

# NSU Criminal Justice a

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	THE	POL		BEAT
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## Stress and the Police Officer



Joe Morris, Associate Professor

There is a side of policing that we would prefer to ignore. As most of us know firsthand, stress is ever present in the criminal justice field and impacts us in many ways we may not perceive or understand. Whether writing a traffic citation, answering a false alarm call at a business, or trying to control an unruly subject, stress is a constant companion.

Mental fitness refers to a person's emotional well-being, the ability to feel fear, anger, compassion and other emotions and to express them appropriately. It also refers to a person's alertness and ability to make decisions quickly. The greatest threat to an officer's mental fitness is stress.<sup>1</sup> Hans Selye, who is known as the "father of stress research" defined stress as a nonspecific response of a body to demands placed upon it.<sup>2</sup>

Everyone reacts differently to stress. Stress can be both positive (eustress) and negative (distress). Acute stress is temporary and may result in performing at one's best. The adrenaline rush, the "fight or flight" response, allows us to determine the appropriate response and react to the situation at hand. On the flip side of the coin, chronic stress is ongoing and can lead to severe psychological problems.<sup>3</sup> Chronic stress can lead to many physical ailments, posttraumatic stress disorder, burnout, depression, and even an officer committing suicide.

An officer must manage his or her stress in such a way as to reduce or prevent it from

reaching excessive levels. This will prevent impaired work performance and prevent an officer's personal well-being from being effected. If there is any proven way for an individual to

b e c o m e scientifically sound, it is to exercise. The benefits are numerous and include stress reduction and



the counteraction of some of the harmful physiological effects of stress.<sup>4</sup>

An officer who takes care of himself mentally and is physically fit will be better able to undergo the rigors of the police job and allow him or her to live out their retirement dreams.

<sup>1</sup>Hess, Karen M. and Henry Wrobleski. *Police Operations: Theory and Practice.* 4<sup>th</sup> ed., Belmont, CA: Thompson/Wadsworth, 2006. Page 442

 $^2\text{Peak},$  Kenneth J, Policing America: Methods, Issues, Challenges.  $4^{\rm th}$  ed., Upper Saddle River, N.J: Prentice Hall. Page 345

<sup>3</sup>Hess, Karen M. and Henry Wrobleski. *Police Operations: Theory and Practice.* 4<sup>th</sup> ed., Belmont, CA: Thompson/Wadsworth, 2006. Page 443

<sup>4</sup>More, Harry W., Special Topics in Policing, 2nd ed., Cincinnati, OH: Anderson Publishing Company, 1998. Page 260

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http://msnbcmedia.msn.com/j/msnbc/Components/Photo s/051010/051010\_neworleans\_police\_hmed5p.hmedium. ipg

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## THE COURTHOUSE

The Supreme Court: Why All The Fuss? (Part 1)

## Shirley Snyder Assistant Professor

The United States Supreme Court is composed of individuals who have reached the pinnacle of their legal careers. They are nominated by the President of the United States to fill one of nine positions available on the highest court in the nation. If that nomination is confirmed by the United States Senate, the nominee serves in this position for the remainder of his or her life or until that justice chooses to retire from this service.

What are the requirements for sitting on this esteemed bench? Formal qualifications for membership on the Supreme Court are not specified by the Constitution of the United States.<sup>1</sup> However, individuals serving as Supreme Court Justices usually have a distinguished career in the field of law, first as a practicing attorney and then, in some judicial position prior to nomination to the U.S. Supreme Court. The American Bar Association reported that as of 2005. 1.104.766 attorneys were licensed in the United States.<sup>2</sup> Of those one million plus attorneys, only nine (9) privileged individuals are chosen to serve on the high С ο u r t

How does one get in the short line for nomination to the Supreme Court? A review of the qualifications of the current justices reflects that education at one of the most prestigious American universities, employment in governmental service as an attorney, tenure as a supreme court justice in one of the 50 states or a federal judicial appointment, and residence in the



state with connections to the Senators within the state of the vacant position helps. The

political leanings of the nominee and written decisions made by the nominee in individual court cases while serving in prior judicial positions are important as well. Finally, the individual should be a member of the political party of the current U.S. President, and as much as possible, be of like mind regarding legal and personal belief systems.

The Justices of the Supreme Court serve at their pleasure for long periods of time and make decisions that affect the entire country for even longer periods of time. The make up of the Court's membership makes a difference, although it shouldn't, in the decisions made. Those legal judgments dictate process and procedure for decades. Of course, the Court's use of the doctrines of precedent and stare decisis, the principles of judicial restraint<sup>3</sup>, the doctrines of strict necessity and narrowness, and the presumption of constitutionality<sup>3</sup>, temper their justice. However, history has shown that when the makeup of the Court's membership changes in a significant manner, moving from liberal to conservative, conservative to ultra right wing conservative, or back again, the Court decisions regarding the interpretation of the United States Constitution change as well. Obviously, legal theory is not the sole determining factor. Membership counts.

It must be said at this time that the Constitution itself doesn't usually change. Rather, it is a document made most important by it continued constant and unwavering existence. By this resolute strength, it protects its citizenry and projects fairness and permanence in an often-unpredictable political world. That stability is proven by its history. This splendid document has been amended rarely since its creation in the 18<sup>th</sup> century, approximately 17 times after the ratification of the Bill of Rights in 1791.<sup>4</sup> Those amendments historically have resulted in the addition of protections for the people rather than any restrictions of individual rights and liberties. The fact that the high Court's interpretation of the meaning of this magnificent document can change simply by the substitution of the principal members on the



Photo by: http://summitlh.com/visualize/supremecourt-justices.jpg

Court is a sobering testament to the power of the position of Supreme Court justice.

## SOURCES:

<sup>I</sup>MSN Encarta Encyclopedia. <u>Supreme Court of</u> <u>the United States</u>. Page 2 of 5.

http://encarta.msn.com/encyclopedia\_7615743 02\_2/Supreme\_Court\_of\_the\_United\_States.h tml#s18

(Visited January 13, 2006).

<sup>2</sup>American Bar Association. <u>National Lawyer</u> <u>Population by State</u>. Compiled by ABA Market Research Dept. Copyright 2005. .

http://www.abanet.org/marketresearch/resourc e.html#Demographics http://www.abanet.org/marketresearch/lawyer

dem2004.pdf

(Visited January 11, 2006).

<sup>3</sup>Stephens, Otis H. Jr. and John M. Scheb II. <u>American Constitutional Law</u>. 3<sup>rd</sup> Edition. Wadsworth/Thompson Learning. 2003. Pages 44, 47.

<sup>4</sup>NARA. The National Archives Experience. The Charters of Freedom. <u>Constitution of the</u> <u>United States. Amendments 11-27.</u>

http://www.archives.gov/national-archivese x p e r i ence/charters/constitution\_amendments\_11-27.html

(Visited January 17, 2006).

## **COUNTER-POINT**

## Black And White Often Has Nothing To Do With Race

#### Bill Shaw Assistant Professor

One of the hardest things for new police officers (and, often, old police officers as well) to accept is the fact that the law is seldom black and white. Life just isn't that simple; neither is crime.

The first clue to this fact ought to be the lively and, sometimes, bloody debates in penal code class during the academy experience. There's always another, "Yeah, but what if..." And, then, during the review of the test, there is always another lively discussion about the interpretation of the elements of several offenses and the "facts" presented on the test. Invariably, some leave happy (those whose interpretation agreed with the "correct" answer) and some leave disgruntled, upset, or down right mad (those whose interpretation didn't).

It only gets worse once you hit the streets. An officer is called to the scene, gets the facts, and writes his report. He submits the report stating that a burglary has occurred. The patrol supervisor reviews it and changes the offense to a theft, stating that the "rookie" needs to go to a refresher course on the penal code. Then the detective who gets the case decides it's just a criminal trespass, but no theft has occurred. The prosecutor, on the other hand, decides that it doesn't fit any offense and the case is over.

None of these people are stupid, uneducated, or incompetent. lt's just that the law was written in black and white and real life is in color. It is subject to everyone's interpretation. How can eleven people sit on a jury and arrive at a guilty verdict in five minutes while the twelfth member, sitting on the same jury, seeing exactly the same evidence, hearing the same testimony, be so convinced of the defendant's innocence that he cannot be dissuaded in six hours and finally hang the jury? I've seen it happen. So have most officers. Is the twelfth person stupid? Not necessarily. They are seeing things from their own particular understanding of the world and how it works. Their interpretation of it makes them see it differently.

Does a particular set of circumstances constitute self-defense? Well, I know what I think. You know what you think. We both know what the DA thinks. But the only opinions that will ultimately matter are those of the twelve people on the jury.

An example is sufficient to illustrate. A



man hears from a third person that someone has threatened his life. The man feels frightened and drives to a nearby town and purchases a handgun. He returns to his hometown and drives around until he spots the alleged "threat" sitting in front of a bar, leaning back against the wall. The man circles the block once, twice, and, on the third pass, shoots from the car, hitting the would-be offender in the neck, killing him. Is that self-defense? A jury thought so and acquitted him at trial. True story.

So, in pursuit of truth, justice, and the American way, the champions of the law will save their blood pressure, hair, and ulcers if they realize that the law is subject to many interpretations. Their own is just one of many through which the facts must pass before the final verdict is rendered.

Photo by: http://www.moi.gov.tw/outline/ images/a21.gif

## **CRIMINAL JUSTICE CAREER FAIR**

The Criminal Justice Program at Northwestern State University of Louisiana is hosting a career fair for Criminal Justice majors and other majors interested in this field, on Tuesday, March 14, 2006, from 9:00 a.m. to 1:00 p.m. in the Student Union Building on the Natchitoches campus.

Law enforcement and correction organizations, state and local governments, law schools and university graduate programs, and other prospective employers participate in this career fair. You are invited to represent your organization and to present your organization's career options to interested individuals and have them begin the application process for available positions in law enforcement, law, and associated fields. Please contact our office at 318-357-6967 and request a reservation form. There is no fee for this Fair.

Please plan to be at this fair and make contact with students and other interested individuals as well as representatives of various public and private law enforcement agencies. We look forward to your participation in this career fair! Place this date on your calendar. We will also update this information as the fair date approaches. See you in March 2006! For further information, please contact the Criminal Justice Program at 318-357-5505 or 318-357-6967.

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## THE GRAB BAG

## CJAP: A New Certification for Criminal Justice Personnel (Part I)

#### Thomas J. Tiefenwerth Assistant Professor

Research indicates that alcohol and drug abuse is a factor in most crimes and clearly shows that the provision of substance abuse treatment is effective in the reduction of criminal recidivism and substance abuse. The need for personnel with specialized training, addressing the compelling need for effective rehabilitative treatment programs and subsequent parole policies dealing with drug abusing offenders, has long been recognized. Certification sets a uniform standard and identifies select individuals as possessing a minimum standard of knowledge in both the criminal justice and addiction fields.

The Criminal Justice Addictions Professional (C.J.A.P.) certification is the result of the combined efforts of a number of state and national professional associations from the fields of substance abuse and criminal justice. To date, twenty-two states, including the State of Louisiana, have formally



endorsed this certification and made it available to individuals working with drug

abusing offenders. It is a voluntary credential that establishes a minimum standard of competency for dealing with this unique population. These specialized addiction professionals are required to possess minimum competencies in their knowledge of criminal justice and addiction.

These minimum competencies are appropriately demonstrated through specific education, job experience, and other relevant professional licensure and certification in the health, human services, and justice fields.

There are a variety of types of treatment professionals who would choose to pursue this certification, including: psychologists, social workers, professional counselors, addiction and substance abuse counselors, as well as different types of criminal justice case managers. All of these treatment professionals work with varying levels of criminal justice caseloads by employing different counseling and psychotherapeutic interventions. Inmates, parolees, and probationers with substance abuse and addiction as primary issues are their respective clients. In addition, not infrequently, many of

these clients have other coexisting disorders, like mental health problems and/or sex offender disorders. Criminal Justice Addiction Professionals are aware of the professional need and legal mandate to provide the quality of care treatment services consistent with a community standard.

Association membership is also available to all criminal justice students with an aspiration to become a certified Criminal Justice Addiction Professional to consider student membership in the Louisiana Association of Substance Abuse Counselors and Trainers (L.A.S.A.C.T.). A student membership in this professional organization is valid for an entire year and will provide valuable information on training programs available through the association. In addition, students will be able to network with professionals in their respective fields and develop leads for jobs after graduation.

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www.stfrancishouse.org/headinhnds.jpg

## DWI: How Much Do You Know?

## Siddig Fageir Assistant Professor

Drunk driving is often referred to as Drinking Under the Influence (DUI), or Drinking While Intoxicated. Drinking while intoxicated (DWI) is a serious criminal offense with tremendous negative consequences. Some of the consequences of the drunk driving as listed in the DUI Attorneys Nationwide Organization web site (www.totaldui.com) are: • The loss of your driver's license

- Probation
- Community service
- Substantial fines
- Seizure of your vehicle
- Mandatory drug and alcohol education classes
- Increased automobile insurance rates
- Installation of an ignition interlock system on your car
- A misdemeanor or felony conviction
- Possible homicide conviction
- A lengthy prison sentence
- Civil liability for any bodily injury or property damage you cause

Drunk driving causes many traffic fatalities each year. Using data obtained from the National Highway Traffic Safety Administration (NHTSA), Mothers Against Drunk Driving (MADD) reported that in 2004, 16,694 individuals were killed in alcohol-related traffic accident, an average of one almost every halfhour. These deaths constituted about 39 percent of the 42,636 total traffic fatalities (Stats and Resources - 2004, 2005). In Louisiana, in 2004 about 414 people were killed as a result of traffic accidents involved drunk drivers. This number constituted about 46 percent of all traffic fatalities in 2004 (Stats and Resources - 2004, 2005).

## **DWI**, continued

Louisiana laws for example, provide severe punishment for DWI as stated in Louisiana Revised Statutes, Title 14, Section 98, under driving offenses:

Operating a vehicle while intoxicated

- A. (1) The crime of operating a vehicle while intoxicated is the operating of any motor vehicle, air craft, watercraft, vessel, or other means of conveyance when:
  - (a) The operator is under the influence of alcoholic beverages; or
  - (b) The operator's blood alcohol concentration is 0.08 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood; or
  - (c) The operator is under the influence of any controlled dangerous substance listed in Schedule I, II, III, IV, or V as set forth in R.S. 40:964; or
  - (d)(i) The operator is under the influence of a combination of alcohol and one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription
  - (ii)

(e) The operator is under the influence of one or more drugs which are not controlled dangerous substances and which are legally obtain able with or without a prescription and the influence is caused by the operator knowingly consuming quantities of the drug or drugs which substantially exceed the dosage prescribed by the physician or the dosage recommended by the manufacturer of the drug.

(2) B. (1)

(1) On a first conviction, notwithstanding any other provision of law to the contrary, the offender shall be fined not less than three hundred dollars nor more than one thousand dollars, and shall be imprisoned for not less than ten days nor more than six months. Imposition or execution of sentence shall not be suspended unless:

- (a) The offender is placed on probation with a minimum condition that he serve two days in jail and participate in a court-approved substance abuse program and participate in a court-approved driver improvement program; or
- (b) The offender is placed on probation with a minimum condition that he perform four eight-hour days of courtapproved community service activities,



at least half of which shall consist of participation in a litter abatement or collection program, participate in a court-approved substance abuse pro gram, and participate in a court-

approved driver improvement program. An offender, who participates in a litter abatement or collection program pursuant to this Subparagraph, shall have no cause of action for damages against the entity conducting the program or supervising his participation therein, including a municipality, parish, sheriff, or other entity, nor against any official, employee, or agent of such entity, for any injury or loss suffered by him during or arising out of his participation in the program, if such injury or loss is a direct result of the lack of supervision or act or omission of the supervisor, unless the injury or loss was caused by the intentional or grossly negligent act or omission of the entity or its official, employee, or agent.} (Louisiana law search, 2006)

Louisiana laws, similar to the laws in many other states, impose a Legal blood alcohol content level at 0.08 (DUI Attorneys Nationwide, 2005). Failure of alcohol blood test or refusal to take the test would result in an automatic suspension of driver's license. Moreover, repeat offenders would face felony charges (DUI Attorneys Nationwide, 2005).

#### <u>References</u>

Stats and Resources - 2004. (2005). Retrieved Jan. 19, 2006, from MADD Web site: <u>http://www.madd.org/</u>.

State of Louisiana, (2006). Louisiana law search. Retrieved Jan. 19, 2006, from The Web Portal of the Louisiana State Legislature Web site: http://www.legis.state.la.us/lss/lss.asp?doc=78 751.

DUI Attorneys Nationwide, (2005). The consequences of drunk driving. Retrieved Jan. 19, 2006, from Total DUI Web site: http://www.totaldui.com/.

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G.S.R.C.P.I.



## Hurricane Planning and Recovery Conference

The Gulf States RCPI invites you to join us for the Hurricane Planning and Recovery Conference, April 3-5, 2006 at the Holiday Inn South in Baton Rouge, Louisiana. With attendees from the most affected areas of last year's hurricane season, the conference covers all major aspects of public safety in relation to hurricanes.

This Conference is a forum for education and professional training in hurricane preparedness, response and recovery. This event will provide you with a unique opportunity to meet and network with a group of interested decision-makers with first hand experience. The conference covers all major aspects of public safety in relation to hurricanes and other disasters.

**Registration for this conference is limited**. Priority and scholarships will be given to Interdisciplinary Teams

ALUMNI NEWS



People on the Move

The NSU Criminal Justice News wants to provide a forum for news about alumni of

the Criminal Justice Program at Northwestern State University. If you are an alumnus of our program and want to provide information of your jobs and locations so that we might celebrate your success with you and share those successes with other individuals interested in keeping up with the people, programs, and places of our NSU alumni, please contact us.

You may provide that information by mail, email, or telephone call. We look forward to hearing from you.

consisting of four individuals from a geographical area representing each of four different disciplines such as:

- Law Enforcement
- Community
- Government
- Emergency Professionals

The conference registration form will be available on the GSRCPI website starting Wednesday, January 18, 2006 until the conference is full or the registration deadline of February 24, 2006 is reached. This conference is expected to fill quickly and there is limited space at the hotel, so walk-ins are highly discouraged.

Visit www.GSRCPI.org for more information about the

Please write or contact the Criminal Justice Program by one of the forums:

Mail— Criminal Justice Program, Room 343-C, Kyser Hall, NSU, Natchitoches, LA 71497;

Email— crim\_justice@nsula.edu or snyders@nsula.edu;

Telephone: 318-357-5505 or 318-357-6967.

## **READER FEEDBACK**

The NSU Criminal Justice News wants to provide a medium for news, which our readers find interesting. 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: <u>crim\_justice@nsula.edu</u>, or <u>snyders@nsula.edu</u>.

The Criminal Justice Program at Northwestern State University of Louisiana is hosting our 1<sup>st</sup> Annual Memorial Scholarship Golf Tournament, to raise scholarship funds for the Frank C. Kyle & Glen Den-

ning DeVanie Memorial Scholarships. The Frank C. Kyle Memorial Scholarship was established to recognize the professionalism in Criminal Justice that embodied the character of Assistant Professor Frank Kyle, a deceased member of the Northwestern State University criminal justice program faculty. The Glen Denning DeVanie Memorial Scholarship was established to honor the legacy of Glen DeVanie, a criminal justice major and an Alexandria deputy marshal, by assisting students who are working toward their Criminal Justice Degree, to take their learning experience along with Glen's legacy into the future. You are invited to represent your university or professional organization, friends, coworkers, golf enthusiasts, and all others interested in the challenges of the game and enjoying the day while giving to an N.S.U. charitable cause.

## It is best to send in your entry forms early to reserve your team's position in the golf tournament.

In addition to or in lieu of playing in the tournament, individuals and organizations may want to provide donations to-

## Criminal Justice Distinguished Alumni Awards

The Criminal Justice Program at Northwestern State University is establishing a Distinguished Alumni Award that will acknowledge the accomplishments in the field of Criminal Justice of two of its' Alumni per year. These Alumni will be honored at the Liberal Arts Spring Awards Banquet each year. We are looking for Alumni who have distinguished themselves. The Criminal Justice Program Coordinator Joe Morris will accept nominations for this award through March I, 2006. To nominate yourself or an individual for this award please submit the following to Joe Morris, Coordinator of the Criminal Justice Program, Northwestern State University, Rm. 343C, Kyser Hall, Natchitoches, LA 71497.

Email: morrisj@nsula.edu.

## I<sup>ST</sup> ANNUAL CRIMINAL JUSTICE SCHOLARSHIPS GOLF TOURNAMENT

ward these worthy scholarship charities. These generous donations are greatly appreciated for the continued funding of these memorial scholarships. Organizations, businesses, and individuals desiring to donate a prize for long-



est drive, closest to the hole, 1<sup>st</sup> or 2<sup>nd</sup> place, door prizes, ditty bag items, and/or food and drink, please contact the Criminal Justice Program for our excited response!

#### **GOLF TOURNAMENT INFORMATION:**

Date and Time: Saturday, March 11, 2006, 8:00 a.m. to 1:00 p.m.

<u>Entry Fee</u>: \$50.00 per person w/teams of four (4). (Lunch and awards program are provided as part of the entry fee.)

Location: Northwestern Hills Golf Course, Hwy I Bypass, Natchitoches, Louisiana. Golf Course #: 318-357-3207.

For further information, please contact the Criminal Justice Program at 318-357-5505, 318-357-6967 or by email at: <u>crim\_justice@nsula.edu</u> or <u>snyders@nsula.edu</u>. See you on Saturday, March II, at 9 am!! Be ready to swing that club!

#### MANDATORY

Alumnus name Year of graduation Current address/contact information Paragraph describing why you think the individual should be recognized as a distinguished alumnus \*\***IF AVAILABLE** Current Employer Address/contact information Immediate supervisor Updated copy of Resume' Academic Education Continued Education Employer history if more than one employer Awards/commendations received Professional and civic associations

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: <u>crim\_just@nsula.edu</u> or visit the Criminal Justice website at <u>http://www.nsula.edu/criminaljustice</u>.

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Frank C. Kyle Memorial Scholarship

The Frank C. Kyle Memorial Scholarship was established to recognize the professionalism in Criminal Justice that embodied the character of Assistant Professor Frank Kyle, a deceased member of the Northwestern State Universit y f a c u l t y.

Professor Frank Kyle brought to his students a real life perspective of Corrections through his 28 years as a noted professional practitioner in the Probation and Parole discipline. Professor Kyle's professional career began in 1971 with the Louisiana Department of Corrections, Division of Probation and Parole. Professor Kyle progressed through the ranks from Probation/Parole Officer until his retirement in 1999 as the Regional Director of the Northwest Louisiana Probation and Parole 0 f f i С е

After his retirement from active Probation/Parole service to the state, Frank Kyle felt that he had a wealth of knowledge accumulated over his 28-year career that could be utilized to help young people to understand the past, present, and future directions of the Corrections discipline within the Criminal Justice system. Frank Kyle readily accepted his second profession as an educator. Frank joined the faculty of Northwestern State University in Natchitoches, LA and used his experience as a professional Corrections practitioner to enlighten his students from 1999 until 2004. Frank's experience in Corrections was a refreshing addition to the academic learning process for students. Frank's desire to provide real world experience to the educational experience of students and increase the understanding to those graduates who enter the world of professionalism within the Corrections disciplines is his legacy.

The Criminal Justice Program is proud to present this scholarship in memory of Professor Frank C. Kyle. If you would like to apply for this scholarship or contribute to this scholarship, please visit o u r w e b s i t e a t : http://www.nsula.edu/criminaljustice.

Past issues of the NSU Criminal Justice News can be found at our website: http://www.nsula.edu/criminaljustice/docs/NSUCInews.html

# III School of Jocial Sciences

Northwestern State University

Criminal Justice Program Rm. 343-C, Kyser Hall Natchitoches, LA 71497