

**LEGAL STUDIES/SOCIOLOGY 131: CRIMINAL JUSTICE IN AMERICA  
FALL 2017**

MoWe 2:30 p.m. - 3:45 p.m.—Sterling 1310

Professor  
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**COURSE DESCRIPTION**

In this course you will be introduced to the American criminal justice system, its fundamental features and nuts and bolts. Together we will examine the theory and foundation, structure, function, and history of the criminal justice system through an interdisciplinary prism. We consider the system in the context of four core themes. First, we examine the theoretical differences between "factual guilt" and "legal guilt" and the meanings of "crime." Second, we focus on the tension between maintaining public safety and preserving individual rights. Third, we explore the relationship between public expectations of the criminal justice system and how the system operates in reality. Fourth, we study how the discretionary decisions of various actors in the system affect the operation of the criminal justice system.

The course is divided into four parts. Part I, "The Criminal Justice System," considers the roots of the criminal justice system and explores some of its presuppositions and biases. Part II, "The Police," examines the organization of the police, police functions, the nature of arrest, the constitutional rights of suspects, the rise of community policing, and police techniques. Part III, "Criminal Trials," introduces students to the adversarial system and the framework of the criminal trial process. In this part, we review the roadmap of a trial, the roles of judges and lawyers, courtroom workgroups, prosecutorial and judicial discretion, plea negotiation, the jury system, and sentencing. Part IV, "Corrections," turns to the history of American corrections and the theories underlying punishment, the state of modern corrections, the forms of sanction, the nature of confinement, and release.

**COURSE REQUIREMENTS**

Students must: (1) attend and actively participate in all lectures; (2) attend and actively participate in all discussion sections; (3) complete all required readings; (4) complete one in-class quiz and three in-class examinations on the dates those exercises are administered in lecture; and (5) complete any exercises, whether written or oral (including, without limitation, homework, quizzes, or other assignments), as assigned by the teaching assistants in discussion section.

Attendance is mandatory and will be monitored. Students are responsible for all material conveyed in lectures, discussion sections, or by email. Students also are responsible for any announcements made in lecture, discussion sections, or by email, irrespective of whether the student is present in class or whether the student reads the email. Such announcements include, without limitation, modifications in the assigned reading schedule (including

deletions and additions); modifications in examination content, format, and/or scheduling; and explanations of material in preparation for the quiz or examinations.

### **CLASSROOM FORMAT**

This course meets weekly for two seventy-five (75) minute lectures and one fifty (50) minute discussion section. Students should be prepared to discuss readings in lecture as well as in discussion section. The instructor and TAs will call upon students to participate in an analysis of the readings and lecture content even if students do not volunteer for participation.

Invited speakers occasionally will address the class during the lecture period. Attendance at guest lectures also is mandatory, and the instructor will incorporate material from guest lectures into the quiz and/or examinations.

### **WORKLOAD**

This is a four-credit course. The workload for this class per week is distributed as follows:

[1] Two seventy-five (75) minute lectures

[2] One fifty (50) minute discussion section

[3] Ten (10) to twelve (12) hours per week outside of class focusing on course material. This number follows the general guideline that each academic credit requires three (3) hours per week in out-of-class study time. Students should budget ample time to master the readings, to synthesize notes, and to review materials regularly.

Reading assignments vary in length. Students should pace themselves accordingly and expect some assignments to be longer than others. Additional articles may be assigned.

### **LECTURE TOPICS AND READINGS**

The schedule of topics and readings appears below. We might divert from the outlined schedule if necessary. Readings for each day are due **before lecture**. All readings, unless otherwise noted, are required. For quiz and examination purposes, students are responsible for all readings regardless of whether they were addressed in lecture or a discussion section. However, students are not responsible for the readings designated "*Recommended*" except to the extent those recommended readings have been addressed in lecture and/or discussion section. Students may, however, rely on recommended materials to support a point in an essay. Additional readings may be assigned, and assigned readings may be omitted in the interest of time.

The required readings consist of a textbook ("**Text**") and a course reader ("**Reader**"). The **Text** for the course is: Cole, George F./Smith, Christopher E./DeJong, Christina, *Criminal Justice in America* (Thompson Wadsworth, Ninth Ed. 2017); ISBN: 9781337745727. This specific version is loose-leaf.

You can work with any version (bound, loose-leaf, eBook) of this edition (the 9<sup>th</sup>) but only this ISBN is bundled with access to the publisher's online learning platform. The Text is available at University Bookstore (711 State Street) and on the publisher's website (less expensive than in the store):

<http://services.cengagebrain.com/course/site.html?id=2234856>

The **Reader** is available as a hard copy at the Social Science Copy Center (6120 Social Science Building) and as a PDF on Canvas.

**Recommended readings** are available on Canvas but not in the physical reader.

The **Text** and **Reader** are available on **Reserve** at College Library (Helen C. White Hall).

### READING REINFORCEMENT

Material in certain readings often repeats or overlaps with the content of other assignments. *This repetition is deliberate.* Digesting the same material from different angles reinforces concepts and promotes deeper analysis. Similarly, occasional readings are marked "**Review**." Students are expected to reread passages so marked with particular care. For examination purposes, the instructor will treat readings marked "**Review**" as assignments included for the lecture with which they correspond. Students will be expected to have remastered "**Review**" readings, and the instructor may test students on "**Review**" readings as if those readings had not been assigned before.

### GRADING

The expectations in this course are demanding, the written exercises are challenging, and the grading criteria are precise and exacting. The instructor determines grades on the basis of:

| Exam Type           | Date and Time   | Proportion of Grade |
|---------------------|---|---------------------|
| In-Class Quiz       | Monday, October 2, lecture period                         | 15%                 |
| Five Online Quizzes | See schedule below  | 10%                 |
| Examination I       | Wednesday, October 11, lecture period                     | 20%                 |
| Examination II      | November 8, lecture period                                | 25%                 |
| Final Exam          | Wednesday, December 20, 2:45 p.m.-4:45 p.m.<br>(room TBA) | 20%                 |
| Participation       |   | 10%                 |

All grades will be determined based on the following scale:

|    |       |    |    |
|----|-------|----|----|
| A  | 100%  | to | 92 |
| AB | < 92% | to | 88 |
| B  | < 88% | to | 82 |
| BC | < 82% | to | 78 |
| C  | < 78% | to | 70 |
| D  | < 70% | to | 60 |
| F  | < 60% | to | 0  |

Students will be graded on a numerical scale (percentages) for each assignment and the final grade. This percentage corresponds with a letter grade. Grades will not be rounded. If, for instance, a student receives a score of 91.7% in an assignment, the corresponding letter grade will be an AB. The final grade will be a letter grade.

Grading the written portions of exams is not a mechanical process, and students must understand that graders have discretion in how they evaluate an answer. Our main concern is providing helpful feedback and fostering understanding.

**Quiz (15%)**

Approximately 15% of each student's final grade will be determined on the basis of a Quiz. The Quiz covers course content from the beginning of the semester. The Quiz will consist of fifty (50) multiple choice and/or true-false questions. Each question will be worth two (2) points.

**Five Online Quizzes (10%)**

10% of a student's final grade will be determined on five online quizzes. Students are offered six quizzes. If they take all, the quiz with the lowest score will be dropped. These quizzes serve to enforce the assigned readings and lecture content. Each quiz will consist of a series of multiple choice/true or false questions. A schedule of quizzes is provided below. Quizzes will be conducted on the day they are listed in a time window that opens after lecture. Just as any other exam, the academic code applies, and any kind of plagiarism or dishonesty will lead to disciplinary action.

Check your work and study schedule, enter all exam dates into your calendar, and think ahead. If you foresee a conflict (exams in other classes, UW sponsored events, etc.) you must inform the instructor by 2:30pm the day before the quiz in order to receive a new time window.

**Examination I (20%)**

Approximately 20% of each student's final grade will be determined on the basis of Examination I. Examination I covers course content since the beginning of the semester.

Examination I will consist of two parts. The *scantron section* will be worth 50% of the total score and will consist of twenty-five (25) multiple-choice and/or true-false questions. Each scantron question carries a value of two (2) points. The *essay section* will be worth 50% of the total score and will consist of one (1) essay question carrying a value of fifty (50) points. Students will receive a pool of two (2) possible essay questions no later than one week before the examination. One (1) of the questions from the pool will appear on the scheduled examination. All students will be required to answer the one (1) essay question that appears on the examination. Stated otherwise, there will be no choice of essays on the examination.

**Examination II (25%)**

Approximately 25% of each student's final grade will be determined on the basis of Examination II. Examination II covers course content following Examination I.

Examination II will consist of two parts. The *scantron section* will be worth 50% of the total score and will consist of twenty-five (25) multiple-choice and/or true-false questions. Each scantron question carries a value of two (2) points. The *essay section* will be worth 50% of the total score and will consist of one (1) essay question carrying a value of fifty (50) points. Students will receive a pool of two (2) possible essay questions no later than one week before the exam. One (1) of the questions from the pool will appear on the scheduled examination. All students will be required to answer the one (1) essay question that appears on the examination. Stated otherwise, there will be no choice of essays on the examination.

### **Final Exam (20%)**

Approximately 20% of each student's final grade will be determined on the basis of the Final Exam. The location of the Final Exam will be posted by the Office of the Registrar (please check myUW for updates). The Final Exam covers course content since Examination II and will consist of fifty (50) multiple choice and/or true-false questions. Each question will be worth two (2) points. The Final Exam will have no essay.

### **Participation and Attendance (10%)**

Approximately 10% of each student's final grade will be determined on the basis of participation and attendance. This component requires students to attend discussion sections and lectures, master the readings, contribute fruitfully to lecture and section, and complete any assignments and/or other written or oral exercises (including, without limitation, homework, quizzes, presentations, or other assignments) designated by the TA.

Insightful participation is an essential part of the course. We evaluate participation on the basis of the quality, not quantity, of student comments. Simply being physically present in all sections or lectures is not enough. *Do not assume you will receive a higher grade if you talk more than your classmates.* Each TA, in their exclusive discretion, determines the criteria for assessing the participation component of the class and assigns this grade to each student. As a general guideline, a high participation score requires [1] consistent, [2] self-initiated, and [3] thoughtful contributions. If you haven't done the reading one day, you lose points on "thoughtful"; the more you initiate (usually by raising your hand or getting involved in a discussion) the better for your score, but even the most thoughtful comment will not get you an A when you volunteer it only once a month. Being involved and sharing an opinion often is not of A quality when the argumentative foundation is lacking.

Lecture attendance is mandatory. You can miss **three lectures** for whatever reason without penalty. If you miss more than three, your participation grade might be affected. If you miss lecture **six times** or more you will automatically fail the class. If you miss your discussion section more than four (4) times you will fail the class. Only medical or family emergencies (surgery etc.), obligatory university-sponsored events (such as athletic competitions), and religious holidays count as "excused absences." Absences that do not fall into this category, such as delayed flights, feeling under the weather, your job schedule, missed buses, appointments at your favorite dentist in LA, unreliable cell-phone alarms, etc. will not be excused. You have to notify the instructor about the reason for an absence **within four days** (including weekends) after the absence. If you don't notify the instructor the absence will not be excused even if a reason for an excuse existed. You need to notify the instructor of the particular session (lecture or section) you missed or will be missing directly and in writing. If you run out of discussion section and quickly tell your TA that you won't be able to attend the next lecture because you need dental surgery you do not fulfill this requirement.

If you miss 10 minutes or more of a class, you will be considered absent for the whole class. If you know you will be late or have to leave early, please contact the instructor in advance.

**It is your obligation to:**

- make sure you sign the attendance sheet each day of class. The instructor will not verify if you were present if you forgot to sign the attendance sheet,
- keep track of the number of your absences. The instructor will not send out individual warnings when you reach a number of absences that affects your grade,
- be proactive and contact the instructor if you are getting close to a critical number of absences.

You have to keep track of your absences yourself and will **NOT** get a warning if you reach a critical number of absences.

Your participation grade can be affected by your performance and your behavior in lecture. Please see below (*Disruptions*).

**QUIZ AND EXAMINATIONS: READ THIS CLOSELY**

The quiz and all examinations are closed book. Food and beverages are prohibited in the classroom during the tests. Students must remove caps, hats, and sunglasses. Students must *stay in the lecture hall until the end of the quiz or examination period*, even if they finish before the end of the period. In a class this size, early departures are disruptive to those students still concentrating on the exercise. The quiz and examinations will begin promptly at the beginning of the period and end when the proctor calls time. Students must cease writing the moment the proctor calls time. After the proctor calls time, students receive no extra time to finish writing essays or mark (*fill in the bubbles*) scantrons. Students who arrive late receive no extra time.

**ACADEMIC MISCONDUCT: READ THIS CLOSELY**

The overwhelming majority of students are hard working and honest about their schoolwork. The instructor has great respect for the effort students put into preparing for this course. Part of the value of a degree from the University of Wisconsin-Madison lies in the standards of academic honesty and integrity maintained by the campus.

To avoid academic misconduct, it is important that students understand how academic misconduct is defined and the expectations the instructor has of each student. According to University of Wisconsin-Madison academic misconduct policies, academic misconduct is any intentional act "to claim credit for the work or efforts of another without authorization or citation" or to "assist others in doing so." This includes (but is not limited to):

- using another person's ideas, words, or research and presenting them as one's own without authorization or without proper credit to the originator (for example, copying from your classmate or presenting someone else's work as your own);
- using notes, books, or a programmable device during an exam when such use is not allowed (for example, using a "cheat sheet" or other aids);
- signing someone else's name, or signing on behalf of someone else, on an attendance sheet;
- assisting someone else with quizzes, essays, and homework assignments;

- cutting, pasting, or paraphrasing text from the web or any other source without quotation marks and/or proper citation or attribution;
- helping someone else cheat;
- collaboration that contradicts any other rules created expressly for this course.

Students have the right to expect that they and other students will be graded fairly, and students have rights of due process should they be accused of misconduct. Students also have an obligation to conduct their academic work with honesty and integrity according to University standards. Therefore, it is important that students:

- learn the rules about academic integrity, misconduct and procedures (<http://www.students.wisc.edu/doso/academic-integrity/>)
- learn the rules about quoting and paraphrasing sources (<http://writing.wisc.edu/Handbook/QuotingSources.html>)
- ask the instructor if you are unsure what behaviors constitute academic misconduct in a specific class or assignment;
- let instructor know if you think you see incidents of misconduct.

The instructor takes violations of the rules of academic misconduct seriously and will pursue disciplinary sanctions. Those sanctions include, among other things, a grade of “F” for the particular assignment or a grade of "F" for the course grade. Disciplinary measures become part of a student’s academic record. That means, for example, that a student sanctioned for academic misconduct would have to answer “yes” when asked on a law school application if the student had ever been the subject of a disciplinary proceeding.

The quiz and all examinations are closed book. Students must remove and stow away everything from the desk, seat, floor, and area around them. Students must turn off and store cell phones and other electronic devices. If anyone sees papers, notes, readings (or any other materials), a cell phone, or any electronic/communicative device within a student’s reach or area during the examination, then the instructor will assume *prima facie* that the student is cheating, and will engage the academic misconduct process.

Before the quiz or examination, students will be required to certify that they have not engaged in academic misconduct while preparing for the quiz or exam or during the course of a graded exercise.

#### WHAT TO DO IF YOU SEE SOMEONE CHEATING

Honest students are rightfully distressed when they see cheating occur. Students may sometimes see behaviors that the instructor does not notice. Cheating threatens the integrity of the classroom, and cheating can affect the grade distribution scale.

Students should feel free to discuss their concerns and observations with the instructor. The instructor will want to know about these concerns or observations, and the instructor will decide whether or not to take action in or to take steps to prevent cheating in the future. The instructor may ask you if you would be willing to testify at a hearing (although you will not be forced to do so). If you still have concerns after talking with the instructor, you may consult an Academic Dean or staff in Student Advocacy and Judicial Affairs.

Students may help other students by warning them that cheating is a violation of the University of Wisconsin System Administrative Code and may result in severe consequences. The instructor and the University do impose disciplinary sanctions upon students that commit academic misconduct. The instructor vigorously pursues all academic misconduct cases.

### **ACCOMMODATIONS**

Please send the instructor an email by the end of the second week of the course if you are eligible for special arrangements or accommodations for testing, assignments, or other aspects of the course. This may be the case if English is your second language or you experience a physical or psychological condition that makes it difficult for you to complete assignments and/or exams without some modification of those tasks.

Accommodations are provided for students who qualify for disability services through the McBurney Center. Their website has detailed instructions about how to qualify: <http://www.mcburney.wisc.edu/>. Provide a copy of your accommodations request (VISA) to the instructor by the end of the second week of class. We try to reserve rooms and proctors by the third week in class, so we must know of all accommodations by then.

If you wish to request a scheduling accommodation for religious observances, send an email by the end of the second week of the course stating the specific date(s) for which you request accommodation; campus policy requires that religious observances be accommodated if you make a timely request early in the term. See the university's web page for details: <https://kb.wisc.edu/page.php?id=21698>

### **NO MAKE-UP QUIZZES OR EXAMINATIONS; NO "DO OVERS"**

There are no make-up quizzes, examinations, or other assignments in this course. I may permit a student to take a make-up quiz, examination, or assignment only in the *rare and exceptional case* of an illness or family emergency or religious conflicts. It is the student's obligation, when possible, to provide advance notice and documentation of an absence. I may decline to excuse a student for a missed quiz, examination, or assignment. If a make-up exercise is granted, then the student must take it on a date *after* the assigned test date. We permit no "early bird" examinations.

Oversleeping, prescheduled trips, family vacations and celebrations, employment obligations, extra-curricular commitments, extended holiday or travel weekends, non-refundable airline tickets, and early departures for breaks do not constitute "illness or family emergency." I do not grant excuses for any reason other than illness, family emergency, or religious holidays.

There are no "do-overs:" students may not retake a quiz, examination, or other assignment.

### **MISSED QUIZ OR EXAMINATIONS**

Students who miss a quiz, examination, or assignment (whether because the student does not show up for the exercise, *or* because the instructor declines to excuse the student for any reason) will receive a score of 0 points (a letter grade of "F") for that exercise.

### **EXTRA CREDIT AND "EFFORT"**

There are no opportunities to earn extra credit in this course. There are no opportunities to change a grade by performing additional work or by modifying completed work. There are no opportunities to modify a grade based on a student's degree of "effort." I will not review or change grades based on a student's eligibility for a scholarship or their need to maintain or reach a specific GPA.

### **NO INCOMPLETES**

I generally do not assign grades of "Incomplete" ("IN"). Students who do not complete the course requirements (including receiving a score of 0 points for the quiz or any exam) will receive a failing grade ("F") for the course. I may consider a grade of "IN" only: (1) in the rare and exceptional case of illness or other unusual and substantiated cause beyond the student's control; *and* (2) if the student has carried the subject matter with a passing grade until near the end of the semester.

### **BLIND GRADING**

The instructor and TAs use "blind grading" to ensure objectivity and fair treatment. Students must use *only* their campus ID numbers as identification on essays; ***no names may appear on any bluebook.***

### **REVIEW OF QUESTIONS; CHANGE OF GRADES; QUIZ AND EXAMINATION CONTENT**

Each student will receive an item analysis for the scantron questions; the item analysis indicates which questions a student answered incorrectly. The scantron questions—with an annotated answer key—are available for student review during my and TAs' office hours. Students may not borrow or keep copies of the scantron questions. I will treat instances of copying or circulating scantron questions—whether from past semesters or from the current semester—as a form of actionable academic misconduct.

A grade may be changed in cases of computation error only. Quiz and examination content, structure, and wording are not negotiable. I and TAs do not debate any aspect of questions or responses. The instructor makes all decisions about the criteria used to create, grade, and scale the quiz and examinations. In particular, note: (1) for *scantron questions*, the instructor does not "throw out" or discount scantron questions. Scantron questions require students to select the *best* answer. Among multiple choice alternatives, often two alternatives are close, but only one alternative is the *best* answer. The use of two close alternatives is deliberate; and (2) for *essay questions*, the instructor determines what information he expects an essay to include, and he assigns values to that information.

The instructor will not "go over" an exam with a student for regrading purposes. Exams are returned and discussed in discussion sections. If questions remain, the instructor will meet with the student only if he or she submits a brief written statement that addresses the reasons why the explanation the student received in discussion section was not sufficient to understand the grade.

### **CLASS NOTES**

Providing students with class notes is in the discretion of the instructors. Students who miss class should obtain notes from a classmate. Any recording of the lecture is prohibited.

## **COMMUNICATION IS KEY**

If for whatever reason you have difficulties in this course, let me know. If you miss class and fear it will affect your grade, please contact me. Be proactive, talk to me instead of waiting until the end of the semester.

## **EMAIL AND COMPUTER COMMUNICATION**

Students may contact me by email. I usually do not check or answer email during non-business hours. Please don't expect an answer before 24 hours, and please use a professional and respectful tone in your message and all other communication. Unless we are on a first-name basis (you can safely assume we are not by default), I prefer to be addressed as *Professor Grunewald* or *Dr. Grunewald*.

Before you email the instructor:

- Consult this syllabus. Many questions are answered here.
- Try to find an answer to your question in the resources that are available to you (student center, myUW, canvas, the textbook, articles, other UW resources, etc.).
- Please make sure you phrase your question precisely. Simply stating that you are “confused” about a subject and need clarification will either yield no reply or a recommendation to see me or a TA during office hours.

I will occasionally forward to the classlist or Canvas my email responses to student questions. Students are responsible for any information I or the TAs transmit to the class including, without limitation, announcements, answers to questions, explanations of material touched upon in lecture, and internet links that may enhance the course material.

## **LAPTOP POLICY**

I will allow the use of laptops **ONLY** under the following conditions:

- Computers are exclusively used to take notes,
- Students who would like to take notes with their computers have to sit in the front row(s) of the classroom,
- Students who use their computers have to limit distractions (noises caused by typing, chimes, or any other sounds made by the computer) to a minimum.

As long as these rules are followed students can use their computers for note-taking. The instructor will enforce an “one strike and you're out” rule: If the instructor or TA sees a student using a computer for anything else but note taking the student will be singled out and the privileges mentioned above are revoked for the rest of the semester.

## **ELECTRONIC RECORDING**

Any kind of recording (audio, video, photo, etc.) of the lecture and its content is prohibited. I want every student to get the most out of lecture and this class, and if you need assistance with using lecture more efficiently please contact me.

## **DISRUPTIONS**

Avoid disruptions (e.g. arriving late, talking in class, checking out what other students are doing, flirting, reading non-course materials, listening to music, doing puzzles or engaging in

other games, surfing the web, any kind of **texting**, leaving early, and *packing to leave before the period ends*) that rattle the instructor and distract your classmates. I may single out students engaged in disruptive behavior. Repeated disruptions (like being singled out multiple times for texting during lecture) can affect the participation grade or might even zero it.

### **LEARNING OBJECTIVES**

Beyond the specific substantive and methodological content I will cover in this course, I have designed this course to achieve the following instructional objectives designated as priorities by the Department of Sociology:

- *Critically Evaluate Published Research.* Sociology graduates will be able to read and evaluate published research as it appears in academic journals and popular or policy publications.
- *Communicate Skillfully:* Sociology majors write papers/essays and make oral presentations that build arguments and assess evidence in a clear and effective manner.
- *Critical Thinking about Society and Social Processes:* Sociology graduates can look beyond the surface of issues to discover the "why" and "how" of social order and structure and consider the underlying social mechanisms that may be creating a situation, identify evidence that may adjudicate between alternate explanations for phenomena, and develop proposed policies or action plans in light of theory and data.
- *See Things from a Global Perspective:* Sociologists learn about different cultures, groups, and societies across both time and place. They are aware of the diversity of backgrounds and experiences among residents of the United States. They understand the ways events and processes in one country are linked to those in other countries.
- *Prepare for Graduate School and the Job Market:* Students use their social research skills to identify opportunities for employment or further study, assess their qualifications for these opportunities, and identify strategies for gaining the necessary knowledge and experience to improve their qualifications. Students are encouraged to develop and maintain portfolios of their written work and educational experiences to aid them in preparing applications and to learn how to present their.
- *Work effectively in groups:* Students will improve their skills in understanding group dynamics and working well with people from different backgrounds with different strengths and weaknesses.

### **DEPARTMENTAL NOTICE OF GRIEVANCE AND APPEAL RIGHTS**

The Department of Sociology regularly conducts student evaluations of all professors and teaching assistants near the end of the semester. Students who have more immediate concerns about this course should report them to the instructor or to the chair, 8128 Social Science (pamela.oliver@wisc.edu).

### **LETTERS OF RECOMMENDATION**

You may at some point request a letter of recommendation from me (for graduate or law school, an internship, a job, etc.). Before you ask me for such a letter, ask yourself if I will be able to write a strong letter for you. A strong letter is a letter in which I can give specific and decidedly positive information about your work and your skills as they pertain to the program or opportunity you are applying for. A lukewarm or vague letter just based on your grade

would not be of service to you. If you think I am in a good position to write a strong letter of support, approach me at least 4 weeks before the letter is due. If I accept your request, you will have to provide me with the following information: a. a transcript (unofficial is fine), b. an up-to-date resume or CV, c. a statement in which you explain why you are applying to the program and why you think you are a good candidate (if the letter is for graduate of law school, this will be a draft of your statement of purpose), d. clear information about the program (link is fine) and the procedures for providing the letter of recommendation (will the program contact me or am I supposed to contact someone, what is the deadline for the letter, etc.).

The U.S. Federal Educational Rights and Privacy Act of 1974 (FERPA) gives enrolled students the right to read their records, including letters of recommendation. If you are applying to graduate school, you will be asked if you would like to waive your right to read letters of recommendation. It is my policy to write candid letters only if I know that the letter remains confidential (i.e. if you waive your right of access). My letter will be much less specific if I know that the student will have access to the letter. (For example, I will not be able to compare your work to another student's.) Therefore, I strongly recommend that you waive your right to read the letter. (If you don't trust your letter writer to write a good letter, it might be best not to ask that person in the first place.)

#### **COURSE OUTLINE**

Set forth is an outline of the material we plan to cover. We might vary from this schedule. Assignments may be changed by the instructor for any given class or topic listed below. Additional readings might be assigned.

## LECTURE TOPICS AND ASSIGNED READINGS

### PART I. THE CRIMINAL JUSTICE SYSTEM

#### A. THE RELATIONSHIP BETWEEN CRIME AND JUSTICE

WEDNESDAY, SEPTEMBER 6

1. *Lecture One*

#### Introduction and the Scope of the Criminal Justice System

- Read this **Syllabus** (“Ignorance of the law is no defense”);
- **Reader:** David O. Friedrichs, “Law, Justice, and the Moral order,” in *Law in Our Lives: An Introduction* (3<sup>rd</sup> ed. NY: Oxford University Press, 2012), pp 70-81;
- **Reader:** Portwood-Stacer, Laura, “How to Email Your Professor (without being annoying AF),” Medium.com, April 26, 2016.

MONDAY, SEPTEMBER 11

2. *Lecture Two*

#### What is "Justice"?

- **Text:** pp. 3-23;
- **Reader:** Sandel, Michael, “Doing the Right Thing,” in *Justice: What's the Right Thing to Do?* (Farrar, Straus and Giroux, 2009), pp. 3-30;
- **Reader:** Stone, Christopher, “Race, Crime, and the Administration of Justice,” in *Crime & Justice in America*, ed. Wilson Palacios, Paul Cromwell, Roger Dunham (Prentice Hall, 2002);
- **Reader Recommended:** Sandel, Michael, “What Matters is the Motive/Immanuel Kant,” in *Justice: What's the Right Thing to Do?* (Farrar, Straus and Giroux, 2009), pp. 103-116.

WEDNESDAY, SEPTEMBER 13

3. *Lecture Three*

*Online Quiz I*

#### What is "The System"?

- **Text:** pp. 23-47;
- **Reader:** Packer, Herbert L., “Two Models of the Criminal Process,” Sage Publication 1993;
- **Reader:** Gee, Alex, “Justified Anger: Rev. Alex Gee says Madison is failing its African-American community,” Special to The Capital Times, Dec. 18, 2013.

MONDAY, SEPTEMBER 18

4. *Lecture Four*

#### What is "Crime"?

- **Text:** pp. 47-73; 83-85;
- **Text: Recommended**—pp. 59-69;
- **Reader:** Steinhauer, Jennifer, “Verdict in MySpace Suicide Case,” *The New York Times*, November 27, 2008;
- **Reader:** Zetter, Kim, “Judge Acquits Lori Drew in Cyberbullying Case, Overrules Jury,” *Wired*, July 2, 2009;
- **Reader:** Soave, Robby, “Michelle Carter Didn’t Kill With a Text,” *The New York Times*, June 16, 2017;
- **Reader:** Seelye, Katharine Q, “Michelle Carter Gets 15 Month Jail Term in Texting Suicide Case,” *The New York Times*, Aug. 3, 2017.

**WEDNESDAY, SEPTEMBER 20**

5. *Lecture Five*

**MONDAY, SEPTEMBER 25**

6. *Lecture Six*

*Online Quiz II*

NOTE: SAMPLE QUIZ QUESTIONS  
DISTRIBUTED

**WEDNESDAY, SEPTEMBER 27**

7. *Lecture Seven*

**MONDAY, OCTOBER 2**

8. *Lecture Eight*

**WEDNESDAY, OCTOBER 4**

9. *Lecture Nine*

NOTE: POOL OF POSSIBLE ESSAY  
QUESTIONS DISTRIBUTED

## **B. CRIMINAL JUSTICE AND THE RULE OF LAW**

### **Substantive Criminal Law, Part 1**

- **Text:** pp. 87-96;
- **Reader:** Sutherland, Edwin, Cressey, Donald, "Characteristics of the Criminal Law," Reprinted in *Scarpitti, Frank R. and Amie L. Nielsen (eds.). 1999. Crime and Criminals: Contemporary and Classic Readings in Criminology*, pp. 11-17;
- **Reader:** *McBoyle v. United States*, 283 U.S. 25 (1931).

### **Substantive Criminal Law, Part 2**

- **Text:** pp. 96-102;
- **Reader:** Eagleman, David, "The Brain on Trial;" *The Atlantic*, July/August 2011.

### **Procedural Criminal Law**

- **Text:** pp. 102-119;
- **Reader:** Thomas, Chandra R., "Why is Genarlow Wilson in Prison?" *Atlanta Magazine*, February 2007;
- **Reader:** cnn.com, "Wilson Released after Two Years behind Bars for Teen Sex Conviction," October 27, 2007.

### **QUIZ**

(Covers material since the beginning of the class, see also page 3)

## **PART II. THE POLICE**

### **A. ORGANIZATION OF THE POLICE**

#### **Structure and Function of the Police / Investigations**

- **Text:** pp. 127-158; 161-178;
- **Reader:** Bittner, E., excerpt from *The Functions of the Police in Modern Society* (1970), pp. 107-113;
- **Reader:** Barton, Gina, and John Diedrich, "With No Oversight, Police Can Ignore Domestic Violence Laws," *Milwaukee Journal Sentinel*, November 3, 2012.

## B. ISSUES AND TRENDS IN POLICING

MONDAY, OCTOBER 9

10. *Lecture Ten*

### Police Techniques: Methods and Response

- **Text:** pp. 179-191; 201-203;
- **Reader:** Wilson, James, Kelling, George, "Broken Windows," *The Atlantic Monthly*, 1982;
- **Reader:** Moving Past 'Broken Windows' Policing, Editorial, *The New York Times*, August 10, 2016;
- **Reader Recommended:** Kees Keizer, Siegwart, Lindenberg, and Linda Steg, "The Spreading of Disorder," *Science*, December 12, 2008.

WEDNESDAY, OCTOBER 11

11. *Lecture Eleven*

### EXAMINATION I

(Covers material since the beginning of the class; see also page 3.)

MONDAY, OCTOBER 16

12. *Lecture Twelve*

*Online Quiz III*

## C. POLICE & CONSTITUTIONAL LAW

### Police and Constitutional Law, Part 1

- **Text:** *Review* pp. 102-119;
- **Text:** pp. 205-222
- **Reader:** United States Supreme Court, *Arizona v. Gant*, Syllabus, April 21, 2009;
- **Reader:** NACUA Notes, "Whose Room Is It Anyway? Lawful Entry and Search of Student Dormitory Rooms," 2009.

WEDNESDAY, OCTOBER 18

13. *Lecture Thirteen*

### Police and Constitutional Law, Part 2

- **Text:** pp. 223-234;
- **Reader:** Anchorage Police Department, "'Plain Sight' is not 'Plain View' Search," *APD Legal Bulletin #18*, November 30, 1978;
- **Reader:** Liptak, Adam, "Supreme Court Says Police May Use Evidence Found After Illegal Stops," *The New York Times*, June 30, 2016;
- **Reader:** Anna E. Bodi, "Phones, Fingerprints, and the Fifth Amendment," *American Criminal Law Review Blog*, January 21, 2015;
- **Reader Recommended:** *Utah v. Strieff*;
- **Reader Recommended:** *State of Wisconsin v. Brar*, includes highlight and comments.

## PART III. CRIMINAL TRIALS

### A. THE COURT SYSTEM AND THE ROLE OF THE JUDGE

MONDAY, OCTOBER 23

14. *Lecture Fourteen*

### Structure of Courts and the Role of the Judge

- **Text:** pp. 237-249;
- **Reader:** Reichel, Philip, Excerpt from Chapter 5 "Substantive Law and Procedural Law in the Four Legal Traditions," in *Comparative Criminal Justice Systems*, (Pearson, New Jersey 2013) pp. 129-134;
- **Reader:** "Judge Override," *Equal Justice Initiative*, [www.eji.org](http://www.eji.org).

**WEDNESDAY, OCTOBER 25**

15. *Lecture Fifteen*

**MONDAY, OCTOBER 30**

16. *Lecture Sixteen*

**WEDNESDAY, NOVEMBER 1**

17. *Lecture Seventeen*

NOTE: POOL OF POSSIBLE ESSAY  
QUESTIONS DISTRIBUTED

*Online Quiz IV*

**MONDAY, NOVEMBER 6**

18. *Lecture Eighteen*

**WEDNESDAY, NOVEMBER 8**

19. *Lecture Nineteen*

## **B. THE ROLE OF THE PROSECUTING ATTORNEY**

### **Prosecutorial Discretion and the Decision to Charge**

- **Text:** pp. 249-260;
- **Reader:** Shaila Dewan, Andrew Lehren, "After a Crime, the Price of a Second Chance," *The New York Times*, December 12, 2016.

## **C. THE ROLE OF THE DEFENSE ATTORNEY**

### **Image and Reality of the Defense Attorney**

- **Text:** pp. 260-268;
- **Reader:** Freedman, Monroe H. and Smith, Abbe, "Understanding Lawyers' Ethics," in Sarat, *The Social Organization of Law*, pp. 293-297.

## **D. WRONGFUL CONVICTIONS**

### **Wrongful Convictions**

- **Text:** pp. 342-343;
- **Reader:** Christie Thompson, "Penny Beerntsen, the Rape Victim in 'Making A Murderer,' Speaks Out," The Marshall Project, January 5, 2016;
- **Reader:** Jim Dwyer, "Witness Accounts in Midtown Hammer Attack Show the Power of False Memory," *The New York Times*, May 14, 2015;
- **Reader:** Seaman, Julie, "When Innocence Is No Defense," *The New York Times*, OP-ED, August 12, 2015;
- **Reader:** Brandon L. Garrett, "Essay: The Problem of Innocence in Death Penalty Cases," *The Washington Post*, August 28, 2017.

## **E. THE PRETRIAL PROCESS AND "RIGHT TO TRIAL"**

### **The Adversarial Process and Plea Bargaining**

- **Text:** pp. 275-293;
- **Reader:** ~~Reader:~~ Adam Liptak, "Justices' Ruling Expands Rights of Accused in Plea Bargains," *The New York Times*, March 21, 2012;
- **Reader:** "Plea Questionnaire/Waiver of Rights," State of Wisconsin Circuit Court Form CR-227, 05/04.

## **EXAMINATION II**

(Covers material since Exam I; see also page 4)

**MONDAY, NOVEMBER 13**

20. *Lecture Twenty*

**F. THE CRIMINAL TRIAL**

**The Courtroom and the Jury**

- **Text:** pp. 268-270; 294-309;
- **Reader:** Liptak, Adam, “Exclusion of Blacks From Juries Raises Renewed Scrutiny”, *The New York Times*, August 17, 2015;
- **Reader:** Clifford, Stephanie, “TV Habits? Medical History? Tests for Jury Duty get Personal”, *The New York Times*, August 21, 2014.

**WEDNESDAY, NOVEMBER 15**

21. *Lecture Twenty-One*

*Online Quiz V*

**G. SENTENCING**

**Sentencing Policy / The Death Penalty**

- **Text:** pp. 311-323; 333-344;
- **Reader:** Banner, Stuart, “Resurrection,” in *The Death Penalty: An American History* (Cambridge MA: Harvard Univ. Press, 2002), pp. 267-295;
- **Reader:** National Institute of Justice, “Five Things About Deterrence,” May 2016;
- **Reader:** Fagan, Jeffrey, “Capital Punishment: Deterrent Effects & Capital Costs,” *Columbia Law School Report*, Summer 2006.

**MONDAY, NOVEMBER 20**

22. *Lecture Twenty-Two*

**The Death Penalty**

- **Text:** *Review* pp. 323-332;
- **Reader:** Banner, Stuart, “Resurrection,” in *The Death Penalty: An American History*, pp. 295-305.

**PART IV. CORRECTIONS**

**A. HISTORY AND STRUCTURE OF CORRECTIONS**

**WEDNESDAY, NOVEMBER 22**

23. *Lecture Twenty-Three*

*Week of Thanksgiving*

**History and Theory of Incarceration**

- **Text:** pp. 347-359;
- **Reader:** Eckholm, Erik, “In a Safer Age, U.S. Rethinks Its ‘Tough on Crime’ System,” *The New York Times*, January 13, 2015;
- **Reader Recommended:** Gopnik, Adam, “The Caging of America: Why Do We Lock Up so many People?” *The New Yorker*, January 30, 2012.

**MONDAY, NOVEMBER 27**

24. *Lecture Twenty-Four*

**Corrections and the “Super-Max” Prison**

- **Text:** pp. 357-383;
- **Reader:** Obama, Barack, “Why We Must Rethink Solitary Confinement,” *The Washington Post*, January 25, 2016;
- **Reader Recommended:** Haney, Craig, “Mental Health Issues in Long-Term Solitary and Supermax Confinement,” *Crime & Delinquency*, January 1, 2003, pp. 124-156.

**WEDNESDAY, NOVEMBER 29**

25. *Lecture Twenty-Five*

**MONDAY, DECEMBER 4**

26. *Lecture Twenty-Six*

**WEDNESDAY, DECEMBER 6**

27. *Lecture Twenty-Seven*

**MONDAY, DECEMBER 11**

28. *Lecture Twenty-Eight*

*Online Quiz VI*

**WEDNESDAY, DECEMBER 13**

29. *Lecture Twenty-Nine*

**WEDNESDAY, DECEMBER 20**

**2:45 P.M. TO 4:45 P.M.**

**LOCATION TBA**

**The American Prison**

- **Text:** pp. 385-411;
- **Reader:** Charlie Savage, “U.S. to Phase Out Use of Private Prisons for Federal Inmates,” *The New York Times*, August 18, 2016;
- **Reader:** Andre Lyons, “What I’ve learned Cutting Hair in Jail,” *The Marshall Project*, August 25, 2016;
- **Reader:** Burl Washington and Christie Thompson, “My Life as a Blind Man in Prison,” *The Marshall Project*, August 18, 2016.

**Alternatives to Incarceration**

- **Text:** pp. 425-449;
- **Reader:** Mackinem, Mitchell, Higgins, Paul, “Adult Drug Courts: A Hope Realized?” in *Problem-Solving Courts—Justice for the Twenty-First Century?* 2009, pp. 33-49.

**B. RELEASE, PAROLE, AND JUVENILE JUSTICE**

**Release and Readjustment**

- **Text:** pp. 412-416; 451-477;
- **Reader:** Linn, Amy, “Freedom, Finally, After a Life in Prison,” *The New York Times*, August 23, 2015.

**Juvenile Justice**

- **Text:** pp. 519-549;
- **Reader:** Dobbs, David, “Terrible Twos Who Stay Terrible,” *The New York Times*, December 16, 2013;
- **Reader:** Steinberg, Laurence, Scott, Elizabeth, “Less Guilty by Reason of Adolescence,” *American Psychologist* 2003, pp. 1009-1018;
- **Reader Recommended** (*with highlights*) Steinberg, Laurence, Scott, Elizabeth, “Adolescent Development and the Regulation of Youth Crime,” *The Future of Children* 2008, Vol. 2, pp. 15-33.

**Conclusion & Review**

**FINAL EXAM** (*Note Format: 50 Scantron Questions* only)

*Covers material since Exam II; see also page 4.*