School of Social and Behavioral Science
Fall 2021
COURSE SYLLABUS

Course Number	Course Title
FLP 520-A- Full on-line	Wrongful Convictions: Individual Case Analysis (confidential) 0

Fall XXX	Spring	Summer	Year 2021

Name of Instructor: **Office and Extension:**

Dr. Mary Lindahl, Professor
Email**:** mlindahl@marymount.edu
Chief Andy Penn, Arlington County Police Department,
Email: cpenn@arlingtonva.us
Connie DeFranco, Case Manager
Email: cdefranc@marymount.edu

MEETING DAY, TIME: WEDNESDAYS, SEPTEMBER 1, THROUGH DECEMBER 15, 3:30-6:15 PM
ON-LINE
OFFICE HOURS AFTER CLASS BY APPOINTMENT

Final Exam, Day, Time: TBD
Final Analysis Due: Due no later than December 15th, 2021- email directly to
cdefranc@Marymount.edu

Course Description
Provides students with the opportunity to examine an actual current case of possible wrongful conviction using state-of-the art research and investigative techniques. With the help of law enforcement experts, students examine the crime scene, the prosecution and defense arguments, witness testimony, police conduct, and the psychological status of the convicted individual. At the end of the class, students provide a written analysis of the case, which is provided to the client's attorney(s).

NEW: Beginning Summer 21:   University Policies, Statements and Student Support Resources are now accessible in the menu of each Canvas course and can also be accessed at https://sites.google.com/marymount.edu/academic-success/home?authuser=0

1. **BROAD PURPOSE OF COURSE**

This class provides students the opportunity to examine an actual, current case of possible wrongful conviction using state-of-the-art research and investigative techniques. With the help of law enforcement experts, the students examine the crime scene, the prosecution and defense arguments, witness testimony, police conduct, and the psychological status of the convicted individual. At the end of the class, students provide a written analysis of the case, which is provided to the client's attorney(s).

Cases are referred by public defenders, regional Innocence Projects, and private attorneys.

2. **COURSE OBJECTIVES:**

Upon successful completion of this course students will be expected to:

1. Apply to the present case current research establishing various factors involved in determining whether statements are reliable or unreliable.
   ---as assessed by final written case analysis, the class debate, and class participation

2. Apply to the present case psychological research on legal system issues and suspect variables in wrongful convictions.
   --- as assessed by class debate, final written case analysis and class participation

3. Evaluate the effectiveness of various techniques, and better training of police investigators designed to obtain relevant and reliable evidence
   --- as assessed by the class debate, final written case analysis and class participation.

4. Generate psychologically, ethically, and legally informed proposals for policy reform to reduce the rate of wrongful convictions
   --- as assessed by the class debate and class participation.

3. **TEACHING METHOD**

This class is taught in an interactive format, consisting of lecture, demonstration, guest speakers, video and audiotape segments, and class discussion. Chief Andy Penn, Arlington County Police Department, will be with us every day. We will also have access to outside experts, investigators, and researchers.

4. GRADING POLICY AND ASSIGNMENTS

Brief group presentations (by concentration)	20
Class debate	15
Policy proposal	15
Final written case analysis	30
Class attendance & participation (Camera's on)	20
TOTAL	100 points

Brief group presentations (by concentration): Guidelines to be given during class orientation. (PowerPoint)

Class debate: Students will be randomly divided into two groups. Each group must take and defend a position on whether our client is guilty of the crimes or factually innocent. The professor is available to instruct students in debating techniques and will facilitate the class during the debate.

Policy proposal: Students will write a 3-page paper suggesting a policy change based on an issue discussed in the "Informants and Snitches" chapter from the *Wrongful Convictions* book.

Final written case analysis and updated PowerPoint: Guidelines will be provided in class, and examples will be made available on CANVAS.

Class attendance and participation & preparation: An important aim of this class is to give students an opportunity to form opinions and test their arguments against those of scholars, policy makers, and their fellow students. The instructor is happy to help guide students who are finding participation difficult.

Research studies have consistently demonstrated that over 70% of students have not done the readings or prepared for class and are therefore not able to participate in the class exercises or discussions. Failure to prepare also predicts lower participation in class. The readings have been carefully picked to integrate with the course objectives.

In accordance with Marymount University policy, the following letter grades will be given:

93 and above	A		77-79	C+
90-92	A-		73-76	C-
87-89	B+		72 and below	F
83-86	B			
80-82	B-			

The grades of C-, D+, D, and D- are not given at the graduate level.

Note: Deadlines to add/drop: see Registrar's Office link:

https://marymount.edu/academics/services-resources/registrar-s-office/academic-calendar/future-academic-calendars/fall-2021-academic-calendar/

> Should you have any difficulty locating a document please contact, Connie, our Case Manager. cdefranc@marymount.edu

Each student is expected to be familiar with the **entire case file yet will be responsible for an individual area of concentration.** All course materials must be deleted from CANVAS by the due date of the final written case analysis.

We have placed important preliminary material in Modules on Canvas including the syllabus, confidentiality agreement and concentration assignments as well as articles to read **before opening case materials**. This material and the designated readings should be read before the first class on **September 8, 2021**, as your concentration group will be presenting those facts according to the case area that you are assigned.

   The packet for pre-class readings:

- Criminal investigative failures: Avoiding pitfalls
- Police Chief: Confession contamination and evaluation
- Case rethinking: A protocol for reviewing criminal investigations
- Reid Interrogation Technique
- Internalized False Confessions
- An example of a previous student's final paper will be distributed at the end of the class.
- If and when additional case materials become available, they will be distributed during the class or made available on Canvas or by email.

THE ATTORNEY-CLIENT PRIVILEGE:

 Generally, the attorney-client privilege applies when:

- An actual or potential client communicates with a lawyer regarding legal advice, the lawyer is acting in a professional capacity (rather than, for example, as a friend), and the client intended the communications to be private and acted accordingly.

- Lawyers may not reveal oral or written communications made by clients that clients reasonably expect to remain private. A lawyer who has received a client's confidences cannot repeat them to anyone outside the legal team without the

client's consent. In that sense, the privilege is the client's, not the lawyer's—the client can decide to forfeit (or waive) the privilege, but the lawyer cannot.

- The privilege generally stays in effect even after the attorney-client relationship ends, and even after the client dies. In other words, the lawyer can never divulge the client's secrets without the client's permission, unless some kind of exception applies. (*United States v. White*, 970 F.2d 328 (7th Cir. 1992); *Swidler & Berlin v. United States*, 524 U.S. 399 (1998).

Although we are not acting as attorneys, we are included as volunteers working on the client's case, thereby including us under the attorney-client privilege. That means that the same confidentiality rules apply to us also. Divulging confidences about the case without authorization may result in Marymount's losing its relationship with the Innocence Project, or even legal consequences.

We have a letter of authorization from the attorneys.

SOCIAL MEDIA WARNINGS:

Students in some circumstances may search the internet for information. This issue of which sources are appropriate and safe to use can be complicated and could possibly damage our client or damage the case investigation. We will discuss more during orientation and the first day of class. **Please do not search online in ANY form until we give you permission in the class.**

If and when additional case materials become available – they will be made available on CANVAS.

FLP PROGRAM POLICY ON RECORDING

The Forensic and Legal Psychology program strives to create a safe and inclusive environment for dynamic and engaging classroom conversation. Classes in our multidisciplinary program often discuss graphic and sensitive topics that are appropriately contextualized in an academic environment. In addition, especially when discussing these topics, many students are uncomfortable with public speaking, and this discomfort can be enhanced when social interactions are recorded. Protecting the confidentiality of students and instructors by restricting the content of classroom discussion to the classroom allows the FLP program to facilitate frank and honest discussion of difficult topics.

For these reasons, students without accommodations approved by Student Access Services may not record audio or video of any portion of classes within the FLP program without the express written permission of the instructor. To do so could result in an academic integrity

violation. More information on the Academic Integrity Code, including sanctions and procedures, can be found here.

Nothing in this policy should be construed to alter or replace any part of the University ADA accommodation policy. If you believe you require an accommodation, please visit here. You can find more information on university-wide policies here.

Concentrations and Groups

Concentration Group	Assignment
1. Police Investigations/Reports 2005 Investigation: 8 students	Drawing from the readings, students in this concentration are to provide a brief outline describing the 2005 investigative efforts by law enforcement in this case. The presentations should provide all class members with a general understanding of the primary investigative techniques utilized and the outcomes.
2. Police investigation / Reports Court Proceedings and Media 2015 Investigation: 8 students	Drawing from the readings, students in this concentration are to provide a brief outline describing the 2015 investigative efforts by law enforcement in this case. The presentations should provide all class members with a general understanding of the primary investigative techniques utilized and the outcomes. Students must also provide an overview of the relevant legal proceedings/issues and media coverage.
3. Crime Scene, Autopsy & Evidence: 8 students	Drawing from the readings, students in this concentration are to provide a brief outline describing the physical crime scene and the physical evidence that has been collected throughout the investigation. Primary focus for this group will be the evidence available. Students are to highlight items of evidentiary value identified that were not collected along with the items that were collected. Additionally, students are to correlate the evidence to the laboratory tests requested and the results of those tests. Students are to highlight testing that was not done which they feel could be important along with an analysis of the testing/results that were done. Finally, students must be prepared to discuss the autopsy results.

Assignment #1: **Preliminary preparation before "Day One" – September 8, 2021**

During the second class (September 8) each group will be responsible for facilitating a 15 to 20-minute discussion on your assigned area of the case. Each member of the group is expected to contribute to the presentation in class. While you have been divided into concentrations, all students are responsible to be familiar with the entire case. This must be completed in a PowerPoint or similar presentation.

Assignment #2: Policy proposal - November 3, 2021

Students will write a 3-page paper suggesting a policy change based on an issue discussed in the "Informants and Snitches" chapter from the *Wrongful Convictions* book. The chapter can be found on Canvas in the Assignments module. Guidelines will be given out in class.

Assignment #3: Class debate– December 1, 2021

Students will be split into two groups: those who will argue the guilt of the defendant and those who will argue the actual innocence of the defendant. Both groups will be given some class time and are expected to prepare for the debate as a homework assignment. On Friday, each group will be given 20 minutes to present their arguments supporting their position. Following the initial arguments there will be a 15-minute opportunity for teams to ask questions of one another. This will close with each team having 5 minutes to present a closing argument. **Each group member is expected to participate fully.**

Assignment #4: Group meeting to review and discuss class timeline to submit to Texas Innocence Project.

Assignment #5: Five-minute opinion presentation – December 8, 2021

Students (individually) will present a 5 minute in-class opinion of their preliminary findings. Feedback from the class and the instructors will be valuable when preparing your final paper – in which you will give your conclusions about guilt or innocence and the reasoning behind your opinion.

Assignment #6: Final Written Case Analysis – Due <u>no later than</u> December 15, 2021
This should be submitted to Connie DeFranco @ cdefranc@marymount.edu. The final written analysis will include your supported opinion as to whether the defendant is guilty of the crimes convicted or innocent. The student will outline their opinion that must be supported by specific facts citing from the case material. In addition, students will be required to highlight the primary <u>facts that do not support their position</u>.

Assignment #7: Update original PowerPoint from Assignment #1.

5. CLASS SCHEDULE

Class	Topic	Focus
August 15, 2021 – 7pm (ZOOM)	Orientation	Group assignments, structure of materials.
September 1, 2021	Class Overview and Assignments Cold Case Approaches	Review of Syllabus, class structure, assignments, and expectations
September 8 2021	Cold Case Investigative Strategies Group Presentations (PowerPoint)	Initial conversations regarding police investigation, crime scene/evidence, lab findings and autopsy results
September 15, 2021	Interviews and Interrogations Eyewitness Interviews	Unique case issue discussion
September 22, 2021	Psychological Issues Case discussion	Review of psychological issues throughout case file
September 29, 2021	The Case	Comprehensive Timeline Follow up items Statement review/Documents Statement Analyses
October 6, 2021	The Case	
October 13, 2021	The Case	
October 20, 2021	The Case	
October 27, 2021	The Case	
November 3, 2021	Policy Issue Presentation Case Discussion	Policy discussion
November 10, 2021	Case Discussion Attorney Visit	In class discussion with attorneys/investigators

November 24, 2021	NO CLASS	NO CLASS
December 1, 2021	Guilty or Not Guilty	Class Debate
December 8, 2021	Final wrap-up discussions Individual Findings	5-minute presentations
December 15, 2021	Feedback	Final Papers and Updated PowerPoint by concentration DUE – send to cdefranc@marymount.edu

6. **RECOMMENDED TEXTS** - None

7. **READINGS AND AUDIO-VISUAL MATERIALS TO HELP WITH OUR ANALYSIS**

These will be placed under the Readings module on Canvas.
Case materials include extensive videos of interviews and interrogations.

8. ZOOM CAMERAS MUST BE ON AT ALL TIMES

If you need to turn your camera off for a valid reason, please notify the instructors.
Students who need to be continually reminded will lose participation points.

The policy for utilizing electronic devices during the virtual class
Utilizing electronic devices for non-course related reasons during class (e.g., texting, Facebook, Yelp) is not permissible. Students who are observed doing such may be subject to the following: asked to leave class, receive a reduction in their final grade, or any other consequence deemed appropriate by the professor. If a student requires the use of a cell phone as part of his/her job, the professor must be informed of this prior to the start of class and the device must be placed on the least disruptive setting possible.

9. SYLLABUS MODIFICATION

The instructor reserves the right to modify any part of this syllabus at any time during the semester. While the instructor will inform students of such alterations, it is the responsibility of students to keep track of all changes.