



**LEGAL STUDIES/SOCIOLOGY 131: CRIMINAL JUSTICE IN AMERICA
SPRING 2023**

Lecture: Mo/We 4:00 p.m. – 5:15 p.m.— 125 Agriculture Hall

INSTRUCTOR:

Tatiana Cruz (tdacruz@wisc.edu)

Office hours: 2:30pm-3:30pm on Wednesdays (in-person) / 1:30pm-2:30pm on Thursday (online)

TEACHING ASSISTANTS:

Daniel Craig (dcraig4@wisc.edu)

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Office hours: By appointment.

Course Description:

In this course you will be introduced to the American criminal justice system, its fundamental features, and contemporary issues. The course is designed in five parts. First, we will analyze and discuss the core concepts of the criminal justice system. Second, we will correlate policing activity (security) and the tension with individual rights. Third, it will be time to understand how the criminal justice system operates in practice, paying closely attention in criminal trials. In Part 4, we will analyze 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.

Objectives:

In this course, you will:

- Learn about some basic theoretical and methodological problems in the study of criminal justice in America (concepts, theories, issues).
- Become familiar with the language of criminal justice.

- Learn to identify important issues and conflicts involving the security policy and individual rights.
- Learn and understand basic aspects of the most important actors involved in the system and how the criminal justice system operates in reality.
- Critical thinking about society and social processes and see things from a global perspective: 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. Also, 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. Diversity will be encouraged in our course!

By the end of the semester, you should be able to apply the concepts to analyze (and better evaluate) criminal justice in a variety of settings.

Also, whenever possible, I will try to approach critical issues about the criminal system using other countries as a comparison, to enable critical thinking that goes beyond the North American reality.

Requirements and grading:

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 examinations.

Course grades are assigned based on quizzes (20%), online discussion activity (20%), participation (10%), a midterm exam (25%), and the final exam (25%).

- Quizzes – 20%
- Online discussion activity – 20%
- Participation – 10%
- Midterm Exam – 25%
- Final Exam - 25%

Discussion Sections

Your discussions will take place in person, and they will take place every week. During weeks when you have an *online discussion activity* scheduled, your sections do *not* meet in person. The schedule is as follows (please add this information into your calendars right away so that there is no confusion):

- Week of January 25: no in-class section or online discussion activity (first week of classes)
- Week of January 30 & February 1: **in-class discussion section**
- Week of February 6 & 8: **in-class discussion section**

- Week of February 13 & 15 online discussion activity #1
- Week of February 20 & 22: **in-class section**
- Week of February 27 & March 1: **in-class section**
- Week of March 6 & 8: online discussion activity #2
- Week of March 13 & 15: no in-class section or online discussion activity (spring recess)
- Week of March 20 & 22: **in-class section**
- Week of March 27 & 29: **in-class section**
- Week of April 3 & 5: **in-class section**
- Week of April 10 & 12: online discussion activity #3
- Week of April 17 & 19: **in-class section**
- Week of April 24 & 26: **in-class section**
- Week of May 1 & 3: online discussion activity #4

In-class participation is worth **10%** of your final grade.

Quizzes

Students are responsible for the completion of five quizzes. The quizzes vary in their content depending on the section of the course we are in. Students are encouraged to work in groups on the quizzes, but each student must turn their own work. The problem sets will account for 20 percent of the grade and are intended to provide intensive practice in applying the tools developed in lecture, and the readings.

The quizzes become available at noon on Friday of a given week and focus on the lectures and readings you completed that week. They are due at 11:59pm the following Monday. If you submit your quiz after the deadline, I will deduct 20% of the grade for each 24-hour period.

The quizzes account for a total of **20%** of the final grade.

- February 10: first quiz available
- February 17: second quiz available
- March 3: third quiz available
- March 31: fourth quiz available
- April 21: fifth quiz available

Online Discussion Activities

You will also complete four online discussion activities covering four major issues assigned on Canvas. Each discussion activity will worth 5 points, and all of them together will account for **20%** of the grade.

For the first task, I expect you to take sides on the discussion and support with arguments (beyond the ones provided on the readings). For the second task, I expect you to comment on one of your classmates post and show why you think the student made a string argument.

The discussion activities become available on the Monday of the relevant week. Your first posts (each worth 3 of the 5 points) are then due on Wednesday at 11:59pm and the second posts (each worth 2 of the 4 points) on Friday at 11:59pm. Note that only this second due date (on Fridays) shows up as a due date on Canvas, since it is the final part of a two-part exercise, but it is your responsibility to submit your first posts on Wednesdays (I also manually added reminders to the Canvas class calendar). I will deduct 20% of the grade deduct for each 24 hour period that an assignment is late.

Online discussion activities are supposed to help you developing critical thinking about contemporary issues in criminal justice and will be based on the following readings:

1) Does the United States have the right to torture suspected terrorists?

Hickey, T.J. Taking Sides: Clashing Views in Crime and Criminology, 11th Edition, p. 60-75.

2) So, is it More or Less Guns?

Hickey, T.J. Taking Sides: Clashing Views in Crime and Criminology, 8th Edition, Unit 3, p. 266-297.

3) Is capital punishment bad public policy?

Hickey, T.J. Taking Sides: Clashing Views in Crime and Criminology, 8th Edition, Unit 3, p. 244-265.

4) Does imprisoning drug offenders reduce crime rates?

Hickey, T.J. Taking Sides: Clashing Views in Crime and Criminology, 11th Edition, p. 165-181.

Exams

There are 2 in-class midterm exams, each worth 25 percent of your final grade, for a total of **50%**.

Grade Scale:

Percentage	Grade
93 – 100%	A
88 – 92%	AB
83 – 87%	B
78 – 82%	BC
70 – 77%	C
60 – 69%	D
0 – 59%	F

Office hours:

I am holding *in-person office hours* from 2:30-3:30 on Wednesdays in the first-floor lobby area of the Education Building (1000 Bascom Mall), near the Crossroads Café. My *online office hours* are from 1:30 – 2:30 on Thursday in my personal Zoom room (<https://uwmadison.zoom.us/j/7046202327> [Links to an external site.](#)). Those office hours are drop-in and first-come, first-served, but I am also available at other times by appointment (just send me an email).

Diversity and Inclusion:

Diversity is a source of strength, creativity, and innovation for UW-Madison. We value the contributions of each person and respect the profound ways their identity, culture, background, experience, status, abilities, and opinion enrich the university community. We commit ourselves to the pursuit of excellence in teaching, research, outreach, and diversity as inextricably linked goals. The University of Wisconsin-Madison fulfills its public mission by creating a welcoming and inclusive community for people from every background – people who as students, faculty, and staff serve Wisconsin and the world. Also see: diversity.wisc.edu.

Academic Integrity:

By virtue of enrollment, each student agrees to uphold the high academic standards of the University of Wisconsin-Madison; academic misconduct is behavior that negatively impacts the integrity of the institution. Cheating, fabrication, plagiarism, unauthorized collaboration, and helping others commit these previously listed acts are examples of misconduct which may result in disciplinary action. Examples of disciplinary action include, but is not limited to, failure on the assignment/course, written reprimand, disciplinary probation, suspension, or expulsion. Also see the ‘Plagiarism Statement’ I put up on our Canvas course website (which I hereby require you to review carefully) and conduct.students.wisc.edu/academic-misconduct/.

Accommodations for Students with Disabilities:

The University of Wisconsin-Madison supports the right of all enrolled students to a full and equal educational opportunity. The Americans with Disabilities Act (ADA), Wisconsin State Statute (36.12), and UW-Madison policy (Faculty Document 1071) require that students with disabilities be reasonably accommodated in instruction and campus life. Reasonable accommodations for students with disabilities is a shared faculty and student responsibility. Students are expected to inform faculty [me] of their need for instructional accommodations by the end of the third week of the semester, or as soon as possible after a disability has been incurred or recognized. Faculty [I], will work either directly with the student [you] or in coordination with the McBurney Center to identify and provide reasonable instructional accommodations. Disability information, including instructional accommodations as part of a student's educational record, is confidential and protected under FERPA. Also see: mcburney.wisc.edu

Required readings:

The **Textbook** for the course is: Cole, George F./Smith, Christopher E./DeJong, Christina, *Criminal Justice in America* (Thompson Wadsworth, Tenth Ed. 2021).

You can work with any used or new version (bound, loose-leaf, eBook alone), and you are encouraged to work with the 10th ed. The publisher's online learning platform ("MindTap") is not required for this course.

Recommended readings:

Recommended readings are available on Canvas as well. They are fair game for exams when addressed in lecture, discussion section or any activity.

Advice:

The reading assignments vary in length. Pace yourself accordingly and expect some assignments to be longer than others. Additional articles may be assigned. This course (and your success in it) depends on you having understood and internalized the content. The concepts we will develop require time to sink in and cannot be crammed before an exam.

Re-evaluating grade:

My policy on re-evaluating grades is the following (please read very carefully!):

- You must wait for 48 hours after the assignment has been returned before issuing any complaints.
- You will contact TA who graded your exam with a request to re-value your grade. They will take the case to me.
- You have to draft a 1-2 page memo outlining why you deserve a better grade. Please note that this memo must be based entirely on the merit of your own work, i.e., it cannot be based on comparisons with the grades of other students.

Note-taking and laptop policy:

I will not make my PowerPoint slides available before our class meetings. Instead, I will post them on Canvas each week *after* the Thursday lecture. Since this means that you will have a full set of slides to study for the exams, I put quite a bit of material on the slides.

However, I still encourage you to take notes during the class, with important points which complement slides.

If you prefer to take your notes on your notebook, keep in mind that if the instructor or TA sees a student using a computer for anything else but note taking the student will need to meet the instructor to talk, and maybe asked to stop using laptop during class.

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.

Course structure

When readings are added or removed, the instructor will post an announcement in advance on Canvas.

PART I. THE CRIMINAL JUSTICE SYSTEM

January 25: Introduction

January 30: What is “Justice”?

Sandel, Michael, “Doing the Right Thing,” in *Justice: What's the Right Thing to Do?* (Farrar, Straus and Giroux, 2009), pp. 3-30

Jeanette Hussemann et al., “For Human Trafficking Survivors, Justice Is More About Healing and Preventing Future Trafficking,” 2018;

Bruno Bocchini. “Nine years after nightclub fire, victims’ families see justice begin”. Available at: <https://agenciabrasil.ebc.com.br/en/geral/noticia/2022-01/nine-years-after-nightclub-fire-victims-families-see-justice-begin>

Marcella Nardelli et al. “The Kiss nightclub jury: let it serve as an alert”, 2021.

February 1: What is the criminal system?

Textbook – Chapter 1

Packer, Herbert L., “Two Models of the Criminal Process,” Sage Publication 1993;

Fisher, Max and Keller, Josh, “What Explains U.S. Mass Shootings? International Comparisons Suggest an Answer,” *The New York Times*, November 7, 2017;

February 6: What is “Crime”?

Textbook – Chapter 2

Eugenio Raul Zaffaroni, Edmundo Oliveira. *Criminology and Criminal Policy Movements*. Chapter X.

McBoyle v. United States, 283 U.S. 25 (1931).

February 8: Criminal Justice and the Rule of Law - Substantive Criminal Law

Textbook – Chapter 3

McBoyle v. United States, 283 U.S. 25 (1931).

February 13: Criminal Justice and the Rule of Law – Substantive Criminal Law

Textbook – Chapter 3

Sutherland, Edwin, Cressey, Donald. *Criminology*. Chapter I: “Criminology and Criminal Law”. P. 3 -38.

Eagleman, David, “The Brain on Trial;” *The Atlantic*, July/August 2011.

February 15: Procedural Law and Constitutional Rights

Textbook – Chapter 3

Glenn Greenwald et al., “Secret Brazil Archive - Part 3 - A massive trove of previously undisclosed materials provides unprecedented insight into the operations of the anti-corruption task force that transformed Brazilian politics and gained worldwide attention”. Available at: <https://theintercept.com/2019/06/09/brazil-lula-operation-car-wash-sergio-moro/>.

Proner, Carol, and Gisele Ricobom. “The Due Process of Law Is under Threat in Brazil: Jurisprudence of the Inter-American Court of Human Rights upon Analyzing the Sentence That Found Lula and Others Guilty.” In *Comments on a Notorious Verdict: The Trial of Lula*, edited by Carol Proner, Gisele Ricobom, Gisele Cittadino, and João Ricardo Dornelles, 24–28. CLACSO, 2018.

PART II. THE POLICE

February 20: Structure and Function of the Police / Investigations

Textbook – Chapter 4

Bittner, E., excerpt from (1970), pp. 107-113

Warzel, Charlie, “When License-Plate Surveillance Goes Horribly Wrong,” *The New York Times*, April 23, 2019.

February 22: Policing: Contemporary Issues and Challenges

Textbook – Chapter 5

Brooks, David, “The Culture of Policing is Broken,” *The Atlantic*, June 16, 2020;

Arango, Tim, “Police Culture on Trial in Case Against Officers in Killing of George Floyd,” *The New York Times*, January 24, 2022;

Whren et al. v. United States.

Stoughton, Seth W., Police Body-Worn Cameras (December 29, 2017). 96 N.C.L. Rev. 1363 (2018), Available at SSRN: <https://ssrn.com/abstract=3094334> or <http://dx.doi.org/10.2139/ssrn.3094334>

February 27: Police and the Law – Part I

Textbook: Chapter 6

United States Supreme Court, *Arizona v. Gant*, Syllabus, April 21, 2009;

March 1: Police and the Law – Part II

Liptak, Adam, “Justices Wrestle With Car Stops and Common Sense,” *The New York Times*, January 9, 2018;

Barnes, Robert: “Supreme Court struggles with when police may enter home for safety checks or suicide threats,” *The Washington Post*, March 24, 2021.

Kinports, Kit, The Quantum of Suspicion Needed for an Exigent Circumstances Search (June 13, 2019). University of Michigan Journal of Law Reform, Vol. 52, No. 615, 2019, Penn State Law Research Paper No. 4-2019, Available at SSRN: <https://ssrn.com/abstract=3403692>

March 6: Midterm Exam (in-class)

March 8: The court system and the role of the judge

Textbook: Chapter 7

March 11- March 19: Spring recess

PART III. CRIMINAL TRIALS

March 20: The Prosecution

Textbook: Chapter 7 (p. 234-242)

Agan, Amanda, Doleac, Jennifer, Harvey, Anna, “Not Prosecuting People for Misdemeanors May Reduce Crime,” *time.com*, May 4, 2021;

Joy, Peter A., The Relationship between Prosecutorial Misconduct and Wrongful Convictions: Shaping Remedies for a Broken System. *Wisconsin Law Review*, Vol. 2006, p. 399, 2006, Washington U. School of Law Working Paper No. 06-11-05, Available at SSRN: <https://ssrn.com/abstract=948307>

March 22: The Defense Attorney

Textbook: Chapter 7 (p. 242-249)

Freedman, Monroe H. and Smith, Abbe, “Understanding Lawyers' Ethics,” in Sarat, *The Social Organization of Law*, pp. 293-297.

March 27: The Pretrial Process – the Adversarial Process and Plea Bargaining

Textbook: Chapter 8

Ortman, William, When Plea Bargaining Became Normal (May 2, 2019). 100 *Boston University Law Review* 1435 (2020), Wayne State University Law School Research Paper , Available at SSRN: <https://ssrn.com/abstract=3381772>

Walsh, Dylan, “Why U.S. Criminal Courts Are So Dependent on Plea Bargaining,” *The Atlantic*, May 2, 2017.

March 29: The Criminal Trial

Textbook: Chapter 8

Liptak, Adam, "Exclusion of Blacks From Juries Raises Renewed Scrutiny," *The New York Times*, August 17, 2015;

Linder, Doug, "The Trial of Bernhard Goetz," *famous trials.com*, 2011.

April 3: What if the decision is wrong?

Christie Thompson, "Penny Beerntsen, the Rape Victim in 'Making A Murderer,' Speaks Out," The Marshall Project, January 5, 2016;

Jim Dwyer, "Witness Accounts in Midtown Hammer Attack Show the Power of False Memory," *The New York Times*, May 14, 2015.

April 5: Sentencing

Textbook: Chapter 9

National Institute of Justice, "Five Things About Deterrence," May 2016;

Pizzi, William T., Sentencing in the US: An Inquisitorial Soul in an Adversarial Body? (2008). CRIME, PROCEDURE, AND EVIDENCE IN A COMPARATIVE AND INTERNATIONAL CONTEXT, Ch. 4, John Jackson, Maximo Langer, Peter Tillers, eds., Hart Publishing, 2008, Available at SSRN: <https://ssrn.com/abstract=1331636>

April 10: The Death Penalty

PART IV. CORRECTIONS

April 12: History and Theory of Incarceration and the American Prison

Textbook: Chapter 10

April 17: Corrections and the "Super-Max" Prison

Textbook: Chapter 11

Crime, InSight and RPS Submitter, CLALS (American University), The Rise of the PCC: How South America's Most Powerful Prison Gang is Spreading in Brazil and Beyond (December 2020). CLALS Working Paper Series #30 (December 2020), Available at SSRN: <https://ssrn.com/abstract=3747122> or <http://dx.doi.org/10.2139/ssrn.3747122>

April 19: Alternatives to Incarceration

Textbook: Chapter 12

Frakt, Austin, “Spend a Dollar on Drug Treatment, and Save More on Crime Reduction,” *The New York Times*, April 24, 2017;

Liptak, Adam, “Supreme Court Seems Ready to Back Owner of Seized Land Rover in Case of Excessive Fines,” *The New York Times*, November 28, 2018;

María Luisa Romero, L., 2021. *The Covid-19 Pandemic and Prison Policy in Latin America*, Inter-American Dialogue. Retrieved from <https://policycommons.net/artifacts/1567927/the-covid-19-pandemic-and-prison-policy-in-latin-america/2257708>

April 24: Release and Readjustment

Textbook: Chapter 13

Flatow, Nicole, “The Prison Doors Open And You’re Released. You Have No Money Or Transportation. Now What?” *thinkprogress.org*, June 21, 2015.

April 26: Juvenile Justice

Textbook: Chapter 14

May 1: Conclusion & Review

May 3: Final Exam (in-class – same classroom and class time)