

Legal Studies 170 Crime & Criminal Justice Fall 2014

Lectures: T/Th 3:30-5:00PM in 9 Lewis Hall

Professor Richard Perry; Email: rwperry@law.berkeley.edu (Email is the best mode of contact)
Office hours: T/Th 2:10-3:00PM in 337E Boalt Hall N. Addition – ALSO on many of our class days we can meet immediately after our class; please email me the day before any appointment so that I do not have too many people coming to the same place at the same time (as often happens in the week before tests).

GSI: Chase Burton; Email: <chase.burton@gmail.com>; Office hours Tues 10:00-12:00 @ BH 261.

Note: This syllabus will necessarily be adjusted slightly, according to specifics of our class discussion of the readings and as the dates of guest lecturers are confirmed.

Course Description:

This course introduces the classical scholarly frameworks for thinking about crime and criminal justice, and traces the evolution of these earlier conceptions into today's debates. It examines the scope and nature of crime in the United States from a comparative and interdisciplinary perspective, focusing on the uses and limits of the criminal justice system. The course will introduce concepts of criminal process and the main elements of the criminal justice system, including police, courts, and corrections. It will consider the main institutional features, problems, and critiques of the processes through which suspects are apprehended, tried, sentenced, and punished. Past and current trends and policy questions will be discussed.

Since U.C. Berkeley is now, and has long been, one of the world's leading centers for the study of law and society, the work of both past and current Berkeley scholars will be highlighted in particular. Related topics touched upon here will include the massive expansion of the U.S. prison system in recent years and its relation to crime rates, critical analyses of different theories of the causes of crime, strategies for preventing and controlling crime, the death penalty, gun control, white collar crime, and crime in family settings. Also, please see the list of related LS courses below:

List of Related LS Courses:

Legal Studies 102: Policing and Society
Legal Studies 104AC: Youth, Justice, and Culture
Legal Studies 105: Theoretical Foundations of Criminal Law
Legal Studies 107: Theories of Justice
Legal Studies 109: Aims and Limits of the Criminal Law
Legal Studies 120: Conceptions of Punishment: Ancient and Modern
Legal Studies 132AC: Immigration and Citizenship
Legal Studies 151: Law, Self, and Society

Legal Studies 154: International Human Rights
Legal Studies 160: Punishment, Culture, and Society
Legal Studies 162AC: Restorative Justice
Legal Studies 163: Adolescence, Crime, and Juvenile Justice

Topical and Thematic Structure of this Fall 2014 Course Offering:

This course is organized into three main parts:

Weeks 1-5

Criminal Justice: theories and the criminal adjudication process. The first part introduces the major classical frameworks for thinking about crime in the West since the 17th century foundations of the modern state. It examines central texts and thinkers, and surveys key concepts and debates. It discusses the emergence and major shifts in core institutions of criminal justice -- courts, policing, corrections -- and the socio-political implications of these developments. It highlights the relation between criminological theories and criminal justice processes.

Weeks 6-12

Criminal justice theories and processes: modes of state control of the spaces of social life. Building upon an historical foundation, the second part of the course goes on to examine core concepts, cases, and doctrines of Anglo-American criminal process in a critical law & society fashion. It considers these concepts from an interdisciplinary and comparative perspective.

Weeks 13-15

The third and final part of the course will focus on leading recent developments in criminal law and justice policy, in the shifting empirical facts of crime and criminal justice in the U.S. and elsewhere, and will consider new contemporary theoretical frameworks for understanding these recent developments.

Required Readings:

REQUIRED (bring this book – or the current chapter for the week, to the class meeting):

- i. Matthew Lippman, 2013. *Criminal Procedure*, 2nd edition (the campus bookstore has announced that this book is available as an e-book and/or can be rented at a much-reduced cost).
- ii. All other readings will also be posted on bSpace on a week-by-week schedule.

Student Responsibilities:

Attendance: Students are expected to attend all lectures and section meetings having already prepared any readings or assignments. If you are unable to attend due to illness of yourself or a dependent you need not contact the Professor or GSI unless you will be absent for more than a week in which case you should be prepared to offer medical verification of the problem. During the first two weeks of classes, however, when we will be taking attendance in order to permit students on the waiting list to add the class, you must contact us on the same day of any absence. Also, as noted below, in-class participation will count for 10% of the course grade.

CAVEAT ON TESTS: If you should find that you must miss a test due to serious illness or other comparable circumstance, you must email your GSI **BEFORE** the testing period to notify us of your situation. The GSI will discuss your circumstances with the professor and an effort will be made to assist you. However, a student who misses a test and only contacts the GSI days after the testing date is not likely to be allowed to sit for a make-up test; except in very rare cases, such an accommodation would clearly be unfair to the rest of the class.

University Regulations on Specific Scheduling Accommodations:

DSP ACCOMMODATIONS:

If you have specific needs due to documented disabilities we will make every effort to accommodate them, with the assistance and advice of the Disabled Students Office. For information on University policies regarding students with disabilities, and federal and state laws affecting people with disabilities, contact: <http://access.berkeley.edu/> Please convey your DSP letter to your GSI early in the semester (i.e. during the first two weeks) to make arrangements.

ACCOMMODATION OF RELIGIOUS CREED

In compliance with Education code, Section 92640(a), it is the official policy of the University of California at Berkeley to permit any student to undergo a test or examination, without penalty, at a time when that activity would not violate the student's religious creed, unless administering the examination at an alternative time would impose an undue hardship that could not reasonably have been avoided. Requests to accommodate a student's religious creed by scheduling tests or examinations at alternative times should be submitted directly to the faculty member responsible for administering the examination by the second week of the semester.

Reasonable common sense, judgment and the pursuit of mutual goodwill should result in the positive resolution of scheduling conflicts. The regular campus appeals process applies if a mutually satisfactory arrangement cannot be achieved.

CONFLICTS BETWEEN EXTRACURRICULAR ACTIVITIES AND ACADEMIC REQUIREMENTS

The Academic Senate has established Guidelines Concerning Scheduling Conflicts with Academic Requirements to address the issue of conflicts that arise between extracurricular activities and academic requirements. They specifically concern the schedules of student athletes, student musicians, those with out-of-town interviews, and other students with activities (e.g., classes missed as the result of religious holy days) that compete with academic obligations. The guidelines assign responsibilities as follows:

-It is the student's responsibility to notify the instructor(s) in writing by the second week of the semester of any potential conflict(s) and to recommend a solution, with the understanding that an earlier deadline or date of examination may be the most practicable solution.

-It is the student's responsibility to inform him/herself about material missed because of an absence, whether or not he/she has been formally excused.

Classroom expectations: The topics of this course include many subjects on which strong feelings and emotions may be generated. Students are encouraged to speak up with questions and comments, and to respond to points raised by other students. The maintenance of an effective discussion space in class, however, obliges all of us to act with respect for and sensitivity toward everyone else in the room.

Plagiarism: According to the College of Letters and Sciences:

All written work submitted for a course, except for acknowledged quotations, must be expressed in the student's own words. It must also be constructed upon a plan of the student's own devising. Work copied without acknowledgement from a book, from another student's paper, from the internet, or from any other source is plagiarized. Plagiarism can range from wholesale copying of passages from another's work to using the views, opinions, and insights of another without acknowledgement, to paraphrasing another person's original phrases without acknowledgement.

The submission of such work will, under University rules, render the offending student subject to an F grade for the work in question or for the entire course, at the discretion of the instructor, and will also make the student liable for referral to the SJA.

Evaluation and Grading:

<p><u>Oct. 7th In-Class test</u></p> <p><u>Nov. 20th approx. date for take home test (the exact date depends on guest lecturer)</u></p>	<p><u>Two Midterm tests:</u> These tests may rely on both multiple-choice and/or take-home essay questions.</p>	<p>25% each = 50% of final grade</p>

<p>Posted on bSpace after RRR-week review session; due on or before University-assigned exam date of FRIDAY, DECEMBER 19, 2014 - 7-10P. An e-copy in MS Word should be emailed to your GSI by the university-assigned exam deadline.</p>	<p><u>Final Exam:</u> Take-home essay exam. Distributed during RRR week after the Review Session on Tuesday, Dec. before the assigned final exam date. The questions will be designed to draw together concepts and materials from the entire course. The final test will include material from the whole course.</p>	<p>30% of final grade</p>
	<p><u>Class Participation:</u> Coming to class already having read the assigned material and participating in the class discussion is required of all students. Short quizzes on the reading will be administered almost every week. Students will earn 1 point for each quiz that they answer P/NP, for a maximum of 10 points over the semester. Attendance at discussion section is required. Short assignments designed to enhance students' understanding of key concepts may be required in section meetings and included in the final course participation grade.</p>	<p>20% of final grade</p>
<p>Total</p>		<p>100%</p>

Course Outline:

List of Topics and Readings:

(Students should expect slight adjustments to this schedule from week to week, in accordance with the in-class discussion)

Part I

Weeks 1-5: Foundational Concepts of Criminal Justice in the Modern State

Week 1: Aug. 28th

Student attendance survey required. Introduction to the course and to the instructors. Introduction to some key terms and concepts in the study of crime, law, criminology, and criminal justice. View portions of the 2003 documentary *Capturing the Friedmans*

Week 2: LABOR DAY Week; LS 170 meets as usual on Sept. 2nd and 4th

On crime, criminal justice and the social world -- tracing the path from Hobbes' *Leviathan* to the US Bureau of Justice Statistics Criminal Justice Flow-chart and BJS Index Crimes.

DISCUSSION SECTION ATTENDANCE IS MANDATORY FOR ENROLLMENT!!

Read for Week 2: Lippman Ch. 1 (sources of criminal process doctrine) and short excerpts from Hobbes' *Leviathan* (1651) on bSpace.

Week 3: Sept. 9th, 11th

Discussion of crime, law, and social solidarity, Durkheim's anomie, stadial theories, functionalism, consensus theory and its critics.

Read for Week 3: Lippman Ch 2 (constitutional frames & limitations of criminal justice process); Durkheim (1893) excerpts on bSpace.

Week 4: Sept. 16th, 18th

Read Lippman Ch. 14, focus on the first part on theories of penalty & modes of punishment and discussion of 5th, 8th, and 14th Amendment constraints. Reflect on how these theories and processes relate to Durkheim's and Hobbes' theories of state and society. Review the concepts of retribution, deterrence, rehabilitation, predicted future dangerousness, and therapeutic versus incapacitative theories; restorative justice.

Read excerpts from Beccaria: *On Crimes and Punishments* (1764); Jeremy Bentham: *Principles of Morals and Legislation* (on bSpace). Discussion of “Classical School of Criminal Theory.”

Read excerpts from Beccaria: *On Crimes and Punishments* (1764); Jeremy Bentham: *Principles of Morals and Legislation* (on bSpace). Discussion of “Classical School of Criminal Theory.” -- rehabilitation vs. deterrence

Week 5: Sept. 23rd, 25th

Readings for Week 5: Read for Week 5: bSpace excerpts from Lombroso and “The Positivist School”; also, contemporary socio-biological criminology; Lippman Ch. 12 (initiating the criminal process)

Recommended further reading: Foucault pp. 3-31; 32-69; pp. 200-209. on bSpace

Week 6: Sept. 30th, Oct. 2nd

Discuss .

Read Lippman Ch. 10 On the Exclusionary Rule and Entrapment;.; On “Conflict Theories” and the political economy of crime and criminalization. On bSpace: Wm. Chambliss “Law of Vagrancy”;

Recommended: E.P. Thompson & Douglas Hay, *Albion's Fatal Tree: Crime and Society in Eighteenth Century England* (1975) excerpt; Rusche and Kirchheimer excerpt.

Week 7: Oct. 7th & Oct. 9th

OCTOBER 7TH FIRST MIDTERM – IN-CLASS DETAILS TO BE PROVIDED (bring Scantron & Bluebook)

Read: Lippman Ch 13; Langbein “Torture and Plea Bargaining”

Recommended: Feeley “The Process is the Punishment.”

Week 8: Oct. 14th, 16th

Read for Week 8: Lippman Chs. 3 and 4; On Search & Seizures; Terry Stops; Stop and Frisk Tactics and Criticisms

Week 9: Oct. 21st and 23rd

Reading for Week 9: Lippman Ch. 5; bSpace excerpts on Plea Bargaining

Week 10: Oct. 28th, 30th

Reading for Week 10: Lippman Ch. 6; bSpace on Asset Forfeiture

Week 11: Nov 4th & 6th

Border stops; national security and emerging “Crimmigration” doctrine.

Read for Week 11: Lippman Ch. 7;

**Week 12: NO CLASS on Tues Nov. 11th – *Veterans’ Day Holiday*
Class Meets as usual on Thursday Nov. 13th & Friday**

Read for Week 12: Lippman Ch. 15. Security and surveillance excerpts on bSpace.

Week 13:

MIDTERM II: ESSAY – Take-home due in class on Tuesday Nov. 20th

Thursday Nov. 22nd: Guest lecture by Boalt Professor Leti Volpp

Read: Volpp article on bSpace

Risk analyses and the governance of social spaces.

Part III: Current Trends and Controversies in Criminal Justice

Week 14: Nov. 25th (SHORT WEEK DUE TO THANKSGIVING)

Monday: Risk and the Control of Social Spaces

Wednesday: video and discussion Read for Week 14: Simon excerpts on bSpace

Week 15: Dec. 2nd & Dec. 4th

Read for Week 15: Simon (2007) *Governing through Crime*, chapters 1, 3, 8.

Recommended: Jerome Skolnick; Teresa Caldeira “City of Walls” and Garland “Culture of Control” excerpts. Mona Lynch, “The Punitive City.”

RRR Week: Dec. 9th (Review session by Chase Burton tentatively scheduled for Tuesday, Dec. 9th -- location to be confirmed by the campus beforehand)

Course review/summary and discussion of take-home final exam, to be distributed on bSpace after the Review Session, approx. 10 days before campus final exam date, and to be submitted TBA. Students unable to meet this exam schedule should notify the professor by the 11th week, so that a reasonable accommodation can be arranged.

**Official Final Exam Date & Time: Friday Dec. 19th 7:00-10:00 pm,
Location TBA (time and location are assigned by Registrar)**

