist in recognizable forms, with similar functions and with unbroken histories, including the Catholic Church, the Parliaments of the Isle of Man, of Iceland, and of Great Britain, several Swiss cantons, the Bank of Siena and 70 universities. Kings that rule, feudal lords with vassals, and guilds with monopolies are all gone. These 70 universities, however, are still in the same locations with some of the same buildings, with professors and students doing much the same things, and with governance carried on in much the same ways (Kerr, 1987 in Gumport and Snyderman, 2002, p. 5).

The structure of the academic organization is highly bureaucratic, which lends itself readily to the staking out of turf to be protected by the existing non-permeable categorization of knowledge, thereby, trumping attempts at multidisciplinary or interdisciplinary integration of knowledge to cope with the needs and demands of practitioners, who hope and aspire to make a difference in society as well as their own lives.

Caldwell and Dorling (1995) posit the notion that networking between academics and practitioners, particularly in law enforcement, can overcome the tension between the practitioner's view that academics are out of touch with the real world and the academic's view that practitioners fail to see the bigger picture because of a focus on technical skills.

Shifting legal standards, demographics, dynamics of social and political contexts, coupled with scientific change, change the character of criminal justice as a profession in ways beyond those encountered in more traditional professional fields (Caldwell & Dorling, 1995). In this reality, critical thinking skills are imperative to provide relevance to the vocation. Academic practice is criticized, in this context, primarily because academicians focus on the development of their discipline rather than on critical thinking skills (Whitston, 1998).

Caldwell and Dorling (1995) posit that a closer relationship between academics and practitioners, through networking, can be mutually beneficial. Practitioners have the contextual knowledge to assist academics in defining hidden issues. By gaining these contextual insights, academics can, through relevant research, provide practitioners with a better understanding of the various aspects of practice and offer innovative recommendations on how best to deal with the reality of a fluid environment.

Sunal, Hodges, and Sunal (2001) observe that traditional pedagogical approaches do not work effectively in undergraduate science courses with contemporary students, owing to

limitations in instructor beliefs about teaching and learning limits. Where change is evident, the focus has been additive rather than reforming. The introduction of key skills has been emphasized rather than the needed fundamental changes in the broader curriculum, which has the potential to be “more fruitful than the fragmentation and reductionism of competence and instrumental notions of skill” (Whitston, 1998). Essentially, the bootstrapping of a laundry list of relevant competencies into the traditional curricular design skirts the issue and fails to develop skills in critical thinking necessary to address contemporary complexities, develop confidence as well as competency, and curtails breadth of interest and intellectual curiosity with respect to topics relevant to practice (Collins, 2002; Whitston, 1998).

Rapid changes in society challenge the reflective nature of the academy. Further strain follows because rapid change also challenges the accepted notion of the single discipline domain, where an accepted, discrete body of knowledge defines a discipline. The introduction of multidisciplinary and interdisciplinary solutions for contemporary problems has the potential to address issues defined by contemporary complexities. Collins (2002) posits that:

Teaching, learning, and problem solving that integrates several disciplines to create a unified outcome that is sustained and substantial enough to enable a new disciple to develop over time is interdisciplinary (p. 247).

Gumport and Snyderman (2002) posit that the structure, traditions, practices, and values of the culture of higher education serve the primary function of maintaining stasis. Wisniewski (2000) questions why scholars provide revealing insights into the behavior of others, but fail to subject the institutions and researchers of higher education to the same critical scrutiny. Among the explanations that exist to synthesize these thoughts are those related to the elite privileged

status and expectations of the professorate and sense of superiority inherent with that positionality.

Because the academic world is an exclusive club, where the tenure process ensures that newcomers abide by the societal norms of the club, the home of the scholar is not a safe place to conduct substantial research (Wisniewski, 2000). As an elite, privileged class, professors, through a sense of superiority, feel that they already know what is knowable about the class and institutions (Wisniewski, 2000). As a result, needed research about the assumptions and values of academics and, by extension, the curriculum that emanates from them may not be conducted. Together, these notions forestall change in higher education because the organization of academic institutions and the expectations and developed roles of academics inhibit risk taking, as well as the ambiguity necessary for the critical inquiry required for fundamental change to occur (Sunal, Hodges, & Sunal, 2001).

The Paradox of Theoretical Isolationism

Peterson and Provo (2000) advance the importance of the rejection of theoretical and philosophical isolationism in favor of one focusing on the multidisciplinary dimensions of education, a key component of contemporary viability. It is against this background that we, as educators, must critically measure our own practice to ensure that it is consistent with our values. In essence, the question that must be asked is to what extent does the curricular focus on the inequities of social justice deny criminal justice students the knowledge necessary to ensure social justice, the focus of their current or future practice? The paradox is that, through theoretical isolation and entrenchment, the passion for social justice is getting in the way of social justice.

The Ethical Failure of Curriculum in Criminal Justice Programs

DNA analysis as a viable investigative tool has been available since 1988. Fifteen years later, criminal justice programs have not embraced the reality of fundamental changes in the needs of criminal justice practice. The accused and, by extension, the larger society continue to suffer the negative consequences of a criminal justice profession that is ill prepared to fulfill their responsibilities to the public due to an academic foundation not suited to the task.

According to Souryal (1998), police officers should appreciate and honor this distinct rank order: professional virtues, American virtues, and human virtues. Despite their undisputable worth, professional virtues are the lowest of the virtues in the hierarchy. The highest level of virtues is the human virtues, the summum bonum of which is rendering justice. The question is where the Kantian notion of “duty” lies for higher education. Is the main duty of a scholar to their discipline, institution, or research interest? Alternatively, is the duty of a scholar to their students, society as a whole, and the public good? If the latter is to be preferred, then it follows that curriculum should provide adequate means for students to meet their ethical duty. To do otherwise facilitates Alinsky’s (1971) fifth rule of ethics of means and ends, in which moral questions may enter when one chooses among equally effective alternate means. However, if one lacks the luxury of a choice and is possessed of only one means, then the ethical question will never arise.

Failing to address the needs of practice by providing students with the means to fulfill their duty does not satisfy Kant’s monistic deontological theory. Teleological theories of consequentialism and utility as well as Rawl’s social justice theory emphasize outcomes. As the outcomes are wanting, a curriculum that does not provide adequate means to criminal justice students to improve the quality of social justice fails these theories as well. Curriculum should be

about more than defining problems. An ethical curriculum should not only reinforce the duties and responsibilities inherent with being an educated person, it should also be concerned with providing students the means necessary to meet those duties and responsibilities.

Conclusions and Recommendations

If, in our role as educators, we are to meet the ethical responsibility to provide students a sound body of knowledge for practice that acknowledges contemporary complexities, academia must respond in kind. Academic leadership should be exercised to conduct a needs analysis addressing the following issues:

1. To identify deficiencies of formal education and continuing professional education courses and programs as perceived by practitioners of field forensic investigations.
2. To determine if higher education and continuing professional education meet the tests of the theoretical frameworks of immediacy, relevance, and accessibility.
3. To describe fundamental discrepancies in the synthesis of theory and practice.
4. Advocate institutional policy changes or new programs that adequately meet the needs of practitioners of criminal and field forensic investigations.
5. Clarify the harm to society due to a lack of properly educated and trained forensic investigative personnel.
6. Advocate social action to improve and reform formal and informal learning advancing the new interdisciplinary investigative paradigm.
7. Balance their findings against the lived experience of practitioners.

Practitioner Driven Content

Practitioners identify four content areas to make undergraduate criminal justice curriculum relevant to practice; criminal investigations, the physical and natural sciences, psychology, and mathematics (Rodriguez, 2002). The criminal investigation field should include courses in methods of criminal investigation; qualitative research, constitutional law, and accounting to more effectively pursue white-collar crime, which currently receives little scrutiny, notwithstanding the reality that such crime has a much larger economic impact and negatively affects more victims than street crime.

The physical and natural science field should, according to practitioners, be comprised of courses in biology, physics, chemistry, pathology, and criminalistics, including labs, as well as computer science. Computers are a fact of life in our society, having served productively in commerce, education and improving access to information for individuals the world over. They are also quite adaptable to criminal enterprise. Law enforcement suffers a tremendous deficit of personnel formally trained to conduct competent investigations involving computers. The public suffers from the shortfall as crimes involving computers go undetected or unpunished, creating additional victims (Rodriguez, 2002).

Relevant courses in the psychology field encompass abnormal psychology and deductive criminal personality profiling to ascribe personality traits and develop interview strategies from offender behaviors defined at the crime scene. The investigator must be able to blend and synthesize the motivating factors of the crime with the physical evidence that exists. It is in this manner that the process of evidentiary collection is given form and direction when determining intent or motive.

Trigonometry is an indispensable tool for the forensic investigator, used to make calculations in bloodstain pattern analysis, trajectory analysis, and traffic accident reconstruction. Quantitative analysis skills are necessary to calculate probability in scientific examinations, as well as conduct independent research. Both should be included in the mathematics field.

The Need for Boundary Crossing

Practitioners identify an inter-disciplinary curricular solution for an inter-disciplinary field of practice to, ultimately, put the justice back in criminal justice. With apologies to sociologists and theoretical criminologists, crimes are not solved, nor individual justice found with a survey instrument, frequency distribution table, or cross tabulation. Those tools have utility in defining and theorizing about social phenomena that contribute to delinquency and criminality, essentially the tools of justice in theory. The criminal justice practitioner requires a different set of tools, qualitative inquiry skills, the microscope, the calculator, serological examination, and global pattern analysis; these are the tools of justice in practice.

The inter-disciplinary approach has the effect of aiming knowledge along different trajectories toward a common target, the betterment of society by providing justice. Such a comprehensive approach, however, requires a significant commitment to boundary crossing, an epistemology that must overcome serious challenges (Sion, 2002). To successfully advocate for such an interdisciplinary approach will require the recruitment and support of a complex web of allies from several academic departments, which necessitates a willingness to work with others on their terms, while emphasizing that their goals are consistent with the goals of the program (Tuckett, 2001).

Implications for Criminal Justice Higher Education

Professors of criminal justice must facilitate the accommodation and negotiation with competing traditional academic disciplines necessary for this type of curricular redesign, as a perspective of permeable boundaries is necessary to provide salient programs for learners (Sissel, Hansman, & Kasworm, 2001). Given the historical neglect of the needs, interests, and experience of adult learners in higher education, coupled with the reality of increasing college degree requirement for law enforcement officers and the realization that half of all students enrolled for credit in U.S. colleges and universities are over the age of twenty-five should be considered in the formulation of revised curriculum (Keith, 2001; Sissel, Hansman, & Kasworm 2001)

By linking practice to theory to refine theory and practice, higher education, through curricular redesign, can play an important role in the administration of justice. The need is clear and must be addressed through research and action. Revamping curriculum in continuing higher education programs for traditional students and adult law enforcement professionals is quite literally a matter of life and death. If there is any doubt, recall the 177 exonerated by scientific physical evidence, many from death row.

Putting Theory into Practice

An example of how to institute substantial change can be found at Lewis University, at which a new major field of undergraduate study in Forensic Criminal Investigations was approved. The Criminal/Social Justice Department at this institution is uniquely positioned to undertake such a task as the majority of core faculty came to the academe after distinguished careers in law enforcement and hold terminal degrees in academic fields other than criminal justice.

The new major began as a recognition on the part of the faculty that the curriculum did not serve the needs of many of the students as well as an understanding (rooted in their own experience in the practice of the profession) of the changing nature of the investigative paradigm.

Next, came an examination of the available university resources that could be integrated into a comprehensive multidisciplinary educational program to meet the contemporary complexities of practice. Collaterally, the faculty began the process of boundary spanning by identifying potential allies in disparate disciplines. Faculty members from the computer science, accounting, chemistry, physics, and criminal/social justice departments were asked to contribute to the formulation of a preliminary multidisciplinary curriculum.

The proposed curriculum was based on the assumptions of the faculty as to the needs of practitioners. To test these assumptions, the Chair of Criminal/Social Justice asked the author, an adjunct faculty member and experienced forensic investigator with board certifications in multiple forensic disciplines to identify experts in many forensic disciplines that would be willing to serve on an external review board to test the assumptions of the faculty. After, the recruitment process, the author chaired a committee consisting of a crime laboratory director, a forensic pathologist, and board certified Senior Crime Scene Analysts with additional board certifications in bloodstain pattern analysis, trajectory analysis, wound ballistics, traffic accident reconstruction, fire investigations, post-blast investigations, computer forensic analysis, and multidisciplinary crime scene reconstruction.

The curriculum was tested against each represented discipline to determine if it contained the necessary academic foundation to attain certification. At the end of the process, the external review committee validated the curriculum with the addition of two additional courses, a

clarification with respect to the general education requirements of the university, and suggestions for specific topics to be addressed in specific courses.

The spirit of collegiality fostered by attending to the needs and concerns of practitioners and academics across many disciplines brought to the university an academically rigorous, relevant, multidisciplinary program to meet the challenges of the new investigative paradigm that relies primarily on tangible, scientifically based evidence.

By suspending beliefs and setting aside the chauvinisms of knowledge worth, each stakeholder benefited. Those entering the practice of criminal justice benefit because they have been provided an academic foundation more suitable to their purpose. Several academic disciplines enjoy the benefit of increased enrollment. The accused benefit as a result of more scientifically based investigations that no longer need to rely so heavily on dubious or overly subjective information. Perhaps the greatest benefit lies in the potential for increased public confidence in the criminal justice system that comes with addressing the mistakes of the past.

Harpool (2003) suggests a balance of liberal arts and professional outcomes in a reality-based curriculum. It is within this context that the notion of the practitioner-scholar emerges as a bridge between the field of practice and academic programs and promotes applied scholarship. Caldwell and Dorling (1995) suggest that academic programs establish independent advisory boards that include practitioners to help guide programs toward an integrated, relevant approach, ostensibly to improve both research and practice. The combination of the use of professional advisory boards, providing curriculum that engages material relevant to the practice, and providing students the opportunity to contribute to their learning through the use of applied scholarship form the three legs of support for the "professional model" of education, the purpose of which is to balance the "ideological limitations of the conventional practice of higher

education with the ... impoverished notion of skills and competencies" (Winter & Maisch, 1996, p.5).

References

- Alinsky, S. D. (1971). *Rules for radicals: a pragmatic primer for realistic radicals*. New York: Vintage Books.
- Bowman, R. F. (1999). Change in education: connecting the dots. *Clearing House*, 72(5), 295-297.
- Caldwell, D. S., & Dorling, E. W. (1995). Networking between practitioners and academics in law enforcement. *Public Administration Review*, 55(Jan./Feb. 1995), 107-110.
- Collins, J. P. (2002). May you live in interesting times: using multidisciplinary and interdisciplinary programs to cope with change in the life sciences. *Bioscience*, 75-83 52(1), 75-83.
- Delattre, J. E. (1989). *Character and cops*. Washington DC: American Institute of Public Policy Research.
- Fabianic, D. (1991). Declining of sociology majors: department responses. *American Sociologist*, 22(1), 25-36.
- Fabianic, D. (1998). The status of criminal justice Ph.D. programs in higher education. *Journal of Criminal Justice*, 26(5), 399-408.
- Farrell, B., & Koch, L. (1995). Criminal justice, sociology, and academia. *American Sociologist*, 26(1), 52-61.
- Freeland, R. (2000). Rethinking traditional academic views of work. *The Education Digest*, 66(4), 10-12.
- Gumport, P. J. (1988). Curricula as signposts of cultural change. *Review of Higher Education*, 12(1), 49-61.
- Gumport, P. J., & Snyderman, S. K. (2002). The formal organization of knowledge: an analysis of academic structure. *Journal of Higher Education*, 73(2), 375-408.
- Harpool, D. (2003). *Survivor college: Best practices of traditional and for-profit colleges*. Imperial Beach, CA: Aventine Press.
- The Innocence Project. (2002). *Exonerations*. Retrieved June 12, 2006 from <http://www.innocenceproject.org/>.
- Keith, J. B. (2001). The college degree requirement for law enforcement officers. *Illinois Law Enforcement Executive Forum*, 1(3), 93-102.

- Kezar, A. J. (1999). *Higher education trends (1997-1999)* (Curriculum: ERIC-HE Trends). Washington DC: Eric Clearinghouse on Higher Education.
- Lazerson, M., Wagener, U., & Shumanis, N. (2000). What makes a revolution? Teaching and learning in higher education, 1980-2001. *Change*, 32(3), 12-19.
- Longley, J. (2000). Legal genes. *People Weekly*, 53(19).
- Merenin, O., & Worrall, J. L. (1998). Criminal justice: portrait of a discipline in progress. *Journal of Criminal Justice*, 26(6), 465-480.
- Mezirow, J. (1997). Transformative learning: theory to practice. *New Directions for Adult and Continuing Education*, 74(Summer 1997), 5-12.
- Morn, F. J. (1980). Academic disciplines and debates: An essay on criminal justice and criminology as professions in higher education. *Chicago: Joint Commission on Criminology and Criminal Justice Standards*.
- The Nation. (2000, June 26). *Death penalty hypocrisy*. Retrieved February 28, 2002, from <http://thenation.com>.
- Peterson, S. L., & Provo, J. (2000). A case study of academic programme integration in the U.S.A.: androgogical, philosophical, theoretical and practical perspectives. *International Journal of Lifelong Education*, 19(2), 103-114.
- Pollack, R. (1996). The dangers of willful ignorance. *Change*, 28(May/June 1996), 56-59.
- Popkewitz, T. (1997). The production of reason and power: curriculum history and intellectual traditions. *Curriculum Studies*, 29(2), 131-164.
- Richardson, J. T. E., & King, E. (1998). Adult students in education: burden or boom? *Journal of Higher Education*, 69(1), 65-88.
- Rodriguez, R. (2001). *The impact of automation on public forensic laboratory management in the State of Illinois*. Unpublished master's thesis, Western Illinois University, Macomb, Illinois.
- Rodriguez, R. (2002). A matter of life and death: relevance and rigor in continuing professional and continuing higher education in the pursuit of justice. *Proceedings of the 21st Annual Midwest Research to Practice Conference*, 161-166.
- Ryan, G. H. (2000, January 31). *Governor Ryan Declares Moratorium On Executions, Will Appoint Commission To Review Capital Punishment System*. Press Release. Retrieved August 16, 00, from IGNN: Illinois Government News Network Web Site: <http://www.illinois.gov/PressReleases/ShowPressRelease.cfm?SubjectID=3&RecNum=359>.

- Ryan, G. H. (2000, March 9). *Governor Ryan Names Judge McGarr, Sen. Paul Simon and Attorney Thomas Sullivan To Chair Commission On Capital Punishment*. Press Release. Retrieved August 16, 00, from IGNN: Illinois Government News Network Web Site: <http://www.illinois.gov/PressReleases/ShowPressRelease.cfm?SubjectID=3&RecNum=463>.
- Sion, R. T. (2002). Interdisciplinary: what's in a name? *Kappa Delta Pi Record*, 38(3), 141-3.
- Sissel, P. A., Hansman, C. A., & Kasworm, C. E. (2001). The politics of neglect: adult learners in higher education. *New Directions for Adult and Continuing Education*, 91(Fall 2001), 17-27.
- Souryal, S. S. (1998). *Ethics in criminal justice: in search of the truth* (2nd ed.). Cincinnati: Anderson Publishing Co..
- Sunal, D. W., Hodges, J., & Sunal, C. S. (2001). Teaching science in higher education: faculty professional development and barriers to change. *School Science and Mathematics*, 101(5), 246-257.
- Tuckett, A. (2001). Advocacy: making the case for adult learners. *Convergence*, 34(2/3), 81-84.
- Vella, J. (1994). *Learning to listen, learning to teach: The power of dialogue in teaching adults*. San Francisco: Jossey-Bass.
- Waks, L. J. (2002). "The educational situation as concerns the university": 1901-2001. *Journal of Curriculum and Supervision*, 17(2), 144-159.
- Winter, R., & Maisch, M. (1996). *Professional competence and higher education: the ASSET Programme*. Hong Kong: Routledge.
- Whitston, K. (1998). Key skills and curriculum reform. *Studies in Higher Education*, 23(3), 307-319.
- Wisniewski, R. (2000). The averted gaze. *Anthropology & Education Quarterly*, 31(1), 5-23.
- Zalman, M. (1981). A heuristic model of criminology and criminal justice. *Chicago: Joint Commission on Criminology and Criminal Justice Education and Standards*.